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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0244; Product Identifier 2016–NM–044–AD; Amendment 39–19071; AD 2017–20–14]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all The Boeing Company Model 737–300, –400, and –500 series airplanes. This AD was prompted by a determination that supplemental inspections are required for timely detection of fatigue cracking for certain structural significant items (SSIs). This AD requires revising the maintenance or inspection program, as applicable, to add supplemental inspections. This AD also requires inspections to detect cracks in each SSI, and repair of any cracked structure. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective November 16, 2017.

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

ADDRESSES: For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; Internet *https://www.myboeingfleet.com.* You may view this service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0244.

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–2017–0244; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Jennifer Tsakoumakis, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5264; fax: 562–627–5210; email: *jennifer.tsakoumakis@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all The Boeing Company Model 737–300, –400, and –500 series airplanes. The NPRM published in the **Federal Register** on March 27, 2017 (82 FR 15169). The NPRM was prompted by a determination that supplemental inspections are required for timely detection of fatigue cracking for certain SSIs. The NPRM proposed to require revising the maintenance or inspection program, as applicable, to add supplemental inspections and SSI discrepancy reporting. The NPRM also proposed to require inspections to detect cracks in each SSI, and repair of any cracked structure. We are issuing this AD to ensure the continued structural integrity of all The Boeing Company Model 737–300, –400, and –500 series airplanes.

Comments

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

Request To Revise Program Designation

Boeing requested that we revise ''maintenance or inspection program'' to ''maintenance inspection program'' in the proposed AD. Boeing stated that operators have a single program that relates to the Supplemental Structural Inspection Document (SSID).

We do not agree with the commenter's request. Airplanes operating under 14 CFR part 91 have ''inspection programs'' while airplanes operating under 14 CFR part 121 have ''maintenance programs.'' The decision to use the wording ''maintenance or inspection program'' is intentional. We have not changed this AD in this regard.

Request To Revise Service Information Reference

Boeing requested that we revise the proposed AD to refer to the specified service information as ''Revision 1, October 2015,'' instead of ''Revision, October 2015.''

We do not agree with Boeing's request. The document title page, List of Effective Pages table, Revision Highlights table, document footer, and SSID Revision table listed under ''1.0 Purpose'' all identify the revision as ''October 2015,'' and not as ''Revision 1, October 2015.'' We have not changed this AD in this regard.

Request To Revise Compliance Times

Boeing and Southwest Airlines (SWA) requested that we revise the compliance time for the initial inspections in paragraph (h) of the proposed AD. Boeing requested that the compliance time for initial inspections be changed from ''before the accumulation of 66,000 total flight cycles, or within 12 months after the effective date of this AD, whichever occurs later'' to before the accumulation of 66,000 total flight cycles, or at the next scheduled inspection as required by AD 2008–09–13, Amendment 39–15494 (73 FR 24164, May 2, 2008) (''AD 2008–09–13''), whichever occurs later. Boeing stated that, if operators have started SSID inspections, they should continue as scheduled in accordance with AD 2008–09–13; however, if they have not started inspections, they should already be prepared to begin at the 66,000 total flight cycle compliance time and that no

new grace period is needed from the effective date of this AD. SWA stated that operators who have completed SSID inspections as required by AD 2008–09–13 would be required to repeat inspections within 12 months and it does not believe this is the intent of the proposed AD. SWA suggested that only inspections with revised requirements in the proposed AD should require future action and that all other inspections completed in accordance with the previous SSID revision, including alternative inspections with an alternative method of compliance (AMOC) approval, should be accepted as compliance to the proposed AD.

Isaac Trolinder requested that we revise the compliance time measurement in paragraph (g) of the proposed AD from total flight cycles to total flight miles.

We do not agree with Isaac Trolinder's request. Compliance times for the actions in this AD are defined in terms of total airplane flight cycles and are not dependent on flight miles.

We partially agree with Boeing and SWA's requests. We disagree with Boeing's request to remove the 12-month grace period. Operators who are very close to accomplishing an initial or repeat inspection required by AD 2008–09–13 need time to incorporate the revised service information in their maintenance or inspection program. Because this AD is not superseding the existing SSID AD, any initial or repeat inspection required by AD 2008–09–13 will still be required until the corresponding action in this AD is accomplished.

We agree with SWA that previously approved AMOCs for inspections of SSIs that are not affected by the revised service information should remain applicable. This is addressed in paragraph (1)(4) of this AD.

We agree with Boeing and SWA that we need to address the situation where an operator has already initiated inspections on SSIs.

We have revised the introductory text of paragraph (h) of this AD and added paragraphs (h)(1) and (h)(2) to this AD to include compliance time options to address compliance times for SSIs affected, and not affected, by the revised service information. This new wording provides identical requirements to paragraph (h) in the proposed AD, but offers a relieving option to operators who have initiated SSID inspections for certain SSIs.

Request To Address Repaired or Altered SSIs

Boeing requested that we revise the proposed AD to include a paragraph that addresses any repair installed on an SSI such that the repair affects the operator's ability to accomplish inspections required by the proposed AD. Boeing suggested that we include wording similar to the wording in paragraph (i) from AD 2008–09–13, except that we make the actions applicable to a repair installed on an SSI at any time and not exclusive to repairs installed before the effective date of the AD.

We agree with the commenter's request to revise this AD to include wording to address repairs or alterations on any SSI such that the repair or alteration affects the operator's ability to accomplish the inspections required by this AD. We have included paragraphs (i)(1) and (i)(2) in this AD. Paragraph (i)(1) of this AD requires repairs to SSI structure if cracks are found while accomplishing inspections in accordance with this AD and is similar to paragraph (i) of the proposed AD, except for the change described below under ''Change to Paragraph (i) of the Proposed AD.'' Paragraph (i)(2) is added to this AD to address repairs or alterations that affect the ability to inspect an SSI as required by this AD. If an operator finds a repaired or altered SSI such that the repair or alteration affects the operator's ability to accomplish the inspections required by this AD and the repair or alteration does not have AMOC approval in accordance with paragraph (l) of this AD, then paragraph (i)(2) of this AD will provide the operator an 18-month grace period after the compliance time to request an AMOC.

Change to Paragraph (i) of the Proposed AD

Paragraph (i) of the proposed AD specifies to repair ''using a method approved in accordance with the procedures specified in paragraph (l) of this AD.'' We have changed the method of compliance language in paragraph (i)(1) of this AD to specify to repair ''using an FAA-approved method.'' Specifying an FAA-approved method will allow for FAA Designated Engineering Representatives (DERs) to approve repairs in addition to the Boeing Commercial Airplanes Organization Designation Authorization (ODA) and the Los Angeles ACO Branch as specified by the procedures in paragraph (l) of this AD. If an FAA DER has the appropriate structures delegation for major repairs on 14 CFR part 25 airplanes, then the DER has the authority to approve these types of repairs.

Acknowledgement of Revision to Global AMOC Needed

Aviation Partners Boeing (APB) acknowledged that installation of supplemental type certificate (STC) ST01219SE requires the modification of wing structure on Boeing Model 737–300 and –500 airplanes, making it impossible to inspect the modified structure using the service information. APB noted that it has a global AMOC to paragraphs (g) and (h) of AD 2008–09–13 for alternative inspections of the STC modified structure. APB stated that it will revise its inspection program for STC ST01219SE to adjust for the changes in Boeing Document D6–82669, ''Supplemental Structural Inspection Document, Models 737–300/400/500 Airplanes,'' Revision October 2015, that affect the modified structure. APB stated that it will request a new global AMOC when the final rule is published.

We acknowledge APB's comment. No change is needed to this AD in this regard.

Conclusion

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

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

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

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Document D6–82669, ''Supplemental Structural Inspection Document, Models 737–300/400/500 Airplanes,'' Revision October 2015. The service information identifies SSIs having fatigue crack growth characteristics warranting special attention, describes procedures for inspections to detect cracks of all structure identified as SSIs, and provides corrective actions for cracked SSI structure. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD will affect 500 airplanes of U.S. registry. We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Revision of maintenance or inspection program.	1 work-hour × $85 per hour = $85	$0	$85	$42,500

We have not specified cost estimates for the inspections and repair specified in this AD. Compliance with this AD constitutes a method of compliance with the FAA aging airplane safety final rule (AASFR) for certain baseline structure of Model 737–300, –400, and –500 series airplanes. The AASFR requires certain operators to incorporate damage tolerance inspections into their maintenance programs. These requirements are described in 14 CFR 121.1109(c)(1) and 14 CFR 129.109(b)(1). Accomplishment of the actions specified in this AD will meet the requirements of these regulations for certain baseline structure. The costs for accomplishing the inspection portion of this AD were accounted for in the regulatory evaluation of the AASFR for airplanes affected by that rule. For airplanes not affected by the AASFR, we have received no definitive data that would enable us to provide cost estimates for the inspection portion of this AD.

We estimate the following costs to do any necessary reporting that would be required based on the results of the inspections specified in the revision of the maintenance or inspection program. We have no way of determining the number of aircraft that might need this action:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Reporting	1 work-hour × $85 per hour = $85	$0	$85

Paperwork Reduction Act

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

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2017–20–14 The Boeing Company: Amendment 39–19071; Docket No. FAA–2017–0244; Product Identifier 2016–NM–044–AD.

(a) Effective Date

This AD is effective November 16, 2017.

(b) Affected ADs

This AD affects AD 2008–09–13, Amendment 39–15494 (73 FR 24164, May 2, 2008) (''AD 2008–09–13'').

(c) Applicability

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

(d) Subject

Air Transport Association (ATA) of America Code 52, Doors; 53, Fuselage; 54, Nacelles/Pylons; 55, Stabilizers; 57, Wings.

(e) Unsafe Condition

This AD was prompted by a structural reevaluation conducted by the manufacturer. We have determined that supplemental inspections are required for timely detection of fatigue cracking for certain structural significant items (SSIs). We are issuing this AD to ensure the continued structural integrity of all The Boeing Company Model 737–300, –400, and –500 series airplanes.

(f) Compliance

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

(g) Revision of the Maintenance or Inspection Program for All Airplanes

Before the accumulation of 66,000 total flight cycles, or within 12 months after the effective date of this AD, whichever occurs later: Incorporate a revision into the maintenance or inspection program, as applicable, that provides no less than the required damage tolerance rating (DTR) for each SSI listed in Boeing Document D6–82669, ''Supplemental Structural Inspection Document, Models 737–300/400/500 Airplanes,'' Revision October 2015. The required DTR value for each SSI is listed in Boeing Document D6–82669, ''Supplemental Structural Inspection Document, Models 737–300/400/500 Airplanes,'' Revision October 2015. The revision to the maintenance or inspection program must include, and must be implemented in accordance with, the procedures in Section 5.0, ''Damage Tolerance Rating (DTR) System Application;'' and Section 6.0, ''SSI Discrepancy Reporting;'' of Boeing Document D6–82669, ''Supplemental Structural Inspection Document, Models 737–300/400/500 Airplanes,'' Revision October 2015. Accomplishment of the revision required by this paragraph terminates the requirements of paragraph (g) of AD 2008–09–13.

(h) Initial and Repetitive Inspections

At the applicable time specified in paragraphs (h)(1) and (h)(2) of this AD, perform an inspection in accordance with Boeing Document D6–82669, ''Supplemental Structural Inspection Document, Models 737–300/400/500 Airplanes,'' Revision October 2015, to detect cracks of the applicable structure identified in paragraphs (h)(1) and (h)(2) of this AD. Repeat the inspections thereafter at the intervals specified in Boeing Document D6–82669, ''Supplemental Structural Inspection Document, Models 737–300/400/500 Airplanes,'' Revision October 2015. Accomplishing an initial inspection required by this paragraph terminates the corresponding inspection required by paragraph (h) of AD 2008–09–13.

(1) For all structure identified in Boeing Document D6–82669, ''Supplemental Structural Inspection Document, Models 737–300/400/500 Airplanes,'' Revision October 2015, except for empennage SSIs E–19, E–21, E–29, E–30, and E–31: Before the accumulation of 66,000 total flight cycles, at the next repetitive inspection required by paragraph (h) of AD 2008–09–13, or within 12 months after the effective date of this AD, whichever occurs latest.

(2) For empennage SSIs E–19, E–21, E–29, E–30, and E–31: Before the accumulation of 66,000 total flight cycles, or within 12 months after the effective date of this AD, whichever occurs later.

(i) Repairs and Alterations

(1) If any cracked SSI structure is found during any inspection required by paragraph (h) of this AD, repair before further flight using an FAA-approved method or using a method approved in accordance with the procedures specified in paragraph (l) of this AD. Within 18 months after repair, incorporate a revision into the maintenance or inspection program, as applicable, to include a damage-tolerance-based alternative inspection program for the repaired structure. Thereafter, inspect the affected structure in accordance with the alternative program. The inspection method and compliance times (*i.e.,* threshold and repetitive intervals) of the alternative program must be approved in accordance with the procedures specified in paragraph (l) of this AD.

(2) If any repair or alteration to an SSI is found during any inspection required by paragraph (h) of this AD such that the repair or alteration affects your ability to accomplish the inspections required by paragraph (h) of this AD, within 18 months after the inspection compliance time, incorporate a revision into the maintenance or inspection program, as applicable, to include a damage tolerance based alternative inspection program for each affected SSI. Thereafter, inspect the affected structure in accordance with the alternative inspection program. The inspection method and compliance times (*i.e.,* threshold and repetitive intervals) of the alternative inspection program must be approved in accordance with the procedures specified in paragraph (l) of this AD. Accomplishing an initial inspection required by this paragraph terminates the corresponding inspection required by paragraph (i) of AD 2008–09–13.

(j) Terminating Action for AD 2008–09–13

Accomplishing the revision required by paragraph (g) of this AD and all initial inspections required by paragraph (h) of this AD terminates all requirements of AD 2008–09–13.

(k) Paperwork Reduction Act Burden Statement

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

(l) Alternative Methods of Compliance (AMOCs)

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

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

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

(4) AMOCs approved for AD 2008–09–13 are approved as AMOCs for the corresponding provisions of paragraphs (g) and (h) of this AD for the SSIs identified in the AMOC, except for AMOCs written for

empennage SSIs E–19, E–21, E–29, E–30, and E–31.

(m) Related Information

For more information about this AD, contact Jennifer Tsakoumakis, Aerospace Engineer, Airframe Section FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5264; fax: 562–627–5210; email: *jennifer.tsakoumakis@faa.gov.*

(n) Material Incorporated by Reference

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

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

(i) Boeing Document D6–82669, ''Supplemental Structural Inspection Document, Models 737–300/400/500 Airplanes,'' Revision October 2015.

(ii) Reserved.

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

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

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

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

Dionne Palermo,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2017–21444 Filed 10–11–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0243; Product Identifier 2016–NM–045–AD; Amendment 39–19069; AD 2017–20–12]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all The Boeing Company Model 737–100, –200, and –200C series airplanes. This AD was prompted by a report of incidents involving fatigue cracking in transport category airplanes that are approaching or have exceeded their design service objective and a structural reevaluation that was conducted by the manufacturer. This AD requires revising the maintenance or inspection program, as applicable, to add supplemental inspections. This AD also requires inspections to detect cracks in each structural significant item (SSI), and repair of any cracked structure. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective November 16, 2017.

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

ADDRESSES: For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; Internet *https://www.myboeingfleet.com.* You may view this service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0243.

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–2017–0243; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Jennifer Tsakoumakis, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5264; fax: 562–627–5210; email: *jennifer.tsakoumakis@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all The Boeing Company Model 737–100, –200, and –200C series airplanes. The NPRM published in the **Federal Register** on March 27, 2017 (82 FR 15166) (''the NPRM''). The NPRM was prompted by a report of incidents involving fatigue cracking in transport category airplanes that are approaching or have exceeded their design service objective and a structural reevaluation that was conducted by the manufacturer. The NPRM proposed to require revising the maintenance or inspection program, as applicable, to add supplemental inspections and SSI discrepancy reporting. The NPRM also proposed inspections to detect cracks in each SSI, and repair of any cracked structure. We are issuing this AD to ensure the continued structural integrity of all The Boeing Company Model 737–100, –200, and –200C series airplanes.

Comments

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

Support for the NPRM

An anonymous commenter expressed support for the NPRM.

Request To Revise Program Designation

Boeing requested that we revise ''maintenance or inspection program'' to ''maintenance inspection program'' in the proposed AD. Boeing stated that operators have a single program that relates to the Supplemental Structural Inspection Document (SSID).

We do not agree with the commenter's request. Airplanes operating under 14 CFR part 91 have ''inspection programs'' while airplanes operating under 14 CFR part 121 have ''maintenance programs.'' The decision to use the wording ''maintenance or inspection program'' is intentional. We have not changed this AD in this regard.

Request To Revise Compliance Times

Boeing requested that we revise the compliance time for the initial inspections in paragraphs (h)(1) and (h)(2) of the proposed AD from ''before the accumulation of 66,000 total flight cycles, or within 12 months after the effective date of this AD, whichever occurs later'' to before the accumulation of 66,000 total flight cycles, or at the next scheduled inspection as required

by AD 98–11–04 R1, Amendment 39–10984 (64 FR 987, January 7, 1999) (''AD 98–11–04 R1''), whichever occurs later.

Boeing also requested that we revise the compliance time for the initial inspections in paragraph (h)(3) of the proposed AD from ''before the accumulation of 46,000 total flight cycles, or within 12 months after the effective date of this AD, whichever occurs later'' to before the accumulation of 46,000 total flight cycles, or at the next scheduled inspection as required by AD 2008–08–23, Amendment 39–15477 (73 FR 21237, April 21, 2008) (''AD 2008–08–23''), whichever occurs later.

We partially agree with the commenter's requests. We agree that a compliance time option of at the next required inspection should be added because operators who have airplanes with more than 66,000 total flight cycles (or more than 46,000 total flight cycles for SSIs affected by the 737–200C cargo configuration) and who have initiated SSI inspections would be required to accomplish an inspection within 12 months in accordance with this AD, which may be earlier than the next repeat inspection required by the existing ADs. We disagree with the commenter's request to remove the 12 month grace period because operators who are very close to accomplishing an initial or repeat inspection required by AD 98–11–04 R1 or AD 2008–08–23 need time to incorporate the revised service information in their maintenance or inspection program. Because this AD is not superseding the existing SSID ADs, any initial or repeat inspection required by AD 98–11–04 R1 or AD 2008–08–23 will still be required until the corresponding action in this AD is accomplished. We have revised paragraphs (h)(1), (h)(2), and (h)(3) of this AD to include a compliance time option of at the next required inspection.

Request To Address Repaired or Altered SSIs

Boeing requested that we revise the proposed AD to include a paragraph that addresses any repair installed on an SSI such that the repair affects the operator's ability to accomplish inspections required by the proposed AD. Boeing suggested that we include wording similar to the wording in AD 2008–08–23, except that we make the actions applicable to a repair installed on an SSI at any time and not exclusive to repairs installed before the effective date of the AD.

We agree with the commenter's request to revise this AD to include wording to address repairs or alterations on any SSI such that the repair or alteration affects the operator's ability to accomplish the inspections required by this AD. We have included paragraphs (i)(1) and (i)(2) in this AD. Paragraph (i)(1) of this AD requires repairs to SSI structure if cracks are found while accomplishing inspections in accordance with this AD and is similar to paragraph (i) of the proposed AD, except for the change described below under ''Change to Paragraph (i) of the Proposed AD.'' Paragraph (i)(2) is added to this AD to address repairs or alterations that affect the ability to inspect an SSI as required by this AD. If an operator finds a repaired or altered SSI such that the repair or alteration affects the operator's ability to accomplish the inspections required by this AD and the repair or alteration does not have alternative method of compliance (AMOC) approval in accordance with paragraph (l) of this AD, then paragraph (i)(2) of this AD will provide the operator an 18-month grace period after the compliance time to request an AMOC.

Change to Paragraph (i) of the Proposed AD

Paragraph (i) of the proposed AD specifies to repair ''using a method approved in accordance with the procedures specified in paragraph (l) of this AD.'' We have changed the method of compliance language in paragraph (i)(1) of this AD to specify to repair ''using an FAA-approved method.'' Specifying an FAA-approved method will allow for FAA Designated Engineering Representatives (DERs) to approve repairs in addition to the Boeing Commercial Airplanes Organization Designation Authorization (ODA) and the Los Angeles ACO Branch as specified by the procedures in paragraph (l) of this AD. If an FAA DER has the appropriate structures delegation for major repairs on 14 CFR part 25 airplanes, then the DER has the authority to approve these types of repairs.

Conclusion

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

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

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

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Document D6–37089, ''Supplemental Structural Inspection Document for Model 737–100/200/200C Airplanes,'' Revision F, dated November 2015. The service information identifies SSIs having fatigue crack growth characteristics warranting special attention, describes procedures for inspections to detect cracks of all structure identified as SSIs, and provides corrective actions for cracked SSI structure. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD will affect 84 airplanes of U.S. registry. We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Revision of maintenance or inspection program.	1 work-hour × $85 per hour = $85	$0	$85	$7,140

We have not specified cost estimates for the inspections and repair specified in this AD. Compliance with this AD constitutes a method of compliance with the FAA aging airplane safety final rule (AASFR) for certain baseline

structure of Model 737–100, –200, and –200C series airplanes. The AASFR requires certain operators to incorporate damage tolerance inspections into their maintenance programs. These requirements are described in 14 CFR 121.1109(c)(1) and 14 CFR 129.109(b)(1). Accomplishment of the actions specified in this AD will meet the requirements of these regulations for certain baseline structure. The costs for accomplishing the inspection portion of this AD were accounted for in the regulatory evaluation of the AASFR for airplanes affected by that rule. For airplanes not affected by the AASFR, we have received no definitive data that would enable us to provide cost estimates for the inspection portion of this AD.

We estimate the following costs to do any necessary reporting that would be required based on the results of the inspections specified in the revision of the maintenance or inspection program. We have no way of determining the number of aircraft that might need this action:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Reporting	1 work-hour × $85 per hour = $85	$0	$85

Paperwork Reduction Act

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

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2017–20–12 The Boeing Company: Amendment 39–19069; Docket No. FAA–2017–0243; Product Identifier 2016–NM–045–AD.

(a) Effective Date

This AD is effective November 16, 2017.

(b) Affected ADs

This AD affects AD 98–11–04 R1, Amendment 39–10984 (64 FR 987, January 7, 1999) (''AD 98–11–04 R1''); and AD 2008–08–23, Amendment 39–15477 (73 FR 21237, April 21, 2008) (''AD 2008–08–23'').

(c) Applicability

This AD applies to all The Boeing Company Model 737–100, –200, and –200C series airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage; 54, Nacelles/Pylons; 55, Stabilizers; 57, Wings.

(e) Unsafe Condition

This AD was prompted by a report of incidents involving fatigue cracking in transport category airplanes that are approaching or have exceeded their design service objective and a structural reevaluation that was conducted by the manufacturer that identified additional structural elements that qualify as structural significant items (SSIs). We are issuing this AD to ensure the continued structural integrity of all The Boeing Company Model 737–100, –200, and –200C series airplanes.

(f) Compliance

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

(g) Revision of the Maintenance or Inspection Program for All Airplanes

Prior to reaching the compliance time specified in paragraph (h)(1), (h)(2), or (h)(3) of this AD, as applicable: Incorporate a revision into the maintenance or inspection program, as applicable, that provides no less than the required damage tolerance rating (DTR) for each SSI listed in Boeing Document D6–37089, ''Supplemental Structural Inspection Document for Model 737–100/200/200C Airplanes,'' Revision F, dated November 2015 (''Document D6–37089, Revision F''). The required DTR value for each SSI is listed in Document D6–37089, Revision F. The revision to the maintenance or inspection program must include, and must be implemented in accordance with, the procedures in Section 5.0, ''Damage Tolerance Rating (DTR) System Application,'' and Section 6.0, ''SSI Discrepancy Reporting'' of Document D6–37089, Revision F. Accomplishing the revision required by this paragraph terminates the actions required by paragraphs (a) and (b) of AD 98–11–04 R1, and paragraph (g) of AD 2008–08–23.

(h) Initial and Repetitive Inspections

Perform an inspection in accordance with Document D6–37089, Revision F, to detect cracks of all structure identified in Document D6–37089, Revision F, at the time specified in paragraph (h)(1), (h)(2), or (h)(3) of this AD, as applicable. Repeat the inspection thereafter at the intervals specified in Document D6–37089, Revision F. Accomplishing an initial inspection required by this paragraph terminates the corresponding inspection required by paragraph (c) of AD 98–11–04 R1 and paragraph (h) of AD 2008–08–23.

(1) For SSIs on Model 737–100 and –200 series airplanes: Before the accumulation of 66,000 total flight cycles, at the next inspection required by Note 5 of AD 98–11–04 R1 (Note 5 of AD 98–11–04 R1 follows paragraph (c)(2) of AD 98–11–04 R1), or within 12 months after the effective date of this AD, whichever occurs later.

(2) For SSIs on Model 737–200C series airplanes not affected by cargo configuration: Before the accumulation of 66,000 total flight cycles, at the next inspection required by paragraph (h) of AD 2008–08–23, or within 12 months after the effective date of this AD, whichever occurs later.

(3) For SSIs on Model 737–200C series airplanes affected by cargo configuration: Before the accumulation of 46,000 total flight cycles, at the next inspection required by paragraph (h) of AD 2008–08–23, or within 12 months after the effective date of this AD, whichever occurs later.

(i) Repairs and Alterations

(1) If any cracked SSI structure is found during any inspection required by paragraph (h) of this AD, repair before further flight using an FAA-approved method or using a method approved in accordance with the procedures specified in paragraph (l) of this AD. Within 18 months after repair, incorporate a revision into the maintenance or inspection program, as applicable, to include a damage-tolerance-based alternative inspection program for the repaired structure. Thereafter, inspect the affected structure in accordance with the alternative program. The inspection method and compliance times (*i.e.,* threshold and repetitive intervals) of the alternative program must be approved in accordance with the procedures specified in paragraph (l) of this AD.

(2) If any repair or alteration to an SSI is found during any inspection required by paragraph (h) of this AD such that the repair or alteration affects your ability to accomplish the inspections required by paragraph (h) of this AD, within 18 months after the inspection compliance time, incorporate a revision into the maintenance or inspection program, as applicable, to include a damage tolerance based alternative inspection program for each affected SSI. Thereafter, inspect the affected structure in accordance with the alternative inspection program. The inspection method and compliance times (*i.e.,* threshold and repetitive intervals) of the alternative inspection program must be approved in accordance with the procedures specified in paragraph (l) of this AD. Accomplishing an initial inspection required by this paragraph terminates the corresponding inspection required by paragraph (i) of AD 2008–08–23.

(j) Terminating Action for Other ADs

Accomplishing the revision required by paragraph (g) of this AD and all initial inspections required by paragraph (h) of this AD terminates all requirements of AD 98–11–04 R1 and AD 2008–08–23.

(k) Paperwork Reduction Act Burden Statement

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

(l) Alternative Methods of Compliance (AMOCs)

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

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

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

(4) AMOCs approved for AD 98–11–04 R1 and AD 2008–08–23 are approved as AMOCs for the corresponding provisions of paragraphs (g) and (h) of this AD for the SSIs identified in the AMOC.

(m) Related Information

For more information about this AD, contact Jennifer Tsakoumakis, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5264; fax: 562–627–5210; email: *jennifer.tsakoumakis@faa.gov.*

(n) Material Incorporated by Reference

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

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

(i) Boeing Document D6–37089, ''Supplemental Structural Inspection Document for Model 737–100/200/200C Airplanes,'' Revision F, dated November 2015.

(ii) Reserved.

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

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

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

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

Dionne Palermo,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2017–21445 Filed 10–11–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0648; Product Identifier 2017–CE–012–AD; Amendment 39–19070; AD 2017–20–13]

RIN 2120–AA64

Airworthiness Directives; PIAGGIO AERO INDUSTRIES S.p.A. Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for PIAGGIO AERO INDUSTRIES S.p.A. Model P–180 airplanes. This 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 disbonding of the upper and lower metal skin from the honeycomb core on the elevator assembly and other flight control surfaces. We are issuing this AD to require actions to address the unsafe condition on these products.

DATES: This AD is effective November 16, 2017.

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

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0638; or in person at Document Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

For service information identified in this AD, contact PIAGGIO AERO INDUSTRIES S.p.A—Continued Airworthiness, Via Pionieri e Aviatori d'Italia snc—16154 Genova, Italy; Telephone: +39 010 0998046; Fax: None; email: *airworthiness@piaggioaerospace.it;* Internet: *www.piaggioaerospace.it/en/customer-support#care.* You may view this 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. It is also available on the Internet at *http://www.regulations.gov* by searching for Docket No. FAA–2017–0648.

FOR FURTHER INFORMATION CONTACT: Mike Kiesov, Aerospace Engineer, FAA, Small Airplane Standards Branch, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4144; fax: (816) 329–4090; email: *mike.kiesov@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain PIAGGIO AERO INDUSTRIES S.p.A. Model P–180 airplanes. The NPRM was published in the **Federal Register** on June 29, 2017 (82 FR 29445). The NPRM proposed to correct an unsafe condition for the specified products and was based on mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country. The MCAI states:

> During a post flight inspection of a right hand (RH) elevator assembly, disbonding was detected on the upper and lower metal skin from the honeycomb core. Subsequent investigation identified that a manufacturing deficiency caused the detected disbonding and that other flight control surfaces could potentially be affected by the same deficiency.
>
> This condition, if not detected and corrected, could reduce the structural stiffness of the flight control surface and downgrade its aerodynamic characteristics, possibly resulting in reduced control of the aeroplane.
>
> To address this potential unsafe condition, Piaggio Aero Industries (PAI) issued Service Bulletin (SB) 80–0455 to provide inspection instructions.
>
> For the reasons described above, this [EASA] AD requires repetitive inspections of the affected flight control assemblies and, depending on findings, repair or replacement. This [EASA] AD also requires reporting of the inspection result to PAI.

The MCAI can be found in the AD docket on the Internet at *https://www.regulations.gov/document?D=FAA-2017-064-0002.*

Comments

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

Conclusion

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

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

Related Service Information Under 1 CFR Part 51

We reviewed PIAGGIO AERO INDUSTRIES S.p.A. Mandatory Service Bulletin N.: 80–0455, dated: January 13, 2017. This service information describes procedures for repetitive inspections to verify the structural integrity of the flight control assemblies. 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 AD.

Costs of Compliance

We estimate that this AD will affect 103 products of U.S. registry. We also estimate that it will take 9 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour.

Based on these figures, we estimate the cost of this AD on U.S. operators to be $78,795, or $765 per product.

The scope of damage found in the required inspections could vary significantly from airplane to airplane. We have no way of determining how much damage may be found on each airplane or the cost to repair damaged parts on each airplane.

In addition, we have no way of knowing how many products may need replacement as a result of the required inspections. The following cost estimates were obtained directly from the manufacturer and we estimate that any necessary follow-on replacement actions would cost as follows:

(i) Control surface repair: 10 work-hours for a cost of $850 per product.

(ii) Left Hand (LH) Forward Wing Flap Replacement: 4 work-hours and require parts costing $30,079, for a total cost of $30,419.

(iii) Right Hand (RH) Forward Wing Flap Replacement: 4 work-hours and require parts costing $30,079, for a total cost of $30,419.

(iv) LH Aileron Assembly: 7 work-hours and require parts costing $40,715, for a total cost of $41,310.

(v) RH Aileron Assembly: 7 work-hours and require parts costing $86,050, for a total cost of $86,645.

(vi) Main Wing LH Inboard Flap Assembly: 4 work-hours and require parts costing $22,699, for a total cost of $23,039.

(vii) Main Wing RH Inboard Flap Assembly: 4 work-hours and require

parts costing $22,699, for a total cost of $23,039.

(viii) LH Elevator Assembly: 8 work-hours and require parts costing $59,917, for a total cost of $60,597.

(ix) RH Elevator Assembly: 8 work-hours and require parts costing $59,917, for a total cost of $60,597.

There is an additional 10 work-hours that may be required for post-repair or post-installation replacement of flight control surface adjustments and testing, for a total cost of $850.

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this AD:

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

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

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

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

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–2017–0648; 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 the NPRM, 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.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new AD:

2017–20–13 Piaggio Aero Industries S.p.A.: Amendment 39–19070; Docket No. FAA–2017–0648; Product Identifier 2017–CE–012–AD.

(a) Effective Date

This airworthiness directive (AD) becomes effective November 16, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to PIAGGIO AERO INDUSTRIES S.p.A. P–180 airplanes, serial numbers 1002, 1004 through 1220, that are:

(1) Equipped with flight control surfaces part numbers (P/Ns) and serial numbers (S/Ns) not listed in table 1 of PIAGGIO AERO INDUSTRIES S.p.A. Mandatory Service Bulletin N.: 80–0455, dated: January 13, 2017 (PAI SB No. 80–0455); and

(2) certificated in any category.

(d) Subject

Air Transport Association of America (ATA) Code 27: Flight Controls.

(e) Reason

This AD was prompted by 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 disbonding of the upper and lower metal skin from the honeycomb core on the elevator assembly and other flight control surfaces. We are issuing this AD to prevent structural stiffness of the flight control surface and the downgrade of its aerodynamic characteristics, resulting in reduced control.

(f) Actions and Compliance

Unless already done, do the actions in paragraphs (f)(1) through (8) of this AD. The parts affected by this AD are all left hand (LH) forward flaps, right hand (RH) forward flaps, main wing LH inboard flaps, main wing RH inboard flaps, LH ailerons, RH ailerons, LH elevators, and RH elevators, hereafter referred to as ''affected control surface'' in this AD.

(1) Within the next 50 hours time-in-service (TIS) after November 16, 2017 (the effective date of this AD) or within the next 200 hours TIS after the last coin tapping inspection of the affected control surface following PAI Non-Destructive Test Manual (NDTM) 180–MAN–0300–01107, Chapter 51–00–01; whichever occurs later, do a coin tapping inspection of each affected control surface. Repetitively thereafter inspect at the intervals specified in paragraphs (f)(3)(i) and (ii). Follow Part B of the Accomplishment Instructions in PAI SB No. 80–0455.

(i) Do two repetitive inspections at intervals not to exceed 200 hours TIS; and

(ii) Repetitively thereafter inspect at intervals not to exceed 600 hours TIS.

(2) If damage is found during any inspection required in paragraph (f)(1) of this AD, before further flight, repair or replace as necessary each damaged affected control surface following Part B and/or C of the Accomplishment Instructions in PAI SB No. 80–0455.

(3) Within 50 hours TIS after the repair of an affected control surface as required by paragraph (f)(2) of this AD, do a coin tapping inspection of that repaired affected control surface. Repetitively thereafter inspect at the intervals specified in paragraphs (f)(3)(i) and (ii) of this AD. Follow the instructions in PAI SB No. 80–0455.

(i) Do two repetitive inspections at intervals not to exceed 200 hours TIS; and

(ii) Repetitively thereafter inspect at intervals not to exceed 600 hours TIS.

(4) If damage is found during any inspection required in paragraph (f)(3) of this AD, before further flight, repair or replace as necessary each damaged affected control surface following the instructions in Part B and/or C of the Accomplishment Instructions in PAI SB No. 80–0455.

(5) Repair of an affected control surface, as required by paragraph (f)(2) or (4) of this AD, does not constitute terminating action for repetitive inspections as required by this AD

for that affected control surface, unless the FAA-approved repair instructions specify otherwise.

(6) Replacement of the affected part on an airplane with a part listed in table 1 of PAI SB No. 80–0455, constitutes terminating action for the repetitive inspections required by this AD for that part.

(7) You may incorporate the actions of PAI SB No. 80–0455, into your FAA-approved airplane inspection program (AIP) or maintenance program (instructions for continued airworthiness) to ensure the continuing airworthiness of each operated airplane.

(8) After November 16, 2017 (the effective date of this AD), you may install on an airplane an affected control surface not listed in table 1 of PAI SB No. 80–0455, provided that before further flight after installation, the affected control surface has been inspected as specified in this AD and found airworthy.

(g) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Office, 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: Mike Kiesov, Aerospace Engineer, FAA, Small Airplane Standards Branch, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4144; fax: (816) 329–4090; email: *mike.kiesov@faa.gov.* 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.

(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).

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

(h) Related Information

Refer to MCAI European Aviation Safety Agency (EASA) AD No.: 2017–0045, dated March 9, 2017 for related information. You may examine the MCAI on the Internet at *https://www.regulations.gov/document?D=FAA-2017-0648-0002.*

(i) Material Incorporated by Reference

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

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

(i) PIAGGIO AERO INDUSTRIES S.p.A. Mandatory Service Bulletin (SB) No.: 80–0455, dated January 13, 2017.

(ii) Reserved.

(3) For PIAGGIO AERO INDUSTRIES S.p.A. service information identified in this AD, contact PIAGGIO AERO INDUSTRIES S.p.A.—Continued Airworthiness, Via Pionieri e Aviatori d'Italia snc—16154 Genova, Italy; Telephone: +39 010 0998046; Fax: None; email: *airworthiness@piaggioaerospace.it;* Internet: *www.piaggioaerospace.it/en/customer-support#care.*

(4) You may view this service information at the FAA, Policy and Innovation Division, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148. In addition, you can access this service information on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0648.

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

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

Pat Mullen,

Acting Deputy Director, Policy & Innovation Division, Aircraft Certification Service.

[FR Doc. 2017–21443 Filed 10–11–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 882

[Docket No. FDA–2017–N–1608]

Medical Devices; Neurological Devices; Classification of Cranial Motion Measurement Device; 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; Neurological Devices; Classification of Cranial Motion Measurement Device'' 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 12, 2017.

FOR FURTHER INFORMATION CONTACT: Jay Gupta, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 2611, Silver Spring, MD 20993–0002, 301–796–2795, *jay.gupta@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In the **Federal Register** of July 28, 2017 (82 FR 35069), FDA published the final order ''Medical Devices; Neurological Devices; Classification of Cranial Motion Measurement Device.'' 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. 2017–15895, the following correction is made:

On page 35070, after table 1 in the third column, the last paragraph is corrected to read 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 cranial motion measurement device they intend to market.''

Dated: October 4, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017–21982 Filed 10–11–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2017–0939]

RIN 1625–AA00

Safety Zone; Sector Key West COTP Zone Post Storm Recovery, Atlantic Ocean, FL

AGENCY: Coast Guard, DHS.

ACTION: Temporary interim rule; request for comments.

SUMMARY: The Coast Guard has established a temporary safety zone for certain waters within the Sector Key West Captain of the Port (COTP) Zone. Vessels are prohibited from entering into, anchoring, loitering, or movement within a safety zone around salvage or pollution removal vessels in the Florida Keys. These temporary regulations are necessary for the safety of persons, vessels, and property due to the large volume of debris, sunken vessels and salvage operations associated with Hurricane Irma. We invite your comments on this rulemaking.

DATES: This rule is effective without actual notice from October 12, 2017 through December 1, 2017. For the purposes of enforcement, actual notice will be used from October 5, 2017 until October 12, 2017. Comments and related materials must be received by the Coast Guard on or before November 13, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2017–0939 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 rulemaking, call or email Lieutenant Scott Ledee, Waterways Management Division Chief, Sector Key West, FL, U.S. Coast Guard; telephone (305) 292–8768, email *SKWWaterways@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because insufficient time remains to publish an NPRM and to receive public comments, as Hurricane Irma has already caused significant damage to vessels and property in the Sector Key West COTP Zone leaving underwater debris and sunken vessels around the Florida Keys. The safety zone is necessary to provide for the safety of persons, vessels, and property from the hazards posed by sunken vessels and debris. For those reasons, it would be impracticable and contrary to the public interest to publish an NPRM.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making it effective less than 30 days after publication in the **Federal Register**. Any delay in the effective date of this rule would be contrary to the public interest because immediate action is needed to respond to the potential hazards associated with hurricane debris.

The Coast Guard is soliciting public comments on this temporary interim rule. Although we need to make this interim rule effective starting October 5, 2017, we will consider public comments and may issue a temporary final rule that will supersede this interim rule based on comments received.

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

IV. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The COTP Key West has determined that potential hazards associated with salvage operations and hurricane debris will be a safety concern for persons, vessels, and property within the waters of the ports mentioned above. This rule is necessary to protect persons, vessels, and property on the navigable waters within the safety zone while cleanup efforts are underway.

V. Discussion of the Rule

Vessels are prohibited from entering into, anchoring, loitering, or movement within a safety zone around salvage or pollution removal vessels in the Florida Keys. These temporary regulations are necessary for the safety of persons, vessels, and property due to the large volume of debris, sunken vessels and salvage operations associated with Hurricane Irma.

The COTP Key West will continue to evaluate conditions in the waters in the vicinity of the Florida Keys and may stop enforcing this rule earlier if the conditions permit. The Coast Guard will provide notification of the safety zone to the local maritime community by Marine Safety Information Bulletins, Broadcast Notice to Mariners, and on-scene designated representatives.

VI. 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 following reasons: The safety zone is of a small diameter around salvage and pollution recovery vessels and wreckage, and the Coast Guard will provide notice of the safety zones to the local maritime community by Marine Safety Information Bulletins, Broadcast Notice to Mariners, and designated on-scene representatives.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that 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 from which vessels are excluded. This rule 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 protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T07–0939 to read as follows:

§ 165.T07–0939 Safety Zone; Sector Key West COTP Zone Post Storm Recovery, Atlantic Ocean, FL.

(a) *Location.* The following area is a safety zone: All waters within 100 yards of all salvage vessels and pollution recovery vessels operating within 1 nautical mile of land in the Captain of the Port (COTP) Key West.

(b) *Definition.* As used in this section, the term ''designated representative'' includes Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state,

and local officers designated by or assisting the COTP Key West in the enforcement of the safety zone.

(c) *Regulations.* (1) All persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the safety zone unless authorized by the COTP Key West or a designated representative.

(2) Persons and vessels desiring to enter, transit through, anchor in, or remain within the safety zone may contact the COTP Key West by telephone at (305) 292–8727, or a designated representative via VHF–FM radio on channel 16 to request authorization. If authorization is granted, all persons and vessels receiving such authorization must comply with the instructions of the COTP Key West or a designated representative.

(d) *Enforcement period.* This rule will be enforced from 5 p.m. on October 5, 2017 through 8 a.m. on December 1, 2017, unless sooner terminated by the COTP Key West.

Dated: October 5, 2017.

Jeffrey A. Janszen,

Captain, U.S. Coast Guard, Captain of the Port Key West.

[FR Doc. 2017–22040 Filed 10–11–17; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2017–0356; FRL–9963–19–Region 4]

Air Plan Approval; KY; Miscellaneous Source Specific Revisions for Jefferson County

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve revisions to the Kentucky State Implementation Plan (SIP), submitted by the Commonwealth of Kentucky, through the Kentucky Division for Air Quality (KDAQ), on March 21, 2011, October 29, 2013, October 28, 2016, and March 24, 2017. The revisions were submitted by KDAQ on behalf of the Louisville Metro Air Pollution Control District, which has jurisdiction over Jefferson County, Kentucky. The revisions include changes to Jefferson County Regulations regarding Reasonably Available Control Technology (RACT) for two major sources of nitrogen oxides (NOx) and the removal of a volatile organic compounds (VOC) bubble rule.

DATES: This rule will be effective November 13, 2017.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2017–0356. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information is not 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: Joel Huey, 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 or Andres Febres, 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. Huey can be reached by telephone at (404) 562–9104 or via electronic mail at *huey.joel@epa.gov.* 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

In an August 10, 2017, proposed rulemaking, EPA proposed to approve changes to the Jefferson County portion of the Kentucky SIP that were received by EPA on March 21, 2011. 82 FR 37375. The August 10, 2017, rulemaking proposed to approve the March 21, 2011, SIP revision with modifications made through three addition submittals received by EPA on October 29, 2013, October 28, 2016, and March 24, 2017. Approval of Kentucky's March 21, 2011, submission, with the modifications from the October 29, 2013, October 28, 2016, and March 24, 2017, submissions, would: (1) Make several changes to Regulation 6.29, *Standard of Performance for Graphic Arts Facilities Using Rotogravure or Flexographic Printing;* (2) remove Regulation 7.57, *Standard of Performance for New Graphic Arts Facilities Using Rotogravure or Flexographic Printing;* (3) incorporate Amendment 4 to the Louisville Medical Steam Plant NO_X RACT Board Order into the Jefferson County portion of the Kentucky SIP; (4) incorporate Amendment 3 to the Texas Gas Transmission NO_X RACT Board Order into the Jefferson County portion of the Kentucky SIP; and (5) remove a VOC bubble rule for the General Electric plant in Louisville, Kentucky. The details of Kentucky's SIP revisions and the rationale for EPA's action are explained in the proposed rulemaking. Comments on the proposed rulemaking were due on or before September 11, 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 Jefferson County's Regulation 6.29, *Standard of Performance for Graphic Arts Facilities Using Rotogravure or Flexographic Printing,* effective August 21, 2013; ''Board Order Texas Gas Transmission'' NO_X RACT Plan, effective May 18, 2016; and ''Board Order Louisville Medical Center Steam Plant'' NO_X RACT Plan, effective January 18, 2017. 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 Kentucky's SIP, have been incorporated by reference by EPA into that plan, are fully federally-enforceable under sections 110 and 113 of the Clean Air Act (CAA or Act) as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference by the Director of the Federal Register in the next update to the SIP compilation.[1]

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

III. Final Actions

EPA is taking final action to approve changes to the Jefferson County Air Quality Regulations portion of the Kentucky SIP. The requested revisions were provided by KDAQ to EPA on March 21, 2011, October 29, 2013, October 28, 2016, and March 24, 2017. The changes being approved: (1) Modify Regulation 6.29, (2) remove Regulation 7.57, (3) incorporate Amendment 4 to the NO_X RACT Board Order for the Louisville Medical Center Steam Plant into the Jefferson County portion of the Kentucky SIP, (4) incorporate Amendment 3 to NO_X RACT Board Order for the Texas Gas Transmission facility into the Kentucky SIP, and (5) remove the VOC bubble rule for the General Electric plant in Louisville, Kentucky. EPA believes these changes are consistent with the requirements of the CAA.

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. 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, these actions:

- Are 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);
- do not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- are 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.*);
- do 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);
- do not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- are not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- are not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- are 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
- do 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, Intergovernmental relations, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: September 28, 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 S—Kentucky

■ 2. Section 52.920, Table 2, is amended:

■ a. In paragraph (c), by revising the entry for ''6.29,'' under the heading ''Reg 6–Standards of Performance for Existing Affected Facilities'';

■ b. In paragraph (c), by removing the entry for ''7.57,'' under the heading ''Reg 7–Standards of Performance for New Affected Facilities'';

■ c. In paragraph (d), by removing the entry for ''Bubble action at General Electric in Louisville''; and

■ d. In paragraph (d), by revising the entries for ''Board Order Louisville Medical Center Steam Plant'', and ''Board Order Texas Gas Transmission.''

The revisions read as follows:

§ 52.920 Identification of plan.

* * * * *

(c) * * *

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TABLE 2—EPA-APPROVED JEFFERSON COUNTY REGULATION FOR KENTUCKY

Reg	Title/subject	EPA approval date	**Federal Register** notice	District effective date	Explanation
*	*	*	*	*	*
Reg 6—Standards of Performance for Existing Affected Facilities					

TABLE 2—EPA-APPROVED JEFFERSON COUNTY REGULATION FOR KENTUCKY—Continued

Reg	Title/subject	EPA approval date	**Federal Register** notice	District effective date	Explanation
*	* *	*	*	*	*
6.29	Standards of Performance for Existing Graphic Arts Facilities Using Rotogravure and Flexography.	10/12/2017	[Insert citation of publication].	8/21/2013	
*	* *	*	*	*	*

(d) * * *

EPA-APPROVED KENTUCKY SOURCE-SPECIFIC REQUIREMENTS

Name of source	Permit No.	State effective date	EPA approval date	Explanations
* *	*	*	* *	*
Board Order Louisville Medical Center Steam Plant.	NO_X RACT Plan 1/18/2017	1/18/2017	10/12/2017, [Insert citation of publication].	
* *	*	*	* *	*
Board Order Texas Gas Transmission.	NO_X RACT Plan 5/18/2016	5/18/2016	10/12/2017, [Insert citation of publication].	
* *	*	*	* *	*

* * * * *

[FR Doc. 2017–21943 Filed 10–11–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2016–0462; FRL–9969–26—Region 4]

Air Plan Approval; Kentucky; Regional Haze Progress Report

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is finalizing approval of a State Implementation Plan (SIP) revision submitted by the Commonwealth of Kentucky through the Kentucky Energy and Environment Cabinet, Division of Air Quality (KDAQ) on September 17, 2014. Kentucky's September 17, 2014, SIP revision (Progress Report) addresses requirements of the Clean Air Act (CAA or Act) and EPA's rules that require each state to submit periodic reports describing progress towards reasonable progress goals (RPGs) established for regional haze and a determination of the adequacy of the state's existing SIP addressing regional haze (regional haze plan). EPA is finalizing approval of Kentucky's determination that the Commonwealth's regional haze plan is adequate to meet these RPGs for the first implementation period covering through 2018 and requires no substantive revision at this time.

DATES: This rule will be effective November 13, 2017.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2016–0462. 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: Michele Notarianni, 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. Ms. Notarianni can be reached by phone at (404) 562–9031 and via electronic mail at *notarianni.michele@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

States are required to submit a progress report in the form of a SIP revision during the first implementation period that evaluates progress towards the RPGs for each mandatory Class I federal area [1] (Class I area) within the state and for each Class I area outside the state which may be affected by emissions from within the state. 40 CFR 51.308(g). In addition, the provisions of 40 CFR 51.308(h) require states to submit, at the same time as the 40 CFR

[1] Areas designated as mandatory Class I federal areas consist of national parks exceeding 6000 acres, wilderness areas and national memorial parks exceeding 5000 acres, and all international parks that were in existence on August 7, 1977 (42 U.S.C. 7472(a)). These areas are listed at 40 CFR part 81, subpart D.

51.308(g) progress report, a determination of the adequacy of the state's existing regional haze plan. The progress report is due five years after submittal of the initial regional haze plan. On September 17, 2014, Kentucky submitted its Progress Report which, among other things, detailed the progress made in the first period toward implementation of the long term strategy outlined in the Commonwealth's regional haze plan; the visibility improvement measured at Mammoth Cave National Park (Mammoth Cave), the only Class I area within Kentucky, and at Class I areas outside of the Commonwealth potentially impacted by emissions from Kentucky; and a determination of the adequacy of the Commonwealth's existing regional haze plan.

In a notice of proposed rulemaking (NPRM) published on August 7, 2017 (82 FR 36707), EPA proposed to approve Kentucky's Progress Report. The details of Kentucky's submission and the rationale for EPA's actions are explained in the NPRM. Comments on the proposed rulemaking were due on or before September 6, 2017. EPA received no adverse comments on the proposed action.

II. Final Action

EPA is finalizing approval of Kentucky's September 17, 2014, Progress Report as meeting the applicable regional haze requirements set forth in 40 CFR 51.308(g) and (h).

III. 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 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 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, Intergovernmental relations, Nitrogen oxides, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxide, Volatile organic compounds.

Dated: September 28, 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 S—Kentucky

■ 2. Section 52.920(e), is amended by adding an entry for ''September 2014 Regional Haze Progress Report'' at the end of the table to read as follows:

§ 52.920 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED KENTUCKY NON-REGULATORY PROVISIONS

Name of non-regulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/effective date	EPA approval date	Explanations
* * *	*	*	*	*
September 2014 Regional Haze Progress Report	Kentucky	09/17/2014	10/12/2017, [Insert citation of publication].	

[FR Doc. 2017–21935 Filed 10–11–17; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2017–0446; FRL–9969–46—Region 8]

Approval and Promulgation of Air Quality Implementation Plans; Colorado; Revisions to Regulation Number 3

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve a portion of the State Implementation Plan (SIP) revisions submitted by the State of Colorado on February 25, 2015. The revisions are to Colorado Air Quality Control Commission (Commission) Regulation Number 3, Parts A, B and D. The amendments the EPA is taking final action on include: Revisions to provisions for permitting emissions for particulate matter less than 2.5 micrograms ($PM_{2.5}$) in Part D, modifications to the provisions for filing revised Air Pollution Emission Notices (APEN) in Part A and updates to public notice publication requirements in Part B. This action is being taken under section 110 of the Clean Air Act (CAA).

DATES: This final rule is effective on November 13, 2017.

ADDRESSES: The EPA has established a docket for this action under Docket Identification Number EPA–R08–OAR–2017–0446. All documents in the docket are listed on the *http://www.regulations.gov* index. Although listed in the index, some information may not be publicly available, *e.g.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically through *http://www.regulations.gov* or in hard copy at the Air Program, Environmental Protection Agency (EPA), Region 8, 1595 Wynkoop Street, Denver, Colorado, 80202–1129. The EPA requests that you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding federal holidays.

FOR FURTHER INFORMATION CONTACT: Kevin Leone, Air Program, U.S. Environmental Protection Agency, Region 8, Mailcode 8P–AR, 1595 Wynkoop, Denver, Colorado 80202–1129, (303) 312–6227, *leone.kevin@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Revisions to $PM_{2.5}$ Significant Impact Level (SIL) and Significant Monitoring Concentration (SMC) Provisions

Colorado's SIP submittal revises the SIL and SMC provisions for $PM_{2.5}$ in the State's Prevention of Significant Deterioration (PSD) permitting program. Our proposed rulemaking, which was published on August 18, 2017, details the relevant court decisions and the EPA's corresponding rulemakings regarding $PM_{2.5}$ SILs and SMCs (See 82 FR 39396). As explained in our proposal notice, Colorado's submittal is consistent with EPA's revised rules.

Revisions to APEN Reporting

Colorado has revised its APEN reporting requirements to clarify when a revised APEN is required due to a significant change in annual actual emissions. The revision would clarify that the thresholds for determining significant changes are based on an individual emission unit's actual emissions on a pollutant-by-pollutant basis, not on facility-wide emissions. This revision simplifies and streamlines the requirements for filing revised APENs because the source's actual annual emissions are the relevant information for inventory and fee purposes when reporting past years' emissions or reporting significant changes in annual actual emissions. Our proposed rulemaking outlines the rationale for this revision and provides a detailed example of the revision.

Revisions to Public Notice Requirements

Previously Part B, Section III.C.4., required the State to publish public notice of certain proposed minor source construction permit applications, including sources that apply for a permit to limit the potential to emit criteria pollutants, in a newspaper of general distribution in the area where the proposed project will be located or by other such method reasonably designed to ensure effective public notice. We are approving Colorado's revision to include other means authorized by state statute and federal regulation that are designed to provide public notice of the applicable permitting action. Please see the notice for our proposed rulemaking for details.

II. Response to Comment

No comments were received on our August 18, 2017 notice of proposed rulemaking.

III. What are the changes that EPA is taking final action to approve?

The EPA is taking final action to approve a portion of the SIP revisions as submitted by Colorado on February 25, 2015, pertaining to $PM_{2.5}$ SILs and SMCs. As explained in our proposed rulemaking, these changes meet the requirements under CAA section 110(l), which states that the EPA cannot approve a SIP revision that interferes with any requirement concerning attainment, reasonable further progress, or any other applicable requirement of the Act. The revisions to the PSD program in Part D, Regulation Number 3 comply with the requirements of 40 CFR 51.166 as revised by the EPA in response to the D.C. Circuit Court of Appeals decision regarding $PM_{2.5}$ SILs and SMCs. See 78 FR 73698.

The EPA is taking final action to approve a portion of the SIP revisions as submitted by Colorado on February 25, 2015, pertaining to revisions to Colorado's APEN requirements. These revisions, as outlined in our proposed rulemaking, comply with section 110(l) because the revisions are limited to the

filing of revised APENs that are designed to update Colorado's emissions inventory or used to calculate emissions fees.

The revisions to the public notice minor source permitting requirements comply with section 110(l) because, we find that the revisions are consistent with our regulations regarding public notice for minor NSR programs. As explained in detail in our proposal, the EPA interprets the public notice requirements in 40 CFR 51.162 for minor NSR programs to allow for any publishing venue for which it is reasonable to conclude the public has routine and ready access.

For the reasons expressed above and in our proposed rulemaking, the EPA is taking final action to approve revisions to Regulation Number 3, Parts A, B and D and Appendix A in the February 25, 2015 submittal as shown in Table 1 below. Appendix A was revised as a conforming change to the APEN revisions. We are also approving the renumbering and formatting changes for the definition of ''emission unit'' in Regulation Number 3, Part D, I.A.13.a.; and II.A.13.a.(i)–(ii).

TABLE 1—LIST OF COLORADO REVISIONS THAT EPA IS APPROVING

Revised Sections in February 10, 2015 Submission Final Action for Approval
Regulation Number 3, Part A:
II.C.2.b.(i)–(iii); and II.C.4.a. and b.
Appendix A.
Regulation Number 3, Part B:
III.C.4.
Regulation Number 3, Part D:
II.A.13.a.(i)–(ii); VI.A.2.c.; and VI.B.3.a.(iii).

The EPA is not acting on revisions from Colorado's February 25, 2015 submittal related to greenhouse gas and carbon dioxide equivalent (CO2e) revisions and the associated renumbering which was a result of Colorado's proposed greenhouse gas revisions in Parts A and D. These revisions will be acted on in a separate rulemaking.

IV. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the Colorado rules as described in the amendments to 40 CFR part 52 set forth in this document. 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 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 Order 12866 (58 FR 51735, October 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 in 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).

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

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

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

Dated: September 27, 2017.

Suzanne J. Bohan,

Acting Regional Administrator, Region 8.

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 G—Colorado

■ 2. Section 52.320 in paragraph (c) is amended as follows:

■ a. By revising, under the centered heading ''5 CCR 1001–05, Regulation Number 3, Part A, Concerning General Provisions Applicable to Reporting and Permitting'' the table entries for ''II.'' and ''Appendix A.''

■ b. By revising, under the centered heading ''5 CCR 1001–05, Regulation Number 3, Part B, Concerning Construction Permits'' the table entry for ''III.''

■ c. By revising, under the centered heading ''5 CCR 1001–5, Regulation Number 3, Part D, Concerning Major Stationary Source New Source Review and Prevention of Significant Deterioration'' the table entries for ''II.'' and ''VI.''

The revisions read as follows:

§ 52.320 Identification of plan.

* * * * *

(c) * * *

Title	State effective date	EPA effective date	Final rule citation/date	Comments
* * * * * * *				
5 CCR 1001–5, Regulation Number 3, Part A, Concerning General Provisions Applicable to Reporting and Permitting				
* * * * * * *				
II. Air Pollutant Emission Notice (APEN) Requirements.	10/15/2014	11/13/2017	[Insert **Federal Register** citation], 10/12/2017.	
* * * * * * *				
Appendix A, Method for Determining De Minimis Levels For Non-Criteria Reportable Pollutants.	10/15/2014	11/13/2017	[Insert **Federal Register** citation], 10/12/2017.	
* * * * * * *				
5 CCR 1001–5, Regulation Number 3, Part B, Concerning Construction Permits				
* * * * * * *				
III. Construction Permit Review Procedures.	10/15/2014	11/13/2017	[Insert **Federal Register** citation], 10/12/2017.	
* * * * * * *				
5 CCFR 1001–5, Regulation Number 3, Part D, Concerning Major Stationary Source New Source Review and Prevention of Significant Deterioration				
* * * * * * *				
II. Definitions	10/15/2014	11/13/2017	[Insert **Federal Register** citation], 10/12/2017.	Except II.A.26.d., the phrase ''and only $PM_{2.5}$ emissions can be used to evaluate the net emissions increase for $PM_{2.5}$''
* * * * * * *				
VI. Requirements applicable to attainment and unclassifiable areas and pollutants implemented under Section 110 of the Federal Act (Prevention of Significant Deterioration Program).	10/15/2014	11/13/2017	[Insert **Federal Register** citation], 10/12/2017.	Except for VI.A.1.c., the phrase ''for phases that commence construction more than 18 months after the initial granting of the permit''; VI.A.2., the phrase ''either Section VI.A.2.a. or b., as clarified for any relevant air pollutant, in Section VI.B.3.a.(iii) in reference to $PM_{2.5}$ monitoring exemption; and VI.B.3.d.
* * * * * * *				

* * * * *

[FR Doc. 2017–21952 Filed 10–11–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2017–0174; FRL–9969–24–Region 4]

Air Plan Approval: Alabama; Transportation Conformity

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a portion of a revision to the Alabama State Implementation plan (SIP) submitted by the State of Alabama on May 8, 2013, for the purpose of amending the transportation conformity rules to be consistent with Federal requirements.

DATES: This rule is effective November 13, 2017.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2017–0174. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information is not 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: Kelly Sheckler, 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. The telephone number is (404) 562–9222. Ms. Sheckler can also be reached via electronic mail at *sheckler.kelly@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On May 8, 2013, the Alabama Department of Environmental Management submitted a SIP revision to EPA to make two changes to its transportation conformity requirements. First, the State changed its regulations at Alabama Administrative Code section 335–3–17–.01, *Transportation Conformity,* to reflect the January 24, 2008 (73 FR 4420) amendments to 40 CFR part 93, subpart A, that address the 2005 SAFETEA–LU. That change in Alabama's regulation streamlines the State's transportation conformity SIP to include only §§ 93.105, 93.122(a)(4)(ii) and 93.125(c), consistent with Federal requirements, and not the provisions of 40 CFR part 93 in entirety.

On March 14, 2012 (77 FR 14979), EPA finalized the rule entitled ''Transportation Conformity Rule Restructuring Amendments.'' Through that final action, EPA restructured several sections of the transportation conformity rule so that they apply to any new or revised NAAQS. Specifically, EPA amended §§ 93.101, 93.105, 93.109, 93.116, 93.118, 93.119, and 93.121 of the Transportation Conformity Rule. In its May 8, 2013, SIP revision, Alabama requests that EPA incorporates by reference subsequent Federal changes EPA promulgated in the Transportation Conformity Rule Restructuring Amendments. Although Alabama's submission mentions that it is incorporating by reference provisions in EPA's Transportation Conformity Rule Restructuring Amendments, the only relevant portion for incorporation by reference is the change that EPA made to § 93.105 because, in this same submission, Alabama changed the State regulations and transportation conformity requirements in its SIP to address only §§ 93.105, 93.122(a)(4)(ii) and 93.125(c), in accordance with EPA's regulations. The changes EPA made to § 93.105 were administrative in nature and involved updates to citations, revision of introductory paragraphs, and redesignating paragraphs.

EPA has reviewed Alabama's submittal to ensure consistency with the current Clean Air Act (CAA or Act), as amended by SAFETEA–LU, and EPA regulations governing state procedures for transportation and general conformity (40 CFR part 93, subparts A and B). The May 8, 2013, SIP revision, upon final approval by EPA, removes specific provisions of Alabama Administrative Code section 335–3–17–.01, ''*Transportation Conformity*,'' from the SIP that are no longer required in light of the SAFETEA–LU amendments. With the removal of these specific provisions of 335–3–17–.01 from the SIP, the federal rules in 40 CFR part 93, subpart A, will directly govern transportation conformity of federal actions in the State of Alabama. This revision complies with the requirements of CAA section 176(c)(4)(e) and 40 CFR 51.390(b). 40 CFR part 93, subpart A, continues to subject certain Federal actions to transportation conformity requirements without the need for identical state rules and SIPs. Therefore, repealing the State rule will not impact continuity of the transportation conformity program in Alabama.

In a direct final rule published on August 17, 2017 (82 FR 39035), EPA took a direct final action to approve the portions of the May 8, 2013, submittal that removes specific provisions of Alabama Administrative Code section 335–3–17–.01, ''*Transportation Conformity*,'' from the SIP that are no longer required in light of the SAFETEA–LU amendments. In the direct final rulemaking, EPA established that the rule would become effective 60 days after publication in the **Federal Register** and without further notice, unless EPA received adverse comment within 30 days of the publication. If EPA received such comments, it would publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect. Comments on the rulemaking were due on or before September 18, 2017.

EPA received one adverse comment on the direct final rulemaking, and as a result, elsewhere in this issue of the **Federal Register**, the EPA has taken a separate action to withdraw the direct final rule. Nevertheless, the rationale for EPA's action still remains and the only addition in this final rulemaking is the response to the adverse comment received. The details of Alabama's SIP revisions and the rationale for EPA's action are further explained in the direct final rule published August 17, 2017 (82 FR 39035). Below is a summary of the comment received and EPA's response.

II. Response to Comment

Comment: The Commenter mentions that EPA should not allow Alabama to remove transportation conformity rules from the SIP and asserts that EPA has loosened the Federal transportation conformity requirements. The Commenter goes on to say that Alabama should incorporate by reference the entirety of 40 CFR part 93.

Response: Alabama's SIP continues to include transportation conformity requirements. CAA section 176(c) is the statutory authority for transportation conformity (42 U.S.C. 7506(c)). This section of the CAA was amended by provisions contained in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU), which was signed into law on August 10, 2005 (Public Law 109–59). Among the changes Congress made to this section of the CAA was to streamline the requirements for state conformity SIPs. Subsequently, EPA published a final rule on January 24, 2008 (73 FR 4420), to update the requirements for conformity SIPs as well as the other CAA provisions amended by Congress. These streamlined conformity SIP requirements did not loosen EPA's conformity requirements. The CAA amendment was merely intended to reduce the burden on states associated with duplicating federal transportation conformity rules within state conformity rules.

CAA section 176(c)(4)(E) and 40 CFR 51.390(b) of the conformity rule now require states to submit conformity SIPs that address only the following provisions of the federal conformity rule:

- 40 CFR 93.105, which addresses consultation procedures;
- 40 CFR 93.122(a)(4)(ii), which states that conformity SIPs must require that written commitments to control measures be obtained prior to a conformity determination if the control measures are not included in a metropolitan planning organization's transportation plan and transportation improvement programs, and that such commitments be fulfilled; and
- 40 CFR 93.125(c), which states that conformity SIPs must require that written commitments to mitigation measures be obtained prior to a project-level conformity determination, and that project sponsors comply with such commitments.

These provisions must be tailored to a state's individual circumstances, rather than including the federal conformity rule section verbatim. Alabama's SIP contains the tailored provisions.

III. 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 Regulation, chapter 335–3–17–.01 entitled ''*Transportation Conformity*,'' effective May 28, 2013, which incorporates by reference the Federal Transportation Conformity Rule. 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 in the State implementation plan, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference by the Director of the Federal Register in the next update to the SIP compilation.[1]

IV. Final Action

Pursuant to section 110 of the CAA, EPA is approving the revision to the Alabama SIP regarding the State's transportation conformity requirements. The approval of Alabama's conformity SIP revisions will align the Alabama SIP with the current federal conformity requirements, as amended by SAFETEA–LU, and the most recent EPA regulations governing state procedures for transportation conformity.

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. *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. 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 (Public Law 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

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

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, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: September 29, 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. Section 52.50(c) is amended under the heading ''Chapter No. 335–3–17 Conformity of Federal Actions to State Implementation Plans'' by revising the entry for ''Section 335–3–17–.01'' to read as follows:

§ 52.50 Identification of plan.

* * * * *

(c) * * *

EPA APPROVED ALABAMA REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanation
*	*	*	*	*
Chapter No. 335–3–17 Conformity of Federal Actions to State Implementation Plans				
Section 335–3–17–.01	Transportation Conformity	5/28/2013	10/12/2017 [Insert citation of publication]	
*	*	*	*	*

* * * * *

[FR Doc. 2017–21930 Filed 10–11–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2013–0389; FRL–9969–23—Region 4]

Approval and Promulgation of Air Quality Implementation Plans; State of South Carolina; Regional Haze State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a South Carolina State Implementation Plan (SIP) revision, submitted by the State of South Carolina through the South Carolina Department of Health and Environmental Control (SC DHEC) on December 28, 2012. South Carolina's December 28, 2012, SIP revision (''Progress Report'') addresses requirements of the Clean Air Act (CAA or ''Act'') and EPA's rules that require states to submit periodic reports describing progress towards reasonable progress goals (RPGs) established for regional haze and a determination of the adequacy of the State's existing SIP addressing regional haze (''regional haze plan''). EPA is finalizing approval of South Carolina's Progress Report on the basis that it addresses the progress report and adequacy determination requirements for the first implementation period for regional haze.

DATES: This rule will be effective November 13, 2017.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2013–0389. 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 (formerly Regulatory Development 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 for further information. 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: Michele Notarianni, 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. Ms. Notarianni can be reached at (404) 562–9031 and by electronic mail at *notarianni.michele@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

States are required to submit progress reports that evaluate progress towards the RPGs for each mandatory Class I Federal area within the state and in each mandatory Class I Federal area outside the state which may be affected by emissions from within the state. *See* 40 CFR 51.308(g). States are also required to submit, at the same time as the progress report, a determination of the adequacy of the state's existing regional haze plan. *See* 40 CFR 51.308(h). The first progress report is due five years after submittal of the initial regional haze plan and must be in the form of a SIP revision. On December 17, 2007, SC DHEC submitted the State's first regional haze plan in accordance with 40 CFR 51.308(b).[1]

[1] On June 28, 2012, EPA finalized a limited approval of South Carolina's regional haze plan to address the first implementation period for regional

Continued

On December 28, 2012, SC DHEC submitted, in the form of a revision to South Carolina's SIP, a report on the progress made in the first implementation period towards RPGs for Class I areas in the State and for Class I areas outside the State that are affected by emissions from sources within South Carolina. The Progress Report and the accompanying cover letter also include a determination that the State's regional haze plan is sufficient in meeting the requirements outlined in EPA's Regional Haze Rule (RHR).[2]

On January 17, 2014 (79 FR 3147), EPA published a notice of proposed rulemaking (NPRM) proposing to approve South Carolina's Progress Report on the basis that it satisfies the requirements of 40 CFR 51.308(g) and 51.308(h). On August 17, 2017, EPA published a supplemental NPRM (SNPRM) to address the potential effects on EPA's proposed approval of two decisions by the courts. *See* 82 FR 39079. The first was the decision by the United States Supreme Court (Supreme Court) in *EPA* v. *EME Homer City Generation, L.P.,* 134 S. Ct. 1584 (2014), remanding CSAPR to the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit) for further proceedings. The second was the decision of the D.C. Circuit following the Supreme Court's remand.[3] *EME Homer City Generation, L.P.* v. *EPA,* 795 F.3d 118 (D.C. Cir. 2015).

II. Response to Comments

EPA received two sets of comments during the public comment period on its January 17, 2014, NPRM. Specifically, EPA received comments from GreenLaw, on behalf of the National Parks Conservation Association and Sierra Club, and from one member of the general public (these commenters are hereinafter collectively referred to as the ''Commenter''). The comments are provided in the docket for today's final action. A summary of the comments and EPA's responses are provided below. EPA did not receive any comments on the SNPRM. Detailed background information and additional rationale is provided in the NPRM and SNPRM. *See* 79 FR 3147 and 82 FR 39079.

Comment 1: The Commenter contends that the State's declaration under 40 CFR 51.308(h)(1) that no revisions to the regional haze plan are needed at this time is improper and that the regional haze plan is inadequate because it ''fails to result in emissions reductions sufficient to achieve reasonable progress towards natural conditions'' at nine Class I areas and because visibility at the Cape Romain Class I area has ''actually gotten worse on the annual 20 percent best days.'' Accordingly, the Commenter states that EPA must disapprove South Carolina's declaration and require the State to revise its regional haze plan within one year and to work with other states in the Visibility Improvement State and Tribal Association of the Southeast (VISTAS) regional planning organization to more adequately limit haze-causing pollution. The Commenter also contends that South Carolina focused its report on sulfur dioxide (SO_2) reductions at point sources within and outside of the State rather than directly addressing visibility data at Cape Romain and that these reductions are not sufficient to make reasonable progress at this Class I area.

Response 1: EPA disagrees with the Commenter. As discussed in the NPRM, South Carolina's declaration under 40 CFR 51.308(h)(1) and assessment of regional haze plan sufficiency is based on its following findings: Visibility has improved since 2000 at Cape Romain, the only Class I area within South Carolina; SO_2 emissions from the State's sources have decreased beyond original projections for 2012; additional electric generating unit (EGU) control measures beyond those relied upon in the State's regional haze plan have occurred or will occur in the first implementation period; SO_2 emissions from EGUs in South Carolina are already below the levels projected for 2018 in the regional haze plan; and the SO_2 emissions from EGUs in South Carolina and the other VISTAS states are expected to continue to trend downward over the remainder of the first implementation period. Based on these findings and visibility data for Cape Romain that has become available since the State developed its Progress Report, EPA agrees with South Carolina's conclusion under 40 CFR 51.308(h) that its regional haze plan is sufficient in meeting the requirements of the RHR and that no further changes to its regional haze plan are needed at this time.

The Commenter supports its contention that EPA must disapprove the State's declaration by relying solely on regional haze monitoring data for Cape Romain from 2005–2009 and its belief that the State focused on SO_2 reductions that ''are not sufficient to make reasonable progress at Cape Romain.'' The Commenter ignores EPA's discussion of more recent visibility data in the NPRM as well as the other analyses and findings supporting the declaration and fails to explain why the SO_2 reductions are not sufficient to make reasonable progress when these reductions are greater than those projected to be achieved by 2018 in the regional haze plan. In the NPRM, EPA identified the 0.7 deciview (dv) degradation in visibility for the 20-percent best days at Cape Romain when comparing the baseline to the 2005–2009 average and noted that additional Interagency Monitoring of Protected Visual Environments (IMPROVE) visibility data had become available since the State developed its Progress Report. EPA reviewed the most current visibility data at the time of the NPRM for Cape Romain (2007–2011) from the IMPROVE monitoring network[4] and noted that the five-year average of visibility conditions is 24.6 dv for the 20-percent worst days and 14.1 dv for the 20-percent best over the 2007–2011 time period, resulting in a visibility improvement from baseline of 1.9 dv and 0.2 dv, respectively.

Additional IMPROVE visibility data is now available for the 2011–2015 five-year period. Visibility conditions for the 2011–2015 time period, expressed as a five-year average, are 21.4 dv for the 20-percent worst days and 12.8 dv for the 20-percent best days, resulting in a

haze. *See* 77 FR 38509. In a separate action, published on June 7, 2012 (77 FR 33642), EPA finalized a limited disapproval of the South Carolina regional haze plan because of the State's reliance on the Clean Air Interstate Rule (CAIR) to meet certain regional haze requirements, which EPA replaced in August 2011 with the Cross-State Air Pollution Rule (CSAPR) (76 FR 48208 (Aug. 8, 2011)). In the June 7, 2012, action, EPA finalized a Federal Implementation Plan (FIP) for South Carolina to replace the State's reliance on CAIR with reliance on CSAPR. CAIR created regional cap-and-trade programs to reduce SO_2 and NO_X emissions in 27 eastern states (and the District of Columbia), including Alabama, that contributed to downwind nonattainment or interfered with maintenance of the 1997 8-hour ozone NAAQS or the 1997 $PM_{2.5}$ NAAQS. EPA approved South Carolina's regulations implementing CAIR as part of the Federally enforceable South Carolina SIP on October 16, 2009. 74 FR 53167. CSAPR requires 27 Eastern states to limit their statewide emissions of SO_2 and/or NO_X in order to mitigate transported air pollution unlawfully impacting other states' ability to attain or maintain four NAAQS: The 1997 ozone NAAQS, the 1997 annual $PM_{2.5}$ NAAQS, the 2006 24-hour $PM_{2.5}$ NAAQS, and the 2008 8-hour ozone NAAQS. The CSAPR emissions limitations are defined in terms of maximum statewide budgets for emissions of annual SO_2, annual NO_X, and/or ozone-season NO_X by each covered state's large EGUs.

[2] EPA promulgated a rule to address regional haze, the RHR, on July 1, 1999. *See* 64 FR 35713. The RHR revised the existing visibility regulations to integrate into the regulations provisions addressing regional haze impairment and established a comprehensive visibility protection program for Class I areas. *See* 40 CFR 51.308 and 51.309. EPA most recently revised the RHR on January 10, 2017. *See* 82 FR 3078.

[3] See the SNPRM and Response 5, below, for discussion regarding the CSAPR litigation.

[4] This data is available at: *http://vista.cira.colostate.edu/tss/Results/HazePlanning.aspx.*

visibility improvement from baseline of 5.1 dv and 1.5 dv, respectively. The 2015 annual visibility values are 19.3 dv for the 20-percent worst days and 12.2 dv for the 20-percent best days. These values are below the 2018 RPGs of 22.7 dv for the 20-percent worst days and 12.7 dv for the 20-percent best days in South Carolina's regional haze plan.

The SO_2 emissions data reported in the Progress Report also supports South Carolina's declaration. As discussed in the NPRM, South Carolina documented significant reductions in SO_2 in its Progress Report, and EPA believes that the State's emphasis on SO_2 is appropriate because SO_2 reductions from South Carolina EGUs are the key element of the State's regional haze strategy. The State's regional haze plan focused on SO_2, and as noted in the **Federal Register** notices associated with the limited approval of South Carolina's regional haze plan, EPA agreed with this focus because emissions sensitivity analyses documented in the State's regional haze plan predicted that reductions in SO_2 emissions from EGUs and industrial point sources would result in the greatest improvements in visibility in the VISTAS region, compared with other visibility-impairing pollutants, during the first implementation period. *See* 77 FR 11894, 11903–04 (February 28, 2012). In its Progress Report, South Carolina notes that the actual SO_2 emissions from EGUs within the State in 2011 (66,131 tons) are already below the level of emissions projected in the regional haze plan for those EGUs in 2018 (76,291 tons), with further decreases expected. South Carolina and EPA expect that the reduction of SO_2 emissions during the first implementation period will be even greater than originally anticipated in its regional haze plan, particularly for the EGU sector. The State notes that the emissions reductions already achieved from 2007 to 2011 and the additional reductions not accounted for in the original regional haze plan further support the State's conclusion that the regional haze plan's elements and strategies are sufficient to meet the RPGs for Class I areas affected by South Carolina emissions. The Commenter did not provide any basis for its assertion that these SO_2 reductions are inadequate for reasonable progress, other than citing to the 2005–2009 visibility data discussed above.

EPA finds that South Carolina's conclusion regarding the sufficiency of the regional haze plan is appropriate because of the measured visibility improvement and the significant downward trend in SO_2 emissions from EGUs in the State.

Comment 2: The Commenter states that the Areas of Influence (AoIs) identified in the Progress Report correspond to 100 kilometer (km) radii whereas the AoIs identified in the regional haze plan are 200 km radii. The Commenter requests clarification that it was not the State's intent to modify the AoIs through the Progress Report.

Response 2: The AoIs that South Carolina relied upon in its regional haze plan are non-circular geographic areas surrounding Cape Romain and other Class I areas potentially impacted by South Carolina sources and do not correspond to the 100 km radii circles shown in the Progress Report (labeled as Figure 0–1 on page 9) or the 100 km or 200 km radii circles shown in Figure 1.4–1 on page 16 in the regional haze plan. South Carolina relied on AoIs developed by VISTAS based on an analysis of the particle frequency, residence times, and trajectory modeling over an area. The trajectory modeling is based on meteorology and IMPROVE data.[5] In the Progress Report, the State did not modify its AoIs, the AoI methodology, or the set of sources evaluated for reasonable progress in the regional haze plan for the first implementation period.

Comment 3: The Commenter contends that the description of the status of control measures under 40 CFR 51.308(g)(1) fails to show that the State is making reasonable progress and does not include any discussion as to how its sources are impacting ''some Class I areas outside of the State.'' The Commenter also asserts that the submittal lacks information necessary for EPA to find that the implementation measures are in effect and notes, as an example, that the descriptions of mobile source fuel changes describe ''each type of sources' reductions'' but do not include estimates of the total number of mobile sources. Hence, the Commenter asserts that EPA cannot find that there has actually been a reduction in SO_2 from these mobile sources on a fleet-wide basis.

Response 3: EPA disagrees with the Commenter. As discussed in Response 12, the Progress Report shows that the control measures in South Carolina's regional haze plan are sufficient to enable the State and other states with Class I areas affected by emissions from South Carolina sources to meet their RPGs for 2018. Furthermore, the State provides a significant amount of information regarding the status of measures relied upon in its regional haze SIP, including the status of Federal programs and consent decrees. For example, the State identifies installation dates and expected installation dates for SO_2 controls on South Carolina coal-fired power plants and provides the status of two state EGU control strategies in North Carolina and Georgia that were included in its regional haze plan.

Not only does the State identify the status of the control measures included in its regional haze plan, it also documents significant reductions in SO_2 emissions from South Carolina EGUs and reiterates the conclusion from its regional haze plan that reducing SO_2 emissions from EGUs and industrial point sources are the most effective means to improve visibility during the first implementation period. As further discussed in the responses below, EPA finds that the regional haze plan is sufficient to enable affected Class I areas to meet their RPGs based on the significant reductions in SO_2 emissions and the visibility improvement observed at Cape Romain between 2002 and 2015.

Regarding the comment concerning mobile sources, EPA notes that the State quantified SO_2 emissions from five source classifications, including on-road and non-road mobile sources, in the emissions inventories presented in the Progress Report and identified the status of the Federal mobile source measures included in the regional haze plan. Although a progress report must describe the implementation status of all measures included in the relevant regional haze plan, there is no requirement that the report must identify the number of mobile sources affected by each mobile source measure included in that plan.

Comment 4: The Commenter states that the section of the Progress Report addressing 40 CFR 51.308(g)(1) does not discuss progress in implementing Best Available Retrofit Technology (BART), noting that the State has not recommended additional controls for its 21 BART-eligible sources and that the State found CAIR sufficient for BART at two EGUs.

Response 4: In its regional haze plan, South Carolina demonstrated that 19 of the 21 BART-eligible sources in the State modeled below the State's BART contribution threshold, and thus, are not subject to BART. For this reason, the State did not recommend any additional controls for 19 of the 21 BART-eligible sources. Although the Commenter correctly notes that the two BART-subject sources (SCE&G Wateree and Williams stations) relied on CAIR to

[5] For illustrations of the AoIs and further detail on South Carolina's AoI methodology, see pages 70–77 of Section 7.5 of the South Carolina regional haze plan narrative and pages H–25—H–33 of Section 4 in Appendix H of the State's regional haze plan.

satisfy BART for nitrogen oxides (NO_X) and SO_2, the Commenter incorrectly claims that the State did not discuss progress in implementing BART. South Carolina discusses the status of CAIR and CSAPR as of the date of Progress Report submission, identifies the SO_2 emission controls for these EGUs and the status of implementation for these controls, and compares CAIR and CSAPR budgets with 2011 actual emissions from EGUs in the State. For the two BART-subject sources, South Carolina notes that these sources began operating flue gas desulfurization controls in 2010. As discussed in the SNPRM and in Response 5, below, EPA finds that it is appropriate to rely on CAIR emission reductions for purposes of assessing the adequacy of South Carolina's Progress Report because CAIR remained effective and provided the requisite emission reductions during the timeframe evaluated by the State.

Comment 5: The Commenter asserts that EPA cannot approve South Carolina's Progress Report because it relies on CAIR for ''a number of fundamental aspects that include both modeling assumptions and control.'' The Commenter states that CAIR has been ''struck down'' by the D.C. Circuit and is only in place until EPA designs a replacement rule. The Commenter notes that South Carolina did not modify any of the modeling assumptions in its regional haze plan that relied on CAIR, did not propose any additional reductions other than CAIR, continues to rely on CAIR to satisfy BART requirements, and did not assess the effect of the vacatur with respect to CAIR. The Commenter also cites previous EPA actions related to regional haze plans, including South Carolina's regional haze plan, in support of the contention that EPA cannot rely on CAIR for sources subject to BART and that the five-year progress report is the appropriate time to address any changes to the RPG demonstration and the long-term strategy. The Commenter also states that EPA does not address CAIR in the NPRM, except to point out that it has provided a limited disapproval of South Carolina's regional haze plan as it relies on CAIR to replace BART, and that EPA cannot rely on a regional cap-and-trade program with yearly averaging to ''address a specific source with effects that change on an hourly basis on a specific Class I area.'' As a result, the Commenter asserts that EPA's approval of South Carolina's Progress Report is inconsistent with prior EPA position and is arbitrary and capricious as a matter of law.

Response 5: EPA disagrees with the Commenter that EPA cannot approve South Carolina's Progress Report because it relies on emission reductions from CAIR. On June 28, 2012, EPA finalized a limited approval of South Carolina's December 17, 2007, regional haze plan to address the first implementation period for regional haze (77 FR 38509).[6] In a separate action, published on June 7, 2012 (77 FR 33642), EPA finalized a limited disapproval of the South Carolina regional haze plan because of the State's reliance on CAIR to meet certain regional haze requirements. In the SNPRM, EPA described the litigation history and status of CAIR, including the fact that CAIR was replaced with CSAPR after South Carolina had developed and submitted its regional haze plan. On January 1, 2015, EPA sunset CAIR and began implementing CSAPR after the D.C. Circuit lifted the stay on CSAPR following the Supreme Court's decision upholding CSAPR.

As explained in detail in the SNPRM and here in summary fashion, EPA does not believe that the status of CAIR or CSAPR affects the approvability of the Progress Report for several reasons. First, CAIR was in effect during the 2007–2011 time period addressed by the Progress Report. Therefore, South Carolina appropriately evaluated and relied on CAIR reductions of NO_X and SO_2 to demonstrate the State's progress towards meeting its RPGs.[7] EPA's intention in requiring progress reports pursuant to 40 CFR 51.308(g) was for the states to demonstrate progress achieved during the *current implementation period* addressed by the regional haze plan. Thus, South Carolina appropriately relied upon CAIR reductions for demonstrating progress towards RPGs from 2007–2011. As explained in the SNPRM, given that CAIR was in place until 2015, it is appropriate to rely on CAIR emission reductions during this period for purposes of assessing the adequacy of the State's Progress Report pursuant to 40 CFR 51.308(g) and (h).

Second, the State's regional haze program now includes reliance on CSAPR for SO_2 and NO_X reductions, at least throughout the remainder of this first implementation period. EPA issued FIPs to implement CSAPR in South Carolina and the other CSAPR-subject states (CSAPR FIP).[8] In its June 7, 2012 regional haze FIP, EPA replaced South Carolina's reliance on CAIR with reliance on CSAPR to meet certain regional haze requirements, including the SO_2 and NO_X BART requirements for its EGUs. In a separate action, EPA signed a final rule approving a SIP revision submitted by South Carolina that adopts provisions for participation in the CSAPR annual NO_X and annual SO_2 trading programs, including annual NO_X and annual SO_2 budgets that are equal to the budgets for South Carolina in EPA's CSAPR FIP.

Because the RHR's requirements for progress reports refer to ''implementation plans,'' which are defined in the visibility program to include approved SIPs or FIPs, EPA considered measures in its June 7, 2012 regional haze FIP as well as in the State's regional haze plan in assessing the Progress Report for 40 CFR 51.308(g) and (h). EPA explained in the SNPRM that the requirements of the regional haze program are fully addressed in South Carolina through its regional haze plan and the FIP issued by EPA. As also discussed in the SNPRM, EPA expects the SO_2 and NO_X emissions reductions at EGUs in the State to continue through the remainder of the first implementation period due to the implementation of CSAPR.

Finally, the RHR provides for continual evaluation and assessment of a state's reasonable progress towards achieving the national goal of natural visibility conditions. South Carolina has the opportunity to reassess its RPGs and the adequacy of its regional haze plan, including reliance upon CSAPR for emission reductions from EGUs, when it prepares and submits its second regional haze plan to cover the next implementation period. However, as evaluated for the Progress Report, emissions of SO_2 from EGUs are below the projections for 2018 in the regional haze plan, visibility data shows that the Class I areas impacted by sources in the State are on track to achieve their RPGs, and EPA expects SO_2 emission reductions in the State to continue through CSAPR, EGU retirements, and other measures. These continued emission reductions will assist South

[6] Although EPA gave limited approval to South Carolina's regional haze plan due to the State's reliance on CAIR (77 FR 38509), a limited approval results in approval of the entire submittal, even of those parts that are deficient and prevent EPA from granting a full approval pursuant to sections 301(a) and 110(k)(6) of the CAA and EPA's long-standing guidance. *See* Processing of State Implementation Plan (SIP) Revisions, EPA Memorandum from John Calcagni, Director, Air Quality Management Division, OAQPS, to Air Division Directors, EPA Regional Offices I–X, September 7, 1992, (1992 Calcagni Memorandum) located at *http://www.epa.gov/ttn/caaa/t1/memoranda/siproc.pdf.* Thus, the limited approval status of South Carolina's regional haze plan does not impact EPA's approval of the Progress Report.

[7] In the NPRM, EPA discussed the significance of SO_2 reductions as South Carolina and VISTAS identified SO_2 as the largest contributor pollutant to visibility impairment in South Carolina specifically and in the VISTAS region generally.

[8] *See* 76 FR 48208 (August 8, 2011).

Carolina in making reasonable progress towards natural visibility conditions. As further measures will be needed to make continued progress towards the national visibility goal, the State has the opportunity to include such measures in subsequent SIPs for future implementation periods. *See Commonwealth of Virginia, et al.,* v. *EPA,* 108 F.3d 1397, 1410 (D.C. Cir. 1997) (citing *Natural Resources Defense Council, Inc.* v. *Browner,* 57 F.3d 1122, 1123 (D.C. Cir.1995)) (discussing that states have primary responsibility for determining an emission reductions program for its areas subject to EPA approval). For these reasons, EPA disagrees with Commenter that our approval of the Progress Report is inconsistent with EPA's prior position, unsupported by the facts, or arbitrary and capricious as a matter of law.

EPA also disagrees with the Commenter's statements concerning the validity of using of an emissions trading program, such as CAIR or CSAPR, to meet certain regional haze requirements such as BART. CAIR was specifically upheld as an alternative to BART in accordance with the requirements of section 169A of the CAA by the D.C. Circuit in *Utility Air Regulatory Group* v. *EPA,* 471 F.3d 1333 (D.C. Cir. 2006). The use of CSAPR as an alternative to BART is currently under review by the D.C. Circuit.[9] More importantly, however, EPA disagrees with the Commenter that compliance with the BART requirements are relevant to the assessment of a state's progress report. A state is not required to demonstrate in its progress report that the BART requirements have been met. As described above, EPA took action in 2012 on South Carolina's regional haze plan, including issuance of a FIP addressing the BART requirements for the State's EGUs. The opportunity for new challenges to that FIP has expired.

Comment 6: The Commenter declares that the State's reliance on CAIR is ''especially problematic when South Carolina avoids discussion of the status of BART at Georgia Power's Plant McIntosh.'' This facility is located in Savannah, Georgia, within the AoI of Cape Romain, and operates without Flue Gas Desulfurization. The Commenter states that the only constraint on Plant McIntosh is a total heat input limit that will apply in 2018. The Commenter also asserts that South Carolina is required to consult with Georgia for enforceable emissions reductions from Georgia EGUs.

Response 6: Plant McIntosh was included in the VISTAS modeling used to develop the reasonable progress glide path and 2018 visibility estimates for South Carolina's regional haze plan. Emissions estimates used in that modeling for this facility assumed that it would continue operating without SO_2 controls. As discussed in the rulemaking notice proposing a limited approval of South Carolina's regional haze plan, the State sent a letter to Georgia identifying the emissions units, including Georgia Power Plant McIntosh unit 1, that South Carolina believed contributed one percent or more to visibility impairment at Cape Romain, and South Carolina opted not to rely on any additional reductions from these units to achieve reasonable progress during the first implementation period. *See* 77 FR 11912. In reviewing South Carolina's regional haze plan, EPA determined that the State's consultation with Georgia adequately addressed the consultation requirements in the RHR. *See* Id. Additional consultation with Georgia in developing a progress report is not necessary because the facility is operating as assumed in the regional haze plan and further control of Plant McIntosh is not necessary to achieve reasonable progress at Cape Romain at this time.

Comment 7: In the section of its comments devoted to 40 CFR 51.308(g)(1), the Commenter states that EPA should not ''approve a reasonable progress determination that does not provide an analysis between emissions reductions and actual visibility.'' The Commenter also asserts that South Carolina and VISTAS focused reasonable progress evaluations on potential SO_2 emissions controls from point sources and that the Progress Report does not discuss progress on controls for NO_X or particulate matter (PM) or contain an analysis as to how emissions reductions are on track to reducing visibility impairment at Cape Romain or other Class I areas as modeled. According to the Commenter, South Carolina cannot demonstrate that emissions reductions are on track to reduce visibility impairment because visibility ''for the worst days has not been in line with projections and visibility on the best days is actually worse.'' The Commenter acknowledges that VISTAS modeling showed that controlling anthropogenic SO_2 would create the greatest visibility improvement but believes that additional NO_X and PM controls should be included in the SIP and that EPA should require other VISTAS states to consider additional controls for these pollutants. The Commenter also states that EPA should require South Carolina to further reduce SO_2 emissions and to consult with other VISTAS states to require similar reductions.

Response 7: As noted by the Commenter and as discussed in Response 1 and in South Carolina's regional haze plan and Progress Report, SO_2 was determined to be the largest contributor to visibility impairment in the VISTAS states. Because sulfate levels on the 20 percent worst days account for 60–70 percent of the visibility impairment at these Class I areas, reducing SO_2 emissions is the most effective means to improve visibility during the first implementation period.[10] Furthermore, 91 percent of the 2002 SO_2 emissions in South Carolina were attributable to EGUs and industrial point sources.[11] Based on this analysis, South Carolina concluded, and EPA agreed in reviewing its regional haze plan, that controlling SO_2 emissions was the appropriate step in addressing the reasonable progress assessment for 2018 and that the focus should be on industrial point source SO_2 emissions, not PM and NO_X emissions, during the first implementation period.

EPA believes that the SO_2 reductions identified in the Progress Report have contributed to the visibility improvement observed between baseline and the 2007–2011 period, as reported in the NPRM, and between baseline and the 2011–2015 period, as discussed in Response 1 of this notice. The Commenter relies on visibility conditions that precede most of the emissions reductions reported by the State and does not provide any further explanation as to why the SO_2 emissions reductions reported by South Carolina are insufficient to achieve reasonable progress. Given the visibility improvement observed between baseline and the time periods identified above along with the significant reductions in SO_2 reported in the Progress Report, EPA agrees with South Carolina that the State is on track to achieve its RPGs, that no changes to the regional haze plan are necessary at this time, and that it is not necessary for South Carolina to further consult with other states at this time to seek additional controls.

[9] In a separate action, EPA found that CSAPR is ''Better than BART.'' *See* 77 FR 33641 (June 7, 2012). Legal challenges to the CSAPR-Better-than-BART rule from state, industry, and other petitioners are pending. *Utility Air Regulatory Group* v. *EPA,* No. 12–1342 (D.C. Cir. filed August 6, 2012).

[10] *See* South Carolina's regional haze plan Narrative, chapter 2.4, *Pollutant Contributions To Visibility Impairment (2000–2004 Baseline Data).*

[11] *See* id. at chapters 2.4 and 4.2, *Assessment of Relative Contributions from Specific Pollutants and Sources Categories.*

Comment 8: The Commenter contends that South Carolina must show progress at all Class I areas that its sources impact, including areas that may not have an AoI in South Carolina, and identifies the Brigantine Wilderness Area as one such area. The Commenter makes this comment in connection with 40 CFR 51.308(g)(1).

Response 8: It is not clear what analyses the Commenter considers deficient. In South Carolina's regional haze plan, the State concluded that emissions from South Carolina potentially impact visibility at five Class I areas outside of the State (Wolf Island and Okefenokee Wilderness Areas in Georgia; and Joyce Kilmer, Shining Rock, and Swanquarter Wilderness Areas in North Carolina) and do not reasonably contribute to visibility impairment at the Brigantine Wilderness Area in New Jersey.[12] *See* 77 FR 11911. The State also documented its consultation with these states in its regional haze plan. For the reasons described in Response 12, EPA finds that South Carolina provided sufficient information regarding the sources impacting visibility in the Class I areas affected by emissions from the State and a satisfactory qualitative assessment that its regional haze plan is sufficient to enable these areas to meet their RPGs.

Comment 9: The Commenter contends that the section of the Progress Report that addresses 40 CFR 51.308(g)(2) does not properly summarize emissions reductions. The Commenter asserts that because the data that South Carolina provides are ''simply annual summaries of SO_2 reductions, EPA cannot reasonably rely on this information to inform a decision as to how SO_2 reductions are impacting the worst days of visibility at Class I areas.'' The Commenter also contends that because visibility is measured in one-hour averaging times rather than monthly or yearly averages, annual reductions across a fleet-wide basis provide no assurances that SO_2 emissions impacting Class I areas' 20 percent worst days have been reduced. The Commenter states that had South Carolina provided information ''as to the reductions from each point source within an AoI, as well as a summary of their emissions for each hour on the 20 percent worst days for each Class I area, perhaps EPA could then approve this determination.'' The Commenter also alleges that the Progress Report did not include a summary of NO_X or PM emissions reductions and that EPA should require the State to include a discussion of NO_X and PM reductions as this ''would ensure that emissions of these pollutants have not increased, offsetting any reductions in SO_2.''

Response 9: EPA disagrees with the Commenter. Regarding the use of yearly averaging for calculating reasonable progress for regional haze purposes, it is important to consider the metrics by which regional haze is evaluated. Visibility is averaged across 20 percent of the days in the year with the worst visibility and 20 percent of the days in a year with the best visibility. These days represent 40 percent of the days in the year (*i.e.,* 146 days) that are spread throughout the year. In addition, these annual averages are further averaged into five-year rolling averages. Hence, the use of annual emissions inventories are an appropriate means of evaluating the potential impacts of control strategies on regional haze visibility impairment at Class I areas. While hourly EGU SO_2 emissions are available for any day since 2002 from the EPA Clean Air Markets Division acid rain database,[13] the Commenter does not explain how South Carolina or EPA should use this hourly data to evaluate reasonable progress. Regarding the comment concerning fleetwide averages, South Carolina did provide SO_2 emissions reductions for individual EGUs within the State consistent with the State's regional haze plan.[14]

With respect to the comments regarding NO_X and PM emissions reduction summaries, South Carolina did provide NO_2 emissions data for EGUs in South Carolina and in the VISTAS states showing an overall downward trend in these emissions in the section of its Progress Report addressing 40 CFR 51.308(g)(2). Although the State did not provide PM reductions or additional NO_X reductions resulting from the measures included in the regional haze plan within this section of its submittal, EPA believes that it is appropriate for South Carolina to focus its emissions reductions summary on SO_2 because the State demonstrated that reductions in SO_2 emissions from industrial point sources result in the greatest improvements in visibility within the State and the VISTAS region. It is also important to note that in the section of its report addressing 40 CFR 51.308(g)(4), South Carolina presented emissions data from a statewide emissions inventory developed for the year 2007 for volatile organic compounds, NO_X, fine PM, coarse PM, ammonia, and SO_2 and compared this data to data from its regional haze plan, a baseline emissions inventory for 2002, an actual emissions inventory for 2007, and an estimated emissions inventory for 2018 (as updated and provided by VISTAS to the State in 2008). The emissions inventories included data for stationary point and area sources, non-road and on-road mobile sources, and biogenic sources which indicates that emissions of the key visibility-impairing pollutants for South Carolina are decreasing.

Comment 10: The Commenter reproduces the visibility data presented by South Carolina in the section of its Progress Report addressing 40 CFR 51.308(g)(3) for the five-year averages representing baseline conditions and conditions over the 2005–2009 timeframe and disagrees with EPA's ''conclu[sion] that these numbers are sufficient to show current reasonable progress towards natural visibility at Cape Romain'' because visibility for the 20 percent best days has ''worsened by 0.7 dv.'' The Commenter also refers to this visibility data to support its contention that the five-year averages are not on target for the 2005–2009 time period according to the glidepaths. The Commenter states that these glidepaths ''established a goal for Cape Romain to achieve a 0.6 dv improvement . . . by 2005–2009 for the 20 percent best days.'' For these reasons, the Commenter contends that the Progress Report does not show reasonable progress for the 20 percent best or 20 percent worst days and that EPA must therefore disapprove the submission. The Commenter also implies that EPA should require South Carolina to reevaluate its emissions reduction strategies because of the degradation in best day conditions observed from 2005–2009.

Response 10: EPA disagrees with the Commenter. As discussed in Response 1, the Commenter ignores EPA's discussion of the more recent visibility data in the NPRM. EPA identified the 0.7 dv in degradation in visibility for the 20-percent best days at Cape Romain when comparing the baseline to the 2005–2009 average and evaluated additional visibility data (2007–2011) available at the time of the NPRM. Visibility improved by 1.9 dv and 0.2 dv for the 20 percent worst days and 20 percent best days, respectively, between

[12] VISTAS provided assessments that took into account the latest data and information available, including the reductions from CAA and state programs that will be in effect in 2018. Based on these analyses, SC DHEC notified New Jersey that these assessments do not indicate that South Carolina facility emissions have an impact on visibility at any Class I area outside of the VISTAS region, and that SC DHEC thus concluded that emissions from South Carolina do not reasonably contribute to visibility impairment at Brigantine. *See* 77 FR 11912.

[13] See *http://ampd.epa.gov/ampd/.*

[14] See Tables 10 and 11 of the Progress Report, pages 34–35.

baseline and the 2007–2011 period. A five-year average using 2015 data (2011–2015) shows an improvement of 3.1 dv and 0.5 dv for the 20 percent worst days and 20 percent best days best days, respectively, when compared to baseline. It is not appropriate for the Commenter to focus solely on visibility data from 2005–2009 for Cape Romain because it precedes most of the emissions reductions reported in the Progress Report and because EPA provided more recent data in the NPRM. It is not unexpected that the 2005–2009 data would show limited progress because many of the measures that provide for the greatest progress were implemented after 2009.

Regarding the Commenter's assertion that South Carolina has not met its glidepath ''goals,'' the RHR requires each state to develop a long-term strategy to achieve RPGs established for Class I areas affected by emissions from the state. The goals are established for each area in 10-year intervals reflecting the 10-year implementation periods established under the RHR. The current regional haze plans cover the first implementation period ending in 2018 and are therefore designed to achieve the RPGs set for 2018. The progress reports submitted during this first implementation period must evaluate progress toward the 2018 RPGs, and South Carolina has appropriately evaluated progress toward these RPGs. Neither the RHR nor South Carolina's regional haze plan set interim goals or targets between the beginning and end of the implementation period.

EPA believes that the visibility data indicates that the State is making reasonable progress and agrees with South Carolina's determination that the elements and strategies outlined in its regional haze plan are sufficient to enable South Carolina and other neighboring states to meet their RPGs. As summarized in the Progress Report, the emissions projections for EGUs further support the determination that these elements and strategies are sufficient to meet the established RPGs. South Carolina notes that actual 2011 EGU emissions are already below the SO_2 emissions projections for 2018 in the regional haze plan with further decreases expected.[15]

Comment 11: In its comments regarding 40 CFR 51.308(g)(5), the Commenter states that there have been significant changes in the anthropogenic emissions that affect Cape Romain and that the conclusion that the State is on track to meet RPGs for 2018 and that no changes to the regional haze plan are needed is ''not supported by the facts.'' The Commenter alleges that South Carolina is not making reasonable progress toward natural visibility and claims that the expected retirements of emissions units identified in the Progress Report submission must be included in the regional haze plan to make them enforceable because South Carolina and EPA are ''relying on 'expected' retirements in order to be on track to meet 2018 goals.''

Response 11: EPA disagrees with the Commenter. None of the changes in anthropogenic emissions identified in South Carolina's Progress Report were adverse to visibility improvement, and the Commenter did not identify any significant increases in anthropogenic emissions over the five-year period at issue or any significant expected reductions in anthropogenic emissions that did not occur. As discussed in Response 10, there was an overall decrease in visibility impairing pollutants in South Carolina during the five-year period at issue.

Regarding expected retirements, South Carolina identified sources that were in included in the VISTAS modeling but that have subsequently chosen to retire prior to the end of the first implementation period. The emissions reductions from these retirements are therefore in excess of those planned for in the regional haze plan and should provide an additional margin of visibility improvement. The emissions rates in the regional haze plan for which the estimates for reasonable progress were derived were based on enforceable measures in the plan, and EPA believes that these enforceable measures contributed to the significant SO_2 emissions reductions documented in the Progress Report and to the visibility improvement indicated by monitoring data. For these reasons, EPA finds that the State properly concluded that there were no changes in anthropogenic emissions that limited or impeded progress and finds that no changes to the regional haze plan or Progress Report are necessary to address this comment.

Comment 12: In its comments regarding 40 CFR 51.308(g)(6), the Commenter states that EPA cannot approve South Carolina's Progress Report because it ''doesn't contain information necessary to determine whether its SIP is sufficient to meet reasonable progress goals in all Class I areas.'' The Commenter asserts that the Progress Report fails to provides a comprehensive list of all of the Class I areas that emissions from the State impact; does not provide information as to how sources, other than BART-eligible sources in South Carolina, may be impacting visibility in Class I areas within Georgia or North Carolina; and does not provide information as to how South Carolina sources are impacting Class I areas in other states affected by emissions from South Carolina; or discusses visibility trends in Class I areas located in states other than South Carolina.

Response 12: EPA disagrees with the Commenter's position that EPA cannot approve South Carolina's Progress Report on the grounds that it does not contain information necessary to determine whether its regional haze plan is sufficient to meet RPGs in affected Class I areas. On the contrary, the Progress Report contains the information necessary to assess whether the measures and strategies in its regional haze plan are sufficient to enable the State and other states with Class I areas affected by emissions from South Carolina sources to meet their RPGs for 2018. In the qualitative assessment under the section of the Progress Report devoted to 40 CFR 51.308(g)(6), the State refers to its evaluation of visibility conditions and changes at Cape Romain and to the emissions reductions documented earlier in the Progress Report. EPA does not agree that it is necessary for South Carolina to evaluate visibility data for the Class I areas outside of the State that are affected by emissions from South Carolina, as suggested by the Commenter, because SO_2 is the primary driver of visibility impairment in these areas and the emissions reductions in SO_2 documented in the Progress Report are already greater than those anticipated by 2018 in the regional haze plan. EPA believes that South Carolina has met its regional haze obligations to address visibility impacts at Cape Romain and other potentially impacted Class I areas because the State reviewed the visibility data for Cape Romain and the emissions data for South Carolina sources potentially impacting Cape Romain and other Class I areas outside of the State, and has met the consultation requirements.

EPA also disagrees with the Commenter's belief that South Carolina did not list all Class I areas outside of the State that are affected by emissions from South Carolina sources. As discussed in the proposed rulemaking notice associated with the limited approval of the State's regional haze plan, VISTAS conducted screening assessments for the VISTAS states to assist these states in determining the potential impact of their sources' emissions on Class I areas outside of

[15] See Table 6 of South Carolina's Progress Report, pp. 21–22.

each state because other states outside of the VISTAS region had not yet completed this type of assessment for their Class I area(s). *See* 77 FR at 11911. Each state with a Class I area determines what methodology it will use to identify sources outside the state contributing to visibility impairment at its Class I area(s). Based on these screening assessments using the generic VISTAS AoI methodology developed for the VISTAS states, South Carolina determined that emissions from South Carolina potentially impact five Class I areas outside of the State: Wolf Island and Okefenokee Wilderness Areas in Georgia, and Joyce Kilmer, Shining Rock, and Swanquarter Wilderness Areas in North Carolina. *See* id. The Progress Report identifies these five Class I areas, in addition to Cape Romain, which were addressed in the State's regional haze plan and identifies the emissions units affecting these areas.

South Carolina consulted with Georgia and North Carolina regarding requests for the State to consider adding several of its sources' emissions units to the State's final reasonable progress control evaluation list. *See* Id. at 11912. In 2007, the Mid-Atlantic/Northeast Visibility Union (also commonly referred to as MANE–VU) states of New Jersey and New Hampshire notified South Carolina of their belief that emissions from South Carolina affected Brigantine Wilderness Area in New Jersey and Lye Brook Wilderness Area in New Hampshire.[16] South Carolina consulted with New Jersey and New Hampshire when developing its regional haze plan and notified them of South Carolina's conclusion that emissions from the State do not reasonably contribute to visibility impairment in those states based on VISTAS modeling. *See* Id.

South Carolina provided sufficient information regarding the sources impacting visibility in the Class I areas affected by emissions from the State. Tables 1 and 2 in the Progress Report list point sources in South Carolina that Georgia and North Carolina identified as potentially impacting visibility at Georgia and North Carolina's Class I areas, respectively. It is not clear what other sources the Commenter believes should have been addressed by South Carolina for Class I areas outside of the State. The assessment of individual sources and their impact on affected Class I both within and outside South Carolina is contained in South Carolina's regional haze plan and discussed in the rulemaking notices associated with that plan.

EPA agrees with South Carolina's assessment that the regional haze plan is sufficient to enable affected Class I areas to meet their RPGs and believes that the Progress Report contains sufficient information to support this assessment. The State referenced improving visibility trends in Cape Romain and emissions reductions from its sources indicating that Class I areas affected by emissions from South Carolina sources are on track to meet their RPGs.

Comment 13: The Commenter states that standard deviations for the groups of 20-percent best and worst days for Cape Romain are needed to perform a ''t-test'' because ''the information given does not support statistical significance.'' However, the Commenter notes that in any case, the improvements point away from the conclusion that visibility is worsening and that the progress in increasing visibility is encouraging.

Response 13: EPA does not believe that a ''t-test'' is necessary because the assessment of reasonable progress is based on more than statistical inference from the visibility monitoring data. The monitoring data is supplemented by estimates of expected changes in emissions and modeling analyses of the impact of these changes that are included in the State's regional haze plan as well as actual and projected emissions reductions of visibility impairing pollutants documented in the Progress Report. Considered together, these analyses indicate that Cape Romain will achieve its RPGs for the first implementation period by 2018. Although the 2005–2009 visibility data did not show substantial improvement, more recent monitoring data and the projected emissions data in the Progress Report are consistent with the modeling results and the expectation of reasonable progress.

III. Final Action

EPA is finalizing approval of South Carolina's December 28, 2012, SIP revision on the basis that it addresses the progress report and adequacy determination requirements for the first implementation period for regional haze as set forth in 40 CFR 51.308(g) and 51.308(h).

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 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 (Public Law 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).

In addition, the SIP does not have Tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). The Catawba Indian Nation Reservation is located within the State of South Carolina. Pursuant to the Catawba Indian Claims Settlement Act, S.C. Code Ann. 27–16–120, ''all state and local environmental laws and regulations apply to the [Catawba Indian Nation] and Reservation and are fully enforceable by all relevant state and local agencies and authorities.'' However, EPA has determined that because this rule does not have substantial direct effects on an Indian

[16] See Appendix J of South Carolina's regional haze plan for further details.

Tribe because, as noted above, this action is not approving any specific rule, but rather approving a SIP revision that evaluates the sufficiency of South Carolina's already approved regional haze plan in meeting certain CAA requirements. EPA notes today's action will not 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, Intergovernmental relations, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: September 29, 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 PP—South Carolina

■ 2. Section 52.2120(e) is amended by adding an entry for ''December 2012 Regional Haze Progress Report'' at the end of the table to read as follows:

§ 52.2120 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED SOUTH CAROLINA NON-REGULATORY PROVISIONS

Provision	State effective date	EPA approval date	Explanation
*	*	*	*
December 2012 Regional Haze Progress Report ..	12/28/2012	10/12/2017 [Insert citation of publication]	

[FR Doc. 2017–21948 Filed 10–11–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2017–0104; FRL–9969–21—Region 4]

Air Plan Approval; Alabama; Regional Haze Plan and Prong 4 (Visibility) for the 2012 $PM_{2.5}$, 2010 NO_2, 2010 SO_2, and 2008 Ozone NAAQS

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking the following four actions regarding the Alabama State Implementation Plan (SIP): Approving the portion of Alabama's October 26, 2015, SIP submittal seeking to change reliance from the Clean Air Interstate Rule (CAIR) to the Cross-State Air Pollution Rule (CSAPR) for certain regional haze requirements; converting EPA's limited approval/limited disapproval of Alabama's July 15, 2008, regional haze SIP to a full approval; approving the visibility prong of Alabama's infrastructure SIP submittals for the 2012 Fine Particulate Matter ($PM_{2.5}$), 2010 Nitrogen Dioxide (NO_2), and 2010 Sulfur Dioxide (SO_2) National Ambient Air Quality Standards (NAAQS); and converting EPA's disapproval of the visibility portion of Alabama's infrastructure SIP submittal for the 2008 Ozone NAAQS to an approval.

DATES: This rule will be effective November 13, 2017.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2017–0104. 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: Michele Notarianni, Air Regulatory Management Section, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Ms. Notarianni can be reached by telephone at (404) 562–9031 or via electronic mail at *notarianni.michele@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

A. Regional Haze SIPs and Their Relationship With CAIR and CSAPR

Section 169A(b)(2)(A) of the Clean Air Act (CAA or Act) requires states to submit regional haze SIPs that contain

such measures as may be necessary to make reasonable progress towards the natural visibility goal, including a requirement that certain categories of existing major stationary sources built between 1962 and 1977 procure, install, and operate Best Available Retrofit Technology (BART) as determined by the state. In revisions to the regional haze program made in 2005, EPA amended its regulations to provide that states participating in the CAIR cap-and-trade programs [1] pursuant to an EPA-approved CAIR SIP or states that remain subject to a CAIR Federal Implementation Plan (FIP) need not require affected BART-eligible electric generating units (EGUs) to install, operate, and maintain BART for emissions of SO_2 and nitrogen oxides (NOx). *See* 70 FR 39104. As a result of EPA's determination that CAIR was ''better-than-BART,'' a number of states in the CAIR region, including Alabama, relied on the CAIR cap-and-trade programs as an alternative to BART for EGU emissions of SO_2 and NOx in designing their regional haze SIPs. These states also relied on CAIR as an element of a long-term strategy (LTS) for achieving their reasonable progress goals (RPGs) for their regional haze programs. However, in 2008, the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit) remanded CAIR to EPA without vacatur to preserve the environmental benefits provided by CAIR. *North Carolina* v. *EPA,* 550 F.3d 1176, 1178 (D.C. Cir. 2008). On August 8, 2011 (76 FR 48208), acting on the D.C. Circuit's remand, EPA promulgated CSAPR to replace CAIR and issued FIPs to implement the rule in CSAPR-subject states.[2] Implementation of CSAPR was scheduled to begin on January 1, 2012, when CSAPR would have superseded the CAIR program.

Due to the D.C. Circuit's 2008 ruling that CAIR was ''fatally flawed'' and its resulting status as a temporary measure following that ruling, EPA could not fully approve regional haze SIPs to the extent that they relied on CAIR to satisfy the BART requirement and the requirement for a LTS sufficient to achieve the state-adopted RPGs. On these grounds, EPA finalized a limited disapproval of Alabama's regional haze SIP on June 7, 2012, triggering the requirement for EPA to promulgate a FIP unless Alabama submitted and EPA approved a SIP revision that corrected the deficiency. *See* 77 FR 33642. EPA finalized a limited approval of Alabama's regional haze SIP on June 28, 2012, as meeting the remaining applicable regional haze requirements set forth in the CAA and the Regional Haze Rule (RHR). *See* 77 FR 38515.

In the June 7, 2012, limited disapproval action, EPA also amended the RHR to provide that participation by a state's EGUs in a CSAPR trading program for a given pollutant—either a CSAPR federal trading program implemented through a CSAPR FIP or an integrated CSAPR state trading program implemented through an approved CSAPR SIP revision—qualifies as a BART alternative for those EGUs for that pollutant.[3] *See* 40 CFR 51.308(e)(4). Since EPA promulgated this amendment, numerous states covered by CSAPR have come to rely on the provision through either SIPs or FIPs.[4]

Numerous parties filed petitions for review of CSAPR in the D.C. Circuit, and on August 21, 2012, the court issued its ruling, vacating and remanding CSAPR to EPA and ordering continued implementation of CAIR. *EME Homer City Generation, L.P.* v. *EPA,* 696 F.3d 7, 38 (D.C. Cir. 2012). The D.C. Circuit's vacatur of CSAPR was reversed by the United States Supreme Court on April 29, 2014, and the case was remanded to the D.C. Circuit to resolve remaining issues in accordance with the high court's ruling. *EPA* v. *EME Homer City Generation, L.P.,* 134 S. Ct. 1584 (2014). On remand, the D.C. Circuit affirmed CSAPR in most respects, but invalidated without vacating some of the CSAPR budgets as to a number of states. *EME Homer City Generation, L.P.* v. *EPA,* 795 F.3d 118 (D.C. Cir. 2015). The remanded budgets include the Phase 2 SO_2 emissions budgets for Alabama, Georgia, South Carolina, and Texas and the Phase 2 ozone-season NOx budgets for 11 states. On September 21, 2017, the EPA Administrator signed a final rule affirming the continued validity of EPA's 2012 determination that CSAPR meets the RHR's criteria for a BART alternative. EPA determined that changes to CSAPR's geographic scope resulting from the actions that the Agency has taken or expects to take in response to the D.C. Circuit's remand do not affect the continued validity of participation in CSAPR as a BART alternative.[5]

B. Infrastructure SIPs

By statute, SIPs meeting the requirements of sections 110(a)(1) and (2) of the CAA are to be submitted by states within three years (or less, if the Administrator so prescribes) after promulgation of a new or revised NAAQS to provide for the implementation, maintenance, and enforcement of the new or revised NAAQS. EPA has historically referred to these SIP submissions made for the purpose of satisfying the requirements of sections 110(a)(1) and 110(a)(2) as ''infrastructure SIP'' submissions. Sections 110(a)(1) and (2) require states to address basic SIP elements such as for monitoring, basic program requirements, and legal authority that are designed to assure attainment and maintenance of the newly established or revised NAAQS. More specifically, section 110(a)(1) provides the procedural and timing requirements for infrastructure SIPs. Section 110(a)(2) lists specific elements that states must meet for the infrastructure SIP requirements related to a newly established or revised NAAQS. The contents of an infrastructure SIP submission may vary depending upon the data and analytical tools available to the state, as well as the provisions already contained in the state's implementation plan at the time in which the state develops and submits the submission for a new or revised NAAQS.

Section 110(a)(2)(D) has two components: 110(a)(2)(D)(i) and 110(a)(2)(D)(ii). Section 110(a)(2)(D)(i) includes four distinct components,

[1] CAIR created regional cap-and-trade programs to reduce SO_2 and NOx emissions in 27 eastern states (and the District of Columbia), including Alabama, that contributed to downwind nonattainment or interfered with maintenance of the 1997 8-hour ozone NAAQS or the 1997 $PM_{2.5}$ NAAQS.

[2] CSAPR requires 28 eastern states to limit their statewide emissions of SO_2 and/or NOx in order to mitigate transported air pollution unlawfully impacting other states' ability to attain or maintain four NAAQS: the 1997 ozone NAAQS, the 1997 annual $PM_{2.5}$ NAAQS, the 2006 24-hour $PM_{2.5}$ NAAQS, and the 2008 8-hour ozone NAAQS. The CSAPR emissions limitations are defined in terms of maximum statewide ''budgets'' for emissions of annual SO_2, annual NOx, and/or ozone-season NOx by each covered state's large EGUs. The CSAPR state budgets are implemented in two phases of generally increasing stringency, with the Phase 1 budgets applying to emissions in 2015 and 2016 and the Phase 2 budgets applying to emissions in 2017 and later years.

[3] Legal challenges to the CSAPR-Better-than-BART rule from state, industry, and other petitioners are pending. *Utility Air Regulatory Group* v. *EPA,* No. 12–1342 (D.C. Cir. filed August 6, 2012).

[4] EPA has promulgated FIPs relying on CSAPR participation for BART purposes for Georgia, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia, 77 FR at 33654, and Nebraska, 77 FR 40150, 40151 (July 6, 2012). EPA has approved Minnesota's and Wisconsin's SIPs relying on CSAPR participation for BART purposes. *See* 77 FR 34801, 34806 (June 12, 2012) for Minnesota and 77 FR 46952, 46959 (August 7, 2012) for Wisconsin.

[5] The pre-publication version of this rule is available at: *https://www.epa.gov/airmarkets/interstate-transport-fine-particulate-matter-revision-federal-implementation-plan.*

commonly referred to as ''prongs,'' that must be addressed in infrastructure SIP submissions. The first two prongs, which are codified in section 110(a)(2)(D)(i)(I), are provisions that prohibit any source or other type of emissions activity in one state from contributing significantly to nonattainment of the NAAQS in another state (prong 1) and from interfering with maintenance of the NAAQS in another state (prong 2). The third and fourth prongs, which are codified in section 110(a)(2)(D)(i)(II), are provisions that prohibit emissions activity in one state from interfering with measures required to prevent significant deterioration of air quality in another state (prong 3) or from interfering with measures to protect visibility in another state (prong 4). Section 110(a)(2)(D)(ii) requires SIPs to include provisions ensuring compliance with sections 115 and 126 of the Act, relating to interstate and international pollution abatement.

A state can meet prong 4 requirements via confirmation in its infrastructure SIP submission that the state has an approved regional haze SIP that fully meets the requirements of 40 CFR 51.308 or 51.309. 40 CFR 51.308 and 51.309 specifically require that a state participating in a regional planning process include all measures needed to achieve its apportionment of emission reduction obligations agreed upon through that process. A fully approved regional haze SIP will ensure that emissions from sources under an air agency's jurisdiction are not interfering with measures required to be included in other air agencies' plans to protect visibility.

Alabama's August 20, 2012, 2008 8-hour Ozone infrastructure SIP submission; April 23, 2013, and December 9, 2015, 2010 1-hour NO_2 submissions; April 23, 2013, 2010 1-hour SO_2 submission; and December 9, 2015, 2012 annual $PM_{2.5}$ submission rely on the State having a fully approved regional haze SIP to satisfy its prong 4 requirements. EPA is approving the regional haze portion of the State's October 26, 2015, SIP revision and converting EPA's previous action on Alabama's regional haze SIP from a limited approval/limited disapproval to a full approval because final approval of this portion of the SIP revision would correct the deficiencies that led to EPA's limited approval/limited disapproval of the State's regional haze SIP. Specifically, EPA's approval of this portion of Alabama's October 26, 2015, SIP revision would satisfy the SO_2 and NO_X BART requirements and SO_2 reasonable progress requirements for EGUs formerly subject to CAIR and the requirement that a LTS include measures as necessary to achieve the State-adopted RPGs. Because a state may satisfy prong 4 requirements through a fully approved regional haze SIP, EPA is also approving the prong 4 portion of Alabama's April 23, 2013, and December 9, 2015, 2010 1-hour NO_2 infrastructure submissions; the April 23, 2013, 2010 1-hour SO_2 infrastructure submission; and the December 9, 2015, 2012 annual $PM_{2.5}$ submission; and converting EPA's February 7, 2017, disapproval of the prong 4 portions of Alabama's August 20, 2012, 2008 8-hour Ozone infrastructure submission to an approval.

In a notice of proposed rulemaking (NPRM) published on August 17, 2017 (82 FR 39090), EPA proposed to take the following actions regarding Alabama's October 26, 2015, SIP submittal, contingent upon the now final determination that CSAPR continues to qualify as an alternative to the application of BART under the RHR: (1) Approve the regional haze portion of Alabama's October 26, 2015, SIP submission to change reliance from CAIR to CSAPR; (2) convert EPA's limited approval/limited disapproval of Alabama's July 15, 2008, regional haze SIP to a full approval; (3) approve the prong 4 portion of Alabama's April 23, 2013, and December 9, 2015, 2010 1-hour NO_2 submissions; April 23, 2013, 2010 1-hour SO_2 submission; and December 9, 2015, 2012 annual $PM_{2.5}$ submission; and (4) convert EPA's February 7, 2017, disapproval of the prong 4 portion of Alabama's August 20, 2012, 2008 8-hour Ozone submission to an approval. The details of Alabama's submission and the rationale for EPA's actions are explained in the NPRM. Comments on the proposed rulemaking were due on or before September 18, 2017. EPA received no adverse comments on the proposed action.

II. Final Actions

As described above, EPA is taking the following actions: (1) Approving the regional haze portion of Alabama's October 26, 2015, SIP submission to change reliance from CAIR to CSAPR; (2) converting EPA's limited approval/limited disapproval of Alabama's July 15, 2008, regional haze SIP to a full approval; (3) approving the prong 4 portion of Alabama's April 23, 2013, and December 9, 2015, 2010 1-hour NO_2 submissions; April 23, 2013, 2010 1-hour SO_2 submission; and December 9, 2015, 2012 annual $PM_{2.5}$ submission; and (4) converting EPA's February 7, 2017, disapproval of the prong 4 portion of Alabama's August 20, 2012, 2008 8-hour Ozone submission to an approval. All other applicable infrastructure requirements for the infrastructure SIP submissions have been or will be addressed in separate rulemakings.

III. 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 Act. Accordingly, these actions merely approve state law as meeting federal requirements and do not impose additional requirements beyond those imposed by state law. For that reason, these actions:

- Are not significant regulatory actions 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);
- do not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- are 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.*);
- do 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);
- do not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- are not economically significant regulatory actions based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- are not significant regulatory actions subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- are 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
- do 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 these actions 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**. These actions are 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 these actions 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 these actions 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. These actions 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, Administrative practice and procedure, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate Matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: September 29, 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. Section 52.50(e) is amended by adding new entries for ''110(a)(1) and (2) Infrastructure Requirements for the 2010 1-hour NO_2 NAAQS'', ''110(a)(1) and (2) Infrastructure Requirements for the 2010 1-hour SO_2 NAAQS'', ''110(a)(1) and (2) Infrastructure Requirements for the 2012 Annual $PM_{2.5}$ NAAQS'' and ''Regional Haze Plan Revision'' at the end of the table to read as follows:

§ 52.50 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED ALABAMA NON-REGULATORY PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/effective date	EPA approval date	Explanation
* *	*	*	*	* *
110(a)(1) and (2) Infrastructure Requirements for the 2010. 1-hour NO_2 NAAQS	Alabama	12/9/2015	10/12/2017, [Insert **Federal Register** citation].	Addressing Prong 4 of Section 110(a)(2)(D)(i)(I) only.
110(a)(1) and (2) Infrastructure Requirements for the 2010. 1-hour SO_2 NAAQS	Alabama	4/23/2013	10/12/2017, [Insert **Federal Register** citation].	Addressing Prong 4 of Section 110(a)(2)(D)(i)(I) only.
110(a)(1) and (2) Infrastructure Requirements for the 2012. Annual $PM_{2.5}$ NAAQS	Alabama	12/9/2015	10/12/2017, [Insert **Federal Register** citation].	Addressing Prong 4 of Section 110(a)(2)(D)(i)(I) only.
Regional Haze Plan Revision	Alabama	10/26/2015	10/12/2017, [Insert **Federal Register** citation].	

■ 3. Section 52.53 is amended by removing and reserving paragraph (e) to read as follows:

§ 52.53 Approval status.

* * * * *

(e) [Reserved]

§ 52.61 [Removed and reserved]

■ 4. Section 52.61 is removed and reserved.

[FR Doc. 2017–21954 Filed 10–11–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2017–0143; FRL–9969–14—Region 7]

Air Plan Approval; Iowa; Amendment to the Administrative Consent Order, Grain Processing Corporation, Muscatine, Iowa; Withdrawal of Direct Final Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of direct final rule.

SUMMARY: Due to an adverse comment, the Environmental Protection Agency (EPA) is withdrawing the direct final rule for ''Air Plan Approval; Iowa; Amendment to the Administrative Consent Order, Grain Processing Corporation, Muscatine, Iowa,'' published in the **Federal Register** on August 25, 2017.

DATES: The direct final rule published at 82 FR 40491, August 25, 2017, is withdrawn effective October 12, 2017.

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

SUPPLEMENTARY INFORMATION: Due to an adverse comment, EPA is withdrawing the direct final rule to approve a SIP revision submitted by the State of Iowa pertaining to an amendment to the Administrative Consent Order, Grain Processing Corporation, Muscatine, Iowa. In the direct final rule published in the **Federal Register** on August 25, 2017, (82 FR 40491), we stated that if we received adverse comment by September 25, 2017, the rule would be withdrawn and not take effect. EPA received an adverse comment. We will address those comments in a proposed rulemaking.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Incorporation by reference, Reporting and recordkeeping requirements.

Dated: September 27, 2017.

Cathy Stepp,

Acting Regional Administrator, Region 7.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ Accordingly, the amendment to 40 CFR 52.820 published in the **Federal Register** on August 25, 2017 (82 FR 40491) on page 40493 is withdrawn effective October 12, 2017.

[FR Doc. 2017–21929 Filed 10–11–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2017–0174; FRL–9969–25—Region 4]

Air Plan Approval: Alabama; Transportation Conformity

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of direct final rule.

SUMMARY: Due to the receipt of an adverse comment, the Environmental Protection Agency (EPA) is withdrawing the August 17, 2017, direct final rule that approves an Alabama state implementation plan (SIP) revision related to transportation conformity requirements. EPA will address the comment in a subsequent final action based upon the proposed rulemaking action, also published on August 17, 2017. EPA will not institute a second comment period on this action.

DATES: The direct final rule published at 82 FR 30935, on August 17, 2017, is withdrawn effective October 12, 2017.

FOR FURTHER INFORMATION CONTACT: Kelly Sheckler, 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. The telephone number is (404) 562–9222. Ms. Sheckler can also be reached via electronic mail at *sheckler.kelly@epa.gov.*

SUPPLEMENTARY INFORMATION: On August 17, 2017 (82 FR 39035), EPA published a direct final rule approving a SIP revision submitted by the State of Alabama, through the Alabama Department of Environmental Management. EPA took a direct final action to approve the portions of the May 8, 2013, submission that removes specific provisions of Alabama Administrative Code section 335–3–17–.01, ''*Transportation Conformity*,'' from the SIP that are no longer required.

In the direct final rule, EPA explained that the Agency was publishing the rule without prior proposal because the Agency viewed the submittal as a non-controversial SIP amendment and anticipated no adverse comments. Further, EPA explained that the Agency was publishing a separate document in the proposed rules section of the **Federal Register** to serve as the proposal to approve the SIP revision should an adverse comment be filed. EPA also noted that the rule would be effective generally 30 days after the close of the public comment period, without further notice unless the Agency received adverse comment by the close of the public comment period. EPA explained that if the Agency received such comments, then EPA would publish a document withdrawing the final rule and informing the public that the rule would not take effect. It was also explained that all public comments received would then be addressed in a subsequent final rule based on the proposed rule, and that EPA would not institute a second comment period on this action.

EPA received one adverse comment from a single Commenter on the aforementioned rule. As a result of the comment received, EPA is withdrawing the direct final rule approving the aforementioned changes to the Alabama SIPs. EPA will address the comment in a separate final action based on the proposed action also published on August 17, 2017 (82 FR 39078). EPA will not open a second comment period for this action.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Dated: September 29, 2017.

Onis ''Trey'' Glen, III

Regional Administrator, Region 4.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ Accordingly, the amendment to 40 CFR 52.50(c) published on August 17, 2017 (82 FR 39035), is withdrawn effective October 12, 2017.

[FR Doc. 2017–21931 Filed 10–11–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2017–0371; FRL–9969–22—Region 4]

Air Plan Approval; Alabama: PSD Replacement Units

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of direct final rule.

SUMMARY: Due to the receipt of adverse comments, the Environmental Protection Agency (EPA) is withdrawing the August 24, 2017, direct final rule that approves an Alabama state implementation plan (SIP) revision related to the Prevention of Significant Deterioration (PSD) permitting regulations. EPA will address the comments in a subsequent final action based upon the proposed rulemaking action, also published on August 24, 2017. EPA will not institute a second comment period on this action.

DATES: The direct final rule published at 82 FR 40072, on August 24, 2017, is withdrawn, effective October 12, 2017.

FOR FURTHER INFORMATION CONTACT: Andres Febres, 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. The telephone number is (404) 562–8966. Ms. Sheckler can also be reached via electronic mail at *febres-martinez.andres@epa.gov.*

SUPPLEMENTARY INFORMATION: On August 24, 2017 (82 FR 40072), EPA published a direct final rule approving a SIP revision submitted by the State of Alabama, through the Alabama Department of Environmental Management (ADEM). EPA took a direct final action to approve the portions of the May 7, 2012, submission that made changes to ADEM Administrative Code Rule 335–3–14–.04—''Air Permits Authorizing Construction in Clean Air Areas [Prevention of Significant Deterioration Permitting (PSD)].'' In particular, the revision adds a definition of ''replacement unit'' and provides that a replacement unit is a type of existing unit under the definition of ''emissions unit,'' consistent with Federal regulations.

In the direct final rule, EPA explained that the Agency was publishing the rule without prior proposal because the Agency viewed the submittal as a non-controversial SIP amendment and anticipated no adverse comments. Further, EPA explained that the Agency was publishing a separate document in the proposed rules section of the **Federal Register** to serve as the proposal to approve the SIP revision should an adverse comment be filed. EPA also noted that the rule would be effective generally 30 days after the close of the public comment period, without further notice unless the Agency received adverse comment by the close of the public comment period. EPA explained that if the Agency received such comments, then EPA would publish a document withdrawing the direct final rule and informing the public that the rule would not take effect. It was also explained that all public comments received would then be addressed in a subsequent final rule based on the proposed rule, and that EPA would not institute a second comment period on this action.

EPA received two adverse comments on the aforementioned rule. As a result of these comments received, EPA is withdrawing the direct final rule approving the aforementioned changes to the Alabama SIPs. EPA will address the comments in a separate final action based on the proposed action also published on August 24, 2017 (82 FR 40085). EPA will not open a second comment period for this action.

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 oxides, Volatile organic compounds.

Dated: September 29, 2017.

Onis ''Trey'' Glenn, III,

Regional Administrator, Region 4.

■ Accordingly, the amendments to 40 CFR 52.50(c) published on August 24, 2017 (82 FR 40072), which was to become effective October 23, 2017, is withdrawn.

[FR Doc. 2017–21940 Filed 10–11–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA–R03–OAR–2017–0453; FRL–9969–45—Region 3]

Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; City of Philadelphia; Control of Emissions From Existing Hospital/Medical/Infectious Waste Incinerator Units

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to notify the public that it has received a negative declaration for hospital/medical/infectious waste incinerator (HMIWI) units within the City of Philadelphia. This negative declaration certifies that HMIWI units subject to the requirements of sections 111(d) and 129 of the Clean Air Act (CAA) do not exist within the jurisdictional boundaries of the Philadelphia Air Management Service (AMS). EPA is accepting the negative declaration in accordance with the requirements of the Clean Air Act (CAA).

DATES: This rule is effective on December 11, 2017 without further notice, unless EPA receives adverse written comment by November 13, 2017. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R03–OAR–2017–0453 at *http://www.regulations.gov,* or via email to *aquino.marcos@epa.gov.* For comments submitted at *Regulations.gov,* follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, 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: Mike Gordon, (215) 814–2039, or by email at *gordon.mike@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Sections 111(d) and 129 of the CAA require states to submit plans to control certain pollutants (designated pollutants) at existing solid waste combustor facilities (designated facilities) whenever standards of performance have been established under section 111(b) for new sources of the same type, and EPA has established emission guidelines (EG) for such existing sources. A designated pollutant is any pollutant for which no air quality criteria have been issued, and which is not included on a list published under section 108(a) or section 112(b)(1)(A) of the CAA, but emissions of which are subject to a standard of performance for new stationary sources.

On October 6, 2009 (74 FR 51368), EPA promulgated HMIWI unit new source performance standards, 40 CFR part 60, subpart Ec, and emission guidelines, subpart Ce. These regulations were amended in an April 4, 2011 final rule (76 FR 18407).

The designated facilities to which the EG apply are existing HMIWI units that: (1) Commenced construction on or before June 20, 1996, or for which modification was commenced on or before March 16, 1998; or (2) commenced construction after June 20, 1996 but no later than December 1, 2008, or for which modification commenced after March 16, 1998 but no later than April 6, 2010, with limited

exceptions as provided in paragraphs 40 CFR 60.32e(b) through (h).

Subpart B of 40 CFR part 60 establishes procedures to be followed and requirements to be met in the development and submission of state plans for controlling designated pollutants. Also, 40 CFR part 62 provides the procedural framework for the submission of these plans. When designated facilities are located in a state, the state must then develop and submit a plan for the control of the designated pollutant. However, 40 CFR 60.23(b) and 62.06 provide that if there are no existing sources of the designated pollutant in the state, the state may submit a letter of certification to that effect (*i.e.,* negative declaration) in lieu of a plan. The negative declaration exempts the state from the requirements of subpart B that require the submittal of a 111(d)/129 plan.

II. State Submittal and EPA Analysis

Philadelphia AMS has determined that there are no HMIWI units subject to the requirements of Sections 111(d) and 129 of the CAA in its respective air pollution control jurisdiction. Accordingly, Philadelphia AMS submitted a negative declaration letter to EPA certifying this fact on August 2, 2011. The negative declaration letter and EPA's technical support document for this action are available in the docket for this the docket for this rulemaking and available online at *www.regulations.gov.*

III. Final Action

In this direct final action, EPA is amending part 62 to reflect receipt of the negative declaration letter from Philadelphia AMS. EPA is publishing this rule without prior proposal because EPA views this as a noncontroversial amendment and anticipates no adverse comment. However, in the ''Proposed Rules'' section of this **Federal Register**, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are filed. This rule will be effective on December 11, 2017 without further notice unless EPA receives adverse comment by November 13, 2017. If EPA receives adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

IV. Statutory and Executive Order Reviews

A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely notifies the public of EPA receipt of a negative declaration from an air pollution control agency without any existing HMIWI units in their jurisdiction. This action imposes no requirements. Accordingly, EPA certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this action does not impose any additional enforceable duty beyond that required by state law, it 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). This action also does not have tribal implications because it will 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, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does 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, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves the negative declaration for existing HMIWI units from the Philadelphia AMS and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This action also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant.

With regard to negative declarations for designated facilities received by EPA from states, EPA's role is to notify the public of the receipt of such negative declarations and revise 40 CFR part 62 accordingly. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to approve or disapprove a CAA section 111(d)/129 plan negative declaration submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a CAA section 111(d)/129 negative declaration, to use VCS in place of a section 111(d)/129 negative declaration that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

B. Submission to Congress and the Comptroller General

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).

C. Petitions for Judicial Review

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. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of this **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule

and address the comment in the proposed rulemaking.

This action approving a negative declaration submitted by Philadelphia AMS for HMIWI units may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements, Waste treatment and disposal.

Dated: September 19, 2017.

Cecil Rodrigues,

Acting Regional Administrator, Region III.

40 CFR part 62 is amended as follows:

PART 62—APPROVAL AND PROMULGATION OF STATE PLANS FOR DESIGNATED FACILITIES AND POLLUTANTS

■ 1. The authority citation for part 62 continues to read as follows:

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

Subpart NN—Pennsylvania

■ 2. Add § 62.9663 to read as follows:

§ 62.9663 Identification of plan—negative declaration.

Letter from the City of Philadelphia, Department of Public Health, submitted August 2, 2011, certifying that there are no existing hospital/medical/infectious waste incinerator units within the City of Philadelphia, Pennsylvania that are subject to 40 CFR part 60, subpart Ce.

[FR Doc. 2017–22129 Filed 10–11–17; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

[WT Docket No. 02–55, FCC 04–168]

Improving Public Safety Communications in the 800 MHz Band

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: In this document, the Commission announces that the Office of Management and Budget (OMB) has approved, for a period of three years, the information collection associated with § 90.675. This document is consistent with the Report and Order, which stated that the Commission would publish a document in the **Federal Register** announcing the effective date of the rule.

DATES: 47 CFR 90.675, published at 69 FR 67823, Nov. 22, 2004, is effective October 12, 2017.

FOR FURTHER INFORMATION CONTACT: John A. Evanoff, Policy and Licensing Division, Public Safety and Homeland Security Bureau at (202) 418–0848 or *john.evanoff@fcc.gov.* For additional information concerning the Paperwork Reduction Act information collection requirements, contact Nicole Ongele at (202) 418–2991.

SUPPLEMENTARY INFORMATION: A summary of the 800 MHz Report and Order was published in the **Federal Register** on November 22, 2004, 69 FR 67823. The 800 MHz Report and Order adopted rules designed to abate interference to public safety entities. The summary stated that with the exception of certain rules requiring OMB approval, the rules adopted in the 800 MHz Report and Order would become effective January 21, 2005. With regard to rules requiring OMB approval, the Commission stated it will publish a document in the **Federal Register** announcing the effective date of these rules. The information collection requirements in §§ 22.972, 22.973, 90.674, 90.675, 90.676 and 90.677 were approved by OMB under OMB Control No. 3060–1080. In a separate document published in the **Federal Register** on February 8, 2005, 70 FR 6762, the Commission announced that OMB approved the information collection requirements adopted in the 800 MHz Report and Order. On February 8, 2005, 70 FR 6761, the Commission announced the effective date of §§ 22.972, 22.973, 90.674, 90.676 and 90.677. However, the announcement inadvertently omitted to announce the effective date for the information collection requirements in § 90.675. With publication of the instant document in the **Federal Register**, all rules adopted in the 800 MHz Report and Order are now effective. If you have any comments on the burden estimates listed below, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Nicole Ongele, Federal Communications Commission, Room 1–C823, 445 12th Street SW., Washington, DC 20554. Please include the OMB Control Number, 3060–1080, in your correspondence. The Commission will also accept your comments via email at *PRA@fcc.gov.*

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the FCC is notifying the public that it received final OMB approval on January 27, 2005, for the information collection requirements contained in the modifications to 47 CFR 90.675.

Under 5 CFR part 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number.

No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Number is 3060–1080.

The foregoing notice is required by the Paperwork Reduction Act of 1995, Public Law 104–13, October 1, 1995, and 44 U.S.C. 3507.

The total annual reporting burdens and costs for the respondents are as follows:

OMB Control Number: 3060–1080.

OMB Approval Date: January 27, 2005.

OMB Expiration Date: October 31, 2017.

Title: Improving Public Safety Communications in the 800 MHz Band.

Form Number: N/A.

Respondents: Business or other for profit entities; Not-for-profit institutions, and State, Local or Tribal governments.

Number of Respondents and Responses: 428 respondents; 2,143 responses.

Estimated Time per Response: 0.5 hours–10 hours (4.5 hours average).

Frequency of Response: On occasion reporting requirement and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this information collection is contained in 47 U.S.C. 151, 154, 160, 251–254, 303, and 332.

Total Annual Burden: 7,411 hours.

Total Annual Cost: $7,200.

Nature and Extent of Confidentiality: The Commission will work with respondents to ensure that their concerns regarding the confidentiality of any proprietary or public safety sensitive information are resolved in a manner consistent with the Commission's rules. See 47 CFR 0.459.

Privacy Act: No impact(s).

Needs and Uses: The information sought under §§ 22.972, 22.973, 90.674,

90.675, 90.676 and 90.677 will assist 800 MHz licensees in preventing or resolving interference and enable the Commission to implement its rebanding program. Under that program, certain licensees are being relocated to new frequencies in the 800 MHz band, with all rebanding costs paid by Sprint Nextel Corporation (Sprint). The Commission's overarching objective in this proceeding is to eliminate interference to public safety communications. The Commission's orders provided for the 800 MHz licensees in non-border areas to complete rebanding by June 26, 2008. This completion date was not met and the Commission orders also provide for rebanding to be completed in the areas along the U.S. borders with Canada and Mexico.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2017–22062 Filed 10–11–17; 8:45 am]

BILLING CODE 6712–01–P

NATIONAL TRANSPORTATION SAFETY BOARD

49 CFR Part 831

[Docket No.: NTSB–GC–2017–0001]

RIN 3147–AA20

Civil Monetary Penalty Catch Up Inflation Adjustment and Annual Inflation Adjustment

AGENCY: National Transportation Safety Board (NTSB).

ACTION: Interim Final Rule with request for comments.

SUMMARY: This Interim Final Rule adjusts for inflation the maximum civil penalty that the NTSB may assess against a person for violating certain NTSB statutes and regulations.

DATES: This Interim Final Rule is effective on October 12, 2017. The NTSB will accept written comments on this Interim Final Rule on or before October 27, 2017.

ADDRESSES: A copy of this Interim Final Rule, published in the **Federal Register** (FR), is available for inspection and copying in the NTSB's public reading room, located at 490 L'Enfant Plaza SW., Washington, DC 20594–003. Alternatively, a copy is available on the government-wide Web site on regulations at *http://www.regulations.gov* (Docket ID Number NTSB–GC–2017–0001).

You may send comments identified by Docket ID Number NTSB–GC–2017–0001 using any of the following methods:

1. *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.

2. *Mail:* Send comments to NTSB Office of General Counsel, 490 L'Enfant Plaza East SW., Washington, DC 20594–003.

3. *Facsimile:* Fax comments to 202–314–6090.

4. *Hand Delivery:* Bring comments to 490 L'Enfant Plaza East SW., 6th Floor, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Legal public holidays.

Privacy: We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Sean Dalton, Acting General Counsel, (202) 314–6389.

SUPPLEMENTARY INFORMATION:

I. Background

Pursuant to 49 U.S.C. 1155(a), the NTSB may impose a civil penalty up to $1,000 on a person who violates 49 U.S.C. 1132 (prescribing the NTSB's general authority to investigate aircraft accidents); 1134(b) (governing NTSB inspection and testing of aircraft and property on an aircraft); 1134(f)(1) (permitting the NTSB to conduct or order autopsies); 1136(g) (prohibiting attorneys from sending unsolicited communications to victims of aircraft accidents or their family members).

The $1,000 maximum civil penalty amount must be adjusted for inflation in several ways. First, the NTSB must publish a catch-up adjustment to account for the effect of inflation since the maximum amount was established by Congress. Federal Civil Penalties Inflation Adjustment Act of 1990, Public Law 101–410, 104 Stat. 890, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, Public Law 114–74, sec. 701, 129 Stat. 584 (codified at 28 U.S.C. 2461 note) (hereinafter ''Inflation Adjustment Act'').[1] Second, the NTSB must publish an annual inflationary adjustment no later than January 15th of each year, beginning in 2017. The Office of Management and Budget (OMB) has published guidance on the initial catch-up adjustment, OMB, M 16–06, *Implementation of the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015* (2016) (hereinafter ''OMB catch-up guidance''), and the 2017 yearly adjustment. OMB, M 17–11, *Implementation of the 2017 annual adjustment pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015* (2016) (hereinafter ''OMB annual guidance''). This Interim Final Rule combines the NTSB's catch-up adjustment that was due by July 1, 2016, and the NTSB's 2017 annual inflation adjustment. *See* OMB annual guidance, *supra,* at 4 (stating that agencies can finalize their catch-up adjustments in the same rulemaking as their annual adjustments).

[1] The 2015 Act replaced inflation adjustment procedures established by the Debt Collection Improvement Act of 1996, Public Law 104–134, sec. 31001(s)(1), 110 Stat. 1321–373.

II. The Catch-Up Adjustment

A. The Catch-Up Adjustment Increases the NTSB's $1,000 Maximum Penalty Amount to $1,591

In order to complete the catch-up adjustment required by the Inflation Adjustment Act, the NTSB must first identify the year in which the $1,000 maximum penalty amount was either (1) established by Congress, or (2) last adjusted by Congress or the agency through regulation, other than pursuant to the Inflation Adjustment Act, whichever is later. Next, the NTSB must modify the maximum penalty amount based on the percentage by which the Consumer Price Index for all Urban Consumers (CPI–U) for the month of October 2015, not seasonally adjusted, exceeds the CPI–U for the month of October for the calendar year when the penalty amount was established or last adjusted. 28 U.S.C. 2461 note, sec 4(a), 5(b)(2); OMB catch-up guidance, *supra,* at 3. The OMB catch-up guidance contains a table listing multipliers that can be used to adjust the maximum penalty amount based on the year the penalty was established or last adjusted (the ''CPI–U Multiplier''). OMB catch-up guidance, *supra,* at 6. After applying this multiplier, the NTSB must round all penalty amounts to the nearest dollar. 28 U.S.C. 2461 note, sec. 5(a).

The $1,000 maximum penalty amount was established in 1994, Public Law 103–272, sec. 1(d), 108 Stat. 745 (1994), and has not since been modified. 49 U.S.C. 1155(a). OMB's CPI–U Multiplier for 1994 is 1.59089. OMB catch-up guidance, *supra,* at 6. A maximum penalty amount of $1,000 multiplied by 1.59089 equals $1,590.89. Rounding to the nearest dollar equals $1,591. This is less than a 150% increase, and therefore does not need to be reduced. 28 U.S.C. 2461 note, sec. 5(b)(2)(C); OMB catch-up guidance, *supra,* at 8.

B. The NTSB Will Not Seek an Adjustment Below the Otherwise Required Catch-Up Adjustment Amount

The Inflation Adjustment Act permits the NTSB to adjust the maximum civil penalty amount by less than the required amount if OMB concurs and the NTSB determines that the required adjustment will have a negative economic impact, or the social costs will outweigh the benefits. 28 U.S.C. 2461 note, sec. 4(c). The NTSB is not seeking an adjustment below the otherwise required amount. The required catch-up adjustment amount is sufficient to deter violations of the NTSB's statutes and regulations, and the NTSB does not perceive that a negative economic impact or social cost will result from the catch-up adjustment.

III. The Annual Adjustment

The maximum civil penalty amount established by the catch-up adjustment, $1,591, must be adjusted annually for inflation by January 15th of each year, beginning in 2017. 28 U.S.C. 2461 note, sec. 4(b); OMB annual guidance, *supra,* at 1. The OMB annual guidance states that the CPI–U multiplier representing the increase from the October 2015 CPI–U to the October 2016 CPI–U is 1.01636. OMB annual guidance, *supra,* at 1. Multiplying $1,591 times 1.01636 equals $1617.02876. Rounding to the nearest dollar equals $1,617.

The new maximum penalty amount applies only to civil penalties assessed after the effective date of this Interim Final Rule. The NTSB will next adjust this amount for inflation by January 15, 2018.

IV. Regulatory Analysis

The Inflation Adjustment Act requires the NTSB to complete its catch-up adjustment in an Interim Final Rule. 28 U.S.C. 2461 note, sec. 4(b)(1)(A). Similarly, the Act provides that annual adjustments shall be completed ''notwithstanding [5 U.S.C. 553]''. 28 U.S.C. 2461 note, sec. 4(b)(2).

This rule does not require an assessment of its potential costs and benefits under section 6(a)(3) of E.O. 12866, *Regulatory Planning and Review,* 58 FR 51735 (Sept. 30, 1993), because it is not a ''significant regulatory action'' under section 3(f) of that Order. Thus, the Office of Management and Budget has not reviewed this rule under E.O. 12866. Likewise, this rule does not require an analysis under the Unfunded Mandates Reform Act, 2 U.S.C. 1501–71, or the National Environmental Policy Act, 42 U.S.C. 4321–47.

The NTSB does not anticipate this rule will have a substantial, direct effect on state or local governments or will preempt state law; as such, this rule does not have implications for federalism under E.O. 13132, *Federalism,* 64 FR 43255 (Aug. 4, 1999).

This rule also complies with all applicable standards in sections 3(a) and 3(b)(2) of E.O. 12988, *Civil Justice Reform,* 61 FR 4729 (Feb. 5, 1996), to minimize litigation, eliminate ambiguity, and reduce burden.

NTSB has evaluated this rule under: E.O. 12630, *Governmental Actions and Interference With Constitutionally Protected Property Rights,* 53 FR 8859 (Mar. 15, 1988); E.O. 13045, *Protection of Children From Environmental Health Risks and Safety Risks,* 62 FR 19885 (Apr. 21, 1997); E.O. 13175, *Consultation and Coordination With Indian Tribal Governments,* 65 FR 67249 (Nov. 6, 2000); E.O. 13211, *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,* 66 FR 28355 (May 18, 2001); and the National Technology Transfer and Advancement Act, Public Law 104–113, 110 Stat. 775, Mar. 7, 1996. The NTSB has concluded that this Interim Final Rule neither violates, nor requires further consideration under those Orders and statutes.

The NTSB invites comments relating to any of the foregoing determinations and notes the most helpful comments reference a specific portion of this Interim Final Rule, explain the reason for any recommended change, and include supporting data.

List of Subjects in 49 CFR Part 831

Aircraft accidents, Aircraft incidents, Aviation safety, Hazardous materials transportation, Highway safety, Investigations, Marine safety, Pipeline safety, Railroad safety.

Accordingly, for the reasons stated in the Preamble, the NTSB amends 49 CFR part 831 as follows:

PART 831—INVESTIGATION PROCEDURES

■ 1. The authority citation for part 831 is revised to read as follows:

Authority: 49 U.S.C. 1113(f).

Section 831.15 also issued under Pub. L. 101–410, 104 Stat. 890, amended by Pub. L. 114–74, sec. 701, 129 Stat. 584 (28 U.S.C. 2461 note).

■ 2. Add § 831.15 to read as follows:

§ 831.15 Civil penalties.

The NTSB is required by the Federal Civil Penalties Inflation Adjustment Act of 1990, Public Law 101–410, 104 Stat. 890, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, Public Law 114–74, sec. 701, 129 Stat. 584 (codified at 28 U.S.C. 2461 note) to adjust the maximum amount of each civil monetary penalty within its jurisdiction by the rate of inflation. Accordingly, for violations of 49 U.S.C. 1132, 1134(b), 1134(f)(1), or 1136(g), the NTSB may assess a civil penalty pursuant to 49 U.S.C. 1155(a) no greater than $1,617 against any person, except a member of the armed forces of the United States or an employee of the Department of Defense subject to the Uniform Code of Military Justice, when the member or employee is performing official duties.

Robert L. Sumwalt III,

Chairman.

[FR Doc. 2017–21902 Filed 10–11–17; 8:45 am]

BILLING CODE 7533–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 161020985–7181–02]

RIN 0648–XF731

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

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting retention of sculpins in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary because the 2017 sculpins initial total allowable catch (ITAC) in the BSAI has been reached.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), October 6, 2017, through 2400 hrs, A.l.t., December 31, 2017.

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 907–586–7228.

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

appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2017 sculpins ITAC in the BSAI is 3,825 metric tons (mt) as established by the final 2017 and 2018 harvest specifications for groundfish in the BSAI (82 FR 11826, February 27, 2017). In accordance with § 679.20(d)(2), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2017 sculpins ITAC in the BSAI has been reached. Therefore, NMFS is requiring that sculpins caught in the BSAI be treated as prohibited species in accordance with § 679.21(b).

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay prohibiting retention of sculpins in the BSAI. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as September 28, 2017.

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

This action is required by § 679.20 and § 679.21 and is exempt from review under Executive Order 12866.

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

Dated: October 6, 2017.

Emily H. Menashes,

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

[FR Doc. 2017–22081 Filed 10–6–17; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 161020985–7181–02]

RIN 0648–XF736

Fisheries of the Exclusive Economic Zone Off Alaska; Other Rockfish in the Aleutian Islands Subarea of the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting retention of ''other rockfish'' in the Aleutian Islands subarea of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary because the 2017 ''other rockfish'' total allowable catch (TAC) in the Aleutian Islands subarea of the BSAI has been reached.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), October 6, 2017, through 2400 hrs, A.l.t., December 31, 2017.

FOR FURTHER INFORMATION CONTACT: Josh Keaton, 907–586–7228.

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

The 2017 ''other rockfish'' TAC in the Aleutian Islands subarea of the BSAI is 550 metric tons (mt) as established by the final 2017 and 2018 harvest specifications for groundfish in the BSAI (82 FR 11826; February 27, 2017).

In accordance with § 679.20(d)(2), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2017 ''other rockfish'' TAC in the Aleutian Islands subarea of the BSAI has been reached. Therefore, NMFS is requiring that ''other rockfish'' caught in the Aleutian Islands subarea of the BSAI be treated as prohibited species in accordance with § 679.21(b) and be discarded at sea with a minimum of injury. ''Other rockfish'' includes all Sebastes and Sebastolobus species except for Pacific ocean perch, northern rockfish, shortraker rockfish, and rougheye rockfish.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay prohibiting retention of ''other rockfish'' in the Aleutian Islands subarea of the BSAI. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as September 28, 2017.

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

This action is required by § 679.20 and § 679.21 and is exempt from review under Executive Order 12866.

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

Dated: October 6, 2017.

Emily H. Menashes,

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

[FR Doc. 2017–22090 Filed 10–6–17; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 160920866–7167–02]

RIN 0648–XF725

Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2017 Gulf of Alaska Pollock Seasonal Apportionments

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

ACTION: Temporary rule; inseason adjustment.

SUMMARY: NMFS is adjusting the 2017 D seasonal apportionments of the total allowable catch (TAC) for pollock in the Gulf of Alaska (GOA) by re-apportioning unharvested pollock TAC in Statistical Areas 610, 620, and 630 of the GOA. This action is necessary to provide opportunity for harvest of the 2017 pollock TAC, consistent with the goals and objectives of the Fishery Management Plan for Groundfish of the Gulf of Alaska.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), October 6, 2017, until 2400 hours A.l.t., December 31, 2017.

FOR FURTHER INFORMATION CONTACT: Josh Keaton, 907–586–7228.

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

The annual pollock TACs in Statistical Areas 610, 620, and 630 of the GOA are apportioned among four seasons, in accordance with § 679.23(d)(2). Regulations at § 679.20(a)(5)(iv)(B) allow the underharvest of a seasonal apportionment to be added to subsequent seasonal apportionments, provided that any revised seasonal apportionment does not exceed 20 percent of the seasonal apportionment for a given statistical area. Therefore, NMFS is increasing the D season apportionment of pollock in Statistical Areas 610, 620, and 630 of the GOA to reflect the underharvest of pollock in those areas during the C season. In addition, any underharvest remaining beyond 20 percent of the originally specified seasonal apportionment in a particular area may be further apportioned to other statistical areas. Therefore, NMFS also is increasing the D season apportionment of pollock to Statistical Areas 610 and 630 based on the underharvest of pollock in Statistical Areas 620 of the GOA. These adjustments are described below.

The D seasonal apportionment of the 2017 pollock TAC in Statistical Area 610 of the GOA is 19,569 metric tons (mt) as established by the final 2017 and 2018 harvest specifications for groundfish of the GOA (82 FR 12032; February 27, 2017). In accordance with § 679.20(a)(5)(iv)(B), the Administrator, Alaska Region, NMFS (Regional Administrator), hereby increases the D season apportionment for Statistical Area 610 by 653 mt to account for the overharvest of the TAC in Statistical Area 610 and the underharvest of the TAC in Statistical Area 620 in the C season. This increase is in proportion to the estimated pollock biomass and is not greater than 20 percent of the D seasonal apportionment of the TAC in Statistical Area 610. Therefore, the revised D seasonal apportionment of the pollock TAC in Statistical Area 610 is 20,222 mt (19,569 mt plus 653 mt).

The D seasonal apportionment of the pollock TAC in Statistical Area 620 of the GOA is 12,341 mt as established by the final 2017 and 2018 harvest specifications for groundfish of the GOA (82 FR 12032; February 27, 2017). In accordance with § 679.20(a)(5)(iv)(B), the Regional Administrator hereby increases the D seasonal apportionment for Statistical Area 620 by 2,468 mt to account for the underharvest of the TAC in Statistical Areas 620 in the C season. This increase is not greater than 20 percent of the D seasonal apportionment of the TAC in Statistical Area 620. Therefore, the revised D seasonal apportionment of the pollock TAC in Statistical Area 620 is 14,809 mt (12,341 mt plus 2,468 mt).

The D seasonal apportionment of pollock TAC in Statistical Area 630 of the GOA is 15,886 mt as established by the final 2017 and 2018 harvest specifications for groundfish of the GOA (82 FR 12032; February 27, 2017). In accordance with § 679.20(a)(5)(iv)(B), the Regional Administrator hereby increases the D seasonal apportionment for Statistical Area 630 by 2,435 mt to account for the underharvest of the TAC in Statistical Areas 620 and 630 in the C season. This increase is in proportion to the estimated pollock biomass and is not greater than 20 percent of the D seasonal apportionment of the TAC in Statistical Area 630. Therefore, the revised D seasonal apportionment of pollock TAC in Statistical Area 630 is 18,321 mt (15,886 mt plus 2,435 mt).

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would provide opportunity to harvest increased pollock seasonal apportionments. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of October 1, 2017.

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

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

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

Dated: October 5, 2017.

Emily H. Menashes,

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

[FR Doc. 2017–21970 Filed 10–6–17; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 82, No. 196
Thursday, October 12, 2017

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0817; Product Identifier 2017–NE–30–AD]

RIN 2120–AA64

Airworthiness Directives; Pratt & Whitney Division Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all Pratt & Whitney Division (PW) PW4052, PW4056, PW4060, PW4062, PW4062A, PW4152, PW4156A, PW4158, PW4460, and PW4462 turbofan engine models, including engines identified with suffixes –1C, –1E, –3, –3A, or –3B. This proposed AD was prompted by the discovery of multiple cracked 4th stage low-pressure turbine (LPT) air seals in the fleet. This proposed AD requires removal from service of certain air seals. We are proposing this AD to correct the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by November 27, 2017.

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

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

For service information identified in this NPRM, contact Pratt & Whitney Division, 400 Main St., East Hartford, CT 06118; phone: 800–565–0140; fax: 860–565–5442. You may view this service information at the FAA, Engine and Propeller Standards Branch, 1200 District Avenue, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0817; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Jo-Ann Theriault, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7105; fax: 781–238–7199; email: *jo-ann.theriault@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2017–0817; Product Identifier 2017–NE–30–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM because of those comments.

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

Discussion

We were notified of the discovery of multiple cracked 4th stage LPT air seals, part number (P/N) 50N346. This proposed AD requires removal from service of certain air seals. Replacement of the air seal also requires replacement of the 4th stage LPT vane cluster honeycomb. This condition, if not corrected, could result in failure of the air seal, uncontained air seal release, damage to the engine, and damage to the airplane.

Related Service Information

We reviewed PW Alert Service Bulletin (SB) No. PW4ENG A72–830, Revision 1, dated May 2, 2017. This PW Alert SB provides instructions for replacement of the 4th stage LPT air seal. We also reviewed Cleaning Inspection Repair (CIR) Manual, P/N 51A357, Task 72–53–24, Repair-02. This CIR Manual provides guidance for 4th stage LPT vane cluster honeycomb replacement repair. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

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

Proposed AD Requirements

This proposed AD would require replacing 4th stage LPT air seals, P/N 50N346.

Costs of Compliance

We estimate that this proposed AD affects 991 engines installed on airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replacement of air seal	0 work-hours × $85 per hour = $0	$13,800	$13,800	$13,675,800

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Pratt & Whitney Division: Docket No. FAA–2017–0817 Product Identifier 2017–NE–30–AD.

(a) Comments Due Date

We must receive comments by November 27, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Pratt & Whitney Division (PW) PW4052, PW4056, PW4060, PW4062, PW4062A, PW4152, PW4156A, PW4158, PW4460, and PW4462 turbofan engine models, including engines identified with suffixes –1C, –1E, –3, –3A, or –3B, with 4th stage low-pressure turbine (LPT) air seal, part number (P/N) 50N346, installed.

(d) Subject

Joint Aircraft System Component (JASC) Code 7240, Turbine Engine Combustion Section.

(e) Unsafe Condition

This AD was prompted by the discovery of multiple cracked air seals. We are issuing this AD to prevent failure of the 4th stage LPT air seal, uncontained air seal release, damage to the engine, and damage to the airplane.

(f) Compliance

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

(1) At the next disassembly of the LPT module, remove 4th stage air seal, P/N 50N346, from service and replace with a part eligible for installation.

(2) Reserved.

(g) Installation Prohibition

After the effective date of this AD, do not install any 4th stage LPT air seal, P/N 50N346, into any LPT module.

(h) Alternative Methods of Compliance (AMOCs)

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

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

(i) Related Information

(1) For more information about this AD, contact Jo-Ann Theriault, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7105; fax: 781–238–7199; email: *jo-ann.theriault@faa.gov.*

(2) For service information identified in this AD, contact Pratt & Whitney Division, 400 Main St., East Hartford, CT 06118; phone: 800–565–0140; fax: 860–565–5442. You may view this referenced service information at the FAA, Engine and Propeller Standards Branch, 1200 District Avenue, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

Issued in Burlington, Massachusetts, on September 29, 2017.

Robert J. Ganley,

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

[FR Doc. 2017–21558 Filed 10–11–17; 8:45 am]

BILLING CODE 4910–13–P

SUSQUEHANNA RIVER BASIN COMMISSION

18 CFR Part 801

General Policies

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice of proposed rulemaking; notice of public hearing.

SUMMARY: This document contains proposed rules that would codify in the regulations and strengthen the Susquehanna River Basin Commission's (Commission) Access to Records Policy providing rules and procedures for the public to request and receive the Commission's public records.

DATES: Comments on the proposed rulemaking may be submitted to the Commission on or before November 13, 2017. The Commission has scheduled a public hearing on the proposed rulemaking on November 2, 2017, 2:30 p.m. to 5 p.m. or at the conclusion of public testimony, whichever is sooner.

ADDRESSES: Comments may be mailed to: Jason E. Oyler, Esq., General Counsel, Susquehanna River Basin Commission, 4423 N. Front Street, Harrisburg, PA 17110–1788, or by email to *regcomments@srbc.net.* The public hearing is located in Harrisburg, Pennsylvania, State Capitol (East Wing, Room 8E–B), Commonwealth Avenue, Harrisburg, PA 17120.

Those wishing to testify are asked to notify the Commission in advance, if possible, at the regular or electronic addresses given below.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, Esq., General Counsel, telephone: (717) 238–0423, ext. 1312; fax: (717) 238–2436; email: *joyler@srbc.net.* Also, for further information on the proposed rulemaking, visit the Commission's Web site at *http://www.srbc.net.*

SUPPLEMENTARY INFORMATION: The Commission has long made its records available to the public but it has never formalized its open records policy in regulation. The Commission first promulgated its ''Freedom of Information Policy'' on January 11, 1979. As an interstate compact agency, no single member jurisdiction may subject the Commission to its open records law. *See C.T. Hellmuth & Associates* v. *Washington Metropolitan Area Transit Authority,* 414 F. Supp. 408 (D. Md. 1976) (holding that Maryland could not unilaterally subject transit authority to the provision of the Maryland Public Information Act). In recognition of this limitation, the Commission developed its policy ''in line with Freedom of Information legislation enacted by all four signatory jurisdictions.'' *See* Minutes of Commission Meeting (Jan. 11, 1979). As noted in the January 11, 1979, meeting minutes of the Commission, the Policy ''merely formalized the current Commission practice of making its records available to the furthest extent possible.''

The Commission updated its open records policy on September 10, 2009, by adopting its ''Access to Records Policy,'' Policy No. 2009–02 on September 10, 2009. This policy replaced the 1979 Freedom of Information Policy. The updated policy reflected the practice of the Commission's member jurisdictions, recognized records in electronic format as being subject to public access and added a formal procedure for the protection of confidential information submitted by project sponsors and a procedure for the public to challenge the designation of this information as confidential. This revised policy also provided that the Commission ''will endeavor to make as much information as possible available on its Web site . . . , in an effort to eliminate the need for many records requests.'' For example, the Commission provides all of its approved dockets on its Web site, as well as information summaries for each docket or project application pending before the Commission, policies, reports, publications and data from its water quality monitoring programs.

The Commission believes the results of this policy have been successful. From 2012 through 2016, the Commission provided records to 152 distinct records requests in writing for documents data or information, as well as innumerable informal requests. The Commission Web site has been a well-used public resource and repository for records. In the past 12 months, the Commission Web site has received 121,213 visits from 26,522 unique visitors. The Commission Water Application and Approval Viewer, where the public can view Commission dockets and pending application information, was recently upgraded to increase its functionality and ease of use and received 16,593 unique page views over the past 12 months. Similarly, the Commission water quality network data landing page received 9,904 unique page views over this same time period.

The Commission wishes to continue this long tradition of transparency by further formalizing the key elements of its Access to Records Policy in duly promulgated regulations. The Commission is not looking to replace the policy, but rather to memorialize the key tenets of the policy in regulation. Through this action, the Commission will be codifying its commitment to public access to records in a way that imbues them with the status of law that can be enforceable against the Commission.

The Commission's 2009 Access to Records Policy can be found at: *http://www.srbc.net/pubinfo/docs/2009-02_Access_to_Records_Policy_20140115.pdf.* The Commission's current records processing fee schedule can be found at: *http://www.srbc.net/pubinfo/docs/RecordsProcessingFeeScheduleUpdatedAddress.pdf.*

List of Subjects in 18 CFR Part 801

Administrative practice and procedure, Water resources.

Accordingly, for the reasons set forth in the preamble, the Susquehanna River Basin Commission proposes to amend 18 CFR part 801 as follows:

PART 801—GENERAL POLICIES

■ 1. The authority citation for part 801 is revised to read as follows:

Authority: Secs. 3.1, 3.4, 3.5(1), 15.1 and 15.2, Pub. L. 91–575 (84 Stat. 1509 *et seq.*)

■ 2. Add § 801.14 to read as follows:

§ 801.14 Public access to records.

(a) *Purpose.* The Commission, as an independent compact agency, is not subject to any of its member jurisdictions' laws regarding public access to records. Nevertheless, the Commission wishes to assure, to the maximum extent practicable, the availability of Commission records consistent with the Susquehanna River Basin Compact. The Commission shall maintain an ''Access to Records Policy'' that outlines the details and procedures related to public access to the Commission's records. Any revisions to this policy shall be consistent with this section and undertaken in accordance with appropriate public notice and comment consistent with requirements of 18 CFR 808.1.

(b) *Scope.* This section shall apply to all recorded information, regardless of whether the information exists in written or electronic format. There is a strong presumption that records shall be public, except where considerations of privacy, confidentiality, and security must be considered and require thoughtful balancing. The Commission shall identify types of records that are not subject to public access, including but not limited to:

(1) Personnel or employment records;

(2) Trade secrets, copyrighted material, or any other confidential business information;

(3) Records exempted from disclosure by statute, regulation, court order, or recognized privilege;

(4) Records reflecting internal pre-decisional deliberations;

(5) Records reflecting employee medical information, evaluations, tests or other identifiable health information;

(6) Records reflecting employee personal information, such as social security number, driver's license number, personal financial information, home addresses, home or personal cellular numbers, confidential personal information, spouse names, marital status or dependent information;

(7) Investigatory or enforcement records that would interfere with active enforcement proceedings or individual due process rights, disclose the identity of public complainants or confidential sources or investigative techniques or endanger the life or safety of Commission personnel; or

(8) Records related to emergency procedures, facilities or critical infrastructure.

(c) *Procedures.* The Access to Records Policy will detail the necessary procedures for requesting records and processing records requests:

(1) Requests shall be in writing and shall be reasonably specific;

(2) The Commission shall identify an Access to Records Officer to handle requests;

(3) The Commission shall respond to a records request within a reasonable time and in consideration of available resources and the nature of the request;

(4) The Commission shall not be required to create a record that does not already exist, or to compile, maintain, format or organize a public record in a manner in which the Commission does not currently do so;

(5) A procedure shall be identified for electronic transfer, copying or otherwise providing records in a manner that maintains the integrity of the Commission's files; and

(6) A procedure shall be identified for handling review of requests that seek access to information that has been identified as confidential and for notifying the person(s) who submitted the confidential information that it is subject to a records request.

(d) *Fees.* The Commission shall adopt and maintain a ''Records Processing Fee Schedule.'' The fees shall be calculated to reflect the actual costs to the Commission for processing records requests and may include the costs of reproducing records and the cost to search, prepare and/or redact records for extraordinary requests.

(e) *Appeals.* Any person aggrieved by a Commission action on a records request shall have 30 days to appeal a decision in accordance with 18 CFR 808.2.

Dated: October 5, 2017.

Stephanie L. Richardson,

Secretary to the Commission.

[FR Doc. 2017–21975 Filed 10–11–17; 8:45 am]

BILLING CODE 7040–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–116256–17]

RIN 1545–BN94

Streamlining the Section 754 Election Statement

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed amendments to the regulation relating to the requirements for making a valid election under section 754 of the Internal Revenue Code of 1986 (Code), as amended. The proposed regulation affects partnerships and their partners by removing a regulatory burden in making an election to adjust the basis of partnership property.

DATES: Electronic or written comments and requests for a public hearing must be received by November 13, 2017.

ADDRESSES: Send submissions to Internal Revenue Service, CC:PA:LPD:PR (REG–116256–17), Room 5203, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand-delivered Monday through Friday between the hours of 8 a.m. and 4 p.m. to CC:PA:LPD:PR (REG–116256–17), Courier's Desk, 1111 Constitution Avenue NW., Washington, DC 20224, or sent electronically, via the Federal eRulemaking Portal at *www.regulations.gov* (indicate IRS and REG–116256–17).

FOR FURTHER INFORMATION CONTACT: Concerning the proposed regulation, Meghan Howard, at (202) 317–5055; concerning submissions of comments and requests for a public hearing, Regina Johnson, at (202) 317–6901 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background and Explanation of Provision

This document contains proposed amendments to 26 CFR part 1 under section 754 of the Code. Specifically, these proposed amendments would remove the signature requirement contained in § 1.754–1(b) (current regulation) in order to eliminate a regulatory burden.

Section 754 provides that if a partnership files an election (section 754 election), in accordance with regulations prescribed by the Secretary, the basis of partnership property shall be adjusted, in the case of a distribution of property, in the manner provided in section 734 and, in the case of a transfer of a partnership interest, in the manner provided in section 743. Such an election applies with respect to all distributions of property by the partnership and to all transfers of interests in the partnership during the taxable year with respect to which such election was filed and all subsequent taxable years. Such election may be revoked by the partnership, subject to such limitations as may be provided by regulations prescribed by the Secretary.

The current regulation provides the method to make the section 754 election and states in relevant part that a section 754 election shall be made in a written statement (section 754 election statement) filed with the partnership return for the taxable year during which the distribution or transfer occurs. For the section 754 election to be valid, the return must be filed not later than the time prescribed for filing the return for such taxable year, including extensions. The current regulation requires that the section 754 election statement (i) set forth the name and address of the partnership making the election, (ii) be signed by any one of the partners, and (iii) contain a declaration that the partnership elects under section 754 to apply the provisions of section 734(b) and section 743(b). Accordingly, under the current regulation, a partnership that files an unsigned section 754 election statement with its partnership return (whether filed electronically or in paper) has not made a valid section 754 election.

Currently the only remedy for failing to make a proper section 754 election is to request ''9100 relief'' to make a late section 754 election either: (1) Through automatic relief, if the error is discovered within 12 months pursuant to § 301.9100–2 of the Procedure and Administration Regulations; or (2) through a private letter ruling request pursuant to § 301.9100–3. The IRS has received numerous requests for 9100

relief with respect to unsigned section 754 election statements, especially where returns have been filed electronically. In order to ease the burden on partnerships seeking to make a valid section 754 election and to eliminate the need to seek 9100 relief, the Treasury Department and the IRS are proposing to amend the current regulation to remove the signature requirement in § 1.754–1(b)(1). The amended regulation will provide that a taxpayer making a section 754 election must file a statement with its return that: (i) Sets forth the name and address of the partnership making the section 754 election, and (ii) contains a declaration that the partnership elects under section 754 to apply the provisions of section 734(b) and section 743(b).

Proposed Applicability Date

The amendments to this regulation are proposed to apply to taxable years ending on or after the date of publication of the Treasury decision adopting these rules as a final regulation in the **Federal Register**. Taxpayers, however, may rely on this proposed regulation for periods preceding the proposed applicability date. Accordingly, partnerships that filed a timely partnership return containing an otherwise valid section 754 election statement, but for the missing signature of a partner on the statement, will not need to seek 9100 relief in such cases.

Special Analyses

Certain IRS regulations, including this one, are exempt from the requirements of Executive Order 12866, as supplemented and reaffirmed by Executive Order 13563. Therefore, a regulatory impact assessment is not required. It is hereby certified that this regulation, if adopted, would not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. chapter 6). This certification is based on the fact that this regulation reduces the information currently required to be collected in making an election to adjust the basis of partnership property and thereby reduces burden on small entities. Pursuant to section 7805(f) of the Code, this regulation has been submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small businesses.

Comments and Requests for a Public Hearing

Before this proposed regulation is adopted as a final regulation, consideration will be given to any comments that are submitted timely to the IRS as prescribed in this preamble under the **ADDRESSES** heading. The Treasury Department and the IRS request comments on all aspects of the proposed regulation. All comments will be available at *www.regulations.gov* or upon request. A public hearing will be scheduled if requested in writing by any person that timely submits written comments. If a public hearing is scheduled, notice of the date, time, and place for the public hearing will be published in the **Federal Register**.

Drafting Information

The principal author of this regulation is Meghan M. Howard of the Office of the Associate Chief Counsel (Passthroughs and Special Industries). However, other personnel from the Treasury Department and the IRS participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Proposed Amendment to the Regulations

Accordingly, 26 CFR part 1 is proposed to be amended as follows:

PART 1—INCOME TAXES

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

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

Section 1.754–1 also issued under 26 U.S.C. 754.

■ **Par 2.** Section 1.754–1 is amended by revising the fourth sentence of paragraph (b)(1) and adding new paragraph (d) to read as follows:

§ 1.754–1 Time and manner of making election to adjust basis of partnership property.

* * * * *

(b) * * *

(1) * * * The statement required by this paragraph (b)(1) must set forth the name and address of the partnership making the election, and contain a declaration that the partnership elects under section 754 to apply the provisions of section 734(b) and section 743(b). * * *

* * * * *

(d) Applicability date. The fourth sentence of paragraph (b)(1) of this section applies to taxable years ending on or after the date these regulations are published as final regulations in the **Federal Register**. Taxpayers may, however, rely on the fourth sentence of paragraph (b)(1) of this section for periods prior to the date these regulations are published as final regulations in the **Federal Register**.

Kirsten Wielobob,

Deputy Commissioner for Services and Enforcement.

[FR Doc. 2017–22080 Filed 10–11–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

29 CFR Part 2560

RIN 1210–AB39

Claims Procedure for Plans Providing Disability Benefits; Extension of Applicability Date

AGENCY: Employee Benefits Security Administration, Department of Labor.

ACTION: Proposed rule.

SUMMARY: The Department of Labor proposes to delay for ninety (90) days—through April 1, 2018—the applicability of the Final Rule amending the claims procedure requirements applicable to ERISA-covered employee benefit plans that provide disability benefits. The Final Rule was published in the **Federal Register** on December 19, 2016, and became effective on January 18, 2017. The Final Rule currently is scheduled to apply to claims for disability benefits under ERISA-covered employee benefit plans that are filed on or after January 1, 2018. Following publication of the Final Rule, various stakeholders and members of Congress asserted that it will drive up disability benefit plan costs, cause an increase in litigation, and in so doing impair workers' access to disability insurance benefits. Pursuant to Executive Order 13777, the Department of Labor has concluded that it is appropriate to give the public an additional opportunity to submit comments and data concerning potential impacts of the Final Rule. The Department of Labor will carefully consider the submitted comments and data as part of its effort to examine regulatory alternatives that meet its objectives of ensuring the full and fair review of disability benefit claims while not imposing unnecessary costs and adverse consequences. The Department of Labor accordingly seeks public comment on a proposed 90-day delay of the applicability of the Final Rule in order to solicit additional public input and examine regulatory alternatives. If this proposal is finalized, the amendments made on December 19,

2016, would become applicable to claims for disability benefits that are filed after April 1, 2018, rather than January 1, 2018.

DATES: Comments on the proposal to extend the applicability date for 90 days must be submitted to the Department on or before October 27, 2017. Comments providing data and otherwise germane to the examination of the merits of rescinding, modifying, or retaining the rule must be submitted to the Department on or before December 11, 2017.

FOR FURTHER INFORMATION CONTACT: Frances P. Steen, Office of Regulations and Interpretations, Employee Benefits Security Administration, (202) 693–8500. This is not a toll free number.

ADDRESSES: You may submit written comments, identified by RIN 1210–AB39, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: e-ORI@dol.gov.* Include RIN 1210–AB39 in the subject line of the message.
- *Mail:* Office of Regulations and Interpretations, Employee Benefits Security Administration, Room N–5655, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210, Attention: Claims Procedure for Plans Providing Disability Benefits Examination.

Instructions: All submissions received must include the agency name and RIN for this rulemaking. Persons submitting comments electronically are encouraged to submit only by one electronic method and not to submit paper copies. Comments will be available to the public, without charge, online at *http://www.regulations.gov* and *http://www.dol.gov/ebsa* and at the Public Disclosure Room, Employee Benefits Security Administration, Suite N–1513, 200 Constitution Avenue NW., Washington, DC 20210.

Warning: Do not include any personally identifiable or confidential business information that you do not want publicly disclosed. Comments are public records and are posted on the Internet as received, and can be retrieved by most internet search engines.

SUPPLEMENTARY INFORMATION: Section 503 of the Employee Retirement Income Security Act of 1974, as amended (''ERISA''), requires that every employee benefit plan shall establish and maintain reasonable procedures governing the filing of benefit claims, notification of benefit determinations, and appeal of adverse benefit determinations. In accordance with its authority under ERISA section 503, and its general regulatory authority under ERISA section 505, the Department of Labor (''Department'') long ago established regulations setting forth minimum requirements for employee benefit plan procedures pertaining to claims for benefits by participants and beneficiaries. 29 CFR § 2560.503–1.

On December 19, 2016, the Department published a final regulation (''Final Rule'') amending the existing claims procedure regulation; the Final Rule revised the claims procedure rules for ERISA-covered employee benefit plans that provide disability benefits. The Final Rule was made effective January 18, 2017, but the Department delayed its applicability until January 1, 2018, in order to provide adequate time for disability benefit plans and their affected service providers to adjust to it, as well as for consumers and others to understand the changes made.

The Final Rule requires that plans, plan fiduciaries, and insurance providers comply with certain requirements when dealing with disability benefit claimants. In summary, the Final Rule includes the following requirements for the processing of claims and appeals for disability benefits:

- *Disclosure Requirements.* Benefit denial notices must contain a more complete discussion of why the plan denied a claim and the standards it used in making the decision. For example, notices must include a discussion of the basis for disagreeing with a disability determination made by the Social Security Administration (''SSA'') if presented by the claimant in support of his or her claim.
- *Claim File and Internal Protocols.* Benefit denial notices must include a statement that the claimant is entitled to receive, upon request, the entire claim file and other relevant documents. Currently, this statement is required only in notices denying benefits on appeal. Benefit denial notices also must include the internal rules, guidelines, protocols, standards, or other similar criteria of the plan that were used in denying a claim, or a statement that none were used. Currently, denial notices are not required to include these internal rules, guidelines, protocols, or standards; instead denial notices may include a statement that such rules, guidelines, protocols, or standards were used in denying the claim and that a copy will be provided to the claimant upon request.
- *Review and Respond to New Information.* Plans may not deny benefits on appeal based on new or additional evidence or rationales that were not included when the benefit was denied at the claims stage, unless the claimant is given notice and a fair opportunity to respond.
- *Conflicts of Interest.* Plans must ensure that disability benefit claims and appeals are adjudicated in a manner designed to ensure the independence and impartiality of the persons involved in making the decision. For example, a claims adjudicator or medical or vocational expert could not be hired, promoted, terminated, or compensated based on the likelihood of the person denying benefit claims.
- *Deemed Exhaustion.* If a plan does not adhere to all claims processing rules, the claimant is deemed to have exhausted the administrative remedies available under the plan, unless the violation was the result of a minor error and other conditions are met. If the claimant is deemed to have exhausted the administrative remedies available under the plan, the claim or appeal is deemed denied on review without the exercise of discretion by a fiduciary and the claimant may immediately pursue his or her claim in court. A plan also must treat a claim as re-filed on appeal upon the plan's receipt of a court's decision rejecting the claimant's request for review.
- *Coverage Rescissions.* Rescissions of coverage, including retroactive terminations due to alleged misrepresentation of fact (*e.g.,* errors in the application for coverage) must be treated as adverse benefit determinations, thereby triggering the plan's appeals procedures. Rescissions for non-payment of premiums are not covered by this provision.
- *Communication Requirements in Non-English Languages.* Benefit denial notices have to be provided in a non-English language in certain situations, using essentially the standard applicable to group health benefit notices under the Affordable Care Act (''ACA''). Specifically, if a disability claimant's address is in a county where 10 percent or more of the population is literate only in the same non-English language, benefit denial notices must include a prominent statement in the relevant non-English language about the availability of language services. In such cases, plans also would be required to provide oral language services in the relevant non-English language and provide written notices in the non-English language upon request.

When it adopted the Final Rule, the Department published a regulatory impact analysis (''RIA'') to support its conclusion that changes to the existing rules were necessary to ensure that disability claimants receive a full and

fair review of their claims. The Department found at that time that the Final Rule would change the claims review process for ERISA-covered disability plans by expanding due process rights. The analysis concluded that: (1) The Final Rule would help alleviate the hardship to many individuals when they are unable to work after becoming disabled and their claims are unfairly denied; and (2) greater consistency in the handling of disability benefit claims and appeals, and improved access to information about the manner in which claims and appeals are adjudicated, would lead to efficiency gains in the system, both in terms of the allocation of spending at a macro-economic level as well as operational efficiencies among individual plans.

On the cost side, the RIA concluded that the amendments would have modest costs, since many of the amendments clarified provisions of the claims procedure regulation or required the provision of information to claimants that adjudicators should already possess. Although the Department requested data when it first proposed amendments to the claims procedure regulation in April 2015 (''2015 NPRM''), the comment letters received generally did not contain alternative cost and benefits estimates or data that the Department could use to estimate costs and benefits for the Final Rule. However, the Department quantified the costs associated with two specific provisions in the Final Rule for which it had sufficient data: The requirements to provide (1) additional information to claimants in the appeals process; and (2) information in a non-English language. The RIA acknowledged that the Department did not have sufficient data to quantify the benefits associated with the Final Rule.

After the Department published the Final Rule, certain stakeholders asserted in writing that the Final Rule will drive up disability benefit plan costs, cause an increase in litigation, and thus impair workers' access to disability insurance protections.[1] In support of these assertions, the stakeholders say that the right to review and respond to new information or rationales unnecessarily ''complicates the processing of disability benefits by imposing new steps and evidentiary burdens in the adjudication of claims,'' and that some of the new disclosure requirements ''forc[e] plans to consider disability standards and definitions different from those in the plan.'' [2] In addition, the stakeholders say that the new deemed exhaustion provision ''explicitly tilts the balance in court cases against plans and insurers'' and ''creates perverse incentives for plaintiff's attorneys to side-step established procedures and clog the courts for resolution of benefit claims.'' [3] The stakeholders argue that these provisions (and others) collectively ''will delay any final decision for the claimant and will significantly increase the administrative burdens on employers and disability insurance carriers, hurting the very employee the rule was purporting to help.'' [4] Moreover, according to the stakeholders, these new provisions (and others) are unnecessary in any event because ''there are already existing robust consumer protections applicable and available to disability claimants that have worked for well over a decade.'' [5] Members of Congress also presented these same or similar concerns in writing to the Secretary of Labor.[6]

A confidential survey of carriers covering approximately 18 million participants in group long term disability plans (which reflects approximately 45% of the group long-term disability insurance market), conducted by the stakeholders estimated that the Final Rule would cause average premium increases of 5–8% in 2018 (when the Final Rule is scheduled to take effect) for several survey participants.[7] The stakeholders argue that the demand for disability insurance is highly sensitive to price changes, such that even minor price increases can result in take-up rate reductions. For example, they reported that when the State of Vermont mandated mental health parity several years ago, there was an approximately 20% increase in premiums, which resulted in a 20% decrease of covered employees.[8] Thus, they conclude that the cost increases caused by the Final Rule will result in employers reducing and/or eliminating disability income benefits, and that some individuals may elect to drop or forego coverage, with the result being that fewer people will have adequate income protection in the event of disability. The stakeholders further assert that loss of access not only may be adverse to individual workers and their families, but also potentially adverse to federal and state public assistance programs more generally.[9]

The stakeholders acknowledge that the Final Rule's RIA addressed the limited data sources that were publicly available at that time, and that the Department's ability to fully quantify and evaluate costs and benefits was accordingly constrained. But the stakeholders say that such data could be developed by the industry and provided to the Department, and have promised to work with the Department to obtain this data. They explain that collecting the relevant data is a complex process that will take time and involve an expenditure of resources. For example, because each carrier's data is proprietary and contains sensitive

[1] Some of the stakeholders also asserted a comment that was previously provided with respect to the 2015 NPRM, specifically that the Department exceeded its authority and acted contrary to Congressional intent by applying certain ACA protections to disability benefit claims, arguing that if Congress had wanted these protections to apply to disability benefit claims, it would have expressly extended the claims and appeals rules in section 2719 of the Public Health Service Act to plans that provide disability benefits. The Department did not take the position that the ACA compelled the changes in the Final Rule. Rather, because disability claims commonly involve medical considerations, the Department was of the view that disability benefit claimants should receive procedural protections similar to those that apply to group health plans, and thus it made sense to model the Final Rule on the procedural protections and consumer safeguards that Congress established for group health care claimants under the ACA.

[2] Letter from Governor Dirk Kempthorne, President & Chief Executive Officer, American Council of Life Insurers, to The Honorable Alexander Acosta, Secretary, U.S. Department of Labor, ''*Department of Labor Disability Claims Regulation,*'' (July 17, 2017) (on file with the Employee Benefits Security Administration, U.S. Department of Labor).

[3] Letter from American Benefits Council, American Council of Life Insurers, America's Health Insurance Plans, Cigna, The ERISA Industry Committee, Financial Services Roundtable, Sun Life Financial, Unum Group, Inc., to Gary Cohn, Director, National Economic Council, The White House, Andrew P. Bremberg, Director, Domestic Policy Council, The White House, Edward C. Hugler, Acting Secretary, U.S. Department of Labor, ''*Department of Labor Disability Claims Regulation,*'' (Mar. 14, 2017) (on file with the Employee Benefits Security Administration, U.S. Department of Labor).

[4] Letter from Governor Dirk Kempthorne, *supra,* note 2.

[5] *Id.*

[6] Letter from David P. Roe, M.D., Member of Congress (and 27 other Members of Congress), to R. Alexander Acosta, Secretary, U.S. Department of Labor, ''*Immediate Action Needed on Disability Claims Regulation,*'' (July 28, 2017) (on file with the Employee Benefits Security Administration, U.S. Department of Labor).

[7] Email from Michael Kreps, Principal, Groom Law Group, to John J. Canary and Jeffrey J. Turner, Office of Regulations and Interpretations, Employee Benefits Security Administration (July 13, 2017) (on file with the Employee Benefits Security Administration, U.S. Department of Labor).

[8] *Id.*

[9] *See, e.g.,* Letter from Matthew Eyles, Executive Vice President, Policy and Regulatory Affairs, America's Health Insurance Plans, to The Honorable R. Alexander Acosta, Secretary of Labor, U.S. Department of Labor (May 10, 2017) (on file with the Employee Benefits Security Administration, U.S. Department of Labor). *See also* Letter from David P. Roe, M.D., Member of Congress (and 27 other Members of Congress), to R. Alexander Acosta, Secretary, U.S. Department of Labor, ''*Immediate Action Needed on Disability Claims Regulation,*'' (July 28, 2017) (on file with the Employee Benefits Security Administration, U.S. Department of Labor).

business information, an independent third party must collect it in a manner that protects this information. This may include, among other things, negotiating specific non-disclosure, security, and data retention agreements. They further observe that such a process must also be carefully designed to ensure that there are no violations of relevant federal or state laws, such as antitrust laws. The stakeholders also assert that each carrier's existing information technology systems may collect and report data in different ways, so, to be usable, the data must be aggregated into standardized data sets, anonymized to ensure that no data point can be attributed to a single carrier, and reviewed and analyzed to ensure accuracy and reliability (as required for a regulatory impact analysis). The stakeholders made a commitment to provide this data and asked the Department to delay the Final Rule's applicability date.

On February 24, 2017, after the Final Rule amending the disability claims procedure was published and became effective, the President issued Executive Order 13777 (''E.O. 13777''), entitled Enforcing the Regulatory Reform Agenda.[10] E.O. 13777 is intended to reduce the regulatory burdens agencies place on the American people, and directs federal agencies to undertake specified activities to accomplish that objective. As a first step, E.O. 13777 requires the designation of a Regulatory Reform Officer and the establishment of a Regulatory Reform Task Force within each federal agency covered by the Order. The Task Forces were directed to evaluate existing regulations and make recommendations regarding those that can be repealed, replaced, or modified to make them less burdensome. E.O. 13777 also requires that Task Forces seek input from entities significantly affected by regulations, including state, local and tribal governments, small businesses, consumers, non-governmental organizations, and trade associations.

In light of the foregoing, the Department has concluded that it is appropriate to seek additional public input regarding the regulatory impact analysis in the Final Rule. If additional reliable data and information is submitted, the Department will be able to consider whether it supports regulatory alternatives other than those adopted in the Final Rule. The Department is unable to complete a notice and comment and reexamination process by January 1, 2018, particularly given the complex data collection and sanitation process required here, as described by the stakeholders. Extending the applicability date past January 1, 2018, would allow the Department to complete this public solicitation process and examine regulatory alternatives. The Department consequently seeks public input on a proposed 90-day delay.[11] For reasons discussed below, the Department believes 90 days is a reasonable period during which to review public input and take an appropriate course of action.

As indicated above, a primary concern of the stakeholders is that the Final Rule will unnecessarily increase the cost of coverage and discourage the uptake and utilization of disability coverage. While a number of the commenters on the 2015 NPRM forecasted increased regulatory and compliance costs as a whole, few, if any, of them offered itemized cost estimates on a provision-by-provision basis.[12] The Department recognizes that access to disability benefits depends in part on affordability, which is affected by regulatory burdens. Accordingly (as opposed to generalized predictions of cost increases or aggregate cost estimates of the Final Rule in its entirety), the Department solicits costs estimates on each of the provisions contained in that rule. Itemized cost estimates of this type would enhance the Department's ability to assess costs and benefits of regulatory alternatives and to select approaches that maximize net benefits.

The Department also seeks data on the price elasticity of demand for disability insurance coverage. Many stakeholders, for example, discuss price sensitivity in this market and predict possibly significant reductions in access to coverage unless the Final Rule is revised or repealed (*i.e.,* that the price elasticity of demand in this market is relatively elastic). Evidence of this elasticity would be very helpful to the Department. For example, a number of states (some very recently) have banned discretionary clauses in insurance policies, which may have resulted in increased administrative costs. In those cases, is there data showing reduced demand (in terms of dropped coverage or reduced uptake) following the implementation of the bans? Another example is the Final Rule's requirement to discuss the basis for disagreeing with a disability determination made by the SSA. Is there data showing a detrimental impact on coverage in jurisdictions where courts[13] have endorsed such an explanation? Another possible example is the changes to the claims procedure requirements made in 2000.[14] Is there data showing a detrimental impact on coverage after those revisions were made? This is not an exhaustive list of potentially relevant situations or questions; instead, it is intended to provide insight into issues the Department intends to consider and as to which comments will be helpful.

The Department also seeks comments on any matter germane to this examination, including the merits of rescinding, modifying, or retaining the Final Rule. Upon completion of this public solicitation process and review, the Department may decide to allow all or part of the Final Rule to take effect as written, propose a further extension, withdraw the Final Rule, or propose amendments to the Final Rule. The Department requests comments on each of these possible outcomes.

Comments on whether to extend the applicability date for 90 days must be submitted to the Department within 15 days. If the 90-day period is insufficient, please specify a sufficient period of time and explain why longer than 90 days is needed. Comments providing data or otherwise germane to the examination

[10] 82 FR 12285 (March 1, 2017).

[11] The Department notes that several provisions in the Final Rule essentially conform the express text of certain parts of the Final Rule to various federal court decisions on full and fair review requirements in the 2000 Final Rule. *E.g., Saffon* v. *Wells Fargo & Co. Long Term Disability Plan,* 522 F.3d 863, 871–872 (9th Cir. 2008) (finding that a full and fair review requires a plan administrator to disclose the reasons for denial in the administrative process); 75 FR at 43333 n.7. The proposed delay of the applicability date in this document does not modify or otherwise delay the application of any such controlling judicial precedents.

[12] *See, e.g.,* Comment Letter #115 (American Benefits Council) (asserting generally that the 2015 NPRM ''is likely to impose a host of additional costs on plans—none of which appear to have been considered by the Department as part of its economic analysis.''); *see also* Comment Letter #114 (American Council of Life Insurers) (asserting that it ''does not believe that the Department has properly quantified or qualified the benefits associated with the proposed regulations or provided a sufficient cost analysis associated with the proposed regulatory requirements.'').

[13] *See, e.g., Montour* v. *Hartford Life and Accident Ins. Co.,* 588 F.3d 623, 637 (9th Cir. 2009) (''[F]ailure to explain why it reached a different conclusion than the SSA is yet another factor to consider in reviewing the administrator's decision for abuse of discretion, particularly where, as here, a plan administrator operating with a conflict of interest requires a claimant to apply and then benefits financially from the SSA's disability finding.''); *Brown* v. *Hartford Life Ins. Co.,* 301 F. App'x 772, 776 (10th Cir. 2008) (insurer's discussion was ''conclusory'' and ''provided no specific discussion of how the rationale for the SSA's decision, or the evidence the SSA considered, differed from its own policy criteria or the medical documentation it considered'').

[14] In November of 2000, the Department published a final rule substantially reforming the standards governing the timeframes and disclosure requirements for ERISA benefit claims and appeals, including disability benefits. 65 FR 70246 (Nov. 21, 2000).

of the merits of rescinding, modifying, or retaining the rule must be submitted to the Department within 60 days. If 60 days is not enough time to provide input on the broader examination, including responding to the various data requests throughout this document, commenters are encouraged to notify the Department within the 15-day period, and to explain why 60 days is not enough time and specify how much time is needed. This will give the Department an opportunity to consider whether to extend the 60-day comment period in conjunction with a decision on whether and how long to delay the applicability date.

Regulatory Impact Analysis

The Department proposes to delay the applicability date of the Final Rule for 90 days—through April 1, 2018. During the delay, the Department will review the Final Rule to determine whether it is unnecessary, ineffective, or imposes costs that exceed benefits in conformance with E.O. 13777. As part of this process, the Department also will review data submitted on the issues raised on the RIA in the Final Rule to determine whether such new information and data support changes to the Final Rule.

The delay is necessary to avoid the applicability date of the Final Rule occurring before the Department completes its review, which would necessarily require those regulated by the Final Rule to prepare for and begin complying on January 1, 2018 while the Department is still reviewing the rule. That would unnecessarily and unwisely disrupt the disability insurance market and produce frictional costs that are not offset by commensurate benefits. The tradeoff is that the changes in the Final Rule will be delayed.

1. Executive Order 12866 Statement

This proposed extension of the applicability date of the Final Rule is a significant regulatory action within the meaning of section 3(f)(4) of Executive Order 12866, because it raises novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order. Therefore, the Department has considered the costs and benefits of the proposed extension, and the Office of Management and Budget (''OMB'') has reviewed and approved the proposed applicability date extension.

The Department's regulatory impact analysis of the Final Rule estimated that benefits derived by workers seeking disability benefits justify compliance costs.[15] The 90-day delay of the applicability date would delay these estimated costs and benefits by 90 days.

Data limitations prevented the Department from quantifying benefits the Final Rule would provide to workers and their family members participating in ERISA-covered disability insurance plans. The RIA for the Final Rule includes a qualitative analysis of the benefits. The Department estimated at that time that as a result of the rule:

- Some participants would receive payment for benefits they were entitled to that were improperly denied by the plan;
- There would be greater certainty and consistency in the handling of disability benefit claims and appeals, and improved access to information about the manner in which claims and appeals are adjudicated;
- Fairness and accuracy would increase in the claims adjudication process.

The Department estimated that the requirements of the Final Rule would have modest costs. The Department quantified the costs associated with two provisions of the Final Rule for which it had sufficient data: The requirements to provide: (1) Providing additional information to claimants in the appeals process ($14.5 million annually); and (2) providing information in a non-English language ($1.3 million annually).

Stakeholders have raised concerns that the Department underestimated the costs of the Final Rule and maintain that if the Department had properly estimated costs, it would have found that the costs exceed the Final Rule's benefits. Specifically, stakeholders assert that: (1) Requiring benefit denial notices include a discussion of the basis for disagreeing with a disability determination made by the SSA will increase costs because SSA's definitions, policies, and procedures may be different from those of private disability plans; (2) providing that the claimant is deemed to have exhausted the administrative remedies available under the plan if plans do not adhere to all claims processing rules, unless the violation was the result of a minor error and other specified conditions are met, will result in increased litigation and administrative costs; and (3) prohibiting plans from denying benefits on appeal based on new or additional evidence or rationales that were not included when the benefit was denied at the claims stage, unless the claimant is provided notice and an opportunity to respond to the new or additional information or rationales, will lead to protracted exchanges between plans and claimants that will cause delays and lead to higher costs. Stakeholders also argue that participants in disability plans are very sensitive to price increases and predict that the cost increases associated with the Final Rule will cause some individuals to elect to drop or forego coverage, meaning that fewer people will have adequate income protection in the event of disability.

During the proposed 90-day applicability date delay, the Department intends to assess the impacts of the Final Rule. In order for the assessment to be as robust as possible, the Department is hereby requesting data that would help it quantify the payments for plan benefits that plan participants would receive and any cost increases or reductions in access to coverage that could result if the delayed provisions of the Final Rule take effect. Specifically, the Department requests data that it could use to assess: (1) The number of disability claims that are filed and denial rates for such claims, including rates separately for claimants who were previously approved under the Social Security Disability Insurance Program (SSDI) and statistics on reasons for denial; (2) how often plans rely on new or additional evidence or rationales during the claims review process and the volume of the material that comprise such additional evidence or rationales; (3) the price elasticity of demand for disability insurance coverage; (4) pricing or premiums for group and individual level policies and factors that affect pricing; (5) loss ratios and the breakdown of expenses (claims, sales, claims processing, etc.); (6) aggregate, average, and median benefits paid and ages of claimants; (7) the projected litigation costs associated with the new procedural requirements for disability claims provided in the Final Rule; (8) the number of new claims that will be granted that, but for the provisions in the Final Rule, would have been denied, and the value of those benefits; (9) the systems and technology that plans and insurers use to process disability claims and cost estimates updating such systems to comply with the Final Rule; (10) statistics on steps, timing of steps, and disposition of claims from initial filing to final disposition, including claims filed but never perfected or decided, up to and including claims denied though appeal and litigated; and (11) information regarding the costs for non-English services and the estimated population of claimants that might be expected to use such services. The Department understands that such data is not publicly available and is willing

[15] 81 FR 92316, 92339 (Dec. 19, 2016).

to work with stakeholders to ensure that any trade secrets and proprietary business information are protected from public disclosure and that the data collection process is designed to ensure that no violations of antitrust or other federal or state laws occur.[16]

It also would be helpful for the Department to receive data regarding the impact of the 2000 final claims and appeals regulation (2000 Final Rule). Commenters at the time stated that it would lead to cost increases and decreases in consumer access. The Department is interested in receiving data that shows: (1) Cost increases that resulted from compliance with the 2000 Final Rule (or lack thereof) and whether such costs were passed on to consumers; and (2) whether employers stopped offering disability insurance benefits and/or employee take-up rates decreased. The Department also requests data that demonstrates how the Department's 2000 Final Rule impacted the cost of disability claims litigation.

While the Department welcomes the submission of all relevant data, to ensure its usability, the providers of such data are encouraged to discuss its source(s), manner of collection, and any methodology used to analyze it and derive conclusions from it. The Department requests that commenters fully disclose any bias(es) associated with the data and provide honest evaluations of its strengths and weaknesses. This will help ensure that the Department reaches an optimal outcome and that full transparency is provided to the public.

2. Paperwork Reduction Act

The Paperwork Reduction Act (''PRA'') prohibits federal agencies from conducting or sponsoring a collection of information from the public without first obtaining approval from OMB. *See* 44 U.S.C. 3507. Additionally, members of the public are not required to respond to a collection of information, nor be subject to a penalty for failing to respond, unless such collection displays a valid OMB control number. *See* 44 U.S.C. 3512.

OMB approved information collections contained in the Final Rule under OMB Control Number 1210–0053. The Department is not modifying the substance of the Information Collection Requests at this time; therefore, no action under the PRA is required. The information collections will become applicable at the same time the rule becomes applicable. The information collection requirements contained in the Final Rule are discussed below.

This proposal would delay the applicability date of the Department's amendments to the disability claims procedure rule for 90 days, through April 1, 2018. The Final Rule revised the rules applicable to ERISA-covered plans providing disability benefits. Some of these amendments revise disclosure requirements under the claims procedure rule that are information collections covered by the PRA. For example, benefit denial notices must contain a full discussion of why the plan denied the claim, and to the extent the plan did not follow or agree with the views presented by the claimant to the plan or health care professional treating the claimant or vocational professionals who evaluated the claimant, or a disability determination regarding the claimant presented by the claimant to the plan made by the SSA, the discussion must include an explanation of the basis for disagreeing with the views or disability determination. The notices also must include either: (1) The specific internal rules, guidelines, protocols, standards or other similar criteria of the plan relied upon in making the adverse determination or, alternatively, (2) a statement that such rules, guidelines, protocols, standards or other similar criteria of the plan do not exist. Plan administrators also must provide (1) claimants with any new or additional evidence considered free of charge, and (2) notices of adverse benefit determination potentially in an non-English language.

The burdens associated with the disability claims procedure revisions are summarized below and discussed in detail in the regulatory impact analysis contained in the preamble to the Final Rule (81 FR 92317, 92340 (Dec. 19, 2016)). It should be noted that this proposal only affects the requirements applicable to disability benefit claims, which are a small subset of the total burden associated with the ERISA claims procedure information collection.

Type of Review: Revised collection.

Agencies: Employee Benefits Security Administration, Department of Labor.

Title: ERISA Claims Procedures.

OMB Number: 1210–0053.

Affected Public: Business or other for-profit; not-for-profit institutions.

Total Respondents: 5,808,000. Total Responses: 311,790,000.

Frequency of Response: Occasionally.

Estimated Total Annual Burden Hours: 516,000.

Estimated Total Annual Burden Cost: $814,450,000.

3. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) (RFA) imposes certain requirements with respect to federal rules that are subject to the notice and comment requirements of section 553(b) of the Administrative Procedure Act (5 U.S.C. 551 *et seq.*) and which are likely to have a significant economic impact on a substantial number of small entities. Unless an agency determines that a rule is not likely to have a significant economic impact on a substantial number of small entities, section 604 of the RFA requires the agency to present an initial regulatory flexibility analysis (IRFA) of the proposed rule describing the rule's impact on small entities and explaining how the agency made its decisions with respect to the application of the rule to small entities. Pursuant to section 605(b) of the RFA, the Department certified that the Final Rule did not have a significant economic impact on a substantial number of small entities and provided an analysis of the rationale for that certification. Similarly, the Department hereby certifies that the proposed rule will not have a significant economic impact on a substantial number of small entities because it merely delays the applicability date of the Final Rule.

4. Congressional Review Act

The proposed rule is subject to the Congressional Review Act (CRA) provisions of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 801 *et seq.*) and, if finalized, will be transmitted to Congress and the Comptroller General for review.

5. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires each federal agency to prepare a written statement assessing the effects of any federal mandate in a proposed or final agency rule that may result in an expenditure of $100 million or more (adjusted annually for inflation with the base year 1995) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector. For purposes of the Unfunded Mandates Reform Act, as well as Executive Order 12875, this proposal does not include any federal mandate that we expect

[16] The Department is aware of a number of relevant annual and semiannual industry surveys, such as the U.S. Group Disability Market Survey. Where applicable, commenters are encouraged to submit to the Department the data underlying these surveys. *See, e.g.,* the American Council of Life Insurers' Written Statement for the Record entitled *Do Private Long-Term Disability Policies Provide the Protection They Promise? Before the S. Comm. on Finance,* 111th Cong. 113 & n.3 (2010), in which the ACLI discusses aggregate data on approvals and elimination periods.

would result in such expenditures by state, local, or tribal governments, or the private sector. The Department also does not expect that the proposed rule will have any material economic impacts on State, local or tribal governments, or on health, safety, or the natural environment.

6. Federalism Statement

Executive Order 13132 outlines fundamental principles of federalism, and requires the adherence to specific criteria by federal agencies in the process of their formulation and implementation of policies that have ''substantial direct effects'' on the States, the relationship between the national government and States, or on the distribution of power and responsibilities among the various levels of government. Federal agencies promulgating regulations that have federalism implications must consult with State and local officials and describe the extent of their consultation and the nature of the concerns of State and local officials in the preamble to the Final Rule.

This proposed rule does not have federalism implications because it merely delays the applicability date of the rule. Therefore, the proposed rule has no substantial direct effect on the States, the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government. In compliance with the requirement of Executive Order 13132 that agencies examine closely any policies that may have federalism implications or limit the policy making discretion of the States, the Department welcomes input from States regarding this assessment.

7. Executive Order 13771: Reducing Regulation and Controlling Regulatory Costs

Executive Order 13771, titled Reducing Regulation and Controlling Regulatory Costs, was issued on January 30, 2017. Section 2(a) of EO 13771 requires an agency, unless prohibited by law, to identify at least two existing regulations to be repealed when the agency publicly proposes for notice and comment, or otherwise promulgates, a new regulation. In furtherance of this requirement, section 2(c) of EO 13771 requires that the new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least two prior regulations. This proposed rule is expected to be an EO 13771 deregulatory action.

List of Subjects in 29 CFR Part 2560

Claims, Employee benefit plans.

For the reasons stated above, the Department proposes to amend 29 CFR part 2560 as follows:

PART 2560—RULES AND REGULATIONS FOR ADMINISTRATION AND ENFORCEMENT

■ 1. The authority citation for part 2560 continues to read as follows:

Authority: 29 U.S.C. 1132, 1135, and Secretary of Labor's Order 1–2011, 77 FR 1088 (Jan. 9, 2012). Section 2560.503–1 also issued under 29 U.S.C. 1133. Section 2560.502c–7 also issued under 29 U.S.C. 1132(c)(7). Section 2560.502c–4 also issued under 29 U.S.C. 1132(c)(4). Section 2560.502c–8 also issued under 29 U.S.C. 1132(c)(8).

§ 2560.503–1 [Amended]

■ 2. Section 2560.503–1 is amended by removing ''on or after January 1, 2018'' and adding in its place ''after April 1, 2018'' in paragraph (p)(3) and by removing the date ''December 31, 2017'' and adding in its place ''April 1, 2018'' in paragraph (p)(4).

Signed at Washington, DC, this 6th day of October, 2017.

Timothy D. Hauser,

Deputy Assistant Secretary for Program Operations, Employee Benefits Security Administration, Department of Labor.

[FR Doc. 2017–22082 Filed 10–10–17; 8:45 am]

BILLING CODE 4510–29–P

LIBRARY OF CONGRESS

U.S. Copyright Office

37 CFR Parts 201, 202

[Docket No. 2017–15]

Group Registration of Unpublished Works

AGENCY: U.S. Copyright Office, Library of Congress.

ACTION: Notice of proposed rulemaking.

SUMMARY: The U.S. Copyright Office is proposing to create a new group registration option for a limited number of unpublished works. To qualify for this group option, all the works must be created by the same author or the same joint authors, and the author or joint authors must be named as the copyright claimant for each work. The claim to copyright in each work must be the same, and each work must be registered in the same administrative class. In general, applicants will be allowed to include up to five works in each submission. Applicants will be required to submit an online application and upload their works to the electronic registration system, although the Office may waive these requirements in exceptional cases. This new group registration option will replace the current ''unpublished collections'' option, which the Office has determined is an ineffective mechanism for registration of multiple unpublished works; among other things, it allows applicants to register an essentially unlimited number of works. The proposed rule will allow the Office to more easily examine each work for copyrightable authorship, create a more robust record of the claim, and improve the efficiency of the registration process. The Proposed Rule also makes unrelated technical amendments to the ''unit of publication'' regulation.

DATES: Comments must be made in writing and must be received in the U.S. Copyright Office no later than November 13, 2017.

ADDRESSES: For reasons of government efficiency, the Copyright Office is using the *regulations.gov* system for the submission and posting of public comments in this proceeding. All comments are therefore to be submitted electronically through *regulations.gov*. Specific instructions for submitting comments are available on the Copyright Office Web site at *https://www.copyright.gov/rulemaking/group-unpublished/*. If electronic submission of comments is not feasible due to lack of access to a computer and/or the internet, please contact the Office for special instructions using the contact information below.

FOR FURTHER INFORMATION CONTACT: Robert J. Kasunic, Associate Register of Copyrights and Director of Registration Policy and Practice; Erik Bertin, Deputy Director of Registration Policy and Practice; or Regan A. Smith, Deputy General Counsel, by telephone at 202–707–8040 or by email at *rkas@loc.gov*, *ebertin@loc.gov*, and *resm@loc.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

A. Group Registration Under the 1976 Act

When Congress enacted the Copyright Act of 1976 (the ''Act''), it authorized the Register of Copyrights (the ''Register'') to specify by regulation the administrative classes of works for the purpose of seeking a registration and the nature of the deposits required for each class. In addition, Congress gave the Register the discretion to allow groups of related works to be registered with one application and one filing fee, a

procedure known as ''group registration.'' *See* 17 U.S.C. 408(c)(1). Pursuant to this authority, the Register issued regulations permitting the U.S. Copyright Office (the ''Office'') to issue group registrations for certain limited categories of works, provided that certain conditions have been met. *See generally* 37 CFR 202.3(b)(5)–(7), (9)–(10), 202.4.

As the legislative history explains, allowing ''a number of related works to be registered together as a group represent[ed] a needed and important liberalization of the law. . . .'' H.R. Rep. No. 94–1476, at 154 (1976); S. Rep. No. 94–473, at 136 (1975). Congress recognized that requiring applicants to submit separate applications for certain types of works may be so burdensome and expensive that authors and copyright owners may forgo registration altogether, since copyright registration is not a prerequisite to copyright protection. *Id.* If copyright owners do not submit their works for registration under this permissive system, the public record will not contain any information concerning those works. This creates a void in the public record that diminishes the value of the Office's database.

At the same time, when multiple works are combined in one application, information about the individual works may not be as robustly captured than if the applicant had submitted individual applications for each work. Therefore, group registration options require careful balancing of the need for an accurate public record and the need for an efficient method of examining, indexing, and cataloging each work.

B. The Existing Regulation on Unpublished Collections

When first implementing the Copyright Act of 1976, the Office issued a regulation that established a procedure for registering certain ''multiple self-contained works'' as a ''single work'' ''on a single application and upon payment of a single registration fee.'' *See* 43 FR 965, 966 (Jan. 5, 1978); 37 CFR 202.3(b)(4)(i). The regulation provided that ''[i]n the case of unpublished works, all copyrightable elements that are otherwise recognizable as self-contained works, and are combined in a single unpublished 'collection' '' ''shall be considered a single work.'' 37 CFR 202.3(b)(4)(i). The Office refers to this procedure as the registration accommodation for ''unpublished collections.'' [1]

The unpublished collection regulation provides that ''a combination of such elements shall be considered a 'collection' if: (1) The elements are assembled in an orderly form; (2) The combined elements bear a single title identifying the collection as a whole; (3) The copyright claimant in all of the elements, and in the collection as a whole, is the same; and (4) All of the elements are by the same author, or, if they are by different authors, at least one of the authors has contributed copyrightable authorship to each element.'' *Id.* § 202.3(b)(4)(i)(B). The regulation further provides that a ''[r]egistration of an unpublished 'collection' extends to each copyrightable element in the collection and to the authorship, if any, involved in selecting and assembling the collection.'' *Id.* § 202.3(b)(4)(i).

When the Office issued the regulation, it did not rely on its statutory authority to issue a group registration under section 408(c)(1) of the 1976 Act. The Office ''reserved for implementation in a separate proceeding, the possibility of providing for 'a single registration for a group of [ ]related works' under paragraph (c)(1) of section 408'' and invited ''comments and suggestions as to the types of related works that could appropriately be covered by [a] group registration. . . .'' 43 FR at 966.

Instead, the regulation was ''based on existing Copyright Office practices.'' *Id.*[2] In codifying these practices, the Office relied on its general authority to issue registrations for individual works under sections 408(a) and 409 of the statute, rather than its authority to issue a group registration under section 408(c)(1). *See* 17 U.S.C. 408(a), 409 (authorizing the Office to register a ''work''); 43 FR at 966; *Kay Berry, Inc.* v. *Taylor Gifts, Inc.,* 421 F.3d 199, 205 (3d Cir. 2005) (''The single work registration provision [for registering a unit of publication] . . . was promulgated pursuant to the language of 17 U.S.C. 408(a)'' and ''codified the pre-existing Copyright Office practice of allowing copyright owners to register multiple works published together as a single work for a single fee.'').

C. Issues Involving Unpublished Collections

The regulatory accommodation for unpublished collections was well-intentioned but has imposed an increasing burden on the administration of the copyright registration system.

The Office did not set a limit on the number of works that may be registered with this accommodation. As a result, applicants are able to submit dozens, hundreds, even thousands of works with one application and one filing fee. *See, e.g., Palladium Music, Inc.* v. *EatSleepMusic, Inc.,* 398 F.3d 1193, 1195 (10th Cir. 2005) (noting that the plaintiff registered its works as an unpublished collection to offset the expense of submitting ''several thousand works''). This has strained the resources of all three divisions within the Registration Program. It also creates an imperfect record of what was submitted for registration and what was actually reviewed for copyrightable authorship. When confronted with such a voluminous amount of material, it is difficult for the Office to conduct a full and complete examination of each and every work in the collection, and in many cases it would be impossible to do so for the fee paid for this option (currently $55). *See* U.S. Copyright Office, Compendium of U.S. Copyright Office Practices § 1108 (3d ed. 2017) (''Compendium (Third)''). Use of the unpublished collections option in this manner has led to courts to raise concerns.[3]

The unpublished collection option also blurs the distinction between an unpublished collection and a collective work. A collective work is defined in the statute as a type of a compilation, and specifically, ''a work . . . in which a number of contributions, constituting separate and independent works in themselves, are assembled into a collective whole.'' 17 U.S.C. 101. An ''unpublished collection,'' however, doesn't usually exist as a ''work''—it is often assembled solely for purposes of registration. At the same time, the unpublished collection option was not promulgated as a form of group registration, even as it has some of those features (*e.g.,* it covers each work that is eligible for copyright protection). This ''neither-fish-nor-fowl'' feature of the unpublished collections option has always made it an oddity in Copyright Office practice.

[1] The interim regulation also established a procedure for registering published works ''that are included in a single unit of publication.'' 37 CFR 202.3(b)(4)(i)(A). The Office refers to this as the ''unit of publication'' option. As discussed below, the Office is proposing to make certain technical amendments to this portion of the regulations.

[2] These practices were reflected in an internal manual that the Office developed under the 1909 Act. *See* U.S. Copyright Office, Compendium of U.S. Copyright Office Practices S–6 (1st ed. 1973).

[3] *See, e.g., Grundberg* v. *Upjohn Co.,* 137 FRD. 372, 384–85 (D. Utah 1991) (concluding that the Office erred as a matter of law by registering more than 90,000 documents as an unpublished collection, including ''documents which are not copyrightable, mixed in and listed indiscriminately with copyrightable documents'' without providing a ''reasonable or workable means'' for identifying the documents that should have been excluded from the claim).

II. The Proposed Rule

To address these issues and improve the quality and efficiency of the registration process, the Office is proposing to create a new group registration option for unpublished works. The new procedure, known as the ''group option for unpublished works'' or ''GRUW,'' will replace the administrative accommodation that allows applicants to register their works as an unpublished collection. Key details of the proposal are discussed below. The Office welcomes public comment on each aspect of the proposed rule.

A. Eligibility Requirements

1. The Group Must Be Limited to Unpublished Works

As with the current unpublished collection option, applicants may use this option only if all the works in the group are unpublished. The applicant will be responsible for making this determination, and generally, the Office will accept that determination unless it is contradicted by the information contained within the registration materials.[4] But if the applicant provides the wrong information, there is a risk that the registration may be challenged or invalidated in an infringement action.[5]

2. The Works Must Be Registered in the Same Administrative Class

All the works within the group must be registered in the same administrative class. For example, an applicant could register a group of unpublished poems, essays, and short stories, because each work would be classified as a ''literary work.'' By contrast, an applicant could not register a group of unpublished stories, photographs, and songs, because these works fall within different administrative classes.

There are two reasons for this requirement. First, the Office assigns each claim to the division that specializes in examining literary works, visual arts works, or works of the performing arts. If the applicant included different types of works within the same claim, the Office would have to assign those works to different examiners in different divisions. This would slow the examination and delay the final registration decision. Second, the Office assigns one registration number to the certificate of registration for a group of unpublished works. The prefix for this number is based on the administrative classification that best describes the works in the group (TXu for literary works, VAu for visual arts works, PAu for performing arts works, and SRu for sound recordings). If an applicant included different types of works within the same claim, the registration number would not match the group as a whole.

3. The Number of Works That May Be Included in the Group

The Office proposes that as a general rule, applicants may include up to five works in each claim. This represents a change from the current regulation, which has no limit on the number of works that may be included in an unpublished collection. As discussed above, this reduces the quality of the registration record, and makes it difficult to examine each work for copyrightable authorship.

The Copyright Office is committed to creating the best public record possible for a group registration, including pertinent information and an appropriate assessment of the copyrightability of each work within that group. To further those statutory goals, the Office must impose some limit on the number of works that may be submitted, given its limited examination staff and the modest filing fee for a group registration of multiple works. The Office has determined that a limit of five works would allow it to examine each work for copyrightable authorship and to confirm that the legal and formal requirements for registration have been met. Under the proposed rule, the application will contain only five title fields and a pop up warning for anyone that inserts punctuation into a title field warning that only five works may be listed. If an applicant submits more than five works the Office may ask the applicant to exclude the additional works from the claim or may simply refuse registration.[6]

There is a limited exception for sound recordings. Under the current regulations governing applications for individual works, an applicant may register a sound recording together with the musical work, dramatic work, or literary work embodied in that recording, provided that both works are fixed in the same phonorecord, the applicant has submitted one application for both works,[7] and the claimant for both works is the same person or organization. 37 CFR 202.3(b)(1)(iv)(A)–(C). Similarly, under the proposed rule, applicants can include up to five sound recordings, together with a musical work, literary work, or dramatic work embedded in each recording with each group registration application.[8] To do so, they must satisfy the same conditions that apply with respect to individual sound recording registrations, as well as the generally applicable requirements for this group registration option, including that the author for each sound recording and the works embodied in those recordings must also be the claimant for those works, and that the authorship and ownership must be identical for each work. For example, applicants would be able to register a group of songs and sound recordings jointly written and performed by Peter and Paul, but they would not be able to register a song written by Peter and Paul together with a recording performed solely by Mary. The reasons for these additional requirements are discussed below.

4. Titles of the Works

Applicants will be required to provide a title for each work in the group. By contrast, they will not need to provide a title for the group as a whole, because that information will be added automatically by the electronic registration system.[9] This represents a change from the current regulation, under which applicants are expected to provide a title for the collection as a whole but not for the works themselves. *Id.* § 202.3(b)(4)(i)(B)(2). This change will improve the quality of the registration record. Interested parties

[4] The *Compendium, Third* provides a detailed discussion of the definition of ''publication'' and ''the public,'' as well as specific examples on how the Office applies these definitions to different types of works. *See generally* Compendium (Third) §§ 1000–1900.

[5] *See, e.g, Ledesma* v. *Del Records, Inc.,* No. 2:15–cv–4266–ODW–GJSx, 2015 U.S. Dist. LEXIS 163109, at *8 (C.D. Cal. Dec. 4, 2015); *Family Dollar Stores, Inc.* v. *United Fabrics Int'l, Inc.,* 896 F. Supp. 2d 223, 231 (S.D.N.Y. 2012); *Determined Productions, Inc.* v. *Koster,* No. C 92–1697 BAC, 1993 U.S. Dist. LEXIS 4586, at *2 (N.D. Cal. Apr. 13, 1993).

[6] The Office will not accept an application that includes a compilation, a collective work, a database, or a Web site, because they often contain individual works of authorship. Examining a work comprised of individual works increases the complexity of a claim and requires significantly more time than a claim that is limited to one individual work. Likewise, the Office will not accept claims involving multiple architectural works, because the regulations expressly state that ''a single application may cover only a single architectural work.'' 37 CFR 202.11(c)(2).

[7] When submitting an online application, the applicant must select ''sound recording'' as the type of work. When submitting a paper application, the applicant must use Form SR. 37 CFR 202.3(b)(1)(iv), (b)(2)(ii).

[8] To be clear, applicants would be able to submit a group of sound recordings that each contain one musical work, dramatic work, or literary work. Applicants would not be able to submit a group of recordings that each contain a combination of musical, dramatic, and literary works.

[9] The title for the group will be used to identify the registration in the online public record, and it will consist of the title of the first work followed by the phrase ''and [1, 2, 3, or 4] other unpublished works.''

typically search for works by title, and it may be difficult to find a particular work if the applicant fails to provide this information in the application. Indeed, the lack of titles for individual works in an unpublished collection has created confusion as to whether a registration for an unpublished collection covers the individual works or the collection as a whole. *See, e.g., Szabo* v. *Errisson,* 68 F.3d 940, 942–44 (5th Cir. 1995). The proposed rule addresses these issues by providing an efficient and straightforward way to identify the individual works, while providing clear guidance that the registration covers the individual works.

5. The Author and Claimant for Each Work Must Be the Same

Under the proposed rule, all the works in the group must be created by the same author or the same joint authors. For example, an applicant could submit five songs created solely by Peter or five songs created jointly by Peter, Paul, and Mary. But the applicant could not submit two songs created by Peter together with three songs created by Peter, Paul, and Mary. In this situation, the applicant would need to separate the songs into two groups and submit a separate application for each group.

This represents another change in policy. The current unpublished collections regulation states that all the elements in the collection must be created by the same author—unless they were created by multiple authors, in which case at least one author must contribute copyright authorship to each element. 37 CFR 202.3(b)(4)(i)(B)(4). This standard has made the examination of these claims unnecessarily complicated. Requiring the author or co-authors of each work to be the same simplifies eligibility requirements, which will improve the efficiency of the examination by allowing the Office to focus on the works themselves.

The proposed rule provides that the copyright claimant for each work must be the same person or organization, similar to the regulation that currently governs unpublished collections. *Id.* § 202.3(b)(4)(i)(B)(3). But the proposed rule adds an additional requirement, namely, that the author or joint authors must be named as the claimant for each work in the group. Thus, if the applicant submitted five songs created jointly by Peter, Paul, and Mary, those individuals must also be named as co-claimants for each song—even if a different party actually owned the copyright in those works. This requirement comports with the basic principle that an author may always be named as the copyright claimant, *id.* § 202.3(a)(3), as well as the Office's longstanding view that an author may be named as a claimant, even if the author does not own any of the exclusive rights when the claim is submitted, *see* Compendium (Third) § 619.7 (citing 42 FR 48944, 48945 (Sept. 26, 1977)).

Requiring the author(s) to be named as the copyright claimant(s) will again simplify the registration process. Under general Copyright Office practice, if the author and claimant are not the same person, the applicant is required to provide a transfer statement explaining how the claimant acquired all of the rights that initially belonged to the author. When registering unpublished collections, applicants often name a third party as the copyright claimant, but fail to provide a transfer statement. In such cases, the Office must correspond to determine if the claimant actually owns all of the exclusive rights in the works, which delays the registration decision and contributes to the overall backlog of pending claims. Given the reduced fee for examination of multiple works, the Office must minimize known problems. Moreover, imposing this limitation will help target the group registration option to its intended beneficiaries: Individual creators or small businesses who might not otherwise use the more expensive standard registration application to register their unpublished works on an individual basis. The Office has taken a similar approach with the group registration options for serials, newsletters, and published photographs. 37 CFR 202.3(b)(6)(i)(F), (b)(9)(iv), (b)(10)(i)–(ii). Based on this experience, the Office expects that this same approach will produce an optimal public record, while reducing the administrative burden that these claims impose on the Office.

While the Office proposes this change to facilitate the efficiency of examinations, it also expects that, in practice, this requirement will not prove difficult for those individual creators and small businesses who are the targets of this group registration option. Of course, those applicants who do not qualify for the group registration option may still register unpublished works individually using the standard application.

6. Anonymous Works and Pseudonymous Works

This group registration option may be used to register anonymous works or pseudonymous works, but all the works in the group must all be either anonymous or created under the same pseudonym. For example, an applicant could submit stories by ''Anonymous'' or stories by ''Mark Twain'' (a.k.a. Samuel Clemens) but could not register these stories with the same application. As with the regular registration application, the applicant should be careful not to inadvertently include the author's real name, as it would become part of the public records and cannot be changed after registration.[10] In the context of this group registration application, this includes ensuring that the author and claimant fields in the application are the same (*i.e.,* both list ''anonymous'' or both list the pseudonym).[11]

7. Works Made for Hire

An unpublished work may be registered as a work made for hire if it is identified as such in the application and if the employer is named as the author/claimant. Likewise, an applicant may register an unpublished work that was jointly created by an individual and an organization. But, under the proposed rule, because the author(s) and claimant(s) for each work must be the same, an applicant would not be able to submit works created for a company pursuant to a work made for hire agreement, together with works created by an individual and acquired by that same company through a transfer of ownership.

8. The Authorship Statement for Each Work Must Be the Same

Under the proposed rule, the applicant must provide a brief statement that describes the new copyrightable authorship, and the authorship statement for all works must be exactly the same. For example, if the author created five songs, the applicant would state ''unpublished musical works (without or without lyrics).'' If the author created five sound recordings and the songs embodied in each recording, the applicant would state ''unpublished sound recordings and musical works (without or without lyrics).''

This represents a change in practice, in that the current regulation focuses on the ''copyrightable elements'' of the

[10] *See generally* 81 FR 63440, 63441 (Sept. 15, 2016) (proposed rule regarding removal of personally identifiable information); 82 FR 9004 (Feb. 2, 2017) (final rule).

[11] While the statute states that the application shall include ''the name . . . of the copyright claimant,'' 17 U.S.C. 409(1), Congress also clearly intended to give authors the ability to register their works anonymously or under an assumed name, *Id.* § 409(3). Allowing applicants to provide a fictitious name in one part of the application, while requiring them to disclose the author's real name in the other, would undermine that objective and discourage anonymous or pseudonymous authors from registering their works with the Office.

submitted works, rather than the works as a whole themselves, and the online application accordingly contains a series of checkboxes, such as ''text,'' ''music,'' and ''lyrics.'' 37 CFR 202.3(b)(4)(i)(B). This may encourage applicants to assert a claim in the individual elements of their works, rather than asserting a claim in the works as a whole.

9. Limitation of Claim

If the works contain an appreciable amount of material that has been previously published or previously registered, the applicant must exclude that material from the claim. Likewise, applicants should disclaim material that is owned by a third party or material that is in the public domain. This basic rule is the same as under the current regulation, though the new online application will implement it differently, by giving the applicant an opportunity to identify any elements that should be excluded from the claim using his or her own words, rather than a set of predetermined checkboxes. The new online application will also remove the requirement to identify the new material that should be ''included'' in the claim. As described above, applicants will be asked simply to identify the type of work the author created, and the Office will assume that the applicant intends to register all copyrightable aspects of the work that have not been expressly disclaimed.

B. Electronic Filing Requirements

1. Online Application

Under the proposed rule, applicants will be required to use an online application specifically designed for this group registration option. If an applicant attempts to register multiple unpublished works with standard online application or a paper application, the Office will refuse to register the claim. In such cases, the applicant will need to submit a new application using the designated application for GRUW, which will result in a later effective date of registration and will require a new filing fee and deposit. Recently, the Office changed its practices to require other applications to be filed online, and the rationales provided in those rulemaking documents apply equally here.[12]

To facilitate this transition, the Office will add appropriate warnings to the electronic registration system and the instructions for the paper applications. The Office will prepare an online tutorial that explains how to use the new application and ''help text'' within the application itself that will provide answers to frequently asked questions. In addition, the Office will revise the portions of *Compendium, Third* and *Circular 34* that discuss the Office's practices and procedures for group registrations.

As with the other rules recently promulgated, the proposed rule allows the Office to waive the online filing and electronic upload requirements in exceptional cases. Applicants who do not have internet access and are unable to use the online application may request a waiver in writing. The Office will review each request and will make accommodations for applicants who receive a waiver, including by providing a mechanism by which staff will assist in filling out the application.[13]

2. Supplementary Registration

A supplementary registration is a special type of registration that may be used ''to correct an error in a copyright registration or to amplify the information given in a registration,'' including a registration for a group of related works. 17 U.S.C. 408(d); *see also* 37 CFR 202.6(b)(1)(i). Specifically, it identifies an error or omission in an existing registration and places the corrected information or additional information in the public record.

The Office recently issued a final rule that modified this procedure, in most cases requiring supplementary registration applicants to file an online application. 37 CFR 202.6. The Office explained that this online-filing requirement would apply to supplementary registrations for ''works registered as an unpublished collection.'' 81 FR 86656, 86657 (Dec. 1, 2016). It also noted that if it decided to move ''registrations for other classes of works into the electronic system, supplementary registrations for those works will also be subject to this same requirement.'' *Id.* at 86658. Thus, if applicants need to correct or modify information appearing in a registration for an unpublished collection or a registration for a group of unpublished works, they must use the online application, or the Office will instruct the applicant to resubmit the claim using the online version of this form. *See id.*

To be clear, a supplementary registration cannot be used to convert a registration for an unpublished collection into a registration for a group of unpublished works. 82 FR 27424, 27426 (June 15, 2017). Reclassifying an unpublished collection as a group registration would alter the fundamental nature of the claim and would be inconsistent with the statutory and regulatory provisions stating that a supplementary registration augments—but does not supersede—a basic registration. 17 U.S.C. 408(d); 37 CFR 202.6(f)(2).

3. Deposit Requirements

Under the proposed rule, applicants will be required to electronically submit one complete copy or phonorecord of each work in the group. Specifically, applicants must upload each work to the electronic registration system as an electronic file in one of the acceptable file formats listed on the Office's Web site (*http://copyright.gov/eco/help-file-types.html*). The Office will not accept physical copies or physical phonorecords, such as print-outs, photocopies, CDs, DVDs, or the like.

Applicants may save the deposits in a .zip file before upload that file to the system, but if the .zip file contains any unacceptable file types the claim will be refused. In all cases, the works must be submitted in an orderly manner and the size of each upload must not exceed 500 megabytes. Applicants may compress the works to comply with this limitation.

C. Filing Fee

The filing fee for registering a group of unpublished works will be $55, which is the amount the Office currently charges for registering an unpublished collection with the online application. 37 CFR 201.3(c)(1)(ii). Once the proposed rule has been implemented, the Office will monitor the cost of examining these claims to determine if future fee adjustments may be warranted. It also will track the number of applicants who request a waiver from the online filing and electronic upload requirements (if any) and the amount of time needed to handle these requests. The Office will use this information in conducting its next fee study.

D. The Scope of a Group Registration

As in the recently concluded rulemaking for group registration of contributions to periodicals, the Office proposes to clarify that a registration for a group of unpublished works covers each work in the group and each one is registered as a separate work. 82 FR 29410, 29414 (June 29, 2017); *see also* 81 FR 86634, 86641 (noting that this is ''the Office's longstanding position regarding the scope of a registration for a group of contributions to

[12] *See* 82 FR 27424, 27424–25 (June 15, 2017) (final rule for supplementary registration); 82 FR 29410, 29410–11 (June 29, 2017) (final rule for group registration of contributions to periodicals).

[13] *See* 82 FR at 72425.

periodicals.''). The proposed rule also clarifies that applicants may not assert a claim in the selection, coordination, or arrangement of the works within the group and that the group as a whole is not considered a compilation or a collective work, or a derivative work. *See* 81 FR at 86641.

F. Refusals To Register

Section 410(b) of the Act directs the Office to refuse registration if it determines that ''the material deposited does not constitute copyrightable subject matter or that the claim is invalid for any other reason.'' 17 U.S.C. 410(b). If the Office determines that one or more of the works in a group is uncopyrightable, the examiner will ask the applicant to exclude those works from the claim. If the applicant agrees, the Office will issue a registration for the remaining works in the group. If the applicant declines to exclude the uncopyrightable works, the Office will issue a refusal for the entire group. 37 CFR 202.4(k).

G. Technical Amendments

The proposed rule confirms that a group of related works may be registered with one application and one filing fee if the conditions set forth in § 202.4 have been met. The regulation governing the group option for unpublished works will be set forth in § 202.4(c), and the regulation governing unpublished collections under § 202.3(b)(4)(i)(B) will be removed. It also confirms that an application for a group of related works may be submitted by any of the parties listed in § 202.3(c)(1) of the regulations.

The proposed rule makes a number of other tangentially related technical amendments; these are not intended to represent substantive changes in policy. For example, the proposed rule removes the terms ''single'' work, ''single'' application, ''single'' registration fee, and ''single'' unit of publication from this portion of the regulations. It replaces them with the terms ''one work,'' ''one application,'' ''one filing fee,'' and ''the same unit of publication.'' This is intended to avoid potential confusion with the ''single application,'' which may only be used to register ''a single work by a single author that is owned by the person who created it.'' 37 CFR 202.3(b)(2)(B). For similar reasons, the proposed rule removes the last sentence from § 202.3(b)(2)(i)(B), which states that an unpublished collection or unit of publication cannot be registered with the Single Application, because once the proposed rule goes into effect, this clarification will be superfluous.

IV. Conclusion

The proposed rule will allow broader participation in the registration system by expanding the class of works that may be registered as a group, increase the efficiency of the registration process, and create a more robust record of the claim. The Office invites public comment on these proposed changes.

List of Subjects

37 CFR Part 201

Copyright, General provisions.

37 CFR Part 202

Copyright, Preregistration and registration of claims to copyright.

Proposed Regulation

For the reasons set forth in the preamble, the U.S. Copyright Office proposes amending 37 CFR parts 201 and 202, as follows:

PART 201—GENERAL PROVISIONS

■ 1. The authority citation for part 201 continues to read as follows:

Authority: 17 U.S.C. 702.

■ 2. Amend § 201.3 as follows:
■ a. Redesignate paragraphs (c)(2) through (19) as paragraphs (c)(3) through (20), respectively.
■ b. Add new paragraph (c)(2) to read as follows:

§ 201.3 Fees for registration, recordation, and related services, special services, and services performed by the Licensing Division.

* * * * *

(c) * * *

(2) Registration for a claim in a group of unpublished works	55

* * * * *

PART 202—PREREGISTRATION AND REGISTRATION OF CLAIMS TO COPYRIGHT

■ 3. The authority citation for part 202 continues to read as follows:

Authority: 17 U.S.C. 408(f), 702.

■ 4. Amend § 202.3 as follows:
■ a. In paragraph (b)(2)(i)(B) remove ''unpublished collections,'' and remove the fifth sentence.
■ b. Revise the heading of paragraph (b)(4).
■ c. Revise paragraph (b)(4)(i).
■ d. Remove paragraphs (b)(4)(i)(A), (B), and (B)*(1)* through *(4).*
■ e. Redesignate paragraph (b)(4)(ii) as paragraph (c)(4).
■ f. Add new paragraph (b)(4)(ii).
■ g. Revise newly designated paragraph (c)(4),

The additions and revisions read as follows:

§ 202.3 Registration of copyright.

* * * * *

(b) * * *

(4) *Registration as one work.* (i) A group of related works may be registered with one application and upon the payment of one filing fee if the conditions set forth in § 202.4 are met.

(ii) For the purpose of registration on one application and upon the payment of one filing fee, the following shall be considered one work: In the case of published works, all copyrightable elements that are otherwise recognizable as self-contained works, that are included in the same unit of publication, and in which the copyright claimant is the same.

* * * * *

(c) * * *

(4) In the case of applications for registration made under paragraphs (b)(4) through (b)(10) of this section or under § 202.4, the ''year of creation,'' ''year of completion,'' or ''year in which creation of this work was completed'' means the latest year in which the creation of any copyrightable element was completed.

■ 5. Amend § 202.4 as follows:
■ a. Revise paragraph (b).
■ b. Add paragraph (c).
■ c. Revise paragraph (g) introductory text.
■ d. Remove paragraph (g)(7) and redesignate paragraphs (g)(8) and (9) as paragraphs (g)(7) and (8), respectively.
■ e. In paragraph (m) remove ''paragraph (g) of''.

The addition and revisions read as follows:

§ 202.4 Group Registration.

* * * * *

(b) *Definitions.* For the purposes of this section, unless otherwise specified, the terms used have the meanings set forth in § 202.3 and § 202.20.

(c) *Group registration of unpublished works.* Pursuant to the authority granted by 17 U.S.C. 408(c)(1), the Register of Copyrights has determined that a group of unpublished works may be registered in Class TX, PA, VA, or SR with one application, the required deposit, and the filing fee required by § 201.3(c) of this chapter, if the following conditions are met:

(1) All the works in the group must be unpublished, and they must be registered in the same administrative class.

(2) Generally, the applicant may include up to five works in the group. If the conditions set forth in § 202.3(b)(1)(iv)(A) through (C) have

been met, the applicant may include up to five sound recordings and five musical works, literary works, or dramatic works in the group.

(3) The group may include individual works, joint works, or derivative works, but may not include compilations, collective works, databases, or Web sites.

(4) The applicant must provide a title for each work in the group.

(5) All the works must be created by the same author or the same joint authors, and the author and claimant information for each work must be the same.

(6) The works may be registered as anonymous works, pseudonymous works, or works made for hire if they are identified in the application as such.

(7) The applicant must identify the authorship that each author or joint author contributed to the works, and the authorship statement for each author or joint author must be the same. Claims in the selection, coordination, or arrangement of the group as a whole will not be permitted on the application.

(8) The applicant must complete and submit the online application designated for a group of unpublished works. The application may be submitted by any of the parties listed in § 202.3(c)(1).

(9) The applicant must submit one complete copy or phonorecord of each work. Each work must be contained in a separate electronic file that complies with § 202.20(b)(2)(iii). The files must be submitted in one of the electronic formats approved by the Office, they must be assembled in an orderly form, and they must be uploaded to the electronic registration system, preferably in a .zip file containing all the files. The file size for each uploaded file must not exceed 500 megabytes; the files may be compressed to comply with this requirement.

(10) In an exceptional case, the Copyright Office may waive the online filing requirement set forth in paragraph (c)(8) of the section or may grant special relief from the deposit requirement under § 202.20(d), subject to such conditions as the Associate Register and Director of the Office of Registration Policy and Practice may impose on the applicant.

* * * * *

(g) *Group registration of contributions to periodicals.* Pursuant to the authority granted by 17 U.S.C. 408(c)(2), the Register of Copyrights has determined that a group of contributions to periodicals may be registered in Class TX or Class VA with one application, the required deposit, and the filing fee required by § 201.3(c), if the following conditions are met:

* * * * *

§ 202.20 [Amended]

■ 6. Amend § 202.20 in paragraph (c)(2)(xx) by removing ''§ 202.3(b)(4)(i)(B) (unpublished collections) or'' .

Dated: October 4, 2017.

Sarang V. Damle

General Counsel and Associate Register of Copyrights.

[FR Doc. 2017–21722 Filed 10–11–17; 8:45 am]

BILLING CODE 1410–30–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA–R03–OAR–2017–0453; FRL–9969–44–Region 3]

Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; City of Philadelphia; Control of Emissions From Existing Hospital/Medical/Infectious Waste Incinerator Units

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to notify the public that it has received a negative declaration for the City of Philadelphia Air Management Services (Philadelphia AMS) for hospital/medical/infectious waste incinerator (HMIWI) units. This negative declaration certifies that HMIWI units subject to the requirements of sections 111(d) and 129 of the Clean Air Act (CAA) do not exist within the City of Philadelphia in the Commonwealth of Pennsylvania. EPA is accepting the negative declaration in accordance with the requirements of the CAA. In the Final Rules section of this **Federal Register**, EPA is accepting the negative declaration as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by November 13, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R03–OAR–2017–0453 at *http://www.regulations.gov,* or via email to *aquino.marcos@epa.gov.* For comments submitted at *Regulations.gov,* follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed 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. 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: Michael Gordon, (215) 814–2039, or by email at *gordon.mike@epa.gov.*

SUPPLEMENTARY INFORMATION: For further information regarding the negative declaration submitted by Philadelphia AMS for HMIWI units, please see the information provided in the technical support document in the rulemaking docket and in the direct final action, with the same title, that is located in the ''Rules and Regulations'' section of this **Federal Register** publication. The negative declaration letter submitted by Philadelphia AMS and technical support document in support of this action are also available online at *www.regulations.gov.*

Dated: September 19, 2017.

Cecil Rodrigues,

Acting Regional Administrator, Region III.

[FR Doc. 2017–22131 Filed 10–11–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2015–0817; FRL–9967–09]

Receipt of a Pesticide Petition Filed for Residues of Pesticide Chemicals in or on Various Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of filing of petition and request for comment.

SUMMARY: This document announces the Agency's receipt of an initial filing of a pesticide petition requesting the establishment or modification of regulations for residues of pesticide chemicals in or on various commodities.

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

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2015–0817 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: Michael L. Goodis, P.E., 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: *RDFRNotices@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. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *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.*

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

II. What action is the agency taking?

EPA is announcing receipt of a pesticide petition filed under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, requesting the establishment or modification of regulations in 40 CFR part 180 for residues of pesticide chemicals in or on various food commodities. The Agency is taking public comment on the request before responding to the petitioner. EPA is not proposing any particular action at this time. EPA has determined that the pesticide petition described in this document contains data or information prescribed in FFDCA section 408(d)(2), 21 U.S.C. 346a(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the pesticide petition. After considering the public comments, EPA intends to evaluate whether and what action may be warranted. Additional data may be needed before EPA can make a final determination on this pesticide petition.

Pursuant to 40 CFR 180.7(f), a summary of the petition that is the subject of this document, prepared by the petitioner, is included in a docket EPA has created for this rulemaking. The docket for this petition is available at *http://www.regulations.gov.*

As specified in FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), EPA is publishing notice of the petition so that the public has an opportunity to comment on this request for the establishment or modification of regulations for residues of pesticides in or on food commodities. Further information on the petition may be obtained through the petition summary referenced in this unit.

PP 5F8408. EPA–HQ–OPP–2015–0817. OAT AGRIO CO., LTD., 1–3–1 Kanda Ogawa-machi, Chiyoda-ku, Tokyo 101–0052, Japan, requests to establish a tolerance in 40 CFR part 180 for residues of fungicide, flutianil (Z)-2-[2-fluoro-5-(trifluoromethyl)phenylthio]-2-[3-(2-methoxyphenyl)-1,3-thiazolidin-2-ylidene]acetonitrile, in or on apple at 0.15 parts per million (ppm); apple, wet pomace at 0.30 ppm; cantaloupe at 0.07 ppm; cherry at 0.4 ppm; cucumber at 0.20 ppm; grape at 0.70 ppm; squash at 0.05 ppm; and strawberry at 0.50 ppm. Additionally, OAT AGRIO Company requests to establish an exemption from the requirement of a tolerance in 40 CFR part 180 for indirect or inadvertent residues of fungicide, flutianil in or on all food commodities that do not have tolerances. The gas chromatography-mass spectrometry detector (GC/MSD) is used to measure and evaluate the chemical flutianil on apples, cantaloupe, cherry, cucumber, squash, and strawberry. The high performance liquid chromatography with tandem mass spectral detection (LCMS/MS) is used to measure and evaluate the chemical flutianil and the metabolite OC–56635 in grapes. Contact: RD.

In the **Federal Register** of April 25, 2016 (81 FR 24044) (FRL–9924–00), EPA issued a document pursuant to

FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 5F8408) by OAT AGRIO Company requesting that 40 CFR part 180 be amended by establishing tolerances on various agricultural commodities for residues of the fungicide, flutianil. That petition (PP 5F8408) has since been amended to also request an exemption from the requirement of a tolerance for indirect or inadvertent residues of all food commodities for which the EPA does not have established tolerances. Additionally, several revisions were made to both the commodity terminology and the tolerance level for certain commodities.

Authority: 21 U.S.C. 346a.

Dated: September 28, 2017.

Michael Goodis,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2017–22115 Filed 10–11–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 711

[EPA–HQ–OPPT–2016–0597; FRL–9968–94; RIN 2070–AK31]

Chemical Data Reporting; Requirements for Inorganic Byproduct Chemical Substances; Notice of Public Meeting; Cancellation and Public Input Opportunity

AGENCY: Environmental Protection Agency (EPA).

ACTION: Rulemaking committee meeting; Cancellation of public meeting.

SUMMARY: EPA published a document in the **Federal Register** of August 18, 2017 (82 FR 39402) concerning meetings of the Negotiated Rulemaking Committee (Committee). This document cancels the meeting scheduled for October 25–26, 2017. The Committee decided at the September 13–14, 2017, meeting that it could not reach consensus, has concluded its discussions, and that the fourth meeting, scheduled for October 25–26, 2017, is not needed. Though the Committee has concluded its discussions, EPA is providing an opportunity for the public to offer input about approaches that would reduce burden associated with the reporting of inorganic byproducts while maintaining the Agency's ability to receive the information it needs to understand exposure. The docket established for the negotiated rulemaking public meetings will be open to receive public input for 60 days following publication of this document.

DATES: Comments must be received on or before December 11, 2017.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2016–0597, 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: Any member of the public wishing to obtain information concerning the cancellation of this meeting may contact Jonah Richmond, Designated Federal Officer (DFO), Conflict Prevention and Resolution Center, Office of General Counsel, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–0210; email address: *Richmond.jonah@epa.gov.* General information about the Committee, as well as any updates concerning the information included in this document, may be found at *https://www.epa.gov/chemical-data-reporting/negotiated-rulemaking-committee-chemical-data-reporting-requirements.*

For technical information contact: Susan Sharkey, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–8789; email address: *sharkey.susan@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. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you manufacture (including manufacture as a byproduct chemical substance and including import) chemical substances listed on the Toxic Substances Control Act (TSCA) Inventory. The following list of North American Industrial Classification System (NAICS) codes are not intended to be exhaustive, but rather provides a guide to help readers determine whether this action may apply to them:

1. Chemical manufacturers and importers (NAICS codes 325 and 324110; *e.g.,* chemical manufacturing and processing and petroleum refineries).

2. Chemical users and processors who may manufacture a byproduct chemical substance (NAICS codes 22, 322, 331, and 3344; *e.g.,* utilities, paper manufacturing, primary metal manufacturing, and semiconductor and other electronic component manufacturing).

If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

B. What should I consider as I prepare my comments for EPA?

1. *Request for Input.* Though the Committee has concluded its discussions and will not reconvene, EPA encourages public input on ways to decrease the burden associated with the reporting of inorganic byproducts while maintaining the Agency's ability to receive the information it needs to understand exposure. EPA is opening for 60 days the docket identified in this document to receive this public input.

2. *Submitting CBI.* Do not submit this information to EPA through *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.

C. 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–OPPT–2016–0597, is available at *http://www.regulations.gov* or at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC. 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 OPPT Docket is (202) 566–0280. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

II. Background

EPA is giving notice that the Agency is cancelling the remaining scheduled meeting of the Negotiated Rulemaking Committee, and no further meetings are planned. The objective of this Committee was to negotiate toward consensus on proposed regulatory language limiting chemical data reporting requirements, under TSCA section 8(a), for manufacturers of any inorganic byproduct chemical substances when such byproduct chemical substances are subsequently recycled, reused, or reprocessed. This meeting is cancelled because the Committee determined that it was not able to reach consensus on regulatory approaches and has concluded its discussions. This Negotiated Rulemaking process was required by TSCA section 8(a)(6), as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act (Lautenberg Act).

This Committee was a statutory advisory committee under the Federal Advisory Committee Act, 5 U.S.C. App. 2 § 9(a)(1). In accordance with section 9(c) of the Federal Advisory Committee Act, 5 U.S.C. App. I § 9(c), EPA prepared a charter for the establishment of the Negotiated Rulemaking Committee. Copies of the Committee's charter were filed with the appropriate congressional committees and the Library of Congress. The Committee met on June 8 and 9, 2017 (82 FR 25790) (FRL–9961–92); August 16 and 17, 2017 (82 FR 25790); and September 13 and 14, 2017 (82 FR 39402) (FRL–9965–96). The Committee's charter and those meetings' agendas and materials are available in the docket supporting this activity (EPA–HQ–OPPT–2016–0597) and online at *https://www.epa.gov/chemical-data-reporting/negotiated-rulemaking-committee-chemical-data-reporting-requirements.*

The Committee, established on June 5, 2017, had an objective to negotiate a proposed rule that would limit chemical data reporting requirements under section 8(a) of TSCA, as amended by the Lautenberg Act, for manufacturers of any inorganic byproduct chemical substances when such byproduct chemical substances are subsequently recycled, reused, or reprocessed. The purpose of the Committee was to conduct discussions in a good faith attempt to reach consensus on proposed regulatory language. This negotiation process was required by section 8(a)(6) of TSCA.

Authority: 15 U.S.C. 2601 *et seq.*

Dated: October 4, 2017.

Nancy B. Beck,

Deputy Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

[FR Doc. 2017–22113 Filed 10–11–17; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 229

[Docket No. 170303230–7924–01]

RIN 0648–BG72

List of Fisheries for 2018

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

ACTION: Proposed rule.

SUMMARY: The National Marine Fisheries Service (NMFS) publishes its proposed List of Fisheries (LOF) for 2018, as required by the Marine Mammal Protection Act (MMPA). The LOF for 2018 reflects new information on interactions between commercial fisheries and marine mammals. NMFS must classify each commercial fishery on the LOF into one of three categories under the MMPA based upon the level of mortality and serious injury of marine mammals that occurs incidental to each fishery. The classification of a fishery on the LOF determines whether participants in that fishery are subject to certain provisions of the MMPA, such as registration, observer coverage, and take reduction plan (TRP) requirements.

DATES: Comments must be received by November 13, 2017.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2017–0031, by either of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal.

1. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2017-0031,*

2. Click the ''Comment Now!'' icon, complete the required fields.

3. Enter or attach your comments.

- *Mail:* Submit written comments to Chief, Marine Mammal and Sea Turtle Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter N/A in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Kristy Long, Office of Protected Resources, 301–427–8402; Allison Rosner, Greater Atlantic Region, 978–281–9328; Jessica Powell, Southeast Region, 727–824–5312; Dan Lawson, West Coast Region, 562–980–3209; Suzie Teerlink, Alaska Region, 907–586–7240; Kevin Brindock, Pacific Islands Region, 808–725–5146. Individuals who use a telecommunications device for the hearing impaired may call the Federal Information Relay Service at 1–800–877–8339 between 8 a.m. and 4 p.m. Eastern time, Monday through Friday, excluding Federal holidays.

SUPPLEMENTARY INFORMATION:

What is the List of Fisheries?

Section 118 of the MMPA requires NMFS to place all U.S. commercial fisheries into one of three categories based on the level of incidental mortality and serious injury of marine mammals occurring in each fishery (16 U.S.C. 1387(c)(1)). The classification of a fishery on the LOF determines whether participants in that fishery may be required to comply with certain provisions of the MMPA, such as registration, observer coverage, and take

reduction plan requirements. NMFS must reexamine the LOF annually, considering new information in the Marine Mammal Stock Assessment Reports (SARs) and other relevant sources, and publish in the **Federal Register** any necessary changes to the LOF after notice and opportunity for public comment (16 U.S.C. 1387 (c)(1)(C)).

How does NMFS determine in which category a fishery is placed?

The definitions for the fishery classification criteria can be found in the implementing regulations for section 118 of the MMPA (50 CFR 229.2). The criteria are also summarized here.

Fishery Classification Criteria

The fishery classification criteria consist of a two-tiered, stock-specific approach that first addresses the total impact of all fisheries on each marine mammal stock and then addresses the impact of individual fisheries on each stock. This approach is based on consideration of the rate, in numbers of animals per year, of incidental mortalities and serious injuries of marine mammals due to commercial fishing operations relative to the potential biological removal (PBR) level for each marine mammal stock. The MMPA (16 U.S.C. 1362 (20)) defines the PBR level as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population. This definition can also be found in the implementing regulations for section 118 of the MMPA (50 CFR 229.2).

Tier 1: Tier 1 considers the cumulative fishery mortality and serious injury for a particular stock. If the total annual mortality and serious injury of a marine mammal stock, across all fisheries, is less than or equal to 10 percent of the PBR level of the stock, all fisheries interacting with the stock will be placed in Category III (unless those fisheries interact with other stock(s) for which total annual mortality and serious injury is greater than 10 percent of PBR). Otherwise, these fisheries are subject to the next tier (Tier 2) of analysis to determine their classification.

Tier 2: Tier 2 considers fishery-specific mortality and serious injury for a particular stock.

Category I: Annual mortality and serious injury of a stock in a given fishery is greater than or equal to 50 percent of the PBR level (*i.e.,* frequent incidental mortality and serious injury of marine mammals).

Category II: Annual mortality and serious injury of a stock in a given fishery is greater than 1 percent and less than 50 percent of the PBR level (*i.e.,* occasional incidental mortality and serious injury of marine mammals).

Category III: Annual mortality and serious injury of a stock in a given fishery is less than or equal to 1 percent of the PBR level (*i.e.,* a remote likelihood of or no known incidental mortality and serious injury of marine mammals).

Additional details regarding how the categories were determined are provided in the preamble to the final rule implementing section 118 of the MMPA (60 FR 45086; August 30, 1995).

Because fisheries are classified on a per-stock basis, a fishery may qualify as one category for one marine mammal stock and another category for a different marine mammal stock. A fishery is typically classified on the LOF at its highest level of classification (*e.g.,* a fishery qualifying for Category III for one marine mammal stock and for Category II for another marine mammal stock will be listed under Category II). Stocks driving a fishery's classification are denoted with a superscript ''1'' in Tables 1 and 2.

Other Criteria That May Be Considered

The tier analysis requires a minimum amount of data, and NMFS does not have sufficient data to perform a tier analysis on certain fisheries. Therefore, NMFS has classified certain fisheries by analogy to other Category I or II fisheries that use similar fishing techniques or gear that are known to cause mortality or serious injury of marine mammals, or according to factors discussed in the final LOF for 1996 (60 FR 67063; December 28, 1995) and listed in the regulatory definition of a Category II fishery: ''In the absence of reliable information indicating the frequency of incidental mortality and serious injury of marine mammals by a commercial fishery, NMFS will determine whether the incidental mortality or serious injury is ''frequent,'' ''occasional,'' or ''remote'' by evaluating other factors such as fishing techniques, gear used, methods used to deter marine mammals, target species, seasons and areas fished, qualitative data from logbooks or fishermen reports, stranding data, and the species and distribution of marine mammals in the area, or at the discretion of the Assistant Administrator for Fisheries'' (50 CFR 229.2).

Further, eligible commercial fisheries not specifically identified on the LOF are deemed to be Category II fisheries until the next LOF is published (50 CFR 229.2).

How does NMFS determine which species or stocks are included as incidentally killed or injured in a fishery?

The LOF includes a list of marine mammal species and/or stocks incidentally killed or injured in each commercial fishery. The list of species and/or stocks incidentally killed or injured includes ''serious'' and ''non-serious'' documented injuries as described later in the List of Species and/or Stocks Incidentally Killed or Injured in the Pacific Ocean and the Atlantic Ocean, Gulf of Mexico, and Caribbean sections. To determine which species or stocks are included as incidentally killed or injured in a fishery, NMFS annually reviews the information presented in the current SARs and injury determination reports. The SARs are based upon the best available scientific information and provide the most current and inclusive information on each stock's PBR level and level of interaction with commercial fishing operations. The best available scientific information used in the SARs reviewed for the 2018 LOF generally summarizes data from 2010–2014. NMFS also reviews other sources of new information, including injury determination reports, bycatch estimation reports, observer data, logbook data, stranding data, disentanglement network data, fishermen self-reports (*i.e.,* MMPA mortality/injury reports), and anecdotal reports from that time period. In some cases, more recent information may be available and used in the LOF, but in an effort to be consistent with the most recent SARs and across the LOF, NMFS typically restricts the analysis to data within the five-year time period summarized in the current SAR.

For fisheries with observer coverage, species or stocks are generally removed from the list of marine mammal species and/or stocks incidentally killed or injured if no interactions are documented in the five-year timeframe summarized in that year's LOF. For fisheries with no observer coverage and for observed fisheries with evidence indicating that undocumented interactions may be occurring (*e.g.,* fishery has low observer coverage and stranding network data include evidence of fisheries interaction that cannot be attributed to a specific fishery) species and stocks may be retained for longer than five years. For these fisheries, NMFS will review the other sources of information listed above and use its discretion to decide

when it is appropriate to remove a species or stock.

Where does NMFS obtain information on the level of observer coverage in a fishery on the LOF?

The best available information on the level of observer coverage and the spatial and temporal distribution of observed marine mammal interactions is presented in the SARs. Data obtained from the observer program and observer coverage levels are important tools in estimating the level of marine mammal mortality and serious injury in commercial fishing operations. Starting with the 2005 SARs, each Pacific and Alaska SAR includes an appendix with detailed descriptions of each Category I and II fishery on the LOF, including the observer coverage in those fisheries. For Atlantic fisheries, this information can be found in the LOF Fishery Fact Sheets. The SARs generally do not provide detailed information on observer coverage in Category III fisheries because, under the MMPA, Category III fisheries are generally not required to accommodate observers aboard vessels due to the remote likelihood of mortality and serious injury of marine mammals. Fishery information presented in the SARs' appendices and other resources referenced during the tier analysis may include: Level of observer coverage; target species; levels of fishing effort; spatial and temporal distribution of fishing effort; characteristics of fishing gear and operations; management and regulations; and interactions with marine mammals. Copies of the SARs are available on the NMFS Office of Protected Resources Web site at: *http://www.nmfs.noaa.gov/pr/sars/.* Information on observer coverage levels in Category I, II, and III fisheries can be found in the fishery fact sheets on the NMFS Office of Protected Resources' Web site: *http://www.nmfs.noaa.gov/pr/interactions/fisheries/lof.html.* Additional information on observer programs in commercial fisheries can be found on the NMFS National Observer Program's Web site: *http://www.st.nmfs.gov/observer-home/.*

How do I find out if a specific fishery is in Category I, II, or III?

The LOF includes three tables that list all U.S. commercial fisheries by Category. Table 1 lists all of the commercial fisheries in the Pacific Ocean (including Alaska); Table 2 lists all of the commercial fisheries in the Atlantic Ocean, Gulf of Mexico, and Caribbean; and Table 3 lists all U.S.-authorized commercial fisheries on the high seas. A fourth table, Table 4, lists all commercial fisheries managed under applicable TRPs or take reduction teams (TRTs).

Are high seas fisheries included on the LOF?

Beginning with the 2009 LOF, NMFS includes high seas fisheries in Table 3 of the LOF, along with the number of valid High Seas Fishing Compliance Act (HSFCA) permits in each fishery. As of 2004, NMFS issues HSFCA permits only for high seas fisheries analyzed in accordance with the National Environmental Policy Act (NEPA) and the Endangered Species Act (ESA). The authorized high seas fisheries are broad in scope and encompass multiple specific fisheries identified by gear type. For the purposes of the LOF, the high seas fisheries are subdivided based on gear type (*e.g.,* trawl, longline, purse seine, gillnet, troll, etc.) to provide more detail on composition of effort within these fisheries. Many fisheries operate in both U.S. waters and on the high seas, creating some overlap between the fisheries listed in Tables 1 and 2 and those in Table 3. In these cases, the high seas component of the fishery is not considered a separate fishery, but an extension of a fishery operating within U.S. waters (listed in Table 1 or 2). NMFS designates those fisheries in Tables 1, 2, and 3 by a ''*'' after the fishery's name. The number of HSFCA permits listed in Table 3 for the high seas components of these fisheries operating in U.S. waters does not necessarily represent additional effort that is not accounted for in Tables 1 and 2. Many vessels/participants holding HSFCA permits also fish within U.S. waters and are included in the number of vessels and participants operating within those fisheries in Tables 1 and 2.

HSFCA permits are valid for five years, during which time Fishery Management Plans (FMPs) can change. Therefore, some vessels/participants may possess valid HSFCA permits without the ability to fish under the permit because it was issued for a gear type that is no longer authorized under the most current FMP. For this reason, the number of HSFCA permits displayed in Table 3 is likely higher than the actual U.S. fishing effort on the high seas. For more information on how NMFS classifies high seas fisheries on the LOF, see the preamble text in the final 2009 LOF (73 FR 73032; December 1, 2008). Additional information about HSFCA permits can be found at: *http://www.nmfs.noaa.gov/ia/permits/highseas.html.*

Where can I find specific information on fisheries listed on the LOF?

Starting with the 2010 LOF, NMFS developed summary documents, or fishery fact sheets, for each Category I and II fishery on the LOF. These fishery fact sheets provide the full history of each Category I and II fishery, including: When the fishery was added to the LOF; the basis for the fishery's initial classification; classification changes to the fishery; changes to the list of species and/or stocks incidentally killed or injured in the fishery; fishery gear and methods used; observer coverage levels; fishery management and regulation; and applicable TRPs or TRTs, if any. These fishery fact sheets are updated after each final LOF and can be found under ''How Do I Find Out if a Specific Fishery is in Category I, II, or III?'' on the NMFS Office of Protected Resources' Web site: *http://www.nmfs.noaa.gov/pr/interactions/fisheries/lof.html,* linked to the ''List of Fisheries by Year'' table. NMFS is developing similar fishery fact sheets for each Category III fishery on the LOF. However, due to the large number of Category III fisheries on the LOF and the lack of accessible and detailed information on many of these fisheries, the development of these fishery fact sheets is taking significant time to complete. NMFS began posting Category III fishery fact sheets online with the LOF for 2016.

Am I required to register under the MMPA?

Owners of vessels or gear engaging in a Category I or II fishery are required under the MMPA (16 U.S.C. 1387(c)(2)), as described in 50 CFR 229.4, to register with NMFS and obtain a marine mammal authorization to lawfully take non-endangered and non-threatened marine mammals incidental to commercial fishing operations. Owners of vessels or gear engaged in a Category III fishery are not required to register with NMFS or obtain a marine mammal authorization.

How do I register and receive my Marine Mammal Authorization Program (MMAP) authorization certificate?

NMFS has integrated the MMPA registration process, implemented through the Marine Mammal Authorization Program (MMAP), with existing state and Federal fishery license, registration, or permit systems for Category I and II fisheries on the LOF. Participants in these fisheries are automatically registered under the MMAP and are not required to submit registration or renewal materials.

In the Pacific Islands, West Coast, and Alaska regions, NMFS will issue vessel or gear owners an authorization certificate via U.S. mail or with their state or Federal license or permit at the time of issuance or renewal.

In the West Coast Region, authorization certificates may be obtained from the Web site *http://www.westcoast.fisheries.noaa.gov/protected_species/marine_mammals/fisheries_interactions.html.*

In the Alaska Region, authorization certificates may be obtained by visiting the Alaska Regional Office Web site *https://alaskafisheries.noaa.gov/pr/mmapregistration.*

In the Greater Atlantic Region, NMFS will issue vessel or gear owners an authorization certificate via U.S. mail automatically at the beginning of each calendar year. Certificates may also be obtained by visiting the Greater Atlantic Regional Office Web site *http://www.greateratlantic.fisheries.noaa.gov/mmap/.*

In the Southeast Region, NMFS will issue vessel or gear owners an authorization certificate via U.S. mail automatically at the beginning of each calendar year. Vessel or gear owners can receive additional authorization certificates by contacting the Southeast Regional Office at 727–209–5952 or by visiting the Southeast Regional Office Web site *http://sero.nmfs.noaa.gov/protected_resources/marine_mammal_authorization_program/* and following the instructions for printing the certificate.

The authorization certificate, or a copy, must be on board the vessel while it is operating in a Category I or II fishery, or for non-vessel fisheries, in the possession of the person in charge of the fishing operation (50 CFR 229.4(e)). Although efforts are made to limit the issuance of authorization certificates to only those vessel or gear owners that participate in Category I or II fisheries, not all state and Federal license or permit systems distinguish between fisheries as classified by the LOF. Therefore, some vessel or gear owners in Category III fisheries may receive authorization certificates even though they are not required for Category III fisheries.

Individuals fishing in Category I and II fisheries for which no state or Federal license or permit is required must register with NMFS by contacting their appropriate Regional Office (see **ADDRESSES**).

How do I renew my registration under the MMAP?

In Alaska regional and Greater Atlantic regional fisheries, registrations of vessel or gear owners are automatically renewed and participants should receive an authorization certificate by January 1 of each new year. Certificates can also be obtained from the region's Web site. In Pacific Islands regional fisheries, vessel or gear owners receive an authorization certificate by January 1 for state fisheries and with their permit renewal for Federal fisheries. In West Coast regional fisheries, vessel or gear owners receive authorization either with each renewed state fishing license in Washington and Oregon, with their permit renewal for Federal fisheries, the timing of which varies based on target species, or via U.S. mail. Vessel or gear owners who participate in fisheries in these regions and have not received authorization certificates by January 1 or with renewed fishing licenses must contact the appropriate NMFS Regional Office (see **FOR FURTHER INFORMATION CONTACT**). In Southeast regional fisheries, vessel or gear owners' registrations are automatically renewed and participants will receive an authorization certificate via U.S. mail automatically at the beginning of each calendar year. Additional authorization certificates are available for printing on the Southeast Regional Office Web site *http://sero.nmfs.noaa.gov/protected_resources/marine_mammal_authorization_program/.*

Am I required to submit reports when I kill or injure a marine mammal during the course of commercial fishing operations?

In accordance with the MMPA (16 U.S.C. 1387(e)) and 50 CFR 229.6, any vessel owner or operator, or gear owner or operator (in the case of non-vessel fisheries), participating in a fishery listed on the LOF must report to NMFS all incidental mortalities and injuries of marine mammals that occur during commercial fishing operations, regardless of the category in which the fishery is placed (I, II, or III) within 48 hours of the end of the fishing trip or, in the case of non-vessel fisheries, fishing activity. ''Injury'' is defined in 50 CFR 229.2 as a wound or other physical harm. In addition, any animal that ingests fishing gear or any animal that is released with fishing gear entangling, trailing, or perforating any part of the body is considered injured, regardless of the presence of any wound or other evidence of injury, and must be reported.

Mortality/injury reporting forms and instructions for submitting forms to NMFS can be found at: *http://www.nmfs.noaa.gov/pr/interactions/mmap/#form* or by contacting the appropriate regional office (see **FOR FURTHER INFORMATION CONTACT**). Forms may be submitted via any of the following means: (1) Online using the electronic form; (2) emailed as an attachment to *nmfs.mireport@noaa.gov*; (3) faxed to the NMFS Office of Protected Resources at 301–713–0376; or (4) mailed to the NMFS Office of Protected Resources (mailing address is provided on the postage-paid form that can be printed from the web address listed above). Reporting requirements and procedures can be found in 50 CFR 229.6.

Am I required to take an observer aboard my vessel?

Individuals participating in a Category I or II fishery are required to accommodate an observer aboard their vessel(s) upon request from NMFS. MMPA section 118 states that the Secretary is not required to place an observer on a vessel if the facilities for quartering an observer or performing observer functions are so inadequate or unsafe that the health or safety of the observer or the safe operation of the vessel would be jeopardized; thereby authorizing the exemption of vessels too small to safely accommodate an observer from this requirement. However, U.S. Atlantic Ocean, Caribbean, or Gulf of Mexico large pelagics longline vessels operating in special areas designated by the Pelagic Longline Take Reduction Plan implementing regulations (50 CFR 229.36(d)) will not be exempted from observer requirements, regardless of their size. Observer requirements can be found in 50 CFR 229.7.

Am I required to comply with any marine mammal TRP regulations?

Table 4 provides a list of fisheries affected by TRPs and TRTs. TRP regulations can be found at 50 CFR 229.30 through 229.37. A description of each TRT and copies of each TRP can be found at: *http://www.nmfs.noaa.gov/pr/interactions/trt/teams.html.* It is the responsibility of fishery participants to comply with applicable take reduction regulations.

Where can I find more information about the LOF and the MMAP?

Information regarding the LOF and the MMAP, including: Registration procedures and forms; current and past LOFs; descriptions of each Category I and II fishery and some Category III fisheries; observer requirements; and marine mammal mortality/injury reporting forms and submittal procedures; may be obtained at: *http://www.nmfs.noaa.gov/pr/interactions/*

fisheries/lof.html, or from any NMFS Regional Office at the addresses listed below:

NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930–2298, Attn: Allison Rosner;

NMFS, Southeast Region, 263 13th Avenue South, St. Petersburg, FL 33701, Attn: Jessica Powell;

NMFS, West Coast Region, Long Beach Office, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213, Attn: Dan Lawson;

NMFS, Alaska Region, Protected Resources, P.O. Box 22668, 709 West 9th Street, Juneau, AK 99802, Attn: Suzie Teerlink; or

NMFS, Pacific Islands Regional Office, Protected Resources Division, 1845 Wasp Blvd., Building 176, Honolulu, HI 96818, Attn: Kevin Brindock.

Sources of Information Reviewed for the 2018 LOF

NMFS reviewed the marine mammal incidental mortality and serious injury information presented in the SARs for all fisheries to determine whether changes in fishery classification are warranted. The SARs are based on the best scientific information available at the time of preparation, including the level of mortality and serious injury of marine mammals that occurs incidental to commercial fishery operations and the PBR levels of marine mammal stocks. The information contained in the SARs is reviewed by regional Scientific Review Groups (SRGs) representing Alaska, the Pacific (including Hawaii), and the U.S. Atlantic, Gulf of Mexico, and Caribbean. The SRGs were created by the MMPA to review the science that informs the SARs, and to advise NMFS on marine mammal population status, trends, and stock structure, uncertainties in the science, research needs, and other issues.

NMFS also reviewed other sources of new information, including marine mammal stranding data, observer program data, fishermen self-reports, reports to the SRGs, conference papers, FMPs, and ESA documents.

The LOF for 2018 was based on, among other things, stranding data; fishermen self-reports; and SARs, primarily the 2016 SARs, which are based on data from 2010–2014. The SARs referenced in this LOF include: 2014 (80 FR 50599; August 20, 2015), 2015 (81 FR 38676; June 14, 2016), 2016 (82 FR 29039; June 27, 2017). The SARs are available at: *http://www.nmfs.noaa.gov/pr/sars/.*

Summary of Changes to the LOF for 2018

The following summarizes changes to the LOF for 2018, including the classification of fisheries, fisheries listed, the estimated number of vessels/persons in a particular fishery, and the species and/or stocks that are incidentally killed or injured in a particular fishery. NMFS re-classifies two fisheries in the LOF for 2018. Additionally, NMFS adds two fisheries to the LOF. NMFS makes changes to the estimated number of vessels/persons and list of species and/or stocks killed or injured in certain fisheries. The classifications and definitions of U.S. commercial fisheries for 2018 are identical to those provided in the LOF for 2017 with the changes discussed below. State and regional abbreviations used in the following paragraphs include: AK (Alaska), BSAI (Bering Sea and Aleutian Islands), CA (California), DE (Delaware), FL (Florida), GOA (Gulf of Alaska), GMX (Gulf of Mexico), HI (Hawaii), MA (Massachusetts), ME (Maine), NC (North Carolina), NY (New York), OR (Oregon), RI (Rhode Island), SC (South Carolina), VA (Virginia), WA (Washington), and WNA (Western North Atlantic).

Commercial Fisheries in the Pacific Ocean

Classification of Fisheries

NMFS proposes to reclassify the CA thresher shark/swordfish drift gillnet (≥ 14 inch (in) mesh) fishery from Category I to Category II. The most recent mean annual take estimate for the CA/OR/WA stock of sperm whale by this fishery is 0.4 (Carretta, Moore, and Forney, 2017). This take estimate from the most recent five year period of available data (2011–2015) is 14 percent of the stock's PBR (2.7) (Carretta *et al.,* 2015). The Tier II analysis is less than 50 percent but more than 1 percent of the stock's PBR; thus, we propose this fishery be reclassified as Category II.

NMFS proposes to reclassify the Category III AK Gulf of Alaska sablefish longline fishery to Category II based on interactions with sperm whales. Given the uncertainty in stock structure and abundance of sperm whales in the North Pacific and the best available data on North Pacific sperm whale mortality and serious injury (M/SI) in the AK Gulf of Alaska sablefish longline fishery, NMFS is proposing to reclassify the fishery based on the statutory definitions of the categories as outlined in section 118 of the MMPA. Given the current mean estimated annual M/SI of sperm whales in this fishery, NMFS cannot conclude the definition for Category III, ''a remote likelihood of or no known incidental mortality or serious injury of marine mammals'' is appropriate at this time. Instead, the best available data (*i.e.,* mean annual M/SI estimate of 2.2 for this stock) support classifying the fishery as Category II, defined as ''occasional incidental mortality and serious injury of marine mammals.''

Serious injuries to sperm whales in this fishery have been documented from 1997 to 2014. The current (2016) SAR uses data from 2010–2014 to provide an estimated mean annual M/SI rate for sperm whales. During this 5-year window, the AK Gulf of Alaska sablefish longline fishery has five observed serious injury reports that have each been prorated to 0.75 mortalities (NMFS, 2012). Dependent upon the availability of associated catch data used as a metric of effort, some of these observations were extrapolated to the portion of the fishery effort that was not observed. These extrapolations were not available to be incorporated into the SAR until 2016.

There were two observed serious injuries in 2012, and both were used to extrapolate to the unobserved effort resulting in an estimated total mortality of 3.4 in 2012. There were two observed serious injuries in 2013, one was extrapolated and one was not, for an estimated mortality of 6.95 (6.2 + 0.75) in 2013. There was one observed serious injury in 2014, which was not extrapolated, for an estimated mortality of 0.75 for 2014.

These values averaged over the 5-year data interval included in the 2016 SAR represent the reported mean estimated annual M/SI of 2.2 (CV = 0.63) of North Pacific sperm whales in the AK Gulf of Alaska sablefish longline fishery (Muto *et al.,* 2017). This is an increased estimate from the previous (2015) SAR, which reported an estimated mean annual M/SI rate of 0.8 for the years 2009–2013. The increase can be attributed to the addition of one observed serious injury in 2014 and newly available estimates from three previously unextrapolated interactions.

The 2016 SAR for the North Pacific stock of sperm whale does not have a minimum abundance estimate (N_{MIN}) or PBR for use in the LOF tier analysis. However, given the increase in estimated mean annual M/SI of sperm whales in the AK Gulf of Alaska sablefish longline fishery and in response to previous public comments (82 FR 3655; January 12, 2017 comment 6; 81 FR 40870; June 23, 2016 comment 4), NMFS has completed an assessment of this fishery using the best available data.

Using the PBR formula and the stock's recovery factor (F_R) of 0.1, we can back-calculate the theoretical N_{MIN} necessary for the AK Gulf of Alaska sablefish longline fishery to remain a Category III

fishery. The AK Gulf of Alaska sablefish longline fishery is the only commercial fishery with documented M/SI of North Pacific sperm whales from 2010–2014, so both the Tier 1 and Tier 2 analyses evaluate the same M/SI estimate. In the Tier 1 analysis, for the mean estimated annual M/SI for all commercial fisheries (2.2) to be less than or equal to ten percent of PBR, the N_{MIN} would need to exceed 11,000 whales. NMFS considers it unlikely that the stock exceeds 11,000 whales (see Rone *et al.,* 2016 for portion of range estimate: N = 129 (CV = 0.44) in 2013 and N = 345 (CV = 0.43) in 2015); and, therefore, we proceed to a Tier 2 analysis. In the Tier 2 analysis, for the mean estimated M/SI from the AK Gulf of Alaska sablefish longline fishery (2.2) to be less than or equal to one percent of PBR (the threshold for Category III fisheries), the N_{MIN} would need to exceed 110,000. NMFS considers it unlikely that this sperm whale stock exceeds 110,000 whales and; therefore, concludes the M/SI estimate (2.2) would likely exceed 1 percent of PBR if NMFS had sufficient abundance data to calculate PBR for this stock. Based on this result, combined with the statutory definitions of a Category II fishery under the MMPA, NMFS proposes to reclassify this fishery as Category II.

Addition of Fisheries

NMFS proposes to add the AK BSAI halibut longline fishery as a Category III fishery. This fishery is proposed for classification in Category III based on analogy to other halibut longline fisheries.

NMFS proposes to add the AK Gulf of Alaska sablefish pot fishery as a Category III fishery. NMFS recently authorized this fishery for 2017 for sablefish Individual Fishing Quota (IFQ) share holders. In this fishery, sablefish pots are set along a longline, a method previously authorized and implemented in Alaska in the BSAI. This fishery is proposed for classification in Category III by analogy to other sablefish pot fisheries in Alaska.

Removal of Fisheries

NMFS proposes to remove the Category III AK miscellaneous finfish set gillnet fishery from the LOF as miscellaneous finfish are not the target of set gillnet fishing methods.

NMFS proposes to remove the Category III AK miscellaneous finfish beach seine fishery from the LOF as miscellaneous finfish are not the target of beach seine fishing methods.

NMFS proposes to remove the Category III AK miscellaneous finfish purse seine fishery from the LOF as miscellaneous finfish are not the target of purse seine fishing methods.

NMFS proposes to remove the Category III AK octopus/squid purse seine fishery from the LOF as octopus and squid are not the target of purse seine fishing methods.

NMFS proposes to remove the Category III AK BSAI rockfish longline fishery from the LOF as rockfish are not the target of longline fishing methods in this region.

NMFS proposes to remove the Category III AK Gulf of Alaska rockfish longline fishery from the LOF as rockfish are not the target of longline fishing methods in this region.

NMFS proposes to remove the Category III AK halibut longline/set line (state and Federal waters) fishery from the LOF as this fishery is covered by AK Gulf of Alaska halibut longline and AK BSAI halibut longline fisheries on the LOF.

NMFS proposes to remove the Category III AK miscellaneous finfish otter/beam trawl fishery from the LOF as miscellaneous finfish are not the target of otter/beam trawl fishing methods.

NMFS proposes to remove the Category III AK statewide miscellaneous finfish pot fishery from the LOF as miscellaneous finfish are not the target of pot fishing methods.

NMFS proposes to remove the Category III AK snail pot fishery from the LOF as there are currently no participants.

NMFS proposes to remove the Category III AK octopus/squid handline fishery from the LOF as octopus and squid are not the target of handline fishing methods.

NMFS proposes to remove the Category III AK Abalone fishery from the LOF as there are currently no participants.

Fishery Name and Organizational Changes and Clarification

NMFS proposes to clarify that the Category II AK BSAI rockfish trawl fishery includes sablefish catches. As sablefish is not the target species in this area, sablefish will not be listed as a separate fishery but will be considered as incidental catch in the rockfish trawl fishery in this region.

NMFS proposes to add a superscript ''1'' to the CA/OR/WA stock of humpback whale to indicate it is driving the Category II classification of the CA spiny lobster fishery. In 2015, gear associated with this fishery entangled a humpback whale (Carretta, Muto *et al.,* 2017).

NMFS proposes to rename the Category III AK salmon purse seine (excluding salmon purse seine fisheries listed elsewhere) fishery to AK salmon purse seine (Prince William Sound, Chignik, Alaska Peninsula) fishery. The proposed change is for clarity to directly indicate the areas included.

NMFS proposes to clarify that the Category III AK Gulf of Alaska rockfish trawl fishery includes targeted fishing for sablefish, which is included in the rockfish Fisheries Management Plan.

NMFS proposes to rename the Category III AK food/bait herring trawl fishery to AK Kodiak food/bait herring otter trawl fishery to clarify that this fishery only takes place in Kodiak and specifically uses otter trawl.

NMFS proposes to rename the Category III AK shrimp otter trawl and beam trawl (statewide and Cook Inlet) fishery to AK shrimp otter trawl and beam trawl fishery. There is no need to specifically mention the Cook Inlet area because this fishery is statewide.

NMFS proposes to rename the Category III AK State-managed waters of Cook Inlet, Kachemak Bay, Prince William Sound, Southeast AK groundfish trawl fishery to AK State-managed waters of Prince William Sound groundfish trawl fishery as the state banned trawling in the other areas currently specified.

NMFS proposes to combine the Category III AK Aleutian Islands sablefish pot fishery in the LOF with the Category III AK Bering Sea sablefish pot fishery for consistency with other regional designations in the LOF. The proposed change would combine these fisheries as AK BSAI sablefish pot fishery.

NMFS proposes to break the Category III AK miscellaneous finfish handline/hand troll and mechanical jig fishery into several fisheries by gear and geography for improved fishery categorization of potential impacts to marine mammals. For gear types, NMFS proposes to recognize jig and troll techniques separately to distinguish between fishing methods that may have different degrees of marine mammal interactions. NMFS proposes separating these into two regions, BSAI and Gulf of Alaska to better understand potential regional threats to marine mammals. NMFS will continue to consider the same group of target species together for the revised classification because the included groundfish species are often targeted simultaneously or only retained secondary to another primary target species in this group. NMFS considers ''groundfish'' to include, but not be limited to: Pacific cod, sablefish, ling cod, and various rockfish species. When reporting a marine mammal interaction, fishermen will be responsible to self-

identify their fishery by area, target species, and gear type. The new Category III fishery names are: (1) AK BSAI groundfish jig, (2) AK BSAI groundfish troll, (3) AK Gulf of Alaska groundfish jig, (4) AK Gulf of Alaska groundfish troll.

NMFS proposes to rename the Category III AK North Pacific halibut handline/hand troll and mechanical jig fishery to AK halibut jig fishery for clarity and consistency. There is no directed troll or handline effort for halibut, but there is jig effort.

NMFS proposes to rename the Category III AK urchin and other fish/shellfish fishery to AK miscellaneous invertebrates hand pick fishery for clarity and consistency with the National Bycatch Report. This includes hand-picked fisheries for urchin, cucumbers, and bivalves.

NMFS makes an administrative change to the Category III Alaska scallop dredge fishery to be renamed AK scallop dredge for consistency.

Number of Vessels/Persons

NMFS proposes to update the estimated number of vessels/persons in the Pacific Ocean (Table 1) as follows:

Category	Fishery	Number of vessels/persons (2017 LOF)	Number of vessels/persons (2018 LOF)
I	HI deep-set longline	139	143
II	HI shallow-set longline	20	22
II	American Samoa longline	20	18
III	AK Gulf of Alaska crab pot	381	271
III	AK Gulf of Alaska Pacific cod pot	128	116
III	AK Southeast Alaska crab pot	41	375
III	AK Southeast Alaska shrimp pot	269	210
III	AK shrimp pot, except Southeast	236	141
III	AK octopus/squid pot	26	15
III	AK herring spawn on kelp	339	266
III	AK miscellaneous invertebrates handpick	398	214
III	American Samoa bottomfish handline	24	17
III	AK commercial passenger fishing vessel	2,702	1,006

List of Species and/or Stocks Incidentally Killed or Injured in the Pacific Ocean

NMFS proposes to add the Central North Pacific stock of humpback whale to the list of stocks incidentally killed or injured in the Category I Hawaii deep-set longline fishery. A humpback was seriously injured in 2014 in this fishery.

NMFS proposes to add the Hawaii stock of Kogia *spp.* (Pygmy or dwarf sperm whale) to the list of stocks incidentally killed or injured in the Category I Hawaii deep-set longline fishery to keep parallel structure with Table 3.

NMFS proposes to add the CA/OR/WA stock of Dall's porpoise to the list of stocks incidentally killed or injured in the Category I CA thresher shark/swordfish drift gillnet (≥14 in mesh) fishery based on a 2014 observed entanglement (Carretta, Forney *et al.,* 2017).

Commercial Fisheries in the Atlantic Ocean, Gulf of Mexico, and Caribbean

Number of Vessels/Persons

NMFS proposes updates to the estimated number of vessels/persons in the Atlantic Ocean, Gulf of Mexico, and Caribbean (Table 2) as follows:

Category	Fishery	Number of vessels/persons (2017 LOF)	Number of vessels/persons (2018 LOF)
I	Atlantic Ocean, Caribbean, Gulf of Mexico large pelagics longline	420	280
II	Southeastern U.S. Atlantic shark gillnet	30	23
III	Gulf of Maine, U.S. Mid-Atlantic tuna, shark, swordfish hook-and-line/harpoon	428	3084
III	Southeastern U.S. Atlantic, Gulf of Mexico shark bottom longline/hook-and-line	<125	39
III	Southeastern U.S. Atlantic, Gulf of Mexico, and Caribbean pelagic hook-and-line/harpoon.	1,446	680

List of Species and/or Stocks Incidentally Killed or Injured in the Atlantic Ocean, Gulf of Mexico, and Caribbean

NMFS proposes to add the Northern Gulf of Mexico stock of rough-toothed dolphin to the list of stocks incidentally killed or injured in the Category I Atlantic Ocean, Caribbean, Gulf of Mexico large pelagics longline fishery. In 2014, two serious injuries of rough-toothed dolphins were observed in this fishery (Garrison and Stokes, 2017). The estimated annual combined mortality and serious injury, from 2010–2014, attributable to this fishery in the northern Gulf of Mexico was 0.8 (Hayes *et al.,* 2017). Observer coverage from 2010–2014 for this fishery was 9.7, 10.1, 8.6, 14.1, and 12.3 percent, respectively.

NMFS proposes to remove the WNA stock of white-sided dolphin from the stocks listed as incidentally killed or injured in the Category II Mid-Atlantic mid-water trawl fishery. The last documented take of white-sided dolphin in this fishery occurred in 2009 (Waring *et al.,* 2016). Since no additional takes have been documented since 2009, we propose to remove the stock. Observer coverage from 2010–2014 for this fishery was 25, 41, 21, 7, and 5 percent, respectively.

NMFS proposes to add the WNA stock of white-sided dolphin to the list of stocks incidentally killed or injured in the Category II Mid-Atlantic bottom trawl fishery. White-sided dolphin takes were documented in this fishery prior to 2008, but no takes were documented from 2008–2013 leading to the stock's removal from the list in the 2016 LOF (81 FR 20550; April 8, 2016). In 2014, 9.67 takes were estimated. The current

mean combined annual mortality rate for 2010–2014 is now 1.9 animals per year (Hayes *et al.,* 2017). Potential biological removal for this species is 304 (Hayes *et al.,* 2017); therefore, the current annual mortality estimates (0.625 percent of PBR) will not drive the Category II classification of this fishery. Observer coverage from 2010–2014 for this fishery was 6, 8, 5, 6, and 8 percent, respectively.

NMFS proposes to add the WNA offshore stock of bottlenose dolphin to the list of stocks incidentally killed or injured in the Category III Gulf of Maine, U.S., Mid-Atlantic tuna, shark, swordfish hook-and-line/harpoon fishery. A fisherman self-reported one bottlenose dolphin injury that was determined to be a serious injury in 2010 (Waring *et al.,* 2016).

NMFS proposes to add three stocks to the list of stocks incidentally killed or injured in the Atlantic Ocean, Gulf of Mexico, Caribbean commercial passenger fishing vessel fishery. The three stocks are: (1) WNA stock of short-finned pilot whale and (2) Barataria Bay estuarine system stock and (3) Mississippi Sound, Lake Borgne, Bay Boudreau stock of bottlenose dolphins.

In 2013, one short-finned pilot whale was self-reported by a charterboat fisherman (Hayes *et al.,* 2017). The hooked and entangled animal was released alive; however, NMFS determined the injury to be serious (Maze-Foley and Garrison, 2016).

In 2011, one dead and one injured Barataria Bay estuarine system stock of Bottlenose dolphins were documented in hook-and-line gear. In 2013, two injured dolphins from this stock were documented in hook and line gear (Waring *et al.,* 2016).

In 2011, three dead Mississippi Sound, Lake Borgne, Bay Boudreau stock of bottlenose dolphins were documented in hook-and-line gear. In 2012 and 2013, one death was documented each year associated with hook and line gear (Waring *et al.,* 2016).

NMFS corrects three administrative errors in Table 2. Under stocks listed as incidentally killed or injured in the Atlantic Ocean, Caribbean, Gulf of Mexico large pelagic longline fishery, NMFS updates to stock name for Atlantic spotted dolphin from ''GMX continental and oceanic'' to ''Northern GMX''. Second, in the Atlantic Ocean, Gulf of Mexico, Caribbean commercial passenger fishing vessel fishery, NMFS updates the stock name for bottlenose dolphin from ''Southern SC/GA coastal'' to ''SC/GA coastal''. Last, NMFS removes the WNA stock of Risso's dolphin and white-sided dolphin from the stocks listed as incidentally injured or killed in the Category I Mid-Atlantic gillnet fishery. These stocks were removed in the 2016 LOF (80 FR 58427, September 29, 2015), but the change was not reflected on Table 2.

Commercial Fisheries on the High Seas

Removal of Fisheries

NMFS proposes to remove the Category II Atlantic highly migratory species drift gillnet fishery from the LOF as there are currently no participants.

Fishery Name and Organizational Changes and Clarification

NMFS proposes to designate the list of stocks incidentally killed in injured in a fishery from ''undetermined'' to ''no information'' for clarity that no data are available for interactions in that fishery.

Number of Vessels/Persons

NMFS proposes updates to the estimated number of vessels/persons on the High Seas (Table 3) as follows:

Category	Fishery	Number of vessels/persons (2017 LOF)	Number of vessels/persons (2018 LOF)
I	Atlantic highly migratory species longline	86	79
I	Western Pacific pelagic longline (HI deep-set component)	139	143
I	Pacific highly migratory species drift gillnet	5	4
II	Atlantic highly migratory species trawl	1	2
II	South Pacific tuna purse seine	38	35
II	Western Pacific pelagic purse seine	3	1
II	South Pacific albacore troll longline	10	9
II	South Pacific tuna longline	2	4
II	Western Pacific pelagic longline (HI shallow-set component)	20	22
II	Atlantic highly migratory species handline/pole and line	3	2
II	Pacific highly migratory species handline/pole and line	46	42
II	South Pacific albacore troll handline/pole and line	7	11
II	Western Pacific pelagic handline/pole and line	2	5
II	Atlantic highly migratory species troll	2	1
II	South Pacific albacore troll troll	30	22
II	Western Pacific pelagic troll	17	6
III	Pacific highly migratory species longline	114	105
III	Pacific highly migratory species purse seine	6	7
III	Northwest Atlantic trawl	1	2
III	Pacific highly migratory species troll	187	149

List of Species and/or Stocks Incidentally Killed or Injured on the High Seas

NMFS proposes to add the Hawaii stock of Kogia *spp.* (Pygmy or dwarf sperm whale) to the list of stocks incidentally killed or injured in the Category I Western Pacific Pelagic (HI deep-set component) longline fishery. In 2014, one serious injury was observed in this fishery (Carretta, Forney *et al.,* 2017).

NMFS proposes to add the Central North Pacific stock of humpback whale to the list of stocks incidentally killed or injured in the Category I Western Pacific Pelagic (HI deep-set component) longline fishery to keep parallel structure with Table 1.

List of Fisheries

The following tables set forth the list of U.S. commercial fisheries according to their classification under section 118 of the MMPA. Table 1 lists commercial fisheries in the Pacific Ocean (including Alaska), Table 2 lists commercial fisheries in the Atlantic Ocean, Gulf of Mexico, and Caribbean, Table 3 lists commercial fisheries on the high seas,

and Table 4 lists fisheries affected by TRPs or TRTs.

In Tables 1 and 2, the estimated number of vessels or persons participating in fisheries operating within U.S. waters is expressed in terms of the number of active participants in the fishery, when possible. If this information is not available, the estimated number of vessels or persons licensed for a particular fishery is provided. If no recent information is available on the number of participants, vessels, or persons licensed in a fishery, then the number from the most recent LOF is used for the estimated number of vessels or persons in the fishery. NMFS acknowledges that, in some cases, these estimates may be inflations of actual effort. For example, the State of Hawaii does not issue fishery-specific licenses, and the number of participants reported in the LOF represents the number of commercial marine license holders who reported using a particular fishing gear type/method at least once in a given year, without considering how many times the gear was used. For these fisheries, effort by a single participant is counted the same whether the fisherman used the gear only once or every day. In the Mid-Atlantic and New England fisheries, the numbers represent the potential effort for each fishery, given the multiple gear types for which several state permits may allow. Changes made to Mid-Atlantic and New England fishery participants will not affect observer coverage or bycatch estimates, as observer coverage and bycatch estimates are based on vessel trip reports and landings data. Tables 1 and 2 serve to provide a description of the fishery's potential effort (state and Federal). If NMFS is able to extract more accurate information on the gear types used by state permit holders in the future, the numbers will be updated to reflect this change. For additional information on fishing effort in fisheries found on Table 1 or 2, contact the relevant regional office (contact information included above in **SUPPLEMENTARY INFORMATION**).

For high seas fisheries, Table 3 lists the number of valid HSFCA permits currently held. Although this likely overestimates the number of active participants in many of these fisheries, the number of valid HSFCA permits is the most reliable data on the potential effort in high seas fisheries at this time. As noted previously in this LOF, the number of HSFCA permits listed in Table 3 for the high seas components of fisheries that also operate within U.S. waters, does not necessarily represent additional effort that is not accounted for in Tables 1 and 2. Many vessels holding HSFCA permits also fish within U.S. waters and are included in the number of vessels and participants operating within those fisheries in Tables 1 and 2.

Tables 1, 2, and 3 also list the marine mammal species and/or stocks incidentally killed or injured (seriously or non-seriously) in each fishery based on SARs, injury determination reports, bycatch estimation reports, observer data, logbook data, stranding data, disentanglement network data, fishermen self-reports (*i.e.,* MMPA reports), and anecdotal reports. The best available scientific information included in these reports is based on data through 2012. This list includes all species and/or stocks known to be killed or injured in a given fishery but also includes species and/or stocks for which there are anecdotal records of a mortality or injury. Additionally, species identified by logbook entries, stranding data, or fishermen self-reports (*i.e.,* MMPA reports) may not be verified. In Tables 1 and 2, NMFS has designated those species/stocks driving a fishery's classification (*i.e.,* the fishery is classified based on mortalities and serious injuries of a marine mammal stock that are greater than or equal to 50 percent (Category I), or greater than 1 percent and less than 50 percent (Category II), of a stock's PBR) by a ''1'' after the stock's name.

In Tables 1 and 2, there are several fisheries classified as Category II that have no recent documented mortalities or serious injuries of marine mammals, or fisheries that did not result in a mortality or serious injury rate greater than 1 percent of a stock's PBR level based on known interactions. NMFS has classified these fisheries by analogy to other Category I or II fisheries that use similar fishing techniques or gear that are known to cause mortality or serious injury of marine mammals, as discussed in the final LOF for 1996 (60 FR 67063; December 28, 1995), and according to factors listed in the definition of a ''Category II fishery'' in 50 CFR 229.2 (*i.e.,* fishing techniques, gear types, methods used to deter marine mammals, target species, seasons and areas fished, qualitative data from logbooks or fishermen reports, stranding data, and the species and distribution of marine mammals in the area). NMFS has designated those fisheries listed by analogy in Tables 1 and 2 by a ''2'' after the fishery's name.

There are several fisheries in Tables 1, 2, and 3 in which a portion of the fishing vessels cross the exclusive economic zone (EEZ) boundary and therefore operate both within U.S. waters and on the high seas. These fisheries, though listed separately between Table 1 or 2 and Table 3, are considered the same fisheries on either side of the EEZ boundary. NMFS has designated those fisheries in each table by a ''*'' after the fishery's name.

TABLE 1—LIST OF FISHERIES—COMMERCIAL FISHERIES IN THE PACIFIC OCEAN

Fishery description	Estimated number of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
CATEGORY I		
LONGLINE/SET LINE FISHERIES:		
HI deep-set longline */^	143	Bottlenose dolphin, HI Pelagic. False killer whale, MHI Insular.[1] False killer whale, HI Pelagic.[1] False killer whale, NWHI. Humpback whale. Central North Pacific. Kogia *spp.* (Pygmy or dwarf sperm whale), HI. Pygmy killer whale, HI. Risso's dolphin, HI. Short-finned pilot whale, HI. Sperm whale, HI. Striped dolphin, HI.

TABLE 1—LIST OF FISHERIES—COMMERCIAL FISHERIES IN THE PACIFIC OCEAN—Continued

Fishery description	Estimated number of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
	CATEGORY II	
GILLNET FISHERIES:		
CA thresher shark/swordfish drift gillnet (≥14 in mesh) *	18	Bottlenose dolphin, CA/OR/WA offshore. California sea lion, U.S. Dall's porpoise, CA/OR/WA. Humpback whale, CA/OR/WA. Long-beaked common dolphin, CA. Minke whale, CA/OR/WA. Northern elephant seal, CA breeding. Northern right-whale dolphin, CA/OR/WA. Pacific white-sided dolphin, CA/OR/WA. Risso's dolphin, CA/OR/WA. Short-beaked common dolphin, CA/OR/WA. Short-finned pilot whale, CA/OR/WA. Sperm Whale, CA/OR/WA.[1]
CA halibut/white seabass and other species set gillnet (>3.5 in mesh).	50	California sea lion, U.S. Harbor seal, CA. Humpback whale, CA/OR/WA.[1] Long-beaked common dolphin, CA. Northern elephant seal, CA breeding. Sea otter, CA. Short-beaked common dolphin, CA/OR/WA.
CA yellowtail, barracuda, and white seabass drift gillnet (mesh size ≥3.5 in and <14 in) [2].	30	California sea lion, U.S. Long-beaked common dolphin, CA. Short-beaked common dolphin, CA/OR/WA.
AK Bristol Bay salmon drift gillnet [2]	1,862	Beluga whale, Bristol Bay. Gray whale, Eastern North Pacific. Harbor seal, Bering Sea. Northern fur seal, Eastern Pacific. Pacific white-sided dolphin, North Pacific. Spotted seal, AK. Steller sea lion, Western U.S.
AK PeninsulaBay salmon set gillnet [2]	979	Beluga whale, Bristol Bay. Gray whale, Eastern North Pacific. Harbor seal, Bering Sea. Northern fur seal, Eastern Pacific. Spotted seal, AK.
AK Kodiak salmon set gillnet	188	Harbor porpoise, GOA.[1] Harbor seal, GOA. Sea otter, Southwest AK. Steller sea lion, Western U.S.
AK Cook Inlet salmon set gillnet	736	Beluga whale, Cook Inlet. Dall's porpoise, AK. Harbor porpoise, GOA. Harbor seal, GOA. Humpback whale, Central North Pacific.[1] Sea otter, South central AK. Steller sea lion, Western U.S.
AK Cook Inlet salmon drift gillnet	569	Beluga whale, Cook Inlet. Dall's porpoise, AK. Harbor porpoise, GOA.[1] Harbor seal, GOA. Steller sea lion, Western U.S.
AK Peninsula/Aleutian Islands salmon drift gillnet.[2]	162	Dall's porpoise, AK. Harbor porpoise, GOA. Harbor seal, GOA. Northern fur seal, Eastern Pacific.
AK Peninsula/Aleutian Islands salmon set gillnet.[2]	113	Harbor porpoise, Bering Sea. Northern sea otter, Southwest AK. Steller sea lion, Western U.S.
AK Prince William Sound salmon drift gillnet	537	Dall's porpoise, AK. Harbor porpoise, GOA.[1] Harbor seal, GOA. Northern fur seal, Eastern Pacific. Pacific white-sided dolphin, North Pacific. Sea otter, South central AK. Steller sea lion, Western U.S.[1]
AK Southeast salmon drift gillnet	474	Dall's porpoise, AK.

TABLE 1—LIST OF FISHERIES—COMMERCIAL FISHERIES IN THE PACIFIC OCEAN—Continued

Fishery description	Estimated number of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
		Harbor porpoise, Southeast AK.
		Harbor seal, Southeast AK.
		Humpback whale, Central North Pacific.[1]
		Pacific white-sided dolphin, North Pacific.
		Steller sea lion, Eastern U.S.
AK Yakutat salmon set gillnet[2]	168	Gray whale, Eastern North Pacific.
		Harbor Porpoise, Southeastern AK.
		Harbor seal, Southeast AK.
		Humpback whale, Central North Pacific (Southeast AK).
WA Puget Sound Region salmon drift gillnet (includes all inland waters south of U.S.-Canada border and eastward of the Bonilla-Tatoosh line-Treaty Indian fishing is excluded).	210	Dall's porpoise, CA/OR/WA.
		Harbor porpoise, inland WA.[1]
		Harbor seal, WA inland.
TRAWL FISHERIES:		
AK Bering Sea, Aleutian Islands flatfish trawl	32	Bearded seal, AK.
		Gray whale, Eastern North Pacific.
		Harbor porpoise, Bering Sea.
		Harbor seal, Bering Sea.
		Humpback whale, Western North Pacific.[1]
		Killer whale, AK resident.[1]
		Killer whale, GOA, AI, BS transient.[1]
		Northern fur seal, Eastern Pacific.
		Ringed seal, AK.
		Ribbon seal, AK.
		Spotted seal, AK.
		Steller sea lion, Western U.S.[1]
		Walrus, AK.
AK Bering Sea, Aleutian Islands pollock trawl	102	Bearded Seal, AK.
		Dall's porpoise, AK.
		Harbor seal, AK.
		Humpback whale, Central North Pacific.
		Humpback whale, Western North Pacific.
		Northern fur seal, Eastern Pacific.
		Ribbon seal, AK.
		Ringed seal, AK.
		Spotted seal, AK.
		Steller sea lion, Western U.S.[1]
AK Bering Sea, Aleutian Islands rockfish trawl	17	Killer whale, ENP AK resident.[1]
		Killer whale, GOA, AI, BS transient.[1]
POT, RING NET, AND TRAP FISHERIES:		
CA spiny lobster	194	Bottlenose dolphin, CA/OR/WA offshore.
		Humpback whale, CA/OR/WA.[1]
		Gray whale, Eastern North Pacific.
CA spot prawn pot	25	Gray whale, Eastern North Pacific.
		Humpback whale, CA/OR/WA.[1]
CA Dungeness crab pot	570	Gray whale, Eastern North Pacific.
		Humpback whale, CA/OR/WA.[1]
OR Dungeness crab pot	433	Gray whale, Eastern North Pacific.
		Humpback whale, CA/OR/WA.[1]
WA/OR/CA sablefish pot	309	Humpback whale, CA/OR/WA.[1]
WA coastal Dungeness crab pot	228	Gray whale, Eastern North Pacific.
		Humpback whale, CA/OR/WA.[1]
LONGLINE/SET LINE FISHERIES:		
AK Bering Sea, Aleutian Islands Pacific cod longline	45	Dall's Porpoise, AK.
		Killer whale, GOA, BSAI transient.[1]
		Northern fur seal, Eastern Pacific.
		Ringed seal, AK.
AK Gulf of Alaska sablefish longline	295	Sperm whale, North Pacific.
HI shallow-set longline*^	22	Blainville's beaked whale, HI.
		Bottlenose dolphin, HI Pelagic.
		False killer whale, HI Pelagic.[1]
		Humpback whale, Central North Pacific.
		Risso's dolphin, HI.
		Rough-toothed dolphin, HI.
		Short-finned pilot whale, HI.
		Striped dolphin, HI.
American Samoa longline[2]	18	Bottlenose dolphin, unknown.
		Cuvier's beaked whale, unknown.
		False killer whale, American Samoa.

TABLE 1—LIST OF FISHERIES—COMMERCIAL FISHERIES IN THE PACIFIC OCEAN—Continued

Fishery description	Estimated number of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
		Rough-toothed dolphin, American Samoa.
		Short-finned pilot whale, unknown.
HI shortline [2]	9	None documented.
CATEGORY III		
GILLNET FISHERIES:		
AK Kuskokwim, Yukon, Norton Sound, Kotzebue salmon gillnet.	1,778	Harbor porpoise, Bering Sea.
AK Prince William Sound salmon set gillnet	29	Harbor seal, GOA.
		Sea otter, South central AK.
		Steller sea lion, Western U.S.
AK roe herring and food/bait herring gillnet	920	None documented.
CA set gillnet (mesh size <3.5 in)	296	None documented.
HI inshore gillnet	36	Bottlenose dolphin, HI.
		Spinner dolphin, HI.
WA Grays Harbor salmon drift gillnet (excluding treaty Tribal fishing).	24	Harbor seal, OR/WA coast.
WA/OR Mainstem Columbia River eulachon gillnet	15	None documented.
WA/OR lower Columbia River (includes tributaries) drift gillnet	110	California sea lion, U.S.
		Harbor seal, OR/WA coast.
WA Willapa Bay drift gillnet	82	Harbor seal, OR/WA coast.
		Northern elephant seal, CA breeding.
MISCELLANEOUS NET FISHERIES:		
AK Cook Inlet salmon purse seine	83	Humpback whale, Central North Pacific.
AK Kodiak salmon purse seine	376	Humpback whale, Central North Pacific.
AK Southeast salmon purse seine	315	None documented in the most recent five years of data.
AK Metlakatla salmon purse seine	10	None documented.
AK roe herring and food/bait herring beach seine	10	None documented.
AK roe herring and food/bait herring purse seine	356	None documented.
AK salmon beach seine	31	None documented.
AK salmon purse seine (Prince William Sound, Chignik, Alaska Peninsula).	936	Harbor seal, GOA.
		Harbor seal, Prince William Sound.
WA/OR sardine purse seine	42	None documented.
CA anchovy, mackerel, sardine purse seine	65	California sea lion, U.S.
		Harbor seal, CA.
CA squid purse seine	80	Long-beaked common dolphin, CA.
		Short-beaked common dolphin, CA/OR/WA.
CA tuna purse seine *	10	None documented.
WA/OR Lower Columbia River salmon seine	10	None documented.
WA/OR herring, smelt, squid purse seine or lampara	130	None documented.
WA salmon purse seine	75	None documented.
WA salmon reef net	11	None documented.
HI lift net	17	None documented.
HI inshore purse seine	<3	None documented.
HI throw net, cast net	23	None documented.
HI seine net	24	None documented.
DIP NET FISHERIES:		
CA squid dip net	115	None documented.
MARINE AQUACULTURE FISHERIES:		
CA marine shellfish aquaculture	unknown	None documented.
CA salmon enhancement rearing pen	>1	None documented.
CA white seabass enhancement net pens	13	California sea lion, U.S.
HI offshore pen culture	2	None documented.
WA salmon net pens	14	California sea lion, U.S.
		Harbor seal, WA inland waters.
WA/OR shellfish aquaculture	23	None documented.
TROLL FISHERIES:		
WA/OR/CA albacore surface hook and line/troll	705	None documented.
CA halibut hook and line/handline	unknown	None documented.
CA white seabass hook and line/handline	unknown	None documented.
AK Bering Sea, Aleutian Islands groundfish troll	unknown	None documented.
AK Gulf of Alaska groundfish troll	unknown	None documented.
AK salmon troll	1,908	Steller sea lion, Eastern U.S.
		Steller sea lion, Western U.S.
American Samoa tuna troll	13	None documented.
CA/OR/WA salmon troll	4,300	None documented.
HI troll	2,117	Pantropical spotted dolphin, HI.
HI rod and reel	322	None documented.

TABLE 1—LIST OF FISHERIES—COMMERCIAL FISHERIES IN THE PACIFIC OCEAN—Continued

Fishery description	Estimated number of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
Commonwealth of the Northern Mariana Islands tuna troll	40	None documented.
Guam tuna troll	432	None documented.
LONGLINE/SET LINE FISHERIES:		
AK Bering Sea, Aleutian Islands Greenland turbot longline	4	Killer whale, AK resident.
AK Bering Sea, Aleutian Islands sablefish longline	22	None documented.
AK Bering Sea, Aleutian Islands halibut longline	127	None documented.
AK Gulf of Alaska halibut longline	855	None documented.
AK Gulf of Alaska Pacific cod longline	92	Steller sea lion, Western U.S.
AK octopus/squid longline	3	None documented.
AK state-managed waters longline/setline (including sablefish, rockfish, lingcod, and miscellaneous finfish).	464	None documented.
WA/OR/CA groundfish, bottomfish longline/set line	367	Bottlenose dolphin, CA/OR/WA offshore.
WA/OR Pacific halibut longline	350	None documented.
CA pelagic longline	1	None documented in the most recent five years of data.
HI kaka line	15	None documented.
HI vertical line	3	None documented.
TRAWL FISHERIES:		
AK Bering Sea, Aleutian Islands Atka mackerel trawl	13	Ribbon seal, AK. Steller sea lion, Western U.S.
AK Bering Sea, Aleutian Islands Pacific cod trawl	72	Ringed seal, AK. Steller sea lion, Western U.S.
AK Gulf of Alaska flatfish trawl	36	Northern elephant seal, North Pacific.
AK Gulf of Alaska Pacific cod trawl	55	Steller sea lion, Western U.S.
AK Gulf of Alaska pollock trawl	67	Dall's porpoise, AK. Fin whale, Northeast Pacific. Northern elephant seal, North Pacific. Steller sea lion, Western U.S.
AK Gulf of Alaska rockfish trawl	43	None documented.
AK Kodiak food/bait herring otter trawl	4	None documented.
AK shrimp otter trawl and beam trawl	38	None documented.
AK state-managed waters of Prince William Sound groundfish trawl.	2	None documented.
CA halibut bottom trawl	47	California sea lion, U.S. Harbor porpoise, unknown. Harbor seal, unknown. Northern elephant seal, CA breeding. Steller sea lion, unknown.
CA sea cucumber trawl	16	None documented.
WA/OR/CA shrimp trawl	300	None documented.
WA/OR/CA groundfish trawl	160–180	California sea lion, U.S. Dall's porpoise, CA/OR/WA. Harbor seal, OR/WA coast. Northern fur seal, Eastern Pacific. Pacific white-sided dolphin, CA/OR/WA. Steller sea lion, Eastern U.S.
POT, RING NET, AND TRAP FISHERIES:		
AK Bering Sea, Aleutian Islands sablefish pot	6	None documented.
AK Bering Sea, Aleutian Islands Pacific cod pot	59	None documented.
AK Bering Sea, Aleutian Islands crab pot	540	Gray whale, Eastern North Pacific.
AK Gulf of Alaska crab pot	271	None documented.
AK Gulf of Alaska Pacific cod pot	116	Harbor seal, GOA.
AK Gulf of Alaska sablefish pot	248	None documented.
AK Southeast Alaska crab pot	375	Humpback whale, Central North Pacific (Southeast AK).
AK Southeast Alaska shrimp pot	210	Humpback whale, Central North Pacific (Southeast AK).
AK shrimp pot, except Southeast	141	None documented.
AK octopus/squid pot	15	None documented.
CA/OR coonstripe shrimp pot	36	Gray whale, Eastern North Pacific. Harbor seal, CA.
CA rock crab pot	124	Gray whale, Eastern North Pacific. Harbor seal, CA.
WA/OR/CA hagfish pot	54	None documented.
WA/OR shrimp pot/trap	254	None documented.
WA Puget Sound Dungeness crab pot/trap	249	None documented.
HI crab trap	5	Humpback whale, Central North Pacific.
HI fish trap	9	None documented.
HI lobster trap	<3	None documented in recent years.
HI shrimp trap	10	None documented.
HI crab net	4	None documented.
HI Kona crab loop net	33	None documented.

TABLE 1—LIST OF FISHERIES—COMMERCIAL FISHERIES IN THE PACIFIC OCEAN—Continued

Fishery description	Estimated number of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
HOOK-AND-LINE, HANDLINE, AND JIG FISHERIES:		
AK Bering Sea, Aleutian Islands groundfish jig	2	None documented.
AK Gulf of Alaska groundfish jig	214	Fin whale, Northeast Pacific.
AK halibut jig	71	None documented.
American Samoa bottomfish	17	None documented.
Commonwealth of the Northern Mariana Islands bottomfish	28	None documented.
Guam bottomfish	>300	None documented.
HI aku boat, pole, and line	<3	None documented.
HI bottomfish handline	578	None documented in recent years.
HI inshore handline	357	None documented.
HI pelagic handline	534	None documented.
WA groundfish, bottomfish jig	679	None documented.
Western Pacific squid jig	0	None documented.
HARPOON FISHERIES:		
CA swordfish harpoon	6	None documented.
POUND NET/WEIR FISHERIES:		
AK herring spawn on kelp pound net	291	None documented.
AK Southeast herring roe/food/bait pound net	2	None documented.
HI bullpen trap	3	None documented.
BAIT PENS:		
WA/OR/CA bait pens	13	California sea lion, U.S.
DREDGE FISHERIES:		
AK scallop dredge	108 (5 AK)	None documented.
DIVE, HAND/MECHANICAL COLLECTION FISHERIES:		
AK clam	130	None documented.
AK Dungeness crab	2	None documented.
AK herring spawn on kelp	266	None documented.
AK miscellaneous invertebrates handpick	214	None documented.
HI black coral diving	<3	None documented.
HI fish pond	5	None documented.
HI handpick	46	None documented.
HI lobster diving	19	None documented.
HI spearfishing	163	None documented.
WA/CA kelp	4	None documented.
WA/OR bait shrimp, clam hand, dive, or mechanical collection	201	None documented.
OR/CA sea urchin, sea cucumber hand, dive, or mechanical collection.	10	None documented.
COMMERCIAL PASSENGER FISHING VESSEL (CHARTER BOAT) FISHERIES:		
AK/WA/OR/CA commercial passenger fishing vessel	>7,000 (1,006 AK).	Killer whale, unknown. Steller sea lion, Eastern U.S. Steller sea lion, Western U.S.
LIVE FINFISH/SHELLFISH FISHERIES:		
CA nearshore finfish live trap/hook-and-line	93	None documented.
HI aquarium collecting	90	None documented.

List of Abbreviations and Symbols Used in Table 1: AI—Aleutian Islands; AK—Alaska; BS—Bering Sea; CA—California; ENP—Eastern North Pacific; GOA—Gulf of Alaska; HI—Hawaii; MHI—Main Hawaiian Islands; OR—Oregon; WA—Washington; [1] Fishery classified based on mortalities and serious injuries of this stock, which are greater than or equal to 50 percent (Category I) or greater than 1 percent and less than 50 percent (Category II) of the stock's PBR; [2] Fishery classified by analogy; * Fishery has an associated high seas component listed in Table 3; ^ The list of marine mammal species and/or stocks killed or injured in this fishery is identical to the list of species and/or stocks killed or injured in high seas component of the fishery, minus species and/or stocks that have geographic ranges exclusively on the high seas. The species and/or stocks are found, and the fishery remains the same, on both sides of the EEZ boundary. Therefore, the EEZ components of these fisheries pose the same risk to marine mammals as the components operating on the high seas.

TABLE 2—LIST OF FISHERIES—COMMERCIAL FISHERIES IN THE ATLANTIC OCEAN, GULF OF MEXICO, AND CARIBBEAN

Fishery description	Estimated number of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
CATEGORY I		
GILLNET FISHERIES:		
Mid-Atlantic gillnet	3,950	Bottlenose dolphin, Northern Migratory coastal.[1] Bottlenose dolphin, Southern Migratory coastal.[1] Bottlenose dolphin, Northern NC estuarine system.[1] Bottlenose dolphin, Southern NC estuarine system.[1] Bottlenose dolphin, WNA offshore.

TABLE 2—LIST OF FISHERIES—COMMERCIAL FISHERIES IN THE ATLANTIC OCEAN, GULF OF MEXICO, AND CARIBBEAN—Continued

Fishery description	Estimated number of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
		Common dolphin, WNA. Gray seal, WNA. Harbor porpoise, GME/BF. Harbor seal, WNA. Harp seal, WNA. Humpback whale, Gulf of Maine. Minke whale, Canadian east coast.
Northeast sink gillnet	4,332	Bottlenose dolphin, WNA offshore. Common dolphin, WNA. Fin whale, WNA. Gray seal, WNA. Harbor porpoise, GME/BF.[1] Harbor seal, WNA. Harp seal, WNA. Hooded seal, WNA. Humpback whale, Gulf of Maine. Long-finned pilot whale, WNA. Minke whale, Canadian east coast. North Atlantic right whale, WNA. Risso's dolphin, WNA. White-sided dolphin, WNA.
TRAP/POT FISHERIES:		
Northeast/Mid-Atlantic American lobster trap/pot	10,163	Humpback whale, Gulf of Maine. Minke whale, Canadian east coast. North Atlantic right whale, WNA.[1]
LONGLINE FISHERIES:		
Atlantic Ocean, Caribbean, Gulf of Mexico large pelagics longline*.	280	Atlantic spotted dolphin, Northern GMX. Bottlenose dolphin, Northern GMX oceanic. Bottlenose dolphin, WNA offshore. Common dolphin, WNA. Cuvier's beaked whale, WNA. False killer whale, WNA. Harbor porpoise, GME, BF. Kogia *spp.* (Pygmy or dwarf sperm whale), WNA. Long-finned pilot whale, WNA.[1] Mesoplodon beaked whale, WNA. Minke whale, Canadian East coast. Pantropical spotted dolphin, Northern GMX. Pygmy sperm whale, GMX. Risso's dolphin, Northern GMX. Risso's dolphin, WNA. Rough-toothed dolphin, Northern GMX. Short-finned pilot whale, Northern GMX. Short-finned pilot whale, WNA.[1]
CATEGORY II		
GILLNET FISHERIES:		
Chesapeake Bay inshore gillnet[2]	248	Bottlenose dolphin, unknown (Northern migratory coastal or Southern migratory coastal).
Gulf of Mexico gillnet[2]	248	Bottlenose dolphin, GMX bay, sound, and estuarine. Bottlenose dolphin, Northern GMX coastal. Bottlenose dolphin, Western GMX coastal.
NC inshore gillnet	2,850	Bottlenose dolphin, Northern NC estuarine system.[1] Bottlenose dolphin, Southern NC estuarine system.[1]
Northeast anchored float gillnet[2]	852	Harbor seal, WNA. Humpback whale, Gulf of Maine. White-sided dolphin, WNA.
Northeast drift gillnet[2]	1,036	None documented.
Southeast Atlantic gillnet[2]	273	Bottlenose dolphin, Central FL coastal. Bottlenose dolphin, Northern FL coastal. Bottlenose dolphin, SC/GA coastal. Bottlenose dolphin, Southern migratory coastal.
Southeastern U.S. Atlantic shark gillnet	23	Bottlenose dolphin, unknown (Central FL, Northern FL, SC/GA coastal, or Southern migratory coastal). North Atlantic right whale, WNA.
TRAWL FISHERIES:		
Mid-Atlantic mid-water trawl (including pair trawl)	382	Gray seal, WNA. Harbor seal, WNA.

TABLE 2—LIST OF FISHERIES—COMMERCIAL FISHERIES IN THE ATLANTIC OCEAN, GULF OF MEXICO, AND CARIBBEAN—Continued

Fishery description	Estimated number of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
Mid-Atlantic bottom trawl	785	Bottlenose dolphin, WNA offshore. Common dolphin, WNA.[1] Gray seal, WNA. Harbor seal, WNA. Risso's dolphin, WNA.[1] White-sided dolphin, WNA.
Northeast mid-water trawl (including pair trawl)	1,087	Common dolphin, WNA. Gray seal, WNA. Harbor seal, WNA. Long-finned pilot whale, WNA.[1] Minke whale, Canadian East Coast.
Northeast bottom trawl	2,238	Bottlenose dolphin, WNA offshore. Common dolphin, WNA. Gray seal, WNA. Harbor porpoise, GME/BF. Harbor seal, WNA. Harp seal, WNA. Long-finned pilot whale, WNA. Risso's dolphin, WNA. White-sided dolphin, WNA.[1]
Southeastern U.S. Atlantic, Gulf of Mexico shrimp trawl	4,950	Atlantic spotted dolphin, GMX continental and oceanic. Bottlenose dolphin, Charleston estuarine system. Bottlenose dolphin, Eastern GMX coastal.[1] Bottlenose dolphin, GMX bay, sound, estuarine.[1] Bottlenose dolphin, GMX continental shelf. Bottlenose dolphin, Northern GMX coastal. Bottlenose dolphin, SC/GA coastal.[1] Bottlenose dolphin, Southern migratory coastal. Bottlenose dolphin, Western GMX coastal.[1] West Indian manatee, Florida.
TRAP/POT FISHERIES:		
Southeastern U.S. Atlantic, Gulf of Mexico stone crab trap/pot[2].	1,384	Bottlenose dolphin, Biscayne Bay estuarine. Bottlenose dolphin, Central FL coastal. Bottlenose dolphin, Eastern GMX coastal. Bottlenose dolphin, FL Bay. Bottlenose dolphin, GMX bay, sound, estuarine (FL west coast portion). Bottlenose dolphin, Indian River Lagoon estuarine system. Bottlenose dolphin, Jacksonville estuarine system. Bottlenose dolphin, Northern GMX coastal.
Atlantic mixed species trap/pot[2]	3,436	Fin whale, WNA. Humpback whale, Gulf of Maine.
Atlantic blue crab trap/pot	7,714	Bottlenose dolphin, Central FL coastal. Bottlenose dolphin, Central GA estuarine system. Bottlenose dolphin, Charleston estuarine system.[1] Bottlenose dolphin, Indian River Lagoon estuarine system. Bottlenose dolphin, Jacksonville estuarine system. Bottlenose dolphin, Northern FL coastal.[1] Bottlenose dolphin, Northern GA/Southern SC estuarine system. Bottlenose dolphin, Northern Migratory coastal. Bottlenose dolphin, Northern NC estuarine system.[1] Bottlenose dolphin, Northern SC estuarine system. Bottlenose dolphin, SC/GA coastal. Bottlenose dolphin, Southern GA estuarine system. Bottlenose dolphin, Southern Migratory coastal. Bottlenose dolphin, Southern NC estuarine system. West Indian manatee, FL.
PURSE SEINE FISHERIES:		
Gulf of Mexico menhaden purse seine	40–42	Bottlenose dolphin, GMX bay, sound, estuarine. Bottlenose dolphin, Mississippi Sound, Lake Borgne, Bay Boudreau. Bottlenose dolphin, Northern GMX coastal.[1] Bottlenose dolphin, Western GMX coastal.[1]
Mid-Atlantic menhaden purse seine[2]	19	Bottlenose dolphin, Northern Migratory coastal. Bottlenose dolphin, Southern Migratory coastal.
HAUL/BEACH SEINE FISHERIES:		

TABLE 2—LIST OF FISHERIES—COMMERCIAL FISHERIES IN THE ATLANTIC OCEAN, GULF OF MEXICO, AND CARIBBEAN—Continued

Fishery description	Estimated number of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
Mid-Atlantic haul/beach seine	359	Bottlenose dolphin, Northern Migratory coastal.[1] Bottlenose dolphin, Northern NC estuarine system.[1] Bottlenose dolphin, Southern Migratory coastal.[1]
NC long haul seine	30	Bottlenose dolphin, Northern NC estuarine system.[1] Bottlenose dolphin, Southern NC estuarine system.
STOP NET FISHERIES:		
NC roe mullet stop net	1	Bottlenose dolphin, Northern NC estuarine system. Bottlenose dolphin, unknown (Southern migratory coastal or Southern NC estuarine system).
POUND NET FISHERIES:		
VA pound net	26	Bottlenose dolphin, Northern migratory coastal. Bottlenose dolphin, Northern NC estuarine system. Bottlenose dolphin, Southern Migratory coastal.[1]
CATEGORY III		
GILLNET FISHERIES:		
Caribbean gillnet	>991	None documented in the most recent five years of data.
DE River inshore gillnet	unknown	None documented in the most recent five years of data.
Long Island Sound inshore gillnet	unknown	None documented in the most recent five years of data.
RI, southern MA (to Monomoy Island), and NY Bight (Raritan and Lower NY Bays) inshore gillnet.	unknown	None documented in the most recent five years of data.
Southeast Atlantic inshore gillnet	unknown	Bottlenose dolphin, Northern SC estuarine system.
TRAWL FISHERIES:		
Atlantic shellfish bottom trawl	>58	None documented.
Gulf of Mexico butterfish trawl	2	Bottlenose dolphin, Northern GMX oceanic. Bottlenose dolphin, Northern GMX continental shelf.
Gulf of Mexico mixed species trawl	20	None documented.
GA cannonball jellyfish trawl	1	Bottlenose dolphin, SC/GA coastal.
MARINE AQUACULTURE FISHERIES:		
Finfish aquaculture	48	Harbor seal, WNA.
Shellfish aquaculture	unknown	None documented.
PURSE SEINE FISHERIES:		
Gulf of Maine Atlantic herring purse seine	>7	Harbor seal, WNA. Gray seal, WNA.
Gulf of Maine menhaden purse seine	>2	None documented.
FL West Coast sardine purse seine	10	Bottlenose dolphin, Eastern GMX coastal.
U.S. Atlantic tuna purse seine *	5	Long-finned pilot whale, WNA. Short-finned pilot whale, WNA.
LONGLINE/HOOK-AND-LINE FISHERIES:		
Northeast/Mid-Atlantic bottom longline/hook-and-line	>1,207	None documented.
Gulf of Maine, U.S. Mid-Atlantic tuna, shark, swordfish hook-and-line/harpoon.	3,084	Bottlenose dolphin, WNA offshore. Humpback whale, Gulf of Maine.
Southeastern U.S. Atlantic, Gulf of Mexico, and Caribbean snapper-grouper and other reef fish bottom longline/hook-and-line.	>5,000	Bottlenose dolphin, GMX continental shelf.
Southeastern U.S. Atlantic, Gulf of Mexico shark bottom longline/hook-and-line.	39	Bottlenose dolphin, Eastern GMX coastal. Bottlenose dolphin, Northern GMX continental shelf.
Southeastern U.S. Atlantic, Gulf of Mexico, and Caribbean pelagic hook-and-line/harpoon.	680	None documented.
U.S. Atlantic, Gulf of Mexico trotline	unknown	None documented.
TRAP/POT FISHERIES:		
Caribbean mixed species trap/pot	>501	None documented.
Caribbean spiny lobster trap/pot	>197	None documented.
FL spiny lobster trap/pot	1,268	Bottlenose dolphin, Biscayne Bay estuarine Bottlenose dolphin, Central FL coastal. Bottlenose dolphin, Eastern GMX coastal. Bottlenose dolphin, FL Bay estuarine. Bottlenose dolphin, FL Keys.
Gulf of Mexico blue crab trap/pot	4,113	Bottlenose dolphin, Barataria Bay. Bottlenose dolphin, Eastern GMX coastal. Bottlenose dolphin, GMX bay, sound, estuarine. Bottlenose dolphin, Mississippi Sound, Lake Borgne, Bay Boudreau. Bottlenose dolphin, Northern GMX coastal. Bottlenose dolphin, Western GMX coastal. West Indian manatee, FL.
Gulf of Mexico mixed species trap/pot	unknown	None documented.

TABLE 2—LIST OF FISHERIES—COMMERCIAL FISHERIES IN THE ATLANTIC OCEAN, GULF OF MEXICO, AND CARIBBEAN—Continued

Fishery description	Estimated number of vessels/ persons	Marine mammal species and/or stocks incidentally killed or injured
Southeastern U.S. Atlantic, Gulf of Mexico golden crab trap/pot.	10	None documented.
U.S. Mid-Atlantic eel trap/pot	unknown	None documented.
STOP SEINE/WEIR/POUND NET/FLOATING TRAP/FYKE NET FISHERIES:		
Gulf of Maine herring and Atlantic mackerel stop seine/weir	>1	Harbor porpoise, GME/BF. Harbor seal, WNA. Minke whale, Canadian east coast. Atlantic white-sided dolphin, WNA.
U.S. Mid-Atlantic crab stop seine/weir	2,600	None documented.
U.S. Mid-Atlantic mixed species stop seine/weir/pound net (except the NC roe mullet stop net).	unknown	Bottlenose dolphin, Northern NC estuarine system.
RI floating trap	9	None documented.
Northeast and Mid-Atlantic fyke net	unknown	None documented.
DREDGE FISHERIES:		
Gulf of Maine sea urchin dredge	unknown	None documented.
Gulf of Maine mussel dredge	unknown	None documented.
Gulf of Maine, U.S. Mid-Atlantic sea scallop dredge	>403	None documented.
Mid-Atlantic blue crab dredge	unknown	None documented.
Mid-Atlantic soft-shell clam dredge	unknown	None documented.
Mid-Atlantic whelk dredge	unknown	None documented.
U.S. Mid-Atlantic/Gulf of Mexico oyster dredge	7,000	None documented.
New England and Mid-Atlantic offshore surf clam/quahog dredge.	unknown	None documented.
HAUL/BEACH SEINE FISHERIES:		
Caribbean haul/beach seine	15	None documented in the most recent five years of data.
Gulf of Mexico haul/beach seine	unknown	None documented.
Southeastern U.S. Atlantic haul/beach seine	25	None documented.
DIVE, HAND/MECHANICAL COLLECTION FISHERIES:		
Atlantic Ocean, Gulf of Mexico, Caribbean shellfish dive, hand/mechanical collection.	20,000	None documented.
Gulf of Maine urchin dive, hand/mechanical collection	unknown	None documented.
Gulf of Mexico, Southeast Atlantic, Mid-Atlantic, and Caribbean cast net.	unknown	None documented.
COMMERCIAL PASSENGER FISHING VESSEL (CHARTER BOAT) FISHERIES:		
Atlantic Ocean, Gulf of Mexico, Caribbean commercial passenger fishing vessel.	4,000	Bottlenose dolphin, Barataria Bay estuarine system. Bottlenose dolphin, Biscayne Bay estuarine. Bottlenose dolphin, Central FL coastal. Bottlenose dolphin, Choctawhatchee Bay. Bottlenose dolphin, Eastern GMX coastal. Bottlenose dolphin, FL Bay. Bottlenose dolphin, GMX bay, sound, estuarine. Bottlenose dolphin, Indian River Lagoon estuarine system. Bottlenose dolphin, Jacksonville estuarine system. Bottlenose dolphin, Mississippi Sound, Lake Borgne, Bay Boudreau. Bottlenose dolphin, Northern FL coastal. Bottlenose dolphin, Northern GA/Southern SC estuarine. Bottlenose dolphin, Northern GMX coastal. Bottlenose dolphin, Northern migratory coastal. Bottlenose dolphin, Northern NC estuarine. Bottlenose dolphin, Southern migratory coastal. Bottlenose dolphin, Southern NC estuarine system. Bottlenose dolphin, SC/GA coastal. Bottlenose dolphin, Western GMX coastal. Short-finned pilot whale, WNA.

List of Abbreviations and Symbols Used in Table 2: DE—Delaware; FL—Florida; GA—Georgia; GME/BF—Gulf of Maine/Bay of Fundy; GMX—Gulf of Mexico; MA—Massachusetts; NC—North Carolina; NY—New York; RI—Rhode Island; SC—South Carolina; VA—Virginia; WNA—Western North Atlantic; [1] Fishery classified based on mortalities and serious injuries of this stock, which are greater than or equal to 50 percent (Category I) or greater than 1 percent and less than 50 percent (Category II) of the stock's PBR; [2] Fishery classified by analogy; * Fishery has an associated high seas component listed in Table 3.

TABLE 3—LIST OF FISHERIES—COMMERCIAL FISHERIES ON THE HIGH SEAS

Fishery description	Number of HSFCA permits	Marine mammal species and/or stocks incidentally killed or injured
Category I		
LONGLINE FISHERIES:		
Atlantic Highly Migratory Species *	79	Atlantic spotted dolphin, WNA. Bottlenose dolphin, Northern GMX oceanic. Bottlenose dolphin, WNA offshore. Common dolphin, WNA. Cuvier's beaked whale, WNA. False killer whale, WNA. Killer whale, GMX oceanic. Kogia *spp.* whale (Pygmy or dwarf sperm whale), WNA. Long-finned pilot whale, WNA. Mesoplodon beaked whale, WNA. Minke whale, Canadian East coast. Pantropical spotted dolphin, WNA. Risso's dolphin, GMX. Risso's dolphin, WNA. Short-finned pilot whale, WNA.
Western Pacific Pelagic (HI Deep-set component) *^	143	Bottlenose dolphin, HI Pelagic. False killer whale, HI Pelagic. Humpback whale, Central North Pacific. Kogia *spp.* (Pygmy or dwarf sperm whale), HI. Pygmy killer whale, HI. Risso's dolphin, HI. Short-finned pilot whale, HI. Sperm whale, HI. Striped dolphin, HI.
Category II		
DRIFT GILLNET FISHERIES:		
Pacific Highly Migratory Species *^	4	Long-beaked common dolphin, CA. Humpback whale, CA/OR/WA. Northern right-whale dolphin, CA/OR/WA. Pacific white-sided dolphin, CA/OR/WA. Risso's dolphin, CA/OR/WA. Short-beaked common dolphin, CA/OR/WA.
TRAWL FISHERIES:		
Atlantic Highly Migratory Species **	2	No information.
CCAMLR	0	Antarctic fur seal.
PURSE SEINE FISHERIES:		
South Pacific Tuna Fisheries	35	No information.
Western Pacific Pelagic	1	No information.
LONGLINE FISHERIES:		
CCAMLR	0	None documented.
South Pacific Albacore Troll	9	No information.
South Pacific Tuna Fisheries **	4	No information.
Western Pacific Pelagic (HI Shallow-set component) *^	22	Blainville's beaked whale, HI. Bottlenose dolphin, HI Pelagic. False killer whale, HI Pelagic. Humpback whale, Central North Pacific. Northern elephant seal, CA breeding. Risso's dolphin, HI. Rough-toothed dolphin, HI. Short-beaked common dolphin, CA/OR/WA. Short-finned pilot whale, HI. Striped dolphin, HI.
HANDLINE/POLE AND LINE FISHERIES:		
Atlantic Highly Migratory Species	2	No information.
Pacific Highly Migratory Species	42	No information.
South Pacific Albacore Troll	11	No information.
Western Pacific Pelagic	5	No information.
TROLL FISHERIES:		
Atlantic Highly Migratory Species	1	No information.
South Pacific Albacore Troll	22	No information.
South Pacific Tuna Fisheries **	4	No information.
Western Pacific Pelagic	6	No information.
Category III		
LONGLINE FISHERIES:		

TABLE 3—LIST OF FISHERIES—COMMERCIAL FISHERIES ON THE HIGH SEAS—Continued

Fishery description	Number of HSFCA permits	Marine mammal species and/or stocks incidentally killed or injured
Northwest Atlantic Bottom Longline	1	None documented.
Pacific Highly Migratory Species	105	None documented in the most recent 5 years of data.
PURSE SEINE FISHERIES:		
Pacific Highly Migratory Species * ^	7	None documented.
TRAWL FISHERIES:		
Northwest Atlantic	2	None documented.
TROLL FISHERIES:		
Pacific Highly Migratory Species *	149	None documented.

List of Terms, Abbreviations, and Symbols Used in Table 3:
CA—California; GMX—Gulf of Mexico; HI—Hawaii; OR—Oregon; WA—Washington; WNA—Western North Atlantic.
* Fishery is an extension/component of an existing fishery operating within U.S. waters listed in Table 1 or 2. The number of permits listed in Table 3 represents only the number of permits for the high seas component of the fishery.
** These gear types are not authorized under the Pacific HMS FMP (2004), the Atlantic HMS FMP (2006), or without a South Pacific Tuna Treaty license (in the case of the South Pacific Tuna fisheries). Because HSFCA permits are valid for five years, permits obtained in past years exist in the HSFCA permit database for gear types that are now unauthorized. Therefore, while HSFCA permits exist for these gear types, it does not represent effort. In order to land fish species, fishers must be using an authorized gear type. Once these permits for unauthorized gear types expire, the permit-holder will be required to obtain a permit for an authorized gear type.
^ The list of marine mammal species and/or stocks killed or injured in this fishery is identical to the list of marine mammal species and/or stocks killed or injured in U.S. waters component of the fishery, minus species and/or stocks that have geographic ranges exclusively in coastal waters, because the marine mammal species and/or stocks are also found on the high seas and the fishery remains the same on both sides of the EEZ boundary. Therefore, the high seas components of these fisheries pose the same risk to marine mammals as the components of these fisheries operating in U.S. waters.

TABLE 4—FISHERIES AFFECTED BY TAKE REDUCTION TEAMS AND PLANS

Take reduction plans	Affected fisheries
Atlantic Large Whale Take Reduction Plan (ALWTRP)—50 CFR 229.32	*Category I* Mid-Atlantic gillnet. Northeast/Mid-Atlantic American lobster trap/pot. Northeast sink gillnet. *Category II* Atlantic blue crab trap/pot. Atlantic mixed species trap/pot. Northeast anchored float gillnet. Northeast drift gillnet. Southeast Atlantic gillnet. Southeastern U.S. Atlantic shark gillnet.* Southeastern, U.S. Atlantic, Gulf of Mexico stone crab trap/pot.^
Bottlenose Dolphin Take Reduction Plan (BDTRP)—50 CFR 229.35	*Category I* Mid-Atlantic gillnet. *Category II* Atlantic blue crab trap/pot. Chesapeake Bay inshore gillnet fishery. Mid-Atlantic haul/beach seine. Mid-Atlantic menhaden purse seine. NC inshore gillnet. NC long haul seine. NC roe mullet stop net. Southeast Atlantic gillnet. Southeastern U.S. Atlantic shark gillnet. Southeastern U.S. Atlantic, Gulf of Mexico shrimp trawl.^ Southeastern, U.S. Atlantic, Gulf of Mexico stone crab trap/pot.^ VA pound net.
False Killer Whale Take Reduction Plan (FKWTRP)—50 CFR 229.37	*Category I* HI deep-set longline. *Category II* HI shallow-set longline.
Harbor Porpoise Take Reduction Plan (HPTRP)—50 CFR 229.33 (New England) and 229.34 (Mid-Atlantic).	*Category I* Mid-Atlantic gillnet. Northeast sink gillnet.
Pelagic Longline Take Reduction Plan (PLTRP)—50 CFR 229.36	*Category I* Atlantic Ocean, Caribbean, Gulf of Mexico large pelagics longline.
Pacific Offshore Cetacean Take Reduction Plan (POCTRP)—50 CFR 229.31.	*Category I* CA thresher shark/swordfish drift gillnet (≥14 in mesh).
Atlantic Trawl Gear Take Reduction Team (ATGTRT)	*Category II* Mid-Atlantic bottom trawl. Mid-Atlantic mid-water trawl (including pair trawl). Northeast bottom trawl.

TABLE 4—FISHERIES AFFECTED BY TAKE REDUCTION TEAMS AND PLANS—Continued

Take reduction plans	Affected fisheries
	Northeast mid-water trawl (including pair trawl).

*Only applicable to the portion of the fishery operating in U.S. waters; ^Only applicable to the portion of the fishery operating in the Atlantic Ocean.

Classification

The Chief Counsel for Regulation of the Department of Commerce has certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) that this LOF would not have a significant economic impact on a substantial number of small entities. Any entity with combined annual fishery landing receipts less than $11 million is considered a small entity. Under the former, lower size standards, all entities subject to this action were considered small entities; thus, they all would continue to be considered small under the new standards.

Under existing regulations, all individuals participating in Category I or II fisheries must register under the MMPA and obtain an Authorization Certificate. The Authorization Certificate authorizes the taking of non-endangered and non-threatened marine mammals incidental to commercial fishing operations. Additionally, individuals may be subject to a TRP and requested to carry an observer. NMFS has estimated that up to approximately 77,385 fishing vessels, most with annual revenues below the SBA's small entity thresholds, may operate in Category I or II fisheries. As fishing vessels operating in Category I or II fisheries, they are required to register with NMFS. Three hundred and thirteen fishing vessels are new to Category II as a result of this proposed LOF. The MMPA registration process is integrated with existing state and Federal licensing, permitting, and registration programs. Therefore, individuals who have a state or Federal fishing permit or landing license, or who are authorized through another related state or Federal fishery registration program, are currently not required to register separately under the MMPA or pay the $25 registration fee. Therefore, this proposed LOF would not impose any direct costs on small entities. Record keeping and reporting costs associated with this LOF are minimal and would not have a significant impact on a substantial number of small entities.

If a vessel is requested to carry an observer, vessels will not incur any direct economic costs associated with carrying that observer. As a result of this certification, an initial regulatory flexibility analysis is not required and has not been prepared. In the event that reclassification of a fishery to Category I or II results in a TRP, economic analyses of the effects of that TRP would be summarized in subsequent rulemaking actions.

This LOF contains collection-of-information (COI) requirements subject to the Paperwork Reduction Act. The COI for the registration of individuals under the MMPA has been approved by the Office of Management and Budget (OMB) under OMB control number 0648–0293 (0.15 hours per report for new registrants). The requirement for reporting marine mammal mortalities or injuries has been approved by OMB under OMB control number 0648–0292 (0.15 hours per report). These estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the COI. Send comments regarding these reporting burden estimates or any other aspect of the COI, including suggestions for reducing burden, to NMFS and OMB (see **ADDRESSES** and **SUPPLEMENTARY INFORMATION**).

Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with a COI, subject to the requirements of the Paperwork Reduction Act, unless that COI displays a currently valid OMB control number.

This proposed rule has been determined to be not significant for the purposes of Executive Orders 12866 and 13563.

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

NMFS preliminary determined the proposed LOF is consistent with categories of activities identified in CE G7 (''Preparation of policy directives, rules, regulations, and guidelines of an administrative, financial, legal, technical, or procedural nature, or for which the environmental effects are too broad, speculative or conjectural to lend themselves to meaningful analysis and will be subject later to the NEPA process, either collectively or on a case-by-case basis'') of the Companion Manual for NAO 216–6A and we have not identified any extraordinary circumstances listed in Chapter 4 of the Companion Manual for NAO 216–6A that would preclude application of this categorical exclusion. If NMFS takes a management action, for example, through the development of a TRP, NMFS would first prepare an Environmental Impact Statement (EIS) or Environmental Assessment (EA), as required under NEPA, specific to that action.

This proposed LOF would not affect species listed as threatened or endangered under the ESA or their associated critical habitat. The impacts of numerous fisheries have been analyzed in various biological opinions, and this LOF will not affect the conclusions of those opinions. The classification of fisheries on the LOF is not considered to be a management action that would adversely affect threatened or endangered species. If NMFS takes a management action, for example, through the development of a TRP, NMFS would consult under ESA section 7 on that action.

This proposed LOF would have no adverse impacts on marine mammals and may have a positive impact on marine mammals by improving knowledge of marine mammals and the fisheries interacting with marine mammals through information collected from observer programs, stranding and sighting data, or take reduction teams.

This proposed LOF would not affect the land or water uses or natural resources of the coastal zone, as specified under section 307 of the Coastal Zone Management Act.

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Dated: October 4, 2017.

Samuel D. Rauch, III,

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

[FR Doc. 2017–21837 Filed 10–11–17; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 82, No. 196
Thursday, October 12, 2017

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

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

October 6, 2017.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by November 13, 2017 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW., Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Animal and Plant Health Inspection Service

Title: National Veterinary Service Laboratories; Bovine Spongiform Encephalopathy Surveillance Program.

OMB Control Number: 0579–0409.

Summary of Collection: Under the Animal Health Protection Act (7 U.S.C. 8301 et seq.) the Animal and Plant Health Inspection Service (APHIS) is authorized, among other things, to carry out activities to detect, control, and eradicate pests and diseases of livestock within the United States. APHIS' National Veterinary Services Laboratories (NVSL) safeguard U.S. animal health and contribute to public health by ensuring that timely and accurate laboratory support is provided by their nationwide animal health diagnostic system. USDA complies with the standard set by the World Organization for Animal Health for bovine spongiform encephalopathy surveillance.

Need and Use of the Information: APHIS will collect information using forms VS 17–146 and VS 17–146a, BSE Surveillance Submission Form/Continuation Sheet and VS 17–131, BSE Surveillance Data Collection Form. APHIS will use the information collected to safeguard the U.S. animal health population against BSE. Without the information APHIS would be unable to monitor and prevent the incursion of BSE into the United States.

Description of Respondents: Business or other for-profit; State, Local or Tribal Government.

Number of Respondents: 1,035.

Frequency of Responses: Recordkeeping; Reporting: On occasion.

Total Burden Hours: 3,026.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2017–22052 Filed 10–11–17; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Announcement of Grant Application Deadlines and Funding Levels for the Assistance to High Energy Cost Rural Communities Grant Program

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of Solicitation of Applications (NOSA).

SUMMARY: The Rural Utilities Service (RUS), an agency of the United States Department of Agriculture (USDA), announces the availability of up to $10 million in fiscal year 2017 (FY17) and application deadlines for competitive grants to assist communities with extremely high energy costs. These grants are made available under the authority of section 19 of the Rural Electrification Act of 1936, as amended, and program regulations. The grant funds may be used to acquire, construct, extend, upgrade, or otherwise improve energy generation, transmission, or distribution facilities serving communities in which the average residential expenditure for home energy is at least 275 percent of the national average. Grants may also be used for programs that install on-grid and off-grid renewable energy systems and energy efficiency improvements in eligible communities. Grant awards are not made directly to individuals or for projects that primarily benefit a single household or business. This notice describes the eligibility and application requirements, the criteria that will be used by RUS to award funding, and how to obtain application materials.

DATES: You may submit completed grant applications on paper or electronically according to the following deadlines:

- Paper applications must be postmarked and mailed, shipped, or sent overnight, no later than December 11, 2017, or hand delivered to RUS by this deadline, to be eligible under this NOSA. Late or incomplete applications will not be eligible for FY 2017 grant funding.
- Electronic applications must be submitted through *Grants.gov* no later than midnight Eastern Standard Time December 11, 2017 to be eligible under this notice for FY 2017 grant funding. Late or incomplete electronic applications will not be eligible.

• Applications will not be accepted by electronic mail.

Applications will be accepted upon publication of this notice until midnight (EST) of the closing date of December 11, 2017. If the submission deadline falls on Saturday, Sunday, or a Federal holiday, the application is due the next business day.

ADDRESSES: Copies of the 2017 Application Guide, required forms and other information on the High Energy Cost Grant Program may be obtained by the following:

(1) The program Web site (*http://www.rd.usda.gov/programs-services/high-energy-cost-grants*) or

(2) *Grants.gov* (*http://www.grants.gov*) by searching under Opportunity Number RD–RUS–HECG17; or

(3) Contacting the RUS Electric Program at (202) 720–9452 to request paper copies of the 2017 Application Guide or other materials.

Completed applications may be submitted in the following ways:

• Paper applications are to be submitted to the Rural Utilities Service, Electric Programs, United States Department of Agriculture, 1400 Independence Avenue SW., STOP 1560, Room 5165 South Building, Washington, DC 20250–1560. Applications should be marked ''Attention: High Energy Cost Grant Program.''

• Applications may be submitted electronically through *Grants.gov.* Information on how to submit applications electronically is available on the *Grants.gov* Web site (*http://www.grants.gov*). Applicants must successfully pre-register with *Grants.gov* to use the electronic applications option. Application information may be downloaded from *Grants.gov* without preregistration.

FOR FURTHER INFORMATION CONTACT: Robin Meigel, Finance Specialist, Rural Utilities Service, Electric Programs, United States Department of Agriculture, 1400 Independence Avenue SW., STOP 1568, Room 0270 South Building, Washington, DC 20250–1568. Telephone (202) 720–9542, Fax (202) 690–7442, email *energy.grants@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION:

Overview

Federal Agency Name: United States Department of Agriculture, Rural Utilities Service.

Funding Opportunity Title: Assistance to High Energy Cost Rural Communities Program.

Announcement Type: Initial announcement.

Funding Opportunity Number: RD–RUS–HECG17.

Catalog of Federal Domestic Assistance (CFDA) Number: 10.859. The CFDA title for this program is ''Assistance to High Energy Cost Rural Communities.''

Date: Applications must be postmarked and mailed or shipped, or hand delivered to the RUS, or filed with *Grants.gov* by December 11, 2017.

A. Program Description

The USDA through the Rural Utilities Service (''RUS'') provides grant assistance for energy facilities, including renewable energy systems and energy efficiency improvements, serving extremely high energy cost communities. This program is authorized by section 19 of the Rural Electrification Act of 1936, as amended (the ''RE Act'') (7 U.S.C. 918a). Program regulations are found at 7 CFR part 1709.

This program was established in 2000 to provide assistance for communities most challenged by extremely high energy costs, defined by statute as average residential home energy expenditures that are 275 percent or more of the national average. This statutory threshold for eligibility is high and has the result of limiting the availability of this program to extremely high cost and typically remote areas. RUS periodically establishes eligibility benchmarks using the most recent home energy data published by the Energy Information Administration. This notice contains the latest updates to these benchmarks.

The purpose of this program is to provide financial assistance for a broad range of energy facilities, equipment and related activities to offset the impact of extremely high home energy costs on eligible communities. The grants help communities provide basic energy needs by financing energy infrastructure supporting rural prosperity and job creation. Grant funds may not be used to pay utility bills or to purchase fuel. Nor may grant funds be used for education and outreach except for training that is directly related to energy facilities financed in all or part by this program. Upgrades to existing facilities are also eligible. Grant projects under this program must serve an eligible community and not be for the primary benefit of an individual applicant, household, or business.

With publication of this notice, USDA is making available up to $10 million in new competitive grant awards under the High Energy Cost Grant Program. This notice describes eligibility and application requirements for these grants. Grants will be awarded competitively based on the selection criteria in Part E of this notice.

Priorities Under the authority of 7 CFR 1709.102(b) and 1709.123, this notice establishes several priority scoring criteria to support USDA and RUS policy objectives. Additional points will be awarded for:

• Projects that provide assistance to USDA High Poverty Areas;

• Projects that serve small rural communities;

• Projects that incorporate commercially proven waste heat recovery technology;

• Projects that result in not less than a 25% increase in energy efficiency for generation assets, this includes repowering aging diesel plant;

• Projects that address extraordinary circumstances affecting the eligible high energy cost community such as a disaster, imminent hazard, unserved areas, and other economic hardship; and

• Projects that serve Substantially Underserved Trust Areas.

More information on scoring and priorities is found in Section E of this notice.

B. Federal Award Information

The RUS Administrator has established the application and selection requirements under this notice pursuant to program regulations at 7 CFR part 1709 and Uniform Federal Grant Regulations at 2 CFR part 200. The total amount of funds available for high energy cost grants under this notice is up to $10 million. The maximum amount of grant assistance that may be requested or awarded for a grant application under this notice is $3,000,000. The minimum amount of assistance for a grant application under this program is $100,000.

Applicants must provide a complete grant application package with a narrative grant proposal prepared according to the instructions in this notice and the 2017 Application Guide, including all required forms and certifications. The 2017 Application Guide is available electronically on the program Web site (*http://www.rd.usda.gov/programs-services/high-energy-cost-grants*) link or through *Grants.gov,* or by request from the Agency contact. Applicants are advised that the application requirements in this notice and the 2017 Application Guide have been revised from those in the NOSA published October 13, 2015 (the ''2015 Notice''), and the 2015 Application Guide.

No more than one award will be made per applicant or project. Applicants may submit multiple applications, provided

each is for a different project, but only one award per applicant will be approved.

RUS anticipates making multiple awards under this notice. The number of grants awarded will depend on the number of complete applications submitted, the total grant funds requested, the quality and competitiveness of applications, and the availability of funds. There were nine grant awards obligated under the 2015 Notice and these awards ranged from $449,808 to $3,000,000.

The RUS reserves the right not to award all the funds made available under this notice. The final decision to make an award is at the discretion of the Administrator (7 CFR 1709.121). The Administrator will select finalists for grant awards after consideration of the applications, the rankings, comments, and recommendations of the rating panel, and other pertinent information, including availability of funds. Upon such consideration, the Administrator may elect to offer an award of less than the full amount of the grant requested by an applicant.

All awards will be made under grant agreements with terms and conditions established by RUS. Grant agreements typically provide for a period of performance of three years. Approvals of any extensions to the original grant term are at the sole discretion of the agency.

No Reconsideration of 2015 Applications

The Administrator has determined that all applicants must apply under this 2017 NOSA. There will be no reconsideration of applications submitted under the 2015 Notice. The evaluation criteria in this NOSA are sufficiently different such that applications submitted in response to the 2015 Notice would be at a disadvantage when rated among those applications prepared with the current criteria in mind.

Substantially Underserved Trust Areas (SUTA)

This program is subject to the provisions for Substantially Underserved Trust Areas of 7 U.S.C. 936f and regulations at 7 CFR part 1700, subpart D. This notice provides that five points will be added to application scores for applications from eligible underserved trust areas that have been accepted for special consideration by the Administrator. Failure to submit the separate letter and supporting material as described under Part C, Section (1)(ii) below will result in no additional points being awarded for SUTA consideration. This requirement is separate and independent of the application itself as more fully described below.

Application Review and Finalist Selections

All timely submitted and complete applications will be reviewed for eligibility and rated according to the criteria described in this notice. Applications will be ranked in order of their numerical scores and forwarded to the RUS Administrator. The RUS Administrator is the federal selection official for these competitive awards. The Administrator will review the rankings and the recommendations of the rating panel. The Administrator will then select grant finalists in rank order to the extent of available funds. A letter advising the applicant that they are a selected finalist is not a binding commitment to provide funding. A selected finalist is not an awardee until the Agency has obligated funds and the Administrator has signed the related grant agreement (date of grant award).

Environmental Review and Other Pre-Award Requirements

Projects that are selected finalists for award will be reviewed for environmental impacts and an environmental determination pursuant to the National Environmental Policy Act (NEPA) in accordance with 7 CFR part 1970.

Concurrent with this review, additional due diligence and risk management reviews will be conducted by the agency to better assure that the representations in the finalist applications have a high probability of being achieved within a reasonable timeframe. Considerations during this period may include, but are not limited to:

- The committed availability of matching contributions;
- prior performance of project principals with respect to other projects;
- the commercial acceptance of the technology to be funded; and
- the capacity of project principals to complete and operate the project.

If the outcomes of either the environmental review or the due diligence and risk management review are unsatisfactory, or it is determined that the applicant has undertaken unacceptable pre-award activities (see below), a project may be de-selected and the next highest ranked project will be considered.

Funding for Pre-Award Activities

Under 7 CFR 1709.10(a), Grant funds may not be used to pay costs of preparing the application package, or for any finders' fees or incentives for persons or entities assisting in the preparation or submission of an application.

Applicants are cautioned that they undertake any pre-award project activities at their own risk, as all finalist selections are subject to a satisfactory environmental review and determination before any award can be made. Undertaking certain project activities before the required environmental review is complete could result in a finalist being ''de-selected.'' (7 CFR 1709.10). Program regulations provide that RUS will not pay any project construction costs of the project incurred before the date of grant award except as provided in 7 CFR 1709.10.

C. Eligibility Information

1. Eligible Applicants

i. All Applicants

Applicant eligibility under this program is established by the RE Act (7 U.S.C. 913 and 918a), High Energy Cost Grant Program regulations at 7 CFR 1709.106, and this notice.

An eligible applicant is any one of the following:

- A legally-organized for-profit or nonprofit organization such as, but not limited to, a corporation, association, partnership (including a limited liability partnership), cooperative, or trust;
- A sole proprietorship;
- A State or local government, or any agency or instrumentality of a State or local government, including a municipal utility or public power authority;
- An Indian tribe [1], a tribally-owned entity, and or Alaska Native Corporation;
- An individual or group of individuals applying on behalf of unincorporated community associations, and not for the primary benefit of a single household or business; or
- Any of the above entities located in a U.S. Territory or other area authorized by law to participate in programs of the Rural Utilities Service or under the REA Act.

All applicants must demonstrate the legal authority and capacity to enter into

[1] As used in the notice ''*Indian Tribe*'' *or* ''*tribal*'' means a Federally recognized Tribe as defined under section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b) to include ''* * * any Indian Tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act [43 U.S.C. 1601 *et seq.*], that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.''

a binding grant agreement with the Federal Government at the time of the award and to carry out the proposed grant funded project according to its terms to be an eligible applicant. The application must include information and/or documentation supporting your eligibility, legal existence, and capacity to enter into a grant agreement.

Individuals are eligible grant applicants under this program. However, any proposed grant project must provide community benefits and not be for the primary benefit of an individual household. As a practical matter, because this program addresses community energy needs and in order to readily facilitate compliance with Federal grant requirements, individuals will likely find it preferable to establish an independent legal entity, such as a corporation, to actually carry out the grant project if the project is selected.

If the project proponent contemplates a structured financing such that a yet to be established project entity will be the grantee of record or the primary entity managing or providing grant services under contract to the grantee, this must be fully disclosed and explained in the original application. Grant awards are not transferable. The new entity must be in existence and legally competent to enter into a grant agreement with the Federal Government under appropriate State and Federal laws before a final grant award can be approved.

Corporations that have been convicted of a Federal felony within the past 24 months are not eligible applicants. Any corporation that has any unpaid federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, is not eligible for financial assistance. All corporate applicants must complete Form AD–3030 ''Representations Regarding Felony Conviction and Tax Delinquent Status for Corporate Applicants.''

In addition, under program regulations at 7 CFR 1709.7, an outstanding judgment obtained against an applicant by the United States in a Federal Court (other than in the United States Tax Court), which has been recorded, shall cause the applicant to be ineligible to receive a grant or loan under this part until the judgment is paid in full or otherwise satisfied.

Before submitting an application, all applicants must have an active registration with current information in the System for Award Management (SAM) (previously the Central Contractor Registry (CCR)) at *https://www.sam.gov.* A Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS) number is a pre-requisite for a successful SAM registration. It is important to note that it takes time for these applications for a DUNS number and SAM registration to be processed; it is important that those considering submitting an application under this NOSA give themselves a conservative lead time (six weeks is recommended) in order to accomplish an active SAM registration by the application deadline in this NOSA. For more information on obtaining a DUNS number and SAM registration see Part D, Section 3 below.

ii. Substantially Underserved Trust Area Applicants

This notice provides priority points for complete and otherwise eligible applications from an entity that has been accepted by the Administrator as eligible for SUTA consideration pursuant to section 306F of the RE Act (7 U.S.C. 936f) and regulations concerning SUTA applications at 7 CFR part 1700, subpart D. An eligible SUTA community is located on ''trust lands'' (*e.g.,* an Indian Reservation, Hawaiian Homelands, Alaska Regional or Village Corporation lands, or other lands held in trust by or subject to restrictions imposed by the United States) and ''lacks an adequate level or quality of service.''

The applicant must submit a letter to the RUS Administrator that it is seeking consideration under provisions of 7 CFR part 1700, subpart D. The letter must be accompanied by a copy of the application package submitted in response to this notice. The request must include all information required by the SUTA regulations establishing that the project is for an eligible trust area, documenting its high need for High Energy Cost Grant Program funds, and identifying the discretionary authorities that it seeks to have applied to its application. More information on how to document eligibility for SUTA consideration may be found in the FY 2017 Application Guide available at *https://www.rd.usda.gov/about-rd/initiatives/substantially-underserved-trust-area-suta* and 7 CFR part 1700, subpart D.

The Administrator will review the request to determine whether the applicant is eligible to receive consideration under SUTA. RUS will notify the applicant in writing whether (1) the application has been accepted to receive special SUTA consideration or (2) the application has not been accepted for consideration under the SUTA regulation. If the SUTA request is not granted, the applicant may withdraw its application. If the application is still eligible without SUTA consideration and the applicant does not withdraw the application, RUS will review and score the application along with others received under this notice.

2. Cost Sharing and Matching

This grant program has no cost sharing or matching funds requirement as a condition of eligibility. However, RUS will consider other financial resources available to the grant applicant and any voluntary pledge of matching funds or other contributions in assessing the applicant's commitment and financial capacity to complete the proposed project successfully. If a successful applicant proposes to use matching funds or other cost contributions in its project, the grant agreement will include conditions requiring documentation of the availability of the matching funds and actual expenditure of matching funds or cost contributions. RUS may require the applicant to provide additional documentation confirming the availability of any matching contribution offered prior to approval of a project award. If an applicant fails to provide timely documentation of the availability of matching contributions, the RUS may, in its sole discretion, decline to award the project if uncertainties over availability of the match render the project financially unfeasible and impose additional conditions.

3. Other

i. Eligible Communities

To establish community eligibility, the application must (1) clearly identify and define the geographic area that will be included in the grant project and (2) demonstrate that each of the communities in the proposed area meets one or more of the high energy cost benchmarks identified in this Notice. The smallest area that may be designated as an area is a 2010 Census block. Projects must serve eligible communities and not be for the primary benefit of an individual or business.

Consult the program regulations at 7 CFR part 1709 and the 2017 Application Guide for definitions used in this program.

The RE Act defines an extremely high energy cost community as one in which ''the average residential expenditure for home energy [2] is at least 275 percent of

[2] ''*Home energy*'' means any energy source or fuel used by a household for purposes other than

Continued

the national average residential expenditure for home energy'' 7 U.S.C. 918a.

RUS periodically establishes community eligibility benchmarks based on the latest available information from the Energy Information Administration (EIA) of the U.S. Department of Energy. Home energy cost benchmarks are calculated for total annual household energy expenditures; total annual expenditures for individual fuels; annual average per unit energy costs for primary home energy sources and are set at 275 percent of the relevant national average household energy expenditures. RUS has revised the eligibility benchmarks for 2017 based on the latest EIA data. The new benchmarks are shown in Table 1.

The EIA's Residential Energy Consumption and Expenditure Surveys (RECS) and reports provide the baseline national average household energy consumption data that were used for establishing extremely high energy cost community eligibility criteria for this grant program. The RECS data base and reports provide national and regional information on residential energy use, expenditures, and housing characteristics. EIA published its latest available RECS home energy expenditure survey results in 2012. RUS used the latest EIA data on 2016 residential energy prices to estimate national average household energy costs to establish the benchmarks shown in Table 1:

TABLE 1—NATIONAL AVERAGE ANNUAL HOUSEHOLD ENERGY EXPENDITURES AND EXTREMELY HIGH ENERGY COST ELIGIBILITY BENCHMARKS EFFECTIVE FOR APPLICATIONS SUBMITTED ON OR AFTER OCTOBER 12, 2017

Fuel	Estimated national annual average household expenditure ($ per year)	RUS extremely high energy cost benchmark (275% of national average) ($ per year)
Average Annual Household Expenditure		
Electricity	$1,420	$3,904
Natural Gas	665	1,828
Fuel Oil	1,056	2,903
LPG/Propane	1,131	3,110
Total Household Energy Use	2,017	5,546
Fuel (units)	2016 national average unit cost ($ per unit)	RUS extremely high energy cost benchmark (275% of national average) ($ per unit)
Annual Average Per Unit Residential Energy Costs		
Electricity (Kilowatt hours)	$0.126	$0.345
Natural Gas (thousand cubic feet)	10.07	27.69
Fuel Oil (gallons)	2.27	6.25
LPG/Propane (gallons)	2.05	5.64

Sources: RUS estimates based on latest data from: Energy Information Administration, United States Department of Energy, *2009 Residential Energy Consumption Survey Data—Detailed Tables,* available at: *http://www.eia.gov/consumption/residential/data/2009/; Average residential energy prices from EIA Monthly Energy Review,* available at *https://www.eia.gov/totalenergy/data/monthly/; EIA Weekly Heating Oil and Propane Prices* available at *https://www.eia.gov/dnav/pet/pet_pri_wfr_dcus_nus_w.htm* and *EIA Winter Fuels Outlook 2016* available at *https://www.eia.gov/outlooks/steo/special/winter/2016_winter_fuels.pdf.*

Extremely high energy costs in rural and remote communities typically result from a combination of factors including high energy consumption, high per unit energy costs, limited availability of energy sources, extreme climate conditions, and housing characteristics. There is diversity in how and the degree to which these factors affect a given community.

a. High Energy Cost Benchmarks

The benchmarks discussed below are used to establish threshold energy costs which are a fundamental threshold for determining community eligibility. These benchmarks were calculated by RUS using EIA's latest estimates of national average residential energy consumption and energy prices. The benchmarks recognize the diverse factors that contribute to extremely high home energy costs in rural communities. In some cases there may be limited available published data on local community energy consumption and expenditures. High energy cost communities may demonstrate their eligibility by using one or more benchmarks. A choice of benchmarks is allowed so as to reduce the burden on potential applicants in meeting this requirement for quantifying the high cost of energy in their area.

Communities may qualify based on total annual household energy expenditures; total annual expenditures for commercially-supplied primary home energy sources, *i.e.,* electricity, natural gas, oil, or propane; or average annual per unit home energy costs.

A community or area will qualify as an extremely high cost energy community if it meets one or more of the energy cost eligibility benchmarks described below.

I. Extremely High Average Annual Household Expenditure for Home Energy

The area or community exceeds one or more of the following:

- Average annual residential electricity expenditure of $3,904 per household;
- Average annual residential natural gas expenditure of $1,828 per household;
- Average annual residential expenditure on fuel oil of $2,903 per household;

transportation, including electricity, natural gas, fuel oil, kerosene, liquefied petroleum gas (propane), other petroleum products, wood and other biomass fuels, coal, wind, and solar energy. Fuels used for subsistence activities in remote rural areas are also included.

- Average annual residential expenditure on propane or liquefied petroleum gas (LPG) as a primary home energy source of $3,110 per household; or
- Average annual residential energy expenditure (for all non-transportation uses) of $5,546 per household.

II. Extremely High Average per Unit Energy Costs

The average residential per unit cost for major commercial energy sources in the area or community exceeds one or more of the following:

- Annual average cost per kilowatt hour for residential electricity customers of $0.345 per kilowatt hour (kWh);
- Annual average residential natural gas price of $27.69 per thousand cubic feet;
- Annual average residential fuel oil price of $6.25 per gallon;
- Annual average residential price of propane or LPG as a primary home energy source of $5.64 per gallon; or
- Total annual average residential energy cost on a Btu basis of $61.87 per million Btu.[3]

b. Supporting Energy Cost Data

Benchmark data for each community in the designated area must be submitted in support of their eligibility under this program. The source(s) for this data must be identified or referenced so as to allow RUS to verify these representations in the application. Grant applicants are expected to provide supporting information sourced in the local community, or specific to that community, to support their applications.

Generally, the applicant will be expected to use historical residential energy cost or expenditure information for the local energy provider serving the community or area to determine eligibility. Other potential sources of home energy related information include Federal and State agencies, local community energy providers such as electric and natural gas utilities and fuel dealers, and commercial publications. The 2017 Application Guide includes a list of EIA resources on residential energy consumption and costs that may be of assistance.

Where information is unavailable or does not adequately reflect the actual costs for average home energy use in a local community, RUS will consider estimated commercial energy costs. The 2017 Application Guide includes examples of circumstances where estimated energy costs are used.

In many instances, historical community energy cost information can be obtained from a variety of public sources or from local utilities and other energy providers. For example, EIA publishes monthly and annual reports of residential prices by state and by service area for electric utilities and larger natural gas distribution companies. Average residential fuel oil and propane prices are reported regionally and for major cities by government and private publications. Many state agencies also compile and publish information on residential energy costs to support state programs.

c. Use of Estimated Home Energy Costs

An applicant may substitute estimates of home energy costs based on engineering standards where historical community energy cost data are incomplete or lacking or where community-wide data does not accurately reflect the costs of providing home energy services in the area, the applicant may substitute estimates based on engineering standards. The estimates should use available community, local, or regional data on energy expenditures, consumption, housing characteristics and population. Estimates are also appropriate where the area does not presently have centralized commercial energy services at a level that is comparable to other residential customers in the State or region. For example, local commercial energy cost information may not be available where the area is off grid because of the high costs of connection. Engineering cost estimates reflecting the incremental costs of extending service could reasonably be used to establish eligibility for areas without grid-connected electric service. Estimates also may be appropriate where historical energy costs do not reflect the cost of providing a necessary upgrade or replacement of energy infrastructure to maintain or extend service that would raise costs above one or more benchmarks. Information supporting high energy cost eligibility is subject to independent review by RUS.

Applications that contain information not reasonably based on credible sources of information and sound estimates will be rejected. Where appropriate, RUS may consult standard sources to confirm the reasonableness of information and estimates provided by an applicant in determining eligibility, technical feasibility, and adequacy of proposed budget estimates.

ii. Eligible Projects

Eligible projects must serve an eligible community and must include only eligible grant purposes. The project must serve communities that meet the extremely high energy cost eligibility requirements described in this notice. The applicant must demonstrate that the proposed project will benefit the eligible communities. Projects that primarily benefit a single household or business are not eligible. Additional information and examples of eligible project activities are contained in the Application Guide available at *https://www.rd.usda.gov/programs-services/high-energy-cost-grants.*

iii. Eligible Activities

Grant funds may be used to acquire, construct, extend, upgrade, or otherwise improve energy generation, transmission, or distribution facilities serving eligible communities. All energy generation, transmission, and distribution facilities and equipment, used to provide electricity, natural gas, home heating fuels, and other energy service to eligible communities are eligible. Projects providing or improving energy services to eligible communities through on-grid and off-grid renewable energy projects, energy efficiency, and energy conservation projects are eligible. A grant project is eligible if it improves, or maintains energy services, or reduces the costs of providing energy services to eligible communities.

Funds may cover up to the full costs of any eligible projects subject to the statutory limitation that no more than 4 percent of grant funds may be used for the planning and administrative expenses of the grantee. Because of this limitation, applicants must detail any indirect costs.

The program regulations at 7 CFR part 1709 provide more detail on allowable use of grant funds, limitations on grant funds, and ineligible grant purposes. Grant funds may not be used to refinance or repay the applicant's outstanding loans or loan guarantees under the RE Act.

In general, grant funds may not be used to support projects that primarily benefit areas outside of eligible communities. However, grant funds may be used to finance an eligible community's proportionate share of a larger energy project.

Consistent with USDA policy and program regulations, grant funds awarded under this program generally cannot be used to replace other USDA assistance or to refinance or repay outstanding loans under the RE Act. Grant funds may, however, be used in

[3] **Note:** Btu is the abbreviation for British thermal unit, a standard energy measure. A Btu is the quantity of heat needed to raise the temperature of one pound of water 1 degree Fahrenheit at or near 39.2 degrees Fahrenheit.

combination with other USDA assistance programs including electric loans. Grants may be applied toward grantee contributions under other USDA programs depending on the specific terms of those programs. For example, an applicant may propose to use grant funds to offset the costs of electric system improvements in extremely high cost areas by increasing the utility's contribution for line extensions or system expansions to its distribution system financed in whole or part by an electric loan under the RE Act. An applicant may propose to finance a portion of an energy project for an extremely high energy cost community through this grant program and secure the remaining project costs through a loan or loan guarantee from RUS or other grant sources. The determination of whether a project will be completed in this manner will be made solely by the Administrator.

iv. Eligible Technologies

Grant funds under this program may only be used for projects using proven and commercially available technology. Activities or equipment that would commonly be considered as research, development, or demonstration, or commercialization activities are not eligible. RUS, in its sole discretion, will determine if a project consists of ineligible research, development, demonstration, or commercialization activities or relies on unproven technology, and that determination shall be final.

v. Limitations on Grant Awards

a. Statutory Limitation on Planning and Administrative Expenses

Section 19(b)(2) of the RE Act provides that no more than 4 percent of the grant funds for any project may be used for planning and administrative expenses of the grantee not directly related to delivery of the project. RUS will not make awards for any such expenses exceeding 4 percent of grant funds. Because of this limitation, applicants must detail any indirect costs.

b. Maximum and Minimum Awards

For High Energy Cost Grants, the maximum amount of grant assistance that will be considered for funding per grant application under this notice is $3,000,000. The minimum amount of assistance for a competitive grant application under this program is $100,000.

c. Multiple Applications

Eligible applicants must include only one project per application, but the project can include many locations. Applicants may submit applications for multiple projects. An applicant will only be awarded funding for one project under this notice. The award will be made to the highest ranked application submitted; other applications from the same applicant or project will remain unfunded under this notice.

d. Ineligible Grant Purposes for High Energy Cost Grants

Grant funds cannot be used for: Preparation of the grant application, fuel purchases, routine maintenance or other operating costs, and purchase of equipment, structures, or real estate not directly associated with provision of residential energy services. Program regulations at 7 CFR part 1709 have additional information on eligible uses of grant funds.

e. Pre-Award Activities During Environmental Review

RUS may refuse to provide an award where the selected applicant has taken actions in violation of restrictions on certain project activities prior to completion of pre-award environmental review. See Part F, Section 2(i) of this Notice and 7 CFR 1970.12.

f. Consideration of Prior Performance

RUS may consider prior performance of an applicant under any other USDA grant in deciding whether an application will be reviewed and scored under this NOSA. Where the track record of an applicant (or principals of an applicant) reflects inadequate performance as a historical matter, RUS may decide to not consider and score additional applications from the same party. Inadequate performance may consist of a disallowance that was never recovered by the Government, failure to complete a project, failure to respond to USDA's request for information relating to a project, or suspension or termination of a grant project for material failures to comply with the terms and conditions of the grant award.

D. Application and Submission Information

All applications must be prepared and submitted in compliance with this notice and the 2017 Application Guide. The 2017 Application Guide contains additional information on the grant programs, sources of information for use in preparing applications, examples of eligible projects, and copies of the required application forms.

1. Address To Request Application Package

The 2017 Application Guide, copies of required forms, and other information on the High Energy Cost Grant Program are available from these sources:

i. *Via the Internet* at the program Web site (*http://www.rd.usda.gov/programs-services/high-energy-cost-grants*);

ii. *via Grants.gov http://www.grants.gov* (under CFDA No. 10.859); and

iii. *by request* from Robin Meigel, Finance Specialist, Rural Utilities Service, Electric Program, United States Department of Agriculture, 1400 Independence Avenue SW., STOP 1568, Room 0270 South Building, Washington, DC 20250–1568, or 202–720–9452, or email *Energy.Grants@wdc.usda.gov.*

2. Content and Form of Application Submission

Applicants must follow the directions in this notice and the 2017 Application Guide in preparing and submitting their application packages.

i. Pre-Applications

This program does not require or accept pre-applications.

ii. The Application as a Whole

Application packages must be prepared consistent with the requirements of this notice, the 2017 Application Guide and program regulations at 7 CFR 1709.117. Applicants are encouraged to consult the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR part 200) for additional requirements applicable to grants under this program. Application packages that do not comply with the eligibility and content provisions of this notice will be rejected. As used in this notice ''narrative'' means a written statement, description, or other written material prepared by the applicant, for which no form exists.

Format. The completed application should be assembled in the order specified in this Part D, Section 2(iii) below with all pages numbered sequentially or by section. Application sections and attachments should be formatted for 8½ by 11 inch paper (letter size) with 1 inch margins. Preferred type faces are *Times New Roman* 12, *Calibri* 11, *Arial* 11, *Verdana* 10 or *Courier* 10. Narratives may be single or double spaced. It is strongly recommended that Project Narratives be no longer than about 30 pages in length (exclusive of required forms and Project Summary) with not more than 10 pages

of attachments. Paper application packages will be scanned; they should be printed single-sided on white letter size paper. Electronic applications must follow formatting directions, including acceptable file attachment types, specified on *Grants.gov*. Failure to follow these instructions may result in rejection of the application.

Number of copies. A complete paper application submission package consists of one original application with original signatures on all forms and certifications and two copies.

iii. Component Parts of the Application

The completed application consists of the following sections and forms.

Narrative sections should be formatted as indicated above and assembled in the sequence specified. Table 2 lists the required content and form of a complete application. Applicants may use this table to assure that their applications are complete and assembled in order:

TABLE 2—REQUIRED CONTENT AND FORM OF APPLICATION PACKAGE

[Component pieces of the application]

[Complete applications must include all listed sections, forms, and certifications in the order shown in this table]

Part A. Completed Form SF–424 ''Application for Federal Assistance''
Part B. Project Summary and Eligibility Statement (up to 3 pages total)
Part C. Project Narrative Proposal
- I. Table of Contents
- II. Executive Summary (1 page)
- III. Project Description (up to 30 pages)
  - A. Community Eligibility and Assessment of Community Needs
  - B. Project Design, Technical Feasibility and Responsiveness to Community Needs
  - C. Applicant Organization and Eligibility
  - D. Organizational Capabilities and Project Management Plan
  - E. Organizational Experience
  - F. Key Staff Experience
  - G. Project Goals, Objectives and Performance Measures
  - H. Project Reporting Plan
  - I. Project Budget and Financial Capability
  - J. Rural Economic Development Initiatives
  - K. Priority Considerations

Part D. Additional Required Forms and Certifications
- Form SF–424B, ''Assurances—Non-Construction Programs'' or Form SF–424D, ''Assurances—Construction Programs''
- Form SF–LLL, ''Disclosure of Lobbying Activities''
- Evidence of Active and Unexpired SAM Registration with *https://www.sam.gov*
- Rural Utilities Service ''Certification Regarding Debarment, Suspension and Other Responsibility Matter—Primary Covered Transactions''
- RUS Environmental Questionnaire

Part E. Supplementary Materials (up to 10 pages)

a. Application Part A—Completed Form SF–424, ''Application for Federal Assistance''

This form must be signed by a person authorized to submit the proposal on behalf of the applicant. **Note:** All applicants, except individuals, must include a DUNS number on the SF–424 to be considered complete. See Section 3 below in this Part D for information on obtaining a DUNS Number. Copies of this form are available through the RUS's Web site (*http://www.rd.usda.gov/programs-services/high-energy-cost-grants*) or through *Grants.gov*, or by request from the Agency contact listed in Section 1 of this Part D above.

b. Application Part B—Project Summary and Eligibility Statement

The Project Summary and Eligibility Statement is a short narrative that establishes the application's eligibility. It describes the applicant, the eligible high energy cost community, the proposed project, and all requested priority considerations. The Project Summary should be no longer than three (3) pages.

This summary will be used by RUS for initial screening purposes only to make an initial determination of eligibility without reference to other sections of the application. After review of this Part B, RUS will decide whether to accept the application for further review and scoring. Application packages that do not meet eligibility requirements will be rejected.

Part B will not be referred to for purposes of scoring the application. All information relating to eligibility and scoring must be included in the full project narrative proposal more fully discussed below.

In Part B applicants must provide a brief summary of the project proposal. The project must be described in sufficient detail to establish that it is an eligible project under the program regulations (7 CFR part 1709) and this notice. Applicants should take great care in preparing this Part B summary to include all necessary elements relating to eligibility.

Part B of the Application must include the following information.

I. Applicant Eligibility

This section of Part B must briefly describe the applicant, its capabilities, and provide information demonstrating that the applicant is an eligible entity under program regulations at 7 CFR 1709.106 and this notice. Part B must also state that the applicant is free of any debarment or other restriction on their ability to contract with the Federal government as identified in Part C, Section 1(i) of this notice and must also state that the applicant has an active and unexpired registration with *www.sam.gov.*

II. Community Eligibility

This summary must describe the eligible community or communities to be served by the project including name, location, and population based on 2010 Census. Also required is the name and population of the local government division (*e.g.,* city, town or county for unincorporated areas) where the project is located. The Part B Summary must specifically identify the average community residential energy costs that exceed one or more of the benchmark criteria for extremely high energy costs

as described in this notice. Local energy providers and sources of high energy cost data and estimates should be clearly identified. The 2017 Application Guide includes additional information and sources that the applicant may find useful in establishing community eligibility.

III. Project Eligibility

Provide a brief overview of the project including the project title, total project costs, the amount of grant funds requested, amount and source of matching contributions, major project goals and tasks, and the location of project activities and facilities to be supported with grant funds. It must state how the grant project will provide benefits to the eligible community and offset or reduce the target community's extremely high energy costs. The summary should briefly identify any state or tribal rural development initiative that the project supports.

IV. Priority Considerations

List all Priority Considerations for which the Applicant is seeking additional points in project scoring. Priority points to be awarded under this notice are set forth in Part E, Section 1 of this notice. Further discussion of Priority Considerations should be reserved for Application Part C—Proposed Project Narrative.

V. Contact Information

The project summary should list the Applicant's name, address, telephone number, fax, and email address and contact person for the application. Include the contact person's address, telephone number, fax and email address if different from the applicant.

c. Application Part C—Proposed Project Narrative

The proposed project narrative describes in detail the proposed grant project, the project benefits, and the proposed budget. Part C follows sequentially after Parts A and B in assembling the package and contents should be assembled and paginated in the order described below.

In preparing the proposed project narrative, Applicants must address individually and in narrative form each of the proposal evaluation and selection criteria contained in Part E, Section 1 of this notice. The project narrative will be scored competitively and the results used to rank applications for finalist selections.

The narrative proposal should be formatted according to the instructions in Part D, Section 2(ii) of this notice. Applicants are strongly encouraged to keep the narrative proposal to no longer than approximately 30 pages, exclusive of required forms. Successful application narratives have been shorter in length. Applicants may use the Supplementary Materials section to include up to ten (10) pages of letters of support and other information for reviewers. Letters from Members of Congress and senior State government officials will not count against this page limit.

The project narrative proposal includes the following sections assembled in the order indicated.

I. Table of Contents

Part C of the application package must include a Table of Contents immediately before the Executive Summary. The Table of Contents must provide page numbers for all sections, forms, and supplemental materials. The Table of Contents will help reviewers assure that all submitted materials are included in the application package and in correct, intended order. This section will not be scored or counted against proscribed page limits.

II. Executive Summary

The Executive Summary is a one page introduction to the project that briefly identifies the applicant, project title, amount of grant funds requested, eligible communities, the activities and facilities to be supported, and how the grant project will benefit the community and offset or reduce the community's extremely high energy costs. Any priority considerations requested should be listed. The Executive Summary will be used by RUS to prepare project descriptions in press releases or other announcements and it should list a key contact person for the application with telephone and fax numbers, mailing address and email address. The Executive Summary is a required component of the application (7 CFR 1709.117(b)(1)), but will not be scored. The Executive Summary immediately follows the Table of Contents.

III. Project Description

The narrative project description should be no longer than 30 pages in total and should be prepared using the formatting instructions above in this Part D, Section 2(ii).

A. Community Eligibility and Assessment of Community Needs

Identify the area to be served by the project and the community or communities within the identified area that will benefit from the project. Identify the local government division that administers each community as well as the community population. Identify the location of the proposed project. Show that the proposed project's beneficiaries are communities where the average annual residential energy costs exceed one or more of the benchmark criteria for extremely high energy costs as described in Part C, Section 3(i) and Table 1 of this notice. Local energy providers and sources of high energy cost data and estimates must be clearly identified. Neither the applicant nor the project are required to be physically located in the extremely high energy cost community, but the funded project must serve an eligible community.

The population estimates should be based on the 2010 Census available from the U.S. Census Bureau. Additional information and exhibits supporting eligibility and community energy sources may be obtained from the U.S. Census, the Energy Information Administration, other Federal and State agencies, or private sources. The 2017 Application Guide provides additional information and sources that are useful in establishing community eligibility.

Identify and analyze the major energy challenges that the eligible community faces and how their extremely high energy costs impair their ability to meet these needs or adversely affect other aspects of community wellbeing. The applicant may, for example, describe how socioeconomic, environmental, or public policy considerations may affect the community's ability to meet its energy needs or influence the choices that they may make.

Address any community characteristics or extraordinary conditions that reviewers should consider in weighing the need for assistance. In particular, the narrative should address any circumstances that may qualify the application for one or more of the priority scoring considerations established in Part E of this notice. Priority considerations include high poverty areas, rurality, extraordinary conditions or circumstances, and whether a request for SUTA consideration conforming to the requirements of this notice has been accepted.

B. Project Design, Technical Feasibility and Responsiveness to Community Needs

The project description narrative must describe the proposed project in sufficient detail to establish that it is an eligible project under program regulations at 7 CFR 1709.109–111, and the Uniform Administrative Requirements, Cost Principles, and

Audit Requirements for Federal Awards at 2 CFR part 200, and this notice.

The applicant must describe the project design, construction, materials, equipment, and associated activities in sufficient detail to support a conclusion by reviewers of the project's eligibility and technical feasibility as required by program regulations (7 CFR part 1709) and this notice. Proposed projects involving construction, repair, replacement, or improvement of electric generation, transmission, and distribution facilities must generally be consistent with the standards and requirements for projects financed with loans and loan guarantees under the RE Act as set forth in RUS's Electric Programs Regulations and Bulletins and may reference these requirements.

The Applicant's proposed scope of work must include major tasks to be performed, any services to be provided directly to beneficiaries, a proposed timeline for completing each task, and an estimate of the overall project duration.

In describing the project plan and schedule, applicants must specifically identify any regulatory and other approvals required by Federal, State, local, or tribal agencies, or by private entities (as a condition of financing), that are necessary to carry out the proposed grant project. Failure to list required permits and approvals may lead to the conclusion by the reviewers that the project proponent does not have sufficient expertise to develop the project. The applicant must provide an estimated schedule for obtaining the necessary approvals.

It is essential that the applicant describe and quantify how the proposed grant project is responsive to the community challenges or needs described in the preceding section of the application.

C. Applicant Organization and Eligibility

In this section the applicant must describe its organizational structure and capacity to carry out the project. The applicant must establish that is an eligible applicant under this program as provided in Part C, Section 1(i) above. Additionally, the Applicant must confirm that it and the project are located in the United States, its territories, or an eligible insular area.

This section of the application is expected to include a description of the applicant entity's ownership, as applicable, when it was established, where it operates, its sources of funding, whether it is regulated, and in addressing the organizational structure, identify all subsidiaries, affiliates, or parent entities. Describe the financial management system that will be used for grant activities. Provide evidence that the applicant has or will have the legal authority to enter into a financial assistance relationship with the Federal Government. Examples of supporting evidence of applicant's legal existence and eligibility include: A reference to or copy of the relevant statute, regulation, executive order, or legal opinion authorizing a State, local, or tribal government program, articles of incorporation or certificates of incorporation or good standing for corporate applicants, partnership or trust agreements, and board resolutions. (These documents will not be counted towards any page limitation and should be included at the end of the Application Package with Supplementary Materials.) Applicants must also represent that they are free of any debarment or other restriction on their ability to contract with the Federal Government or receive a federal grant.

D. Organizational Capabilities and Project Management Plan

Provide a narrative describing the applicant's plan for implementing the proposed project. Describe the organization's organizational structure, method of funding and the expertise on the payroll that is relevant to the project. Describe how and by whom the project will be managed during construction and all phases of operation. The availability of financial statements and other supporting documentation about applicant financial and legal capacity to carry out the project can be referenced here. Identify key staff that will be responsible for managing the grant project and indicate whether outside consultants or contractors will be used and for what purposes. Describe the capabilities of outside consultants or contractors that will have a primary role in executing the grant project.

If the applicant proposes to use equipment or design, construction or other services from non-affiliated entities, the application must describe how it plans to contract for such equipment or services.

Describe the identities, relationship, qualifications, and experience of these affiliated and contracted entities. The experience and capabilities of these affiliated and/or contracted entities will be reviewed by the rating panel. Indicate whether a force account method [4] to deliver the project is planned, an owner furnished materials + contractor method,[5] or another arrangement for accomplishing the project is planned.

Applicants are encouraged to review the financial management requirements for Federal grantees in 7 CFR part 1709 and government-wide financial assistance regulations at 2 CFR part 200, and to address their ability to comply with these requirements in their applications.

Overall, this section should provide information that will support a finding that the overall combination of management experience, financial management capabilities, resources and project structure will enable successful completion of the project.

E. Organizational Experience

This subsection should include a detailed description of the applicant's relevant prior experience and that of any other organization that will carry out the proposed project. Information should be included on past projects, success rates, long-term results, and community and individual consumer benefits. If the applicant has received any prior High Energy Cost Grants or other Federal funding, a detailed description of these awards and past performance is required in this section.

F. Key Staff Experience

Key managers and staff for the project are to be identified above in the application component that addresses the implementation plan (above). In this section, provide more detail on their qualifications and experience relating to the work they are intended to perform for the project. If the applicant has identified affiliated entities, contractors, or subcontractors to provide services under the grant, in this section the applicant must describe the identities, relationship, qualifications, and experience of these affiliated entities, contractors or subcontractors. The rating panel will consider the experience and capabilities of these entities in scoring the proposal. If the application is selected for funding, key personnel provisions may be included in the grant agreement as a condition of the award.

G. Project Goals, Objectives and Performance Measures

Federal grant regulations provide that each grant award must include establishment of performance goals

[4] Force Account: The owner hires temporary employees to construct the project. Skilled laborers are often brought in from around the state and others are hired locally. An outside engineering firm is often involved in project management, construction and grant management.

[5] Owner furnished materials + contractor method: The Owner purchases materials and bids out all construction to a contractor.

defined as ''a target level of performance expressed as a tangible, measurable objective, against which actual achievement can be compared'' (2 CFR 200.76. See also 2 CFR 200.301, and § 200.308 and 7 CFR 1709.117.)

Identify and quantify appropriate measures of project performance and success for this project. These proposed performance measures should relate to representations in Section B of the application that describe how the project will meet the needs identified for the community and they should be quantified. Target performance results for these benefits may include, for example, quantified expected reductions in home or community energy costs, the amount by which cost increases otherwise projected will be avoided, a quantified projection of enhanced reliability, or economic or social benefits from improvements in energy services available to the community. Include documentation or references to support the quantified amounts for projected project benefits.

H. Project Reporting Plan

Provide a progress reporting plan that describes how the effectiveness of the project in delivering its projected benefits will be monitored and measured periodically and once it is complete. This plan should specify who will be doing the monitoring and to whom the results will be reported. RUS will use these proposed performance measures and reporting plans to establish the performance measures incorporated in the grant agreement in the event the proposal is selected for an award. These suggested performance criteria are not binding on the Agency.

I. Project Budget and Financial Capability

In this subsection the applicant must present its proposed project budget for the expected life of the project and also provide information about its own financial capability to support the project and manage it in compliance with requirements for federal assistance.

The budget narrative must provide a detailed breakdown of all estimated costs and allocate these costs among the listed tasks in the work plan. The narrative and budget exhibits and forms must itemize and explain major proposed project cost components such as, but not limited to, the expected costs of design and engineering and other professional services, personnel costs (salaries/wages and fringe benefits), equipment, materials, property acquisition, travel (if any), and other direct costs, and proposed recovery of indirect costs, if any. The budget must document that planned administrative and other expenses of the project sponsor that are not directly related to performance of the grant will not total more than 4 percent of grant funds.

The applicant must explain the basis for any cost estimates. A pro forma operating budget for the three years of operations must be included as an exhibit in this section. The applicant must clearly identify the source and amount of any other Federal or non-Federal contributions of funds or services that will be used to support the proposed project, including any program income.

The detailed budget narrative must be accompanied by SF–424A, ''Budget Information—Non-Construction Programs,'' or SF–424C ''Budget Information—Construction Programs,'' as applicable. All applicants that submit applications through *Grants.gov* must use SF–424A. Consistent with the requirements of 2 CFR 200.205, the RUS must review the financial risk posed by applicants. In support of this review, applicants must provide additional narrative regarding the financial capability of their organization including, for example:

1. Financial stability

2. Quality of management systems and ability to meet the management standards prescribed under Federal grant regulations in 2 CFR part 200;

3. History of performance in managing any other Federal awards, including timeliness of compliance with applicable reporting requirements, conformance to the terms and conditions of previous Federal awards, and if applicable, the extent to which any previously awarded amounts will be expended prior to future awards;

4. Reports and findings from audits performed for other Federal assistance under 2 CFR part 200, subpart F—Audit Requirements or the reports and findings of any other available audits; and/or

5. Any contracts with certain parties that are debarred, suspended or otherwise excluded from or ineligible for participation in Federal programs or activities.

Applicants may cross reference relevant discussions elsewhere in the application in support of their financial stability and financial management capability.

J. Rural Economic Development Initiatives

The applicant must address how the project will support rural economic development in the target area. The narrative must describe whether and how the proposed project will support any rural economic development initiatives funded by or carried out in cooperation with a State or local agency, or an Indian Tribe as required by 7 CFR 1709.117(b)(11). If it is represented that the project supports a rural development initiative, the application should include confirming documentation from the appropriate rural development agency. The application must identify the extent to which its proposed project performance is dependent upon or tied to other rural development initiatives, funding, or approvals. If the project is independent of and not coordinated with a state or tribal rural development initiative, the applicant should clearly indicate this. Project narratives that do not address this requirement will receive zero points under this evaluation criterion.

K. Priority Considerations

The Administrator has approved the certain priority considerations in scoring and ranking applications consistent with program regulations at 7 CFR 1709.123. These priority scoring considerations and points to be awarded are described in Part E of this notice. In order to assure that applicants receive all of the priority points for which they are eligible, this section should identify each priority consideration that the applicant is requesting and (with the exception of SUTA) provide a brief statement of the circumstances that make them eligible for the priority criterion. Applicants may cross reference more detailed information elsewhere in the application package. Applicants should carefully read Part E on scoring priority considerations before writing this section. Priority points will be awarded for the following:

- Projects that provide assistance to USDA High Poverty Areas
- Projects that serve small rural communities
- Projects that incorporate commercially proven waste heat recovery technology
- Projects that result in not less than a 25% increase in energy efficiency for generation assets; this includes repowering aging diesel plant
- Projects that address extraordinary circumstances affecting the eligible high energy cost community such as a disaster, imminent hazard, unserved areas, and other economic hardship
- Projects that serve Substantially Underserved Trust Areas (Identifying this requested priority in the application is not sufficient in itself to receive SUTA priority points. A separate letter request as described in Part C, section (1)(ii) of this notice is a prerequisite for receiving SUTA priority points.).

d. Application Part D—Additional Required Forms and Certifications

The following forms and certifications must be executed and included as part of the application:

- SF 424B, ''Assurances—Non-Construction Programs'' or SF 424D, ''Assurances—Construction Programs'' (as applicable). All applicants applying through *Grants.gov* must use form SF 424B.
- SF LLL, ''Disclosure of Lobbying Activities.'' All applicants must file this disclosure form (2 CFR 418.110). The applicant should complete name and address information. If no expenditure indicate $0, ''none,'' or ''not applicable'' in the reporting section.
- Form AD–3030 ''Representations Regarding Felony Conviction and Tax Delinquent Status for Corporate Applicants'' (for corporate applicants only).
- Rural Utilities Service ''Certification Regarding Debarment, Suspension and Other Responsibility Matter—Primary Covered Transactions.''
- High Energy Cost Grant Program Environmental Questionnaire. This RUS environmental questionnaire solicits information about project characteristics and site-specific conditions that may involve environmental, historic preservation, and other resources. The information will be used by RUS's environmental staff to determine what, if any, additional environmental impact analyses may be necessary before a final grant award may be approved. A copy of the environmental questionnaire and instructions for completion are included in the Application Guide and may be downloaded from RUS's Web site or under funding opportunity announcement RD–RUS–HECG17 at *Grants.gov*.

e. Application—Supplementary Materials (Not To Exceed 10 Pages)

Applicants may include additional information for reviewers such as letters of support and any other supplementary materials not included as exhibits in the project narrative that support eligibility, or priority considerations. Letters from Congress and senior State Officials will not be counted against any page limitations.

f. SUTA Consideration Requests

Application formatting and content requirements for entities that have requested SUTA consideration are identical to those for other applicants. The letter request and supporting materials for SUTA consideration are submitted separately from the application package to be reviewed by the rating panel under this notice. Other than listing SUTA consideration as a line item in the list of requested priority points in the grant application, there is no provision for a duplicate discussion of the merits of SUTA eligibility in the required content and form of the application package under this notice. See discussion of SUTA above in Part C, Section (1)(ii) above and SUTA regulations at 7 CFR 1700.108 for additional information on what is required in the separate SUTA request.

g. Number of Copies of Submitted Applications

Paper application packages submitted to RUS must include the original signed application and two (2) copies.

Only one electronic grant application submission through the *Grants.gov* Web site is required.

iv. Information That Successful Applicants Must Submit After Notification That They Are a Selected Finalist for a Federal Award

In addition to the information required to be submitted in the application package, RUS may request that applicants who are selected as finalists for an award provide additional information, analyses, forms and certifications before the grant agreement is signed and funds are obligated. These may include additional information and analyses for any environmental reviews and clearances under the National Environmental Policy Act (NEPA) (42 U.S.C. 4321–4370h), other statutes, and USDA regulations. As discussed earlier, the agency will conduct due diligence and risk management reviews with respect to the selected finalists and additional inquiry on the part of the agency may be associated with this activity. The successful applicant may also be required to submit additional certifications required under USDA and Government-wide assistance regulations. RUS will advise the applicant in writing of any additional information required.

3. Dun and Bradstreet Universal Numbering System (DUNS) Number and System for Award Management (SAM)

The applicant for a grant must supply a Dun and Bradstreet Data Universal Numbering System (DUNS) number as part of an application. The Standard Form 424 (SF–424) contains a field for the DUNS number. The applicant can obtain a DUNS number free of charge by calling Dun and Bradstreet. Please see *http://fedgov.dnb.com/webform* for more information on how to obtain a DUNS number or how to verify your organization's number.

Before submitting an application, the applicant must register in the System for Award Management (SAM) (formerly Central Contractor Registry, (CCR)). Applicants must register for the SAM at *https://www.sam.gov.* SAM registration must remain active with current information at all times while RUS is considering an application or while a Federal grant award is active. To maintain a SAM registration the applicant must review and update the information in the SAM database annually from the date of initial registration or from the date of the last update. The applicant must ensure that the information in the database is current, accurate, and complete.

4. How To Submit—Submission Dates and Times

Applicants may submit applications on paper directly to the Agency or electronically through *Grants.gov*.

- *Paper grant applications and SUTA consideration requests* must be postmarked and mailed, shipped, or sent overnight to the address provided at the top of this notice under **ADDRESSES** no later than the deadline published at the top of this notice under **DATES** to be eligible for FY 2017 grant funding. RUS will begin accepting applications on the date of publication of this notice. RUS will accept for review all applications postmarked or delivered to it by this deadline. Applications should be marked ''Attention: High Energy Cost Grant Program.''

For the purposes of determining the timeliness of an application RUS will accept the following as valid postmarks: The date stamped by the United States Postal Service on the outside of the package containing the application delivered by U.S. Mail; the date the package was received by a commercial delivery service as evidenced by the delivery label; the date received via hand delivery to RUS headquarters. Late applications will not be considered and will be rejected.

RUS will not provide notifications acknowledging receipt of paper applications. Applicants should retain proof of mailing or shipping.

Applicants are advised that regular mail deliveries to Federal Agencies, especially of oversized packages and envelopes, are frequently delayed by increased security screening requirements that include irradiation which may damage contents. Applicants may wish to consider using Express Mail or a commercial overnight delivery service instead of regular mail.

Applicants wishing to hand deliver or use courier services for delivery should contact an RUS representative in advance to arrange for building access. If an applicant wishes to submit such materials, they should contact an RUS representative for additional information.

• *Electronic grant applications* must be filed with *www.grants.gov* on or before the deadline published at the top of this notice under **DATES** to be eligible for FY 2017 funding. RUS will review electronic applications and use the date and time an electronic application was posted for submission to *Grants.gov* to determine timeliness. Applications received by *Grants.gov* after the deadline will not be eligible for FY 2017 grant funding and will be rejected.

Applicants are encouraged to file electronic applications in advance of the deadline. Applicants encountering difficulty filing applications electronically must contact *Grants.gov* for assistance.

Grants.gov will generate a receipt for application filing and for transmittal to USDA. RUS will not issue a separate acknowledgement of receipt. Acceptance of an application by *Grants.gov* does not constitute acceptance as an eligible and complete application by RUS.

• If the submission deadline falls on Saturday, Sunday, or a Federal holiday, the application is due the next business day.

5. Intergovernmental Review

The High Energy Cost Grant Program is not subject to Executive Order 12372, ''Intergovernmental Review of Federal Programs'' as implemented by USDA in 2 CFR part 415. Applications do not have to be submitted to any State agencies for review before submittal.

6. Funding Restrictions

High Energy Cost Grant program funds are subject to certain limitations established by Federal statutes, regulations, and policies. These restrictions may preclude awards or reimbursements to certain applicants or for certain proposed activities and expenditures.

i. Ineligible Purposes

Grant funds cannot be used for:

a. Preparation of the grant application; payment of any finder's fees or incentives for assisting in the preparation or submission of an application;

b. Purchases of fuel or payment of utility bills;

c. Payment of applicant's planning and administrative costs that exceed 4 percent of the grant award;

d. Routine maintenance or other operating costs;

e. Purchase of equipment, structures, or real estate not directly associated with provision of residential energy services;

f. Project construction costs incurred prior to the date of the grant award, except as provided in 7 CFR 1709.11(d);

g. Costs of project development and feasibility analyses exceeding 10 percent of total project costs;

h. Projects that primarily or only consist of educational, outreach, and audit or assessment activities and do not include a substantial investment in physical infrastructure or energy saving improvements;

i. Projects that primarily benefit a single household or business;

j. Projects that primarily benefit areas outside of eligible communities;

k. Research, development, demonstration, or commercialization activities;

l. Refinancing or repayment of the applicant's outstanding loans or loan guarantees under the Rural Electrification Act of 1936, as amended (7 U.S.C. 901 *et seq.*);

m. Funding of political activities;

n. Payment of any judgment or debt owed to the United States; or

o. Providing any share or benefit to a member of Congress except as provided in 7 CFR 1709.20.

In addition to the foregoing ineligible purposes, RUS may refuse to provide an award or reimbursement where the selected applicant has taken actions in violation of restrictions on certain project activities prior to completion of pre-award environmental review. See Part F, Section 2(i) of this notice and 7 CFR part 1970, or its successor.

ii. Limits on Indirect Charges and Markups

The program statute expressly caps soft costs such as planning studies and administrative expenditures at 4% of the grant amount. The program regulation expressly states that development fees are not an eligible purpose. The legislative history for this program is clear that program dollars are for the primary benefit of the ultimate beneficiaries of the program. That said, the Agency has observed that equipment markups, project and grant management fees, indirect costs and other soft costs to be paid to third party participants are not identified as such in the standard form SF–424B as is typically required in applying for a Federal grant award. The details behind these SF–424B budget categories often become apparent only when the grantee is submitting an updated budget as a selected finalist or supporting documents for each draw request. This program enjoys a diversity of program applicants and developers. Some are institutional, others are more entrepreneurial, such as outside engineering firms who oversee and manage projects in addition to providing design services. Some of these program participants typically expect that a percentage of each grant will fund indirect overhead, others may levy surcharges on equipment purchased for the project, and some may charge fixed or variable project management fees. These arrangements result in less grant budget dollars being spent directly for the benefit of the ultimate project beneficiaries.

The agency recognizes that the program and ultimate beneficiaries are enriched by the diversity of project sponsors, and that these parties are not expected to work for free. Nevertheless, applicants are put on notice that the agency does not expect to fund soft costs of this nature that exceed the following parameters:

Indirect overhead charges may not exceed 4% (this is differentiated from the 4% discussed elsewhere that relates to planning and administrative costs that are directly charged to the project.)

Equipment markups may not exceed 10% inclusive of any exclusive distribution rights and may not be levied unless the service provider provides purchase credit to bridge receipt of grant disbursements.

Project management services may not exceed the lower of 8% of the grant or the actual cost of management services calculated as a function of time and hourly pricing.

Engineering design fees may not exceed 10%.

Regardless of the labels attached to costs of this nature, the agency would expect the totality of such costs not to exceed 30% of the grant budget and may be expected to exercise its discretion not to fund anything that is not disclosed and approved in advance. The standard language in the form of grant agreement calls for an updated budget and implementation plan to be approved by the agency as a condition to the first advance of grant funds. The budget submitted as part of the application is not binding on the agency.

7. Other Submission Requirements

Grant applications may be submitted on paper or electronically.

i. Paper Applications

Paper applications must follow the format instructions in Part D, Section 2(ii) above. A completed paper application package must contain all required parts in the order indicated in the above Section 2 ''Content and Form of Application Submission'' and Table 2. The paper application package must include one original application with original signatures on all forms and certifications and two complete copies.

Paper applications must be postmarked and mailed, shipped, or sent overnight to the address provided at the top of this notice under **ADDRESSES** no later than the deadline published at the top of this notice under **DATES**.

ii. Electronic Applications

Electronic applications must follow formatting directions, including acceptable file attachment types specified on *Grants.gov.* Failure to follow the special instructions for electronic applications and *Grants.gov* guidance for attachments may result in an unreadable or incomplete application which will be rejected.

Electronic applications must also contain all required parts in the order indicated in the above Part D, Section 2 ''Content and Form of Application Submission'' and Table 2.

RUS will not accept applications via fax or electronic mail submissions. Electronic applications must be submitted through *Grants.gov* on or before the deadline published at the top of this notice under **DATES**.

Supplemental information relating to electronic submissions is provided below.

a. *Electronic Application materials* for the High Energy Cost Grant Program notice can be found by searching under Funding Opportunity Number: RD–RUS–HECG17 or Catalog of Federal Domestic Assistance (CFDA) Number No. 10.859. In addition to the *Grants.gov* mandatory forms, applicants must download, complete, and attach specific USDA and High Energy Cost Grant instructions, forms, and certifications to submit a complete electronic application package. Additional forms to be downloaded, completed, and uploaded to the *Grants.gov* application package include: The RUS ''Certification Regarding Debarment, Suspension and Other Responsibility Matter—Primary Covered Transactions,'' Form AD–3030 ''Representations Regarding Felony Conviction and Tax Delinquent Status for Corporate Applicants'' (for corporate applicants only), and the RUS Environmental Questionnaire. Electronic submissions that do not contain these required forms will be rejected as incomplete.

b. Credentials and Authorizations for Electronic Applications

I. System for Award Management

All applicants must register with the System for Award Management. Submitting an application through *Grants.gov* requires that your organization list in the System for Award Management (SAM) (formerly Central Contractor Registry, CCR). The Agency strongly recommends that you obtain your organization's DUNS number and SAM listing well in advance of the deadline specified in this notice. See *https://www.sam.gov* for more information on SAM and to register.

II. Credentialing and Authorization of Applicants

Grants.gov will also require some credentialing and online authentication procedures before you can submit an application. These procedures may take several business days to complete, further emphasizing the need for early action by applicants to complete the sign-up, credentialing and authorization procedures at *Grants.gov* before you submit an application at that Web site.

III. Necessity for Updates

Some or all of the SAM and *Grants.gov* registration, credentialing and authorizations require updates. If you have previously registered at *Grants.gov* to submit applications electronically, please ensure that your registration, credentialing and authorizations are up to date well in advance of the grant application deadline.

c. Difficulties in Submitting Electronic Applications

RUS encourages applicants who wish to apply through *Grants.gov* to submit their applications in advance of the deadlines.

If a system problem occurs or you have technical difficulties with an electronic application, please use the customer support resources available at the *Grants.gov* Web site.

In case of an electronic filing difficulty that cannot be resolved, applicants may download application materials and complete forms online through *Grants.gov* without completing the *Grants.gov* registration requirements. Application materials prepared online may be printed and submitted in paper to RUS as detailed above.

E. Application Review Information

This section describes the process and application review criteria that the RUS will use to evaluate the eligibility and merit of the applications packages submitted. This notice establishes the criteria and weights to be used and the evaluation process as provided by program regulations at 7 CFR part 1709.

1. Criteria

The Administrator of RUS has established the merit selection and priority consideration criteria for evaluating and scoring the applications submitted under this notice pursuant to program regulations at 7 CFR 1709.102 and 1709.123. The criteria set forth below will be used by one or more rating panels to be selected by the Assistant Administrator, Electric Programs. Additional information on how scoring criteria will be applied can be found in the 2017 Application Guide.

The maximum number of points to be awarded is 100. The maximum points available under project design and technical merit criteria are 65. The maximum number of points to be awarded under priority considerations that support USDA and RUS program priorities is 35.

Table 3 shows the selection criteria and weights that will be used in scoring the 2017 applications:

TABLE 3—PROJECT MERIT AND PRIORITY CONSIDERATION CRITERIA FOR 2017 NOSA

	Maximum points
Project Design and Technical Merit (up to 65 Points)	
Assessment of Community Needs	15
Project Design, Technical Feasibility and Responsiveness to Community Needs	10
Management Plan	10
Organizational Experience	5
Key Staff Experience	5

TABLE 3—PROJECT MERIT AND PRIORITY CONSIDERATION CRITERIA FOR 2017 NOSA—Continued

	Maximum points
Project Goals, Objectives and Performance Measures	3
Project Reporting Plan	2
Project Budget, Financial Feasibility and matching contributions	10
State, local, or tribal rural development initiatives	5
Priority Considerations (up to 35 points)	
High Poverty Areas Priority	10
Rurality (Population)	10
(A) 50 States and Puerto Rico:	
1. 2,500 or less, 10 points;	
2. Between 2,501 and 5,000, inclusive, 7 points;	
3. Between 5,001 and 10,000, inclusive, 5 points;	
4. Between 10,001 and 20,000, inclusive, 3 points; and	
5. Above 20,000, 0 points.	
(B) Virgin Islands and Pacific Insular Areas, 10 points.	
Waste heat recovery projects that incorporate commercially proven technology	5
–OR–	
Energy efficiency projects that result in no less than a 25% increase in energy efficiency for generation assets, which may include projects that repower aging diesel plants.	
Extraordinary circumstances or conditions	5
SUTA Applications	5
Total Points	100

i. Project Design and Technical Merit Criteria (Up to 65 Points Total)

Reviewers will consider the soundness of the applicant's analysis of community needs and benefits, the adequacy of the proposed project plan, the technical feasibility of the project, the adequacy of financial and other resources, the competence and experience of the applicant and its team, project goals and objectives, and performance measures. Project proposals will be evaluated on how well the proposal addresses application content requirements and evaluation criteria and how well the application compares to other applications. A total of 65 points may be awarded under the following criteria.

a. Assessment of Community Needs (Up to 15 Points)

Under this criterion, reviewers will consider the applicant's assessment of community needs and how the grant project addresses those needs and how the severity of identified needs compares to other applications. Reviewers will consider the identification and documentation of eligible communities, their populations, and assessment of community energy needs targeted by the grant project. Information on the severity of physical and economic challenges affecting eligible communities will be considered. Reviewers will weigh: (1) The applicant's analysis of community energy challenges and (2) why the applicant's proposal presents a greater need for Federal assistance than other competing applications. In assessing the applicant's demonstration of community needs, the rating panel will consider information in the narrative proposal addressing the following:

I. The burden placed on the community and individual households by extremely high energy costs. This burden may be evidenced by such quantitative measures as, for example, total energy expenditures, per unit energy costs, energy cost intensity for occupied space, or energy costs as a share of average household income, and persistence of extremely high energy costs compared to national or statewide averages;

II. The hardships created by limited access to reliable and affordable energy services;

III. The availability of other resources to support or supplement the proposed grant funding; and

IV. Indications of community support for the proposed project solution to their energy challenges.

b. Project Design, Technical Feasibility and Responsiveness to Community Needs. (Up to 10 Points)

Reviewers will assess the technical and economic feasibility of the project and how well its goals and objectives address the challenges of the extremely high energy cost community. The panel will review the proposed design, construction, equipment, and materials for the community energy facilities in establishing technical feasibility. Reviewers may propose additional conditions on the grant award to assure that the project is technically sound. Reviewers will consider the adequacy of the applicant's budget and resources to carry out the project as proposed and how the applicant proposes to manage available resources such as other grants, program income, and any other financing sources to maintain and operate a financially viable project once the grant period has ended. Reviewers may give higher scores to projects that are substantially ready to proceed with construction or implementation than to those that are early in the project development process.

In this section, the applicant will be awarded points on the technological design of the project. The applicant must provide a narrative description of the project including a proposed scope of work identifying major tasks and proposed schedules for task completion, a detailed description of the equipment, facilities and associated activities to be financed with grant funds, the location of the eligible extremely high energy cost communities to be served, and an estimate of the overall duration of the project. The Project Design description should be sufficiently detailed to support a finding of technical feasibility. Proposed projects involving construction, repair, replacement, or improvement of electric generation, transmission, and distribution facilities must generally be consistent with the standards and requirements for projects financed with loans and loan guarantees under the RE Act as set forth in the Agency's Electric Programs Regulations and Bulletins and may reference these requirements.

C. Management Plan (Up to 10 Points)

Reviewers will assess the adequacy of the proposed management plan against the content requirements in this notice and in comparison to the quality of other applications received. Applicants should take care to address all the required content materials. Points will be awarded for robust management plans, and realistic succinct schedules. If the applicant proposes to secure equipment, design, construction, or other services from non-affiliated entities, the applicant must briefly describe how it plans to procure and/or contract for such equipment or services consistent with Federal requirements. Reviewers will award the highest points to applications that fully include all required information and support a finding that the combination of management team's experience, financial management capabilities, resources and project structure will enable successful completion of the project.

d. Organizational Experience (Up to 5 Points)

Reviewers will assess the applicant's demonstrated experience in successfully administering and carrying out projects comparable to the grant proposal. In lieu of direct experience, reviewers will consider efforts applicant has taken to secure a capacity to provide energy services in rural areas. The Agency will consider the experience of the project team and the effectiveness of the program design in compensating for lack of extensive experience. If the applicant has received any HECG funding or other Federal funding, a detailed description of past performance is required in this section. Points will be awarded to organizations with proven track records or that have established a management structure and team with capacity and experience to carry out the project. Points will be awarded based on how well the applicant addressed the content requirements of this notice, the quality of the proposed project organizational capacity and how the proposal compares with other applications.

e. Key Staff Experience (Up to 5 Points)

Reviewers will assess the quality and capacity of the project team to carry out the proposal. Reviewers will consider whether the key project staff members possess demonstrated experience in successfully administering and carrying out projects that are comparable to the grant proposal. Reviewers may consider whether the project team includes staff or other identified consultants or contractors needed to successfully complete the project. If the applicant proposes to use affiliated entities, contractors, or subcontractors to provide services funded under the grant, reviewers will consider the identities, relationship, qualifications, and experience of these affiliated entities. Points will be awarded based on how well the applicant addressed the requirements in this notice and how the applicant's proposal compares to other applications.

f. Project Goals, Objectives and Performance Measures (Up to 3 Points)

Applicants must clearly identify project goals, objectives and performance measures to track the progress and success of their proposed project. These goals and performance measures must be quantitative and empirically verifiable. These performance measures will be incorporated in the grant agreement under ongoing reporting requirements and used, together with other such data, to assess the overall benefits achieved as a result of the grant award. Examples of quantitative and verifiable results include but are not limited to gallons of diesel fuel saved annually, together with the related (quantified) emission reductions, annual reductions in the typical household electric bill within the community or annual fuel expense realized by the utility serving the community. Such measures may also include projections of avoided costs achieved as a result of the project. Qualitative descriptions of the benefits to be achieved which are not empirical in nature will not qualify for these points. No points will be awarded for this criteria if the application fails to identify quantitative, empirically verifiable performance measures for the proposed project. In the event a project proposes to serve previously unserved beneficiaries, the project performance measures should be quantitative in nature as well. Reviewers will assess the applicant's plan to evaluate and report on the success and cost-effectiveness of financed activities. Reviewers will also assess whether applicant's proposed measures provide a quantitative basis for tracking project success and whether the application provides documentation or references to support its statements about cost-effectiveness savings and improved services. Reviewers will award points based on how well the applicant meets the requirements of the notice, the effectiveness of the proposed measures to monitor performance, and how the application compares against performance objectives incorporated in other proposals.

g. Project Reporting Plan (Up to 2 Points)

Reviewers will consider applicant's description of the reporting plan and how it contributes to tracking progress and performance and the consequences if project falls behind schedule. Reviewers will assess points based on the adequacy of the plan and how well it compares to other applications.

h. Project Budget, Financial Feasibility and Matching Contributions (Up to 10 Points)

Reviewers will consider whether applicant has fully responded to requirements of this notice and whether the narrative, forms and exhibits provide sufficient information to assess the adequacy of the project budget and the financial feasibility of the project.

The budget materials must document that planned administrative and other expenses of the project sponsor that are not directly related to performance of the grant will not total more than 4 percent of grant funds. The application must also identify the source and amount of any other Federal or non-Federal contributions of funds or services that will be used to support completion of the proposed project. Points will be awarded for completeness, realistic budget costs, and feasibility. Reviewers may consider total grant funds requested as a share of total project costs in assessing feasibility. All matching contributions must be clearly identified. No additional points will be awarded for matching contribution. Reviewers will consider them in assessing feasibility and commitment to completing the project. Reviewers will score the proposal based on how well the applicant's budget submission fully complies with requirements of the notice and whether project resources, including the grant request and identified matching contributions, are adequate to complete the project as proposed. Reviewers will also assess how well the applicant's proposal compared with other applications.

i. State, Local, or Tribal Rural Development Initiatives (Up to 5 Points)

The reviewing panel will assess how effectively the proposed project is coordinated with State rural development initiatives, if any, and is consistent with and supports these efforts. [Note: The term ''State rural development initiatives'' refers to state or tribal programs and not to USDA Rural Development programs.] The RUS will consider the documentation submitted for coordination efforts, community support and matching

contributions, and State or local government recommendations. Applicants should identify the extent to which the project is dependent on or tied to other rural development initiatives, funding, and approvals. Applicants are advised that they should address this criterion explicitly even if only to report that the project is not coordinated with or supporting a State rural development initiative. Failure to address this criterion will result in zero points awarded.

ii. Priority Considerations (Up to 35 Points Total)

In addition to the points awarded for project design and technical merit, all proposals will be reviewed and awarded additional points based on certain characteristics of the project or the target community. USDA Rural Development Mission Area policies generally encourage agencies to give priority in their programs to rural areas of greatest need and to support other Federal policy initiatives. In furtherance of these policies, RUS will award additional points for the priorities identified in this notice. The priority criteria and point scores used in this notice are consistent with the program regulations in 7 CFR part 1709. The Agency will give priority consideration to areas suffering high poverty, smaller rural and remote communities. Projects serving communities experiencing extraordinary circumstances affecting their ability to provide energy services may also enjoy priority points. Priority points are also available for applications that the Administrator has accepted for consideration under Substantially Underserved Trust Area regulations at 7 CFR part 1700, subpart D. A maximum of 35 total points may be awarded under the following priority criteria:

a. High Poverty Areas (15 Points)

USDA Rural Development is committed to reducing the impacts of high and persistent poverty in rural communities. The economic hardship of extensive and persistent poverty exacerbates the impacts of extremely high energy costs on families and businesses and hampers the community's ability to meet its energy needs. In support of this USDA initiative, RUS will award 15 priority points for projects that serve communities in counties that are classified as High Poverty or Persistent Poverty by the USDA Economic Research Service ''Geography of Poverty'' Web page (*http://www.ers.usda.gov/topics/rural-economy-population/rural-poverty-well-being/geography-of-poverty.aspx*) or that are located in a county with at least one census tract with a poverty rate of 20 percent or more using data from the American Community Survey (ACS) that can easily be accessed through the Census Bureau American Fact Finder Web page (*http://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml*). Applicants may use other population and income data from the U.S. Census, state, or tribal sources if the ACS does not contain information for their community or project area. In the absence of accurate community information, the 2017 Application Guide provides additional details on high poverty areas. Reviewers will award 15 points for any application that serves one or more high poverty areas and that has required supporting population information.

Note on Alternative Economic and Population Data for Eligible Territories and Insular Areas: RUS recognizes that comparable economic and household income information may not be available for eligible areas that are not States. Applicants from these areas should provide any public information that is readily available on territorial or national median household income and local community economic characteristics and other indication of economic challenge posed by extremely high energy costs. Applications from these areas will be scored based on the provided data.

b. Rurality (Up to 10 Points)

Consistent with the USDA Rural Development policy to target resources to smaller rural communities with significant needs and recognizing that smaller and remote communities are often comparatively disadvantaged in seeking assistance, RUS has established a sliding scale for awarding points based on population. RUS has also determined to award the full 10 points to applications from the Virgin Islands and eligible Pacific Insular areas. Reviewers will award additional points based on the rurality (as measured by population) of the project communities to be served with grant funds under one of two options below.

I. Applications From the Fifty States and Puerto Rico

Applications from any one of the fifty States or Puerto Rico, will be scored based on the population of the largest incorporated cities, towns, or villages, or census designated places included within the grant's proposed project area. Points will be awarded based on the population of the largest target community within the proposed target area as follows:

A. 2,500 or less, 10 points;

B. Between 2,501 and 5,000, inclusive, 7 points;

C. Between 5,001 and 10,000, inclusive, 5 points;

D. Between 10,001 and 20,000, inclusive, 3 points; and

E. Above 20,000, 0 points.

Applicants must use the latest available population figures from the 2010 U.S. Census available at American Fact Finder (*http://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml*) for every incorporated city, town, or village, or Census designated place included in the project community area.

II. Applications From the Virgin Islands and Pacific Insular Areas (10 Points)

The priority scoring criteria are intended to carry out Rural Development policy to give priority to areas most challenged by extremely high energy costs and those without access to substantial alternative economic and institutional resources to address these challenges, particularly rural, remote, and substantially-underserved areas. U.S. Census population and economic data have been used as proxy measures for rurality, remoteness, and economic challenges. It has become evident that comparable, up to date U.S. Census population and economic information are not easily available or are unavailable for communities in the Virgin Islands or Pacific insular areas. After consideration, RUS has decided to adopt an alternative methodology for scoring eligible applications from these areas. RUS will assign a rurality score of ''10'' to applications from the Virgin Islands and eligible insular areas in the Pacific. This policy will place these applications on an equal footing with competing applications from other rural and remote areas.

c. Waste Heat Recovery Projects or Energy Efficiency Projects (Up to 5 Points)

Reviewers will award up to 5 points for waste heat recovery projects where the project budget does not include the cost of new or re-powered generation. Waste heat recovery project costs may include duct and other delivery infrastructure up to but not within a structure wherein the recovered heat will be used. Waste heat recovery projects must incorporate commercially proven technology.

Energy efficiency projects are also eligible for priority points, but only those which achieve the 25% improvement threshold set by the agency. The purpose of this threshold is to reserve priority points for projects

that meet a reasonably high bar rather than award points to project that achieve only nominal improvements. In order to receive these priority points the project scope must demonstrate that the efficiencies achieved at the point of generation will not be subsequently dissipated in distribution; such projects may well include distribution and weatherization improvements to assure the reviewers that efficiency improvements will be realized at the retail level.

A project that proposes to repower an aging diesel plant with a new generator that incorporates waste heat recovery would receive 5 points. The purpose of this priority category is to allow priority points for one or another priority, but not allow double points for projects that combine both.

d. Extraordinary Conditions or Circumstances (Up to 5 Points)

The Administrator in his sole discretion has decided to provide up to 5 points for project applications for communities that exhibit one or more extraordinary conditions or circumstances that affect the community's ability to provide energy services or to make investments to reduce energy use or costs. This priority includes considerations that were recognized separately under prior notices as well as allowing for recognition of other extraordinary circumstances adversely impacting eligible high energy cost communities. The 2017 Application Guide has more detail on situations that may qualify an application for priority points under this criterion. Reviewers may award up to a total of 5 points, based on their assessment of the hardship presented, for the following extraordinary circumstances:

I. Disaster

The community has suffered a natural or other disaster that affected critical community energy facilities. The application must provide details of when the disaster occurred, the extent of damage, and available resources for disaster recovery, including assistance from other agencies.

II. Unserved Energy Needs

Consistent with the purposes of the RE Act, projects that meet unserved or underserved energy needs may be awarded points under this criterion. Examples of proposals that may qualify under this priority include projects that extend or improve electric or other energy services to communities and customers that do not have reliable centralized or commercial service or where many homes remain without such service because the costs are unaffordable.

III. Imminent Hazard

Reviewers may award priority consideration for any applications including a project to correct a condition posing an imminent hazard to public safety, welfare, the environment, or to a critical community or residential energy facility. Examples include community energy facilities in immediate danger of failure because of deteriorated condition, capacity limitations, damage from natural disasters or accidents, or other conditions where impending failure of existing facilities or absence of energy facilities creates a substantial threat to public health or safety, or to the environment.

IV. Extreme Economic Hardship

Reviewers may award additional priority points for projects serving communities with conditions creating a severe economic hardship to the community or the energy provider. The hardship must be adequately described and documented by the applicant. Examples include but are not limited to natural disasters, financially distressed local industry, and loss of major local employer, persistent poverty, outmigration, or other conditions adversely affecting the local economy, or contributing to unserved or underserved energy infrastructure needs that affect the economic health of the community. Applications from eligible areas that are not States will be scored under this alternative using information provided in the Application. The rating panel may assign points under this criterion, in lieu of awarding points based on the percentage of median household income. Award of priority points under this criterion is in addition to any that may be awarded for high poverty counties. Applicants may qualify under this criterion that do not meet the USDA Rural Development high poverty counties priority above.

V. Substantially Underserved Trust Areas (5 Points)

Under SUTA regulations at 7 CFR part 1700, subpart D, eligible entities may request special consideration for applications for communities in trust areas that lack adequate levels or quality of service and are in high need of grant assistance. The Administrator, in his sole discretion, has determined to award 5 points to any application from an eligible SUTA entity for projects serving eligible areas that are also eligible for the High Energy Cost Grant Program. To receive these points, the entity must submit a separate application and request for consideration under SUTA as provided in Part C, Section 1(ii) of this notice above and program regulations at 7 CFR part 1700, subpart D. The decision to provide SUTA consideration to an eligible application is solely at the discretion of the Administrator.

Reviewers will award 5 points to any project application that has been accepted for consideration under SUTA.

iii. Cost Sharing

There is no requirement for matching contributions under the High Energy Cost Grant Program. The Agency has determined not to make cost contributions a separate scoring criterion. Consideration of matching contributions may be considered by the rating panel in assessing the financial capacity to complete the project, budget, and rural development initiative criteria.

2. Review and Selection Process

i. Determining Eligibility

RUS will review all application packages received to determine if they were timely submitted on or before the deadline published at the top of this Notice under **DATES**. All timely received application packages will be reviewed for eligibility and completeness. Project proposals that contain all required application package content in acceptable format and that meet eligibility criteria will be accepted for consideration. Application packages that are late, incomplete or ineligible will be rejected.

Applicants will be notified if they were found to be ineligible when selected finalists are announced. The determinations on timeliness, completeness and eligibility will be final. The rejection notice will provide information on any appeals that may apply with respect to rejections based on eligibility.

After the application closing date, RUS will not consider any unsolicited information from the applicant. The Agency may contact the applicant for additional information or to clarify statements in the application required to establish applicant or community eligibility and completeness. RUS will not accept or solicit any additional information relating to the technical merits and feasibility of the grant proposal after the application closing date.

The Agency will look only at the three-page narrative in Part B of the application package during the initial

screening process to determine if the applicant, community and project meet program eligibility requirements established in this notice and program regulations.

ii. Evaluation and Scoring of Eligible Applications

The Agency will use one or more rating panels composed of Agency employees to review and score eligible applications. The panel will evaluate and score the applications using the selection criteria and weights established in this notice along with the additional information provided in the 2017 Application Guide. As part of the proposal review and ranking process, panel members may make comments and recommendations for appropriate conditions on grant awards to promote successful performance of the grant or to assure compliance with other Federal requirements. The decision to include panel recommendations on grant conditions in any grant award will be at the sole discretion of the RUS Administrator.

The rating panel members' individual scores for each application will be consolidated with those from other members to create a total score for each application. The panel will forward their individual scores and the ranked list of projects to the Assistant Administrator, Electric Programs, for review of consistency with this notice and program regulations. The Assistant Administrator may refer the ranked list or individual project scores back to the rating panel or to an individual member to correct any apparent error or inconsistency (such as awarding a higher number of points than allowed) or for questions about scoring of individual projects. The Assistant Administrator will then prepare a selection memo for the Administrator along with a list of ranked projects.

iii. Review and Selection of Applications

The RUS Administrator will review the application rankings and recommendations of the rating panel. The Administrator may return any application to the rating panel with written instruction for reconsideration if, in his sole discretion, he finds that the scoring of an application is inconsistent with this notice and the directions provided to the rating panel. Following any adjustments to the project in ranking, as a result of reconsideration, the Administrator will select finalists for grant awards. The Administrator will consider projects in rank order, taking into account the applications, the rankings, comments, and recommendations of the rating panel, and other pertinent information, including availability of funds. The Administrator may fund grant requests in rank order to the extent of available funds. Upon consideration of panel recommendations and availability of funds, the Administrator may, in his sole discretion, decide to offer an award of less than the full amount of grant requested by an applicant. If the applicant declines an award, the offer will be withdrawn. If at any point in the selection process sufficient funds are not available to fund the next ranked project, the Administrator may, in his sole discretion, offer a partial award to the next project, or skip over that project to the next ranking project that can be supported with available funding. The Administrator may in his sole discretion, make additional awards to unfunded applications in rank order if additional funds become available.

Because of the limited amount of funds available, no applicant or project will receive more than one award under this notice. If two projects from the same applicant score high enough to potentially receive funding, the Administrator will select the project with the higher score.

The Administrator may decide based on the recommendations of the rating panel, or in his sole discretion, that a grant award should be made contingent upon the applicant satisfying certain conditions. For example, RUS will not obligate funding for a selected project—such as projects requiring extensive environmental review and mitigation, preparation of detailed site specific engineering studies and designs, or requiring local permitting, or availability of supplemental financing—until any such additional conditions are satisfied and adequate funds remain available. In the event that any selected finalist fails to comply with all pre-award conditions within the deadlines set by RUS, the award selection will be withdrawn.

3. Notice to Applicants Regarding Certain Grant Awards

This notice may result in awards where the total Federal share will be greater than the simplified acquisition threshold (See 2 CFR 200.88) on any Federal award under this notice over the period of performance (see 2 CFR 200.88). Therefore, applicants are advised that:

(i) RUS, prior to making a Federal award with a total amount of Federal share greater than the simplified acquisition threshold, is required to review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently FAPIIS) (see 41 U.S.C. 2313);

(ii) An applicant, at its option, may review information in the designated integrity and performance systems accessible through SAM and comment on any information about itself that a Federal awarding agency previously entered and is currently in the designated integrity and performance system accessible through SAM; and

(iii) RUS will consider any comments by the applicant, in addition to the other information in the designated integrity and performance system, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants as described in 2 CFR part 200.

4. Anticipated Announcement and Federal Award Dates

After the Administrator's decision, RUS will notify successful applicants that they have been selected as finalists for a grant award. This selection is subject to continued availability of funds and compliance with all post-award requirements including but not limited to completion of any additional environmental reviews and execution of a grant agreement satisfactory to RUS. This selection does not bind RUS to make a final grant award. Only an RUS grant agreement executed by the Administrator will constitute a binding obligation and commitment of Federal funds. Grant funds will not be awarded or disbursed until all requirements have been satisfied and are contingent on the continued availability of funds at the time of the award. RUS will advise selected applicants of any additional requirements or conditions.

RUS anticipates that award decisions will be made within 6 months of the closing date, depending on availability of funds. Final selection announcements will be posted on our Web site (*http://www.rd.usda.gov/programs-services/high-energy-cost-grants*).

5. Appeals

As discussed above, RUS will reject any application that in its sole discretion is not complete or that does not demonstrate that the applicant, community or project is eligible under the requirements of this NOSA and applicable program regulations. Applicants will be notified in writing of RUS's decision. Applicants may appeal the eligibility rejection pursuant to program regulations on appeals at 7 CFR 1709.6 for the high energy cost grant program. Applicants must appeal in

writing to the RUS Administrator within 10 days after the applicant is notified of the determination to reject the application. The appeal must state the basis for the appeal. Appeals must be directed to the Administrator, Rural Utilities Service, United States Department of Agriculture, 1400 Independence Ave. SW., STOP 1500, Washington, DC 20250–1500. The Administrator will review the appeal to determine whether to sustain, reverse, or modify the original determination by the Assistant Administrator. The Administrator's decision shall be final. A written copy of the Administrator's decision will be furnished promptly to the applicant.

F. Federal Award Administration

1. Federal Award Notices

RUS will notify all applicants in writing as to the outcome of their application. Successful applicants will be advised in writing that they are a selected finalist. The receipt of a finalist selection letter is not a binding award of Federal funds. The selection letter does not authorize the applicant to commence performance under the award. The Agency will advise the applicant of any additional requirements or pre-award conditions. After the pre-award conditions are satisfied, the Agency will send a conditions letter with all project-specific terms and conditions to be included in the grant agreement. After the applicant indicates acceptance of these terms and conditions the Administrator will approve the award and execute the grant agreement.

Successful applicants will be required to sign a grant agreement acceptable to the Agency and complete additional grant forms and certifications required by USDA as part of the process.

An executed grant agreement and satisfaction of all conditions precedent to funding are a prerequisite to any advance of funds.

2. Administrative and National Policy Requirements.

i. Environmental Review and Restriction on Certain Activities

Following the announcement, selected applicants will be required to submit the appropriate environmental review documentation, as outlined in the RUS environmental questionnaire and to prepare and submit any other environmental impact analyses required by RUS Environmental Policies and Procedures (7 CFR part 1970). Successful applicants will be advised whether additional environmental review requirements apply to their proposals. These reviews may result in additional project conditions that RUS will include in the grant agreement. Also, as a condition of any award, applicants must also agree to comply with conditions imposed on the grant project by any other Federal, State, or Tribal environmental laws and regulations, licenses, or permits.

In accordance with 7 CFR part 1970, applicants are restricted from taking actions that may have an adverse environmental impact or limit the choice of alternatives being considered until the environmental review process is concluded. If an applicant takes such actions, RUS will not award or advance grant funds. If the proposed grant project involves physical development activities or property acquisition, the applicant is generally prohibited from acquiring, rehabilitating, converting, leasing, repairing or constructing property or facilities, or committing or expending RUS or non-RUS funds for proposed grant activities until RUS has completed any environmental review in accordance with 7 CFR part 1970 or its successor, determined that no environmental review is required.

ii. Other Federal Requirements

High Energy Cost Grant Program Regulations (7 CFR part 1709), the requirements of this notice, the 2017 Application Guide and accompanying materials establish the appropriate administrative and national policy requirements for awards under this program. These requirements include but are not limited to:

a. Executing a Grant Agreement acceptable to the Agency;

b. Signing Form AD–3031 (''Assurance Regarding Felony Conviction or Tax Delinquent Status for Corporate Applicants'') (for corporate applicants only);

c. Using the forms specified in the Grant Agreement for requesting advances and reimbursements and submitting and maintaining supporting documentation of expenditures and receipts for use of funds awarded under this grant;

d. Providing quarterly project performance activity reports with required forms specified in the grant agreement until the expiration of the project term;

e. Ensuring that records are maintained to document all grant supported activities and expenditures and matching contributions;

f. Providing a final project performance report after completion of construction and one year's worth of operation;

g. Complying with policies, guidance, and requirements as described in the following applicable Federal regulations, and any successor regulations:

- 2 CFR part 200, Office of Management and Budget, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards;
- 2 CFR part 400 United States Department of Agriculture, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards;
- 2 CFR part 180 (Office of Management and Budget Government-wide Debarment and Suspension (Non procurement));
- 2 CFR part 416 (United States Department of Agriculture, General Program Administrative Regulations for Grants and Cooperative Agreements to State and Local Governments);
- 2 CFR part 417 (United States Department of Agriculture, Government-wide debarment and suspension (non-procurement));
- 2 CFR part 418 (United States Department of Agriculture, New restrictions on Lobbying);
- 2 CFR part 421 (United States Department of Agriculture, Government-wide requirements for drug-free workplace (grants));
- 7 CFR part 15, subpart A United States Department of Agriculture, Nondiscrimination in Federally Assisted Programs of the Department of Agriculture—Effectuation of Title VI of the Civil Rights Act of 1964 (as more fully elaborated below);
- 7 CFR part 1767 Rural Utilities Service (Accounting Requirements for RUS Electric Borrowers); and
- 7 CFR part 1773 Rural Utilities Service (Policy on Audits of RUS Borrowers); and

h. Civil Rights compliance includes but is not limited to the following:

- Assurance Agreement. Each prospective recipient must sign RUS Form 266, Assurance Agreement, which assures USDA that the recipient is in compliance with Title VI of the Civil Rights Act of 1964, 7 CFR part 15 and other Agency regulations; and that no person will be discriminated against based on race, color or national origin, in regard to any program or activity for which the recipient receives Federal financial assistance; and that nondiscrimination statements are in advertisements and brochures.
- Collect and maintain data provided by ultimate recipients on race, sex, and national origin and ensure that ultimate recipients collect and maintain this data. Race and ethnicity data will be

collect in accordance with OMB **Federal Register** notice, ''Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity'' (published October 30, 1997 at 62 FR 58782). Sex data will be collected in accordance with Title IX of the Education Amendments of 1972. These items should not be submitted with the application but should be available upon request by the Agency.

• The applicant and the ultimate recipient must comply with Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Executive Order 12250, and 7 CFR part 1901, subpart E.

• The applicant and the ultimate recipient must comply with Executive Order 13166 ''Limited English Proficiency.'' For information on limited English proficiency and agency-specific guidance, go to *hhtp://www.LEP.gov.*

• Construction Contract Equal Opportunity Clause. Each prospective recipient must execute Form RD 400–1 which assures USDA that the recipient will include the prescribed equal opportunity clause in construction contracts where Federal financial assistance exceeds $10,000.

Compliance with additional OMB Circulars or government-wide regulations may be specified in the grant agreement.

3. Reporting.

i. The grantee must provide periodic financial and performance reports under USDA grant regulations, program rules and the grant agreement. The grantee must submit a final project performance report. The nature and frequency of required reports is established in USDA grant regulations and the project-specific grant agreements.

ii. The applicant must have the necessary processes and systems in place to comply with the reporting requirements for first-tier sub-awards and executive compensation under the Federal Funding Accountability and Transparency Act of 2006 in the event the applicant receives funding unless such applicant is exempt from such reporting requirements pursuant to 2 CFR 170.110(b). The reporting requirements under the Transparency Act pursuant to 2 CFR part 170 are as follows:

a. First Tier Sub-Awards of $25,000 or more in non-Recovery Act funds (unless they are exempt under 2 CFR part 170) must be reported by the Recipient to *http://www.fsrs.gov* no later than the end of the month following the month the obligation was made. Please note that a consolidation of eight federal procurement systems is currently underway, including the Sub-award Reporting System (FSRS), into one system, the System for Award Management (SAM). As a result, the FSRS will soon be consolidated into and accessed through *https://www.sam.gov*.

b. Total Compensation of the Recipient's Executives (5 most highly compensated executives) must be reported by the Recipient (if the Recipient meets the criteria under 2 CFR part 170) to *https://www.sam.gov* by the end of the month following the month in which the award was made.

c. Total Compensation of the Subrecipient's Executives.

The Total Compensation of the Subrecipient's Executives (5 most highly compensated executives) must be reported by the Subrecipient (if the Subrecipient meets the criteria under 2 CFR part 170) to the Recipient by the end of the month following the month in which the sub award was made.

G. Federal Awarding Agency Contact

The RUS Contact for this grant announcement is Robin Meigel, Finance Specialist, Rural Utilities Service, Electric Programs, United States Department of Agriculture, 1400 Independence Avenue SW., STOP 1568, Room 0270–S South Building, Washington, DC 20250–1568. Telephone (202) 720–9452, Fax (202) 690–0717, email: *Energy.Grants@wdc.usda.gov*.

H. Other Information

1. Disclosure of Information

All material submitted by the applicant or grantee may be made available to the public in accordance with the Freedom of Information Act (5 U.S.C. 552) and USDA's implementing regulations at 7 CFR part 1.

In addition, in compliance with statutory requirements for Federal spending transparency, USDA will announce all Federal awards publicly and publish the required information on a publicly available OMB-designated government-wide Web site (at time of publication, *www.USAspending.gov*). (2 CFR 200.211).

2. USDA Non-Discrimination Statement

In accordance with Federal civil rights laws and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (*e.g.,* Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible agency or USDA's TARGET Center at (202) 720–2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877–8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD–3027, found online at *http://www.ascr.usda.gov/complaint_filing_cust.html* and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632–9992. Submit your completed form or letter to USDA by: Mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW., Stop 9410, Washington, DC 20250–9410; Fax: (202) 690–7442; or, Email: *program.intake@usda.gov*.

USDA is an equal opportunity provider, employer, and lender.

Dated: September 19, 2017.

Christopher A. McLean,

Acting Administrator, Rural Utilities Service.

[FR Doc. 2017–22042 Filed 10–11–17; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–351–850]

Silicon Metal From Brazil: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures

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

SUMMARY: The Department of Commerce (the Department) preliminarily determines that silicon metal from

Brazil is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is January 1, 2016, through December 31, 2016.

DATES: Applicable October 12, 2017.

FOR FURTHER INFORMATION CONTACT: Robert James or Jesus Saenz, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0649 or (202) 482–8184, respectively.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 733(b) of the Tariff Act of 1930, as amended (the Act). The Department published the notice of initiation of this investigation on April 4, 2017.[1] On August 1, 2017, the Department postponed the preliminary determination of this investigation and the revised deadline is now October 4, 2017.[2] For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[3] A list of topics included in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov,* and to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Scope of the Investigation

The product covered by this investigation is silicon metal from Brazil. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the preamble to the Department's regulations,[4] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* scope).[5] Certain interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice.* After evaluating these comments, the Department preliminarily determines that modifying the scope language as it appeared in the *Initiation Notice* is not warranted. *See* the scope in Appendix I to this notice. However, the Department is inviting comment on one of the issues raised: The appropriate calculation methodology for determining the silicon content of out-of-scope products (*i.e.,* silicon metal with a silicon content in excess of 99.99 percent), and, specifically, which impurities should be taken into account in that calculation. These comments are due no later than November 6, 2017, and rebuttal comments no later than November 13, 2017. For a summary of the product coverage comments submitted on the record of this proceeding, *see* the Preliminary Decision Memorandum.

Methodology

The Department is conducting this investigation in accordance with section 731 of the Act. The Department has preliminarily relied on the facts otherwise available, in accordance with section 776(a)(1) of the Act, to determine an estimated weighted-average dumping margin for Palmyra do Brasil Indústria e Comércio de Silício Metálico e Recursos Naturais Ltda. (Palmyra do Brasil) (formerly known as Dow Corning Silício do Brasil Indústria e Comércio Ltda. (Dow Corning Silício)).[6] Furthermore, pursuant to section 776(a) and (b) of the Act, the Department has preliminarily relied upon adverse facts available to determine an estimated weighted-aveage dumping margin for Ligas de Aluminio S.A. (LIASA). For a full description of the methodology underlying the preliminary determination, *see* the Preliminary Decision Memorandum.

All-Others Rate

Sections 733(d)(1)(A)(ii) and 735(c)(5)(A) of the Act provide that in the preliminary determination the Department shall determine an estimated all-others rate for all exporters and producers not individually examined. This rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero and *de minimis* margins, and any margins determined entirely under section 776 of the Act.

Pursuant to section 735(c)(5)(B) of the Act, if the estimated weighted-average dumping margins established for all exporters and producers individually examined are zero, *de minimis,* or determined entirely under section 776 of the Act, then the Department may use any reasonable method to establish the estimated weighted-average dumping margin for all other producers or exporters.

The Department has preliminarily determined the estimated weighted-average dumping margin for each of the individually examined respondents (*i.e.,* Palmyra do Brasil and LIASA) entirely under section 776 of the Act. Consequently, the only available rates for this preliminary determination are the dumping margins alleged in the Petition [7] and are the dumping margins upon which we initiated this investigation. Pursuant to section 735(c)(5)(B) of the Act, the Department's practice under these circumstances is to calculate the ''all-others'' rate as a simple average of the dumping margins alleged in the Petition.[8] For a full

[1] *See Silicon Metal from Australia, Brazil, and Norway,* 82 FR 16352 (April 4, 2017) (*Initiation Notice*).

[2] *See Silicon Metal from Australia, Brazil, and Norway: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations,* 82 FR 35753 (August 1, 2017).

[3] *See* Memorandum, ''Decision Memorandum for the Preliminary Determination in the Less-Than-Fair-Value Investigation of Silicon Metal from Brazil'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[4] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

[5] *See Initiation Notice*.

[6] On August 23, 2017 Dow Corning Silício notified the Department that it had legally changed its name to Palmyra do Brasil. For further discussion of Dow Corning Silício's name change to Palmyra do Brasil, *see* the Preliminary Decision Memorandum.

[7] *See* Silicon Metal from Australia, Brazil, Kazakhstan and Norway: Antidumping and Countervailing Duty Petition,'' dated March 8, 2017 (the Petition).

[8] *See, e.g. Notice of Preliminary Determination of Sales at Less Than Fair Value: Sodium Nitrite from the Federal Republic of Germany,* 73 FR 21909, 21912 (April 23, 2008), unchanged in *Notice of Final Determination of Sales at Less Than Fair Value: Sodium Nitrite from the Federal Republic of Germany,* 73 FR 38986, 38987 (July 8, 2008), and accompanying Issues and Decision Memorandum at Comment 2*; Notice of Final Determination of Sales at Less Than Fair Value: Raw Flexible Magnets From Taiwan,* 73 FR 39673, 39674 (July 10, 2008); *Steel Threaded Rod from Thailand: Preliminary Determination of Sales at Less Than Fair Value and Affirmative Preliminary Determination of Critical Circumstances,* 78 FR 79670, 79671 (December 31, 2013), unchanged in *Steel Threaded Rod From Thailand: Final Determination of Sales at Less Than Fair Value and Affirmative Final Determination of Critical Circumstances,* 79 FR 14476, 14477 (March 14, 2014); and *Steel Concrete Reinforcing Bar from Japan: Preliminary Affirmative Determination of Sales at Less Than Fair Value,* 82 FR 12796, 12797 (March 7, 2017), unchanged in *Steel Concrete Reinforcing Bar from Japan: Final Affirmative Determination of Sales at Less Than Fair Value,* 82 FR 23195 (May 22, 2017).

description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum.

Preliminary Determination

The Department preliminarily determines that the following estimated weighted-average dumping margins exist:

Exporter/producer	Estimated weighted-average dumping margin (percent)	Cash deposit rate (adjusted for export subsidy offset(s)) (percent)
Palmyra do Brasil Indústria e Comércio de Silício Metálico e Recursos Naturais Ltda. (formerly known as Dow Corning Silício do Brasil Indústria e Comércio Ltda.)	56.78	[9] 56.24
Ligas de Aluminio S.A.—LIASA	134.92	[10] 134.38
All-Others	56.78	[11] 56.24

Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, the Department will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise, as described in Appendix I, entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register** as discussed below. Further, pursuant to section 733(d)(1)(B) of the Act and 19 CFR 351.205(d), the Department will instruct CBP to require a cash deposit equal to the estimated weighted-average dumping margin, adjusted for export subsidy offset(s), as follows: (1) The cash deposit rate for the respondents listed above will be equal to the company-specific estimated weighted-average dumping margins determined in this preliminary determination; (2) if the exporter is not a respondent identified above, but the producer is, then the cash deposit rate will be equal to the company-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the estimated weighted-average dumping margin for all other producers and exporters. These suspension of liquidation instructions will remain in effect until further notice.

The Department normally adjusts cash deposits for estimated antidumping duties by the amount of export subsidies countervailed in a companion countervailing duty (CVD) proceeding, when CVD provisional measures are in effect.

Accordingly, as the Department preliminarily made an affirmative determination for countervailable export subsidies, the Department has offset the estimated weighted-average dumping margins by the appropriate CVD rate to determine the required cash deposit rates. The adjusted cash deposit rates may be found in the Preliminary Determination section above.

Should provisional measures in the companion CVD investigation expire prior to the expiration of provisional measures in this LTFV investigation, the Department will direct CBP to begin collecting estimated antidumping duty cash deposits unadjusted for countervailed export subsidies at the time that the provisional CVD measures expire. These suspension of liquidation instructions will remain in effect until further notice.

Disclosure

Normally, the Department discloses to interested parties the calculations performed in connection with a preliminary determination within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of the notice of preliminary determination in the **Federal Register**, in accordance with 19 CFR 351.224(b). However, the Department preliminarily determined estimated weighted-avearge dumping margins for both respondents that are determined entirely under section 776 of the Act. As these rates are based solely on margins from the Petition, there are no calculations to disclose.

Verification

As explained in the Preliminary Decision Memorandum, consistent with section 782(d), we will afford Palmyra do Brasil the opportunity to remedy certain deficiencies in its reported sales and further manufacturing cost data after issuing this preliminary determination. As provided in section 782(i)(1) of the Act, we intend to verify this respondent's information if we rely upon it in making our final determination. We do not intend to verify LIASA as it has been found to have been uncooperative in this investigation.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last verification report is issued in this investigation. Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs.[12] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this investigation are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, the Department intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230, at a time and date to be determined. Parties should confirm by telephone the date, time, and

[9] *See* Silicon Metal From Brazil: Preliminary Affirmative Countervailing Duty Determination, and Alignment of Final Determination With Final Antidumping Duty Determination, 82 FR 37841 (August 14, 2017), and accompanying Preliminary Decision Memorandum at 4–9; and Memorandum to the File from Jaron Moore, International Trade Compliance Analyst, ''Preliminary Margin Calculations—Silicon Metal from Brazil,'' dated concurrently with this notice.

[10] *Id.*

[11] *Id.*

[12] *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements).

location of the hearing two days before the scheduled date.

Postponement of Final Determination and Extension of Provisional Measures

Section 735(a)(2) of the Act provides that a final determination may be postponed until not later than 135 days after the date of the publication of the preliminary determination if, in the event of an affirmative preliminary determination, a request for such postponement is made by exporters who account for a significant proportion of exports of the subject merchandise, or in the event of a negative preliminary determination, a request for such postponement is made by the petitioner. Section 351.210(e)(2) of the Department's regulations requires that a request by exporters for postponement of the final determination be accompanied by a request for extension of provisional measures from a four-month period to a period not more than six months in duration.

On September 6, 2017, pursuant to 19 CFR 351.210(e), Palmyra do Brasil requested that the Department postpone the final determination and that provisional measures be extended to a period not to exceed six months.[13] In accordance with section 735(a)(2)(A) of the Act and 19 CFR 351.210(b)(2)(ii), because: (1) The preliminary determination is affirmative; (2) the requesting exporter accounts for a significant proportion of exports of the subject merchandise; and (3) no compelling reasons for denial exist, the Department is postponing the final determination and extending the provisional measures from a four-month period to a period not greater than six months. Accordingly, the Department will make its final determination no later than 135 days after the date of publication of this preliminary determination.

International Trade Commission Notification

In accordance with section 733(f) of the Act, the Department will notify the International Trade Commission (ITC) of its preliminary determination. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether these imports are materially injuring, or threaten material injury to, the U.S. industry.

[13] *See* Letter from Palmyra do Brasil, ''Silicon Metal from Brazil/Exporter's Request for Postponement of Final Antidumping Determination'' dated September 6, 2017.

Notification to Interested Parties

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act and 19 CFR 351.205(c).

Dated: October 4, 2017.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The scope of this investigation covers all forms and sizes of silicon metal, including silicon metal powder. Silicon metal contains at least 85.00 percent but less than 99.99 percent silicon, and less than 4.00 percent iron, by actual weight. Semiconductor grade silicon (merchandise containing at least 99.99 percent silicon by actual weight and classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheading 2804.61.0000) is excluded from the scope of this investigation.

Silicon metal is currently classifiable under subheadings 2804.69.1000 and 2804.69.5000 of the HTSUS. While HTSUS numbers are provided for convenience and customs purposes, the written description of the scope remains dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Name Change for Dow Corning Silicio do Brasil Indústria e Comércio Ltda.
IV. Period of Investigation
V. Scope Comments
VI. Application of Facts Available and Use of Adverse Facts Available
A. Application of Facts Available
B. Use of Adverse Inference for LIASA
C. Preliminary Estimated Weighted-Average Dumping Margin Based on AFA
D. Corroboration of Secondary Information
VII. Conclusion

[FR Doc. 2017–22066 Filed 10–11–17; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–848]

Freshwater Crawfish Tail Meat From the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Rescission of New Shipper Review; 2015–2016

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

SUMMARY: On June 7, 2017, the Department of Commerce (the Department) published the preliminary results of the administrative review and intent to rescind the new shipper review of the antidumping duty order on freshwater crawfish tail meat from the People's Republic of China (PRC). The period of review (POR) for the administrative review and aligned new shipper review is September 1, 2015, through August 31, 2016. Based on our analysis of the comments received, the Department has made changes to the margin calculations for the final results of the administrative review. The Department continues to find that Jingzhou Tianhe Aquatic Products, Ltd.'s (Jingzhou Tianhe) single sale made to the United States during the POR was not *bona fide* and, therefore, is rescinding the new shipper review with respect to Jingzhou Tianhe.

DATES: Applicable October 12, 2017.

FOR FURTHER INFORMATION CONTACT: Bryan Hansen or Minoo Hatten, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3683 or (202) 482–1690, respectively.

SUPPLEMENTARY INFORMATION:

Background

On June 7, 2017, the Department published the preliminary results of the administrative review and intent to rescind the new shipper review of the antidumping duty order on freshwater crawfish tail meat from the People's Republic of China (the PRC) [1] and invited interested parties to comment. On July 14, 2017, Hubei Nature Agriculture Industry Co., Ltd. (Hubei Nature) timely submitted its case brief in the administrative review and, on July 19, 2017, the Crawfish Processors Alliance [2] (the petitioners) timely

[1] *See Freshwater Crawfish Tail Meat from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review, Rescission of Review in Part, and Preliminary Intent to Rescind New Shipper Review; 2015–2016,* 82 FR 26435 (June 7, 2017), and accompanying Decision Memorandum (Preliminary Decision Memorandum) (collectively, *Preliminary Results*).

[2] The Crawfish Processors Alliance consists of the following firms: A&S Crawfish; Acadiana Fishermen's Cooperative; Arnaudville Seafood Plant; Atchafalaya Crawfish Processors; Atchafalaya Crawfish Processing, L.L.C.; Bayou Land Seafood, LLC; Bieber Farms Crawfish, Inc.; Blanchard's Seafood, Inc.; Bonanza Crawfish Farm, Inc.; CJL Enterprise, Inc. d/b/a C.J.'s; Cajun Central, Inc.; Cajun Seafood Distributor, Inc.; Catahoula Crawfish, Inc.; Choplin Seafood; Clearwater Crawfish; Crawfish Enterprises, Inc.; Dugas Seafood aka Carl's Seafood; Toups Crawfish, L.L.C.; Harvestime Seafood; Harvey's Seafood; Louisiana Seafood Co.; Louisiana Premium Seafood; L.T. West, Inc.;

Continued

submitted its rebuttal brief. No party submitted comments concerning the Department's preliminary intent to rescind the new shipper review of Jingzhou Tianhe.

We conducted these reviews in accordance with sections 751(a)(1)(B) and 751(a)(2)(B) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

The merchandise subject to the antidumping duty order is freshwater crawfish tail meat, which is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under subheadings 1605.40.10.10, 1605.40.10.90, 0306.19.00.10, and 0306.29.00.00. On February 10, 2012, the Department added HTSUS classification number 0306.29.01.00 to the scope description pursuant to a request by U.S. Customs and Border Protection (CBP). While the HTSUS numbers are provided for convenience and customs purposes, the written description is dispositive. A full description of the scope of the order is contained in the Preliminary Decision Memorandum.[3]

Rescission of New Shipper Review

As discussed in the Preliminary Decision Memorandum, we preliminarily found that the sale made by Jingzhou Tianhe was not *bona fide.*[4] We received no comments concerning this finding. Because the non-*bona fide* sale at issue was the only sale of subject merchandise that Jingzhou Tianhe made to the United States during the POR, we are rescinding the new shipper review of this company.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties in these reviews are addressed in the Issues and Decision Memorandum. A list of the issues raised is attached as an Appendix to this notice. The Issues and Decision Memorandum is a public document and is made available to the public *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 Enforcement and Compliance Web site at *http://enforcement.trade.gov/frn/.* A list of the topics discussed in the Issues and Decision Memorandum is attached as an Appendix to this notice.

Changes Since the Preliminary Results

Based on comments received from interested parties and further review of the record, the Department revised its calculation of the surrogate value for non-refrigerated inland freight expenses.[5] This revision changed the weighted-average dumping margin results for Hubei Nature and, therefore, the rate applied to the non-selected, separate rate company, Xiping Opeck Food Co., Ltd. (Xiping Opeck).

Separate Rate for a Non-Selected Company

Xiping Opeck is the only exporter of crawfish tail meat from the PRC that demonstrated its eligibility for a separate rate which was not selected for individual examination in this review. As in the *Preliminary Results,* the Department has calculated a rate for the mandatory respondent Yancheng Hi-King Agriculture Developing Co., Ltd. (Yancheng Hi-King) that is zero and a rate for the mandatory respondent Hubei Nature that is not zero, *de minimis,* or based entirely on facts available. Therefore, in accordance with section 735(c)(5)(A) of the Act and its prior practice, the Department has assigned Hubei Nature's calculated rate (*i.e.,* 3.81 percent) as the separate rate for the non-examined separate rate exporter, Xiping Opeck, for these final results.[6]

PRC-Wide Entity

As stated in the *Preliminary Results,* because no party requested a review of the PRC-wide entity in this review, the entity is not under review and the entity's rate is not subject to change (*i.e.,* 223.01 percent).[7]

Final Results of the Administrative Review

For the final results of the administrative review, we determine that the following percentage weighted-average dumping margins exist for the period September 1, 2015, through August 31, 2016:

Producer/exporter	Weighted-average margin (percent)
Hubei Nature Agriculture Industry Co., Ltd	3.81
Xiping Opeck Food Co., Ltd	3.81
Yancheng Hi-King Agriculture Developing Co., Ltd	0.00

Assessment Rates

Pursuant to section 751(a)(2)(A) of the Act, and 19 CFR 351.212(b), the Department will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by these reviews. In accordance with 19 CFR 351.212(b)(1), we have calculated importer-specific (or customer-specific) assessment rates for merchandise subject to these reviews.

For these final results, we divided the total dumping margins (calculated as the difference between normal value and export price) for each of the respondents' importers or customers by the total number of kilograms the exporter sold to that importer or customer. We will direct CBP to assess the resulting per-kilogram dollar amount against each kilogram of merchandise in each of that importer's/customer's entries during the review period.

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. We intend to issue assessment instructions to CBP 15 days after the date of publication of these final results of review.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of the administrative review for all shipments of the subject merchandise entered, or

Phillips Seafood, L.L.C.; Prairie Cajun Wholesale Distributors; Randol, Inc. aka Randol's Seafood and Restaurant; Riceland Crawfish, Inc. aka Beaucoup Crawfish; Seafood International, Inc.; Sylvester's Crawfish; and Teche Valley Seafood.

[3] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of Antidumping Duty Administrative Review and New Shipper Review of Freshwater Crawfish Tail Meat from the People's Republic of China; 2015–2016,'' dated concurrently with, and hereby adopted by this notice (Issues and Decision Memorandum).

[4] *See* Preliminary Decision Memorandum at 4 and 5; *see also* Memorandum, ''New Shipper Review of Freshwater Crawfish Tail Meat from the People's Republic of China—*Bona Fides* Analysis of Jingzhou Tianhe Aquatic Products Co., Ltd.'s Sale,'' dated June 1, 2017.

[5] *See* Issues and Decision Memorandum at Comment 1.

[6] For more details on our methodology in selecting a rate for a non-examined separate rate exporter, *see* the ''Separate Rates'' section of the Issues and Decision Memorandum.

[7] *See Freshwater Crawfish Tail Meat from the People's Republic of China; Notice of Final Results of Antidumping Duty Administrative Review,* 68 FR 19504 (April 21, 2003).

withdrawn from warehouse, for consumption on or after the publication date as provided by section 751(a)(2)(C) of the Act: (1) For subject merchandise exported by the companies listed above, the cash deposit rate will be the rate established in the final results of the administrative review for each exporter as listed above, except if the rate is zero or *de minimis,* then no cash deposit will be required for that exporter; (2) for previously investigated companies not listed above that have separate rates, the cash deposit rate will continue to be the company-specific rate published for the investigation; (3) for all other PRC exporters of subject merchandise which have not been found to be entitled to a separate rate, the cash deposit rate will be the PRC-wide rate of 223.01 percent; and (4) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC entity that supplied that non-PRC exporter.

These deposit requirements, when imposed, shall remain in effect until further notice.

Disclosure

We intend to disclose the calculations performed to parties in this proceeding within five days after public announcement of the final results in accordance with 19 CFR 351.224(b).

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 double antidumping duties.

Notification Regarding Administrative Protective Orders

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 violation subject to sanction.

We are issuing and publishing these final results of administrative and new shipper reviews in accordance with sections 751(a)(1), 751(a)(2)(B)(iii), 751(a)(3), 777(i) of the Act and 19 CFR 351.213(h) and 351.214.

Dated: October 5, 2017.

Gary Taverman,

Deputy Assistant Secretary, for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum:

I. Summary
II. Background
III. Scope of the Order
IV. Surrogate Country
V. Separate Rates
VI. Discussion of the Issues
Comment 1: Calculation of Surrogate Value for Non-Refrigerated Inland Freight Expenses
Comment 2: Selection of Financial Information to Value Factory Overhead, Selling, General & Administrative Expenses, and Profit
VII. Recommendation

[FR Doc. 2017–22071 Filed 10–11–17; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–602–810]

Silicon Metal From Australia: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Preliminary Affirmative Determination of Critical Circumstances, Postponement of Final Determination, and Extension of Provisional Measures

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

SUMMARY: The Department of Commerce (the Department) preliminarily determines that silicon metal from Australia is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is January 1, 2016, through December 31, 2016.

DATES: Applicable October 12, 2017.

FOR FURTHER INFORMATION CONTACT: Brian Smith or Denisa Ursu, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–1766 or (202) 482–2285, respectively.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 733(b) of the Tariff Act of 1930, as amended (the Act). The Department published the notice of initiation of this investigation on April 4, 2017.[1] On August 1, 2017, the Department postponed the preliminary determination of this investigation and the revised deadline is now October 4, 2017.[2] For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[3] A list of topics included in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov,* and to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Scope of the Investigation

The product covered by this investigation is silicon metal from Australia. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the preamble to the Department's regulations,[4] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* scope).[5] Certain interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice.* After evaluating these comments, the Department

[1] *See Silicon Metal from Australia, Brazil, and Norway: Initiation of Less-Than-Fair-Value Investigations,* 82 FR 16352 (April 4, 2017) (*Initiation Notice*).

[2] *See Silicon Metal from Australia, Brazil, and Norway: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations,* 82 FR 35753 (August 1, 2017).

[3] *See* Memorandum, ''Decision Memorandum for the Preliminary Determination in the Less-Than-Fair-Value Investigation of Silicon Metal from Australia'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[4] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

[5] *See Initiation Notice.*

preliminarily determines that modifying the scope language as it appeared in the *Initiation Notice* is not warranted. *See* the scope in Appendix I to this notice. However, the Department is inviting comment on one of the issues raised: The appropriate calculation methodology for determining the silicon content of out-of-scope products (*i.e.,* silicon metal with a silicon content in excess of 99.99 percent), and, specifically, which impurities should be taken into account in that calculation. These comments are due no later than November 6, 2017. Rebuttal comments will be due no later than November 13, 2017. For a summary of the product coverage comments submitted on the record of this proceeding, *see* the Preliminary Decision Memorandum.

Methodology

The Department is conducting this investigation in accordance with section 731 of the Act. The Department has calculated constructed export prices in accordance with section 772(b) of the Act. Normal value (NV) is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying the preliminary determination, *see* the Preliminary Decision Memorandum.

Preliminary Affirmative Determination of Critical Circumstances

In accordance with section 733(e) of the Act and 19 CFR 351.206, the Department preliminarily finds that critical circumstances exist for Simcoa. For a full description of the methodology and results of the Department's critical circumstances analysis, *see* the Preliminary Decision Memorandum.

All-Others Rate

Sections 733(d)(1)(ii) and 735(c)(5)(A) of the Act provide that in the preliminary determination the Department shall determine an estimated all-others rate for all exporters and producers not individually examined. This rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero and *de minimis* margins, and any margins determined entirely under section 776 of the Act. The Department calculated an individual estimated weighted-average dumping margin for Simcoa Operations Pty Ltd. (Simcoa), the only individually examined exporter/producer in this investigation. Because the only individually calculated dumping margin is not zero, *de minimis,* or based entirely on facts otherwise available, the estimated weighted-average dumping margin calculated for Simcoa is the margin assigned to all other producers and exporters, pursuant to section 735(c)(5)(A) of the Act.

Preliminary Determination

The Department preliminarily determines that the following estimated weighted-average dumping margins exist:

Exporter/producer	Estimated weighted-average dumping margin (percent)
Simcoa Operations Pty Ltd ..	20.79
All-Others	20.79

Suspension of Liquidation

In accordance with section 773(d)(2) of the Act, the Department will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of subject merchandise as described in the scope of the investigation section entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**, as discussed below. Further, pursuant to section 733(d)(1)(B) of the Act and 19 CFR 351.205(d), the Department will instruct CBP to require a cash deposit equal to the estimated weighted-average dumping margin or the estimated all-others rate, as follows: (1) The cash deposit rate for the respondent listed above will be equal to the company-specific estimated weighted-average dumping margin determined in this preliminary determination; (2) if the exporter is not a respondent identified above, but the producer is, then the cash deposit rate will be equal to the company-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin. These suspension of liquidation instructions will remain in effect until further notice.

Section 733(e)(2) of the Act provides that, given an affirmative determination of critical circumstances, any suspension of liquidation shall apply to unliquidated entries of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the later of (a) the date which is 90 days before the date on which the suspension of liquidation was first ordered, or (b) the date on which notice of initiation of the investigation was published. The Department preliminarily finds that critical circumstances exist for imports of subject merchandise produced or exported by Simcoa and all others. In accordance with section 733(e)(2)(A) of the Act, the suspension of liquidation shall apply to unliquidated entries of shipments of subject merchandise from the producer(s) or exporter(s) identified in this paragraph that were entered, or withdrawn from warehouse, for consumption on or after the date which is 90 days before the publication of this notice.

The Department normally adjusts cash deposits for estimated antidumping duties by the amount of export subsidies countervailed in a companion countervailing duty (CVD) proceeding, when CVD provisional measures are in effect. In the concurrent CVD silicon metal investigation, however, the Department preliminarily did not make an affirmative determination for countervailable export subsidies. Therefore, the Department has not offset the estimated weighted-average dumping margins by countervailable export subsidies.

Disclosure

The Department intends to disclose its calculations and analysis performed to interested parties in this preliminary determination within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Verification

As provided in section 782(i)(1) of the Act, the Department intends to verify the information relied upon in making its final determination.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last verification report is issued in this investigation. Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs.[6] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this investigation are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

[6] *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements).

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, the Department intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230, at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Postponement of Final Determination and Extension of Provisional Measures

Section 735(a)(2) of the Act provides that a final determination may be postponed until not later than 135 days after the date of the publication of the preliminary determination if, in the event of an affirmative preliminary determination, a request for such postponement is made by exporters who account for a significant proportion of exports of the subject merchandise, or in the event of a negative preliminary determination, a request for such postponement is made by the petitioner. Section 351.210(e)(2) of the Department's regulations requires that a request by exporters for postponement of the final determination be accompanied by a request for extension of provisional measures from a four-month period to a period not more than six months in duration.

On September 13, 2017, pursuant to 19 CFR 351.210(e), Simcoa requested that the Department postpone the final determination and that provisional measures be extended to a period not to exceed six months.[7] In accordance with section 735(a)(2)(A) of the Act and 19 CFR 351.210(b)(2)(ii), because: (1) The preliminary determination is affirmative; (2) the requesting exporter accounts for a significant proportion of exports of the subject merchandise; and (3) no compelling reasons for denial exist, the Department is postponing the final determination and extending the provisional measures from a four-month period to a period not greater than six months. Accordingly, the Department will make its final determination no later than 135 days after the date of publication of this preliminary determination.

International Trade Commission Notification

In accordance with section 733(f) of the Act, the Department will notify the International Trade Commission (ITC) of its preliminary determination. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether these imports are materially injuring, or threaten material injury to, the U.S. industry.

Notification to Interested Parties

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act and 19 CFR 351.205(c).

Dated: October 4, 2017.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The scope of this investigation covers all forms and sizes of silicon metal, including silicon metal powder. Silicon metal contains at least 85.00 percent but less than 99.99 percent silicon, and less than 4.00 percent iron, by actual weight. Semiconductor grade silicon (merchandise containing at least 99.99 percent silicon by actual weight and classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheading 2804.61.0000) is excluded from the scope of this investigation.

Silicon metal is currently classifiable under subheadings 2804.69.1000 and 2804.69.5000 of the HTSUS. While HTSUS numbers are provided for convenience and customs purposes, the written description of the scope remains dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Period of Investigation
IV. Scope Comments
V. Discussion of the Methodology
  A. Determination of the Comparison Method
  B. Results of the Differential Pricing Analysis
VI. Date of Sale
VII. Product Comparisons
VIII. Constructed Export Price
IX. Normal Value
  A. Home Market Viability
  B. Level of Trade
  C. Cost of Production Analysis
  1. Calculation of COP
  2. Test of Comparison Market Sales Prices
  3. Results of the COP Test
  D. Calculation of NV Based on Comparison-Market Prices
X. Currency Conversion
XI. Critical Circumstances
XII. Conclusion

[FR Doc. 2017–22067 Filed 10–11–17; 8:45 am]

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[7] *See* Letter from Simcoa, ''Silicon Metal from Australia: Request for Postponement of Final Determination,'' dated September 13, 2017.

DEPARTMENT OF COMMERCE

International Trade Administration

[Application No. 03–3A008]

Export Trade Certificate of Review

ACTION: Notice of Issuance of an amended Export Trade Certificate of Review to California Pistachio Export Council (''CPEC''), Application No. 03–3A008.

SUMMARY: The U.S. Department of Commerce issued an amended Export Trade Certificate of Review to CPEC on October 5, 2017.

FOR FURTHER INFORMATION CONTACT: Joseph E. Flynn, Director, Office of Trade and Economic Analysis (''OTEA''), International Trade Administration, by telephone at (202) 482–5131 (this is not a toll-free number) or email at *etca@trade.gov.*

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. Sections 4001–21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. The regulations implementing Title III are found at 15 CFR part 325 (2016). OTEA is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Secretary of Commerce to publish a summary of the certification in the **Federal Register**. Under Section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

Description of Amended Certificate

CPEC's Export Trade Certificate of Review has been amended to:

- Remove Horizon Marketing Agency in Common Cooperative Inc. as a Member
- Add the following new Members:
  - Arizona Nut Company, LLC (controlling entity A&P Ranch, L.P.)
  - Horizon Growers Cooperative, Inc.

CPEC's amendment of its Export Trade Certificate of Review results in the following membership list:

- Arizona Nut Company, LLC
- ARO Pistachios, Inc.
- Horizon Growers Cooperative, Inc.
- Keenan Farms, Inc.
- Monarch Nut Company
- Nichols Pistachio
- Primex Farms, LLC
- Setton Pistachio of Terra Bella, Inc.
- Zymex Industries, Inc.

No change has been made regarding the Export Trade, Export Trade Activities or Methods of Operation covered by the Certificate.

The amended Certificate of Review is effective from June 15, 2017, the date on which the application for an amendment was deemed submitted.

Dated: October 5, 2017.

Joseph E. Flynn,

Director, Office of Trade and Economic Analysis, International Trade Administration.

[FR Doc. 2017–21984 Filed 10–11–17; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–836]

Glycine From the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Rescission of Administrative Review, in Part; 2015–2016

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

SUMMARY: On April 7, 2017, the Department of Commerce (the Department) published the preliminary results of the administrative review of the antidumping duty order on glycine from the People's Republic of China (PRC), covering the period March 1, 2015, through February 29, 2016. We invited interested parties to comment on the preliminary results. We received comments from a domestic interested party, GEO Specialty Chemicals, Inc. (GEO), a respondent, Baoding Mantong Fine Chemistry Co., Ltd. (Baoding Mantong) and a U.S. importer, Pharm-Rx Chemical Corporation (Pharm-Rx). As a result of comments filed by the parties, we have determined that the U.S. sale reported by Baoding Mantong is not a *bona fide* sale and the review should be rescinded with respect to this exporter. The final results remain unchanged from the preliminary results of review with respect to the other respondent, Jizhou City Huayang Chemical Co., Ltd. (Huayang Chemical).

DATES: Applicable October 12, 2017.

FOR FURTHER INFORMATION CONTACT: Edythe Artman or Brian Davis, 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) 482–3931 or (202) 482–7924, respectively.

Background

On April 7, 2017, the Department published its notice of preliminary results of review for the administrative review on glycine from the PRC in the **Federal Register**.[1] A summary of the events that occurred since the Department published these results, as well as a discussion of the issues raised by parties for this final determination, may be found in the Issues and Decision Memorandum, which is hereby adopted by this notice.[2]

Scope of the Order

The product covered by this antidumping duty order is glycine, which is a free-flowing crystalline material, like salt or sugar. Glycine is produced at varying levels of purity and is used as a sweetener/taste enhancer, a buffering agent, reabsorbable amino acid, chemical intermediate, and a metal complexing agent. This proceeding includes glycine of all purity levels. Glycine is currently classified under subheading 2922.49.4020 of the Harmonized Tariff Schedule of the United States (HTSUS).[3] Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the merchandise under the order is dispositive.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this administrative review are addressed in the Issues and Decision Memorandum. A list of the issues raised by parties is attached to this notice as Appendix I. 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 *https://access.trade.gov* and it 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 at *http://enforcement.trade.gov/frn/index.html.* The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Results

In Comment 1 of the Issues and Decision Memorandum, the Department concluded that the sole U.S. sale reported by Baoding Mantong for the period of review was not a *bona fide* sale. Consequently, we are rescinding the review with respect to this company. We made no changes to the PRC-wide rate assigned to Pharm-Rx's Chinese supplier, Huayang Chemical, as a result of our analysis of the issues.

Final Results of Review

In the *Preliminary Results,* we determined that Huayang Chemical failed to establish its eligibility for a separate rate and preliminarily determined to treat the exporter as part of the PRC-wide entity.[4] Because no party requested a review of the PRC-wide entity and the Department no longer considers the PRC-wide entity as an exporter conditionally subject to administrative reviews, we did not conduct a review of the PRC-wide entity, and the entity's rate is not subject to change in this review.[5]

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), the Department has determined, and CBP shall assess, antidumping duties on all appropriate entries of subject merchandise covered

[1] *See Glycine from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review and Rescission of Antidumping Duty Administrative Review, In Part; 2015–2016,* 82 FR 16992 (April 7, 2017) (*Preliminary Results*).

[2] *See* Memorandum to Gary Taverman, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, on the subject of ''Glycine from the People's Republic of China: Issues and Decision Memorandum for the Final Results of Administrative Review and Rescission of Review, In Part; 2015–2016'', dated concurrently with this notice (Issues and Decision Memorandum).

[3] In separate scope rulings, the Department determined that: (a) D(-) Phenylglycine Ethyl Dane Salt is outside the scope of the order and (b) PRC-glycine exported from India remains the same class or kind of merchandise as the PRC-origin glycine imported into India. *See Notice of Scope Rulings and Anticircumvention Inquiries,* 62 FR 62288 (November 21, 1997) and *Glycine from the People's Republic of China: Final Partial Affirmative Determination of Circumvention of the Antidumping Duty Order,* 77 FR 73426 (December 10, 2012), respectively.

[4] *See Preliminary Results* at 16992–16993.

[5] *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).

by this review. The Department intends to issue assessment instructions to CBP 15 days after the date of publication of these final results of review. Accordingly, we will instruct CBP to liquidate the entries reported by Baoding Mantong without regard to antidumping duties. The Department also intends to instruct CBP to liquidate entries of subject merchandise from the exporters identified above as being part of the PRC-wide entity (including Huayang Chemical) at the PRC-wide rate, *i.e.,* 453.79 percent.

Pursuant to a refinement in the Department's non-market economy practice, for entries that were not reported in the U.S. sales databases submitted by companies individually examined during this review, the Department will instruct CBP to liquidate such entries at the PRC-wide rate.[6] 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.[7]

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 publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) For Baoding Mantong and other previously investigated or reviewed PRC and non-PRC exporters which are not under review in this segment of the proceeding but received a separate rate in a previous segment, the cash deposit rate will continue to be the exporter-specific rate published for the most recently-completed period; (2) for all PRC exporters of subject merchandise which have not been found to be entitled to a separate rate, the cash deposit rate will be that for the PRC-wide entity (*i.e.,* 453.79 percent); and (3) 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(s) that supplied the non-PRC exporter. These cash deposit requirements, when imposed, shall remain in effect until further notice.

[6] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011).

[7] *Id.*

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 period of review. 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 Regarding Administrative Protective Order

This notice also serves as a final reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

We are issuing and publishing these results and this notice in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: October 4, 2017.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix I

List of Topics Discussed in the Final Issues and Decision Memorandum

I. Summary
II. List of Issues
III. Background
IV. Scope of the Order
V. Discussion of Interested Party Comments
Comment 1: *Bona Fides* of Baoding Mantong's U.S. Sale
Comment 2: Moot Arguments Concerning Baoding Mantong's Margin Calculations
Comment 3: Assignment of the PRC-Wide Rate to Pharm-Rx Following Judicial Review of the Rate
VI. Recommendation

[FR Doc. 2017–22068 Filed 10–11–17; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–403–805]

Silicon Metal From Norway: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Preliminary Negative Determination of Critical Circumstances, Preliminary Determination of No Shipments, Postponement of Final Determination, and Extension of Provisional Measures

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

SUMMARY: The Department of Commerce (the Department) preliminarily determines that silicon metal from Norway is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is January 1, 2016, through December 31, 2016.

DATES: Applicable October 12, 2017.

FOR FURTHER INFORMATION CONTACT: Brittany Bauer, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3860.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 733(b) of the Tariff Act of 1930, as amended (the Act). The Department published the notice of initiation of this investigation on April 4, 2017.[1] On July 26, 2017, the Department postponed the preliminary determination of this investigation, and the revised deadline is now October 4, 2017.[2] For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[3] A list of topics included in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty

[1] *See Silicon Metal From Australia, Brazil, and Norway: Initiation of Less-Than-Fair-Value Investigations,* 82 FR 16352 (April 4, 2017) (*Initiation Notice*).

[2] *See Silicon Metal from Australia, Brazil, and Norway: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations,* 82 FR 35753 (August 1, 2017).

[3] *See* Memorandum, ''Decision Memorandum for the Preliminary Determination in the Less-Than-Fair-Value Investigation of Silicon Metal from Norway,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov,* and to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Scope of the Investigation

The product covered by this investigation is silicon metal from Norway. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the preamble to the Department's regulations,[4] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* scope).[5] Certain interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice.* After evaluating these comments, the Department preliminarily determines that modifying the scope language as it appeared in the *Initiation Notice* is not warranted. *See* the scope in Appendix I to this notice. However, the Department is inviting comment on one of the issues raised: The appropriate calculation methodology for determining the silicon content of out-of-scope products (*i.e.,* silicon metal with a silicon content in excess of 99.99 percent), and, specifically, which impurities should be taken into account in that calculation. These comments are due no later than November 6, 2017. Rebuttal comments will be due no later than November 13, 2017. For a summary of the product coverage comments submitted on the record of this proceeding, *see* the Preliminary Decision Memorandum.

Methodology

The Department is conducting this investigation in accordance with section 731 of the Act. The Department has calculated export prices in accordance with section 772(a) of the Act. Constructed export prices have been calculated in accordance with section 772(b) of the Act. Normal value is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying the preliminary determination, *see* the Preliminary Decision Memorandum.

Preliminary Determination of No Sales

On April 5, 2017, Wacker Chemicals Norway A.S. (Wacker), one of the two respondents named in the *Initiation Notice,* timely filed a statement reporting that it had ''no exports, sales, or entries'' of subject merchandise to the United States during the POI. Subsequently, we received information from U.S. Customs and Border Protection (CBP) confirming Wacker's claim that it had no entries of subject merchandise during the POI. Based on the foregoing, the Department preliminarily determines that Wacker had no sales of subject merchandise during the POI, and, therefore, we preliminarily determine not to further examine Wacker as part of this investigation. As such, any entries of subject merchandise exporterd by Wacker will be subject to the All-Others Rate. For additional information regarding this determination, *see* the Preliminary Decision Memorandum.

Preliminary Negative Determination of Critical Circumstances

In accordance with section 733(e) of the Act and 19 CFR 351.206, the Department preliminarily finds that critical circumstances do not exist for Elkem, and for all other producers and exporters. For a full description of the methodology and results of the Department's critical circumstances analysis, *see* the Preliminary Decision Memorandum.

All-Others Rate

Sections 733(d)(1)(ii) and 735(c)(5)(A) of the Act provide that in the preliminary determination the Department shall determine an estimated all-others rate for all exporters and producers not individually examined. This rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero and *de minimis* margins, and any margins determined entirely under section 776 of the Act.

The Department calculated an individual estimated weighted-average dumping margin for Elkem AS (Elkem), the only individually-examined exporter/producer in this investigation. Because the only individually-calculated dumping margin is not zero, *de minimis,* or based entirely on facts otherwise available, the estimated weighted-average dumping margin calculated for Elkem is the margin assigned to all-other producers and exporters, pursuant to section 735(c)(5)(A) of the Act.

Preliminary Determination

The Department preliminarily determines that the following estimated weighted-average dumping margins exist:

Exporter/producer	Estimated weighted-average dumping margin (percent)
Elkem AS	3.74
All-Others	3.74

Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, the Department will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise, as described in Appendix I, entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. Further, pursuant to section 733(d)(1)(B) of the Act and 19 CFR 351.205(d), the Department will instruct CBP to require a cash deposit equal to the estimated weighted-average dumping margin, as follows: (1) The cash deposit rate for the respondent listed above will be equal to the company-specific estimated weighted-average dumping margin determined in this preliminary determination; (2) if the exporter is not a respondent identified above, but the producer is, then the cash deposit rate will be equal to the company-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin. These suspension of liquidation instructions will remain in effect until further notice.

Disclosure

The Department intends to disclose its calculations and analysis performed to interested parties in this preliminary determination within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Verification

As provided in section 782(i)(1) of the Act, the Department intends to verify the information relied upon in making its final determination.

[4] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

[5] *See Initiation Notice.*

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last verification report is issued in this investigation. Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs.[6] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this investigation are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, the Department intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230, at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Postponement of Final Determination and Extension of Provisional Measures

Section 735(a)(2) of the Act provides that a final determination may be postponed until not later than 135 days after the date of the publication of the preliminary determination if, in the event of an affirmative preliminary determination, a request for such postponement is made by exporters who account for a significant proportion of exports of the subject merchandise, or in the event of a negative preliminary determination, a request for such postponement is made by the petitioner. Section 351.210(e)(2) of the Department's regulations requires that a request by exporters for postponement of the final determination be accompanied by a request for extension of provisional measures from a four-month period to a period not more than six months in duration.

On September 20, 2017, pursuant to 19 CFR 351.210(e), Elkem requested that the Department postpone the final determination and that provisional measures be extended to a period not to exceed six months.[7] In accordance with section 735(a)(2)(A) of the Act and 19 CFR 351.210(b)(2)(ii), because: (1) The preliminary determination is affirmative; (2) the requesting exporter accounts for a significant proportion of exports of the subject merchandise; and (3) no compelling reasons for denial exist, the Department is postponing the final determination and extending the provisional measures from a four-month period to a period not greater than six months. Accordingly, the Department will make its final determination no later than 135 days after the date of publication of this preliminary determination.

International Trade Commission Notification

In accordance with section 733(f) of the Act, the Department will notify the International Trade Commission (ITC) of its preliminary determination. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether these imports are materially injuring, or threaten material injury to, the U.S. industry.

Notification to Interested Parties

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act and 19 CFR 351.205(c).

Dated: October 4, 2017.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The scope of this investigation covers all forms and sizes of silicon metal, including silicon metal powder. Silicon metal contains at least 85.00 percent but less than 99.99 percent silicon, and less than 4.00 percent iron, by actual weight. Semiconductor grade silicon (merchandise containing at least 99.99 percent silicon by actual weight and classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheading 2804.61.0000) is excluded from the scope of this investigation.

Silicon metal is currently classifiable under subheadings 2804.69.1000 and 2804.69.5000 of the HTSUS. While HTSUS numbers are provided for convenience and customs purposes, the written description of the scope remains dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Period of Investigation
IV. Scope Comments
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  C. Cost of Production Analysis
  1. Calculation of COP
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  D. Calculation of NV Based on Comparison Market Prices
  E. Calculation of NV Based on Constructed Value
XI. Currency Conversion
XII. Critical Circumstances
XIII. Conclusion

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[6] *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements).

[7] *See* Letter from Elkem, ''Request for Postponement of Final Determination,'' dated September 20, 2017.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–489–815]

Light-Walled Rectangular Pipe and Tube: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2015–2016

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

SUMMARY: On June 6, 2017, the Department of Commerce (Department) published the preliminary results of the 2015–2016 administrative review (AR) of the antidumping duty (AD) order on light-walled rectangular pipe and tube (LWRPT) from Turkey for the period May 1, 2015, through April 30, 2016 (POR). Based on our analysis of the comments received, we made changes to the margin calculations for the final results of this AR. The final weighted-average dumping margins are listed below in the ''Final Results of Review'' section of this notice.

DATES: Applicable October 12, 2017.

FOR FURTHER INFORMATION CONTACT: Jonathan Hill, AD/CVD Operations,

Office IV, Enforcement & Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3518.

SUPPLEMENTARY INFORMATION:

Background

On June 6, 2017, the Department published in the **Federal Register** the preliminary results of the 2015–2016 AR of the AD order on LWRPT from Turkey.[1] For events subsequent to the *Preliminary Results,* see the Department's Issues and Decision Memorandum.[2] This review covers nine producers/exporters of subject merchandise, including the two respondents selected for individual examination: Agir Haddecilik A.S. (Agir), Cayirova Boru Sanayi ve Ticaret A.S., CINAR Boru Profil Sanayi ve Ticaret A.S., Noksel Celik Boru Sanayi A.S., Toscelik Metal Ticaret A.S., Toscelik Profil ve Sac Endustrisi A.S., Tosyali Dis Ticaret A.S., Yucelboru Ihracat Ithalat ve Pazarlama A.S., and Yucel Boru ve Profil Endustrisi A.S.

Scope of the Order

The merchandise subject to this order is certain welded carbon quality light-walled steel pipe and tube, of rectangular (including square) cross section, having a wall thickness of less than 4 mm.[3] The welded carbon-quality rectangular pipe and tube subject to this order is currently classified under the Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7306.61.50.00 and 7306.61.70.60. While HTSUS subheadings are provided for convenience and CBP's customs purposes, our written description of the scope of the order is dispositive.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs filed by parties in this review are addressed in the Issues and Decision Memorandum, which is hereby adopted by this notice. A list of the issues that parties raised, and to which we responded in the Issues and Decision Memorandum, follows as an appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov* and to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the Internet at *http://enforcement.trade.gov/frn/.* The paper copy and electronic version of the Issues and Decision Memorandum are identical in content.

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 made revisions to our preliminary calculations of the weighted-average dumping margins for the mandatory respondents, CINAR and Noksel.[4] Regarding CINAR, the Department modified CINAR's home market and margin calculation programs to capture all domestic brokerage and handling expenses and revised the date parameters that define home market and U.S. sales. Regarding Noksel, the Department modified Noksel's U.S. margin program to exclude certain sales that were entered outside of the POR.

Final Determination of No Shipments

In the *Preliminary Results,* we found that one company, Agir Haddecilik A.S., had no shipments during the POR.[5] Consistent with the Department's assessment practice, the Department completed the review with respect to Agir.[6] For these final results, we continue to find that Agir had no shipments during the POR.[7] As noted in the ''Assessment'' section below, the Department will issue appropriate instructions with respect to this company to CBP based on our final results.[8] In addition, Agir will maintain its dumping margin from the most recently completed segment of this proceeding in which it participated., *i.e.,* 0.00 percent.[9]

Final Results of Review

As a result of this review, we determine the following weighted-average dumping margins exist for the POR:

Manufacturer/exporter	Weighted-average margin (percent)
Cinar Boru Profil Sanayi ve Ticaret A.S	18.16
Noksel Celik Boru Sanayi A.S	4.93
Agir Haddecilik A.S	(*)
Toscelik Profil ve Sac Endustrisi A.S	7.22
Toscelik Metal Ticaret A.S	7.22
Tosyali Dis Ticaret A.S	7.22
Yucel Boru ve Profil Endustrisi A.S	7.22
Yucelboru Ihracat Ithalat ve Pazarlama A.S	7.22
Cayirova Boru Sanayi ve Ticaret A.S	7.22

* No shipments or sales subject to this review.

Consistent with the *Preliminary Results,* we calculated a weighted-average margin for the companies not selected for individual examination (*i.e.,* Cayirova Boru Sanayi ve Ticaret A.S., Toscelik Metal Ticaret A.S., Toscelik Profil ve Sac Endustrisi A.S., Tosyali Dis Ticaret A.S., Yucelboru Ihracat Ithalat ve Pazarlama A.S., and Yucel Boru ve Profil Endustrisi A.S.) using the weighted-average dumping margins of the individually-examined respondents, based on their publicly available, ranged total U.S. sales values of the selected respondents. The resulting weighted-average dumping margin being assigned

[1] *See Light-Walled Rectangular Pipe and Tube from Turkey: Preliminary Results of Antidumping Duty Administrative Review; 2015–2016,* 82 FR 26044 (June 6, 2017) (*Preliminary Results*) and accompanying Decision Memorandum from Gary Taverman, Deputy Assistant Secretary, Antidumping and Countervailing Duty Operations to Ronald K. Lorentzen, Acting Assistant Secretary, Enforcement and Compliance, ''Decision Memorandum for Preliminary Results of the 2015–2016 Antidumping Duty Administrative Review of Light-Walled Rectangular Pipe and Tube from Turkey,'' dated May 31,2017 (Preliminary Decision Memorandum).

[2] *See* Memorandum from James Maeder, Senior Director, performing the duties of Deputy Assistant Secretary for Antidumping Duty and Countervailing Duty Operations to Gary Taverman, Deputy Assistant Secretary, Antidumping and Countervailing Duty Operations performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance ''2015–2016 Antidumping Duty Administrative Review of Light-Walled Rectangular Pipe and Tube from Turkey: Issues and Decision Memorandum for the Final Results,'' dated concurrently with this notice (Issues and Decision Memorandum).

[3] For a complete description of the scope of the order, *see* Issues and Decision Memorandum.

[4] *See* Issues and Decision Memorandum at comments 7, 8, and 11.

[5] *See Preliminary Results.*

[6] *See, e.g., Certain Frozen Warmwater Shrimp from Thailand; Preliminary Results of Antidumping Duty Administrative Review, Partial Rescission of Review, Preliminary Determination of No Shipments; 2012–2013,* 79 FR 15951, 15952 (March 24, 2014), unchanged in *Certain Frozen Warmwater Shrimp from Thailand: Final Results of Antidumping Duty Administrative Review, Final Determination of No Shipments, and Partial Rescission of Review;* 2012–2013, 79 FR at 51306 (August 28, 2014).

[7] *See* Issues and Decision Memorandum at Comment 1.

[8] *See* ''Assessment'' section of this notice, below.

[9] *See Light-Walled Rectangular Pipe and Tube from Turkey: Final Results of Antidumping Duty Administrative Review; 2014–2015,* 81 FR 28823 (May 10, 2016).

to the non-individually examined respondents is 7.22 percent.[10]

Disclosure

The Department intends to disclose the calculations performed for these final results of review within five days of the date of publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Assessment Rates

The Department shall determine and Customs and Border Protection (CBP) shall assess antidumping duties on all appropriate entries.[11] The Department calculated importer-specific ad valorem antidumping duty assessment rates by aggregating the total amount of dumping calculated for the examined sales of each importer and dividing each of these amounts by the total entered value associated with those sales. The Department will instruct CBP to assess antidumping duties on all appropriate entries covered by this review where an importer-specific assessment rate is not zero or de minimis. Pursuant to the *Final Modification for Reviews,* we will instruct CBP to liquidate without regard to antidumping duties any entries for which the importer-specific assessment rate is zero or de minimis. Additionally, because the Department determined that Agir Haddecilik A.S. had no shipments of the subject merchandise, any suspended entries that entered under the company's case numbers (*i.e.,* at the company's rate) will be liquidated at the all-others rate effective during the period of review, consistent with the Department's practice.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for respondents noted above will be the rate established in the final results of this administrative review; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (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 recent period for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 27.04 percent, the all-others rate established in the investigation.[12] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers Regarding the Reimbursement of Duties

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(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 Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification Regarding Administrative Protective Orders (APO)

This notice also serves as a reminder to parties subject to APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This notice of the final results of this antidumping duty administrative review is issued and published in accordance with sections 751(a)(1) and 777(i) of the Act and 19 CFR 351.213 and 19 CFR 351.221(b)(5).

Dated: October 4, 2017.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

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Discussion of the Issues
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Comment 2: Assessment of Antidumping Duties
II. Company Specific Issues
Agir Haddecilik A.S.
Comment 3: Finding of No Shipments
CINAR Boru Profil Sanayi ve Ticaret A.S.
Comment 4: Certificate of Service
Comment 5: Duty Drawback Adjustment
Comment 6: Product Characteristic Modification
Comment 7: Home Market and Margin SAS Program Date Parameters
Comment 8: U.S. Brokerage and Handling (B&H) Expenses
Noksel Celik Boru Sanayi A.S.
Comment 9: Duty Drawback Adjustment
Comment 10: Imputed Home Market Credit Expenses
Comment 11: Inclusion of Certain Sales Outside of the POR
Comment 12: Application of AFA to a U.S. Sale
Comment 13: Application of AFA Based on CBP Entry Data
Recommendation

[FR Doc. 2017–22072 Filed 10–11–17; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–489–502]

Circular Welded Carbon Steel Pipes and Tubes From Turkey: Final Results of Countervailing Duty Administrative Review; Calendar Year 2015

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

SUMMARY: The Department of Commerce (the Department) has completed the administrative review of the countervailing duty (CVD) order on circular welded carbon steel pipes and tubes (pipes and tubes) from Turkey for the January 1, 2015, through December 31, 2015, period of review (POR) in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act). This review covers multiple exporters/producers, two of which are being individually examined as mandatory respondents. We have determined that

[10] *See* Memorandum from Jonathan Hill, International Trade Compliance Analyst, AD/CVD Operations, Office IV, Enforcement and Compliance to The File ''Final Results of the 2015—2016 Antidumping Duty Administrative Review of Light-Walled Rectangular Pipe and Tube from Turkey: Calculation of the Rate for Respondents Not Selected for Individual Examination,'' dated concurrently with this notice.

[11] In these final results, the Department applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification,* 77 FR 8101 (February 14, 2012) (*Final Modification for Reviews*).

[12] *See Notice of Final Determination of Sales at Less Than Fair Value: Light-Walled Rectangular Pipe and Tube from Turkey,* 73 FR 19814 (April 11, 2008).

the net subsidy rate for Borusan Holding, A.S. (Borusan Holding), Borusan Mannesmann Boru Sanayi ve Ticaret A.S. (Borusan), and Borusan Istikbal Ticaret T.A.S. (Istikbal) (collectively, the Borusan Companies), is 0.49 percent *ad valorem.* We have determined that the net subsidy rate for Toscelik Profil ve Sac Endustrisi A.S. (Toscelik Profil), Tosyali dis Ticaret A.S. (Tosyali) and Tosyali Holding (Tosyali) (collectively, the Toscelik Companies), is 6.64 percent *ad valorem.*

Further, in these final results, we have applied the net subsidy rate calculated for the Toscelik Companies to the following four respondents not subject to individual examination: Erbosan Erciyas Boru Sanayi ve Ticaret A.S. (Erbosan), Umran Celik Born Sanayii A.S. (also known as Umran Steel Pipe Inc.) (Umran), Guven Steel Pipe (also known as Guven Celik Born San. Ve Tic. Ltd.) (Guven), and Yucel Boru ye Profil Endustrisi A.S, Yucelboru Ihracat Ithalat ye Pazarlama A.S, and Cayirova Boru Sanayi ye Ticaret A.S. (collectively, hereinafter, the Yucel Companies).

DATES: Applicable October 12, 2017.

FOR FURTHER INFORMATION CONTACT: Patricia Tran (the Toscelik Companies) at 202–482–1503, or Jolanta Lawska (the Borusan Companies) at 202–482–8362, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

Scope of Order

The products covered by this order are certain welded carbon steel pipe and tube with an outside diameter of 0.375 inch or more, but not over 16 inches, of any wall thickness (pipe and tube) from Turkey. These products are currently classifiable under the Harmonized Tariff Schedule of the United States (HTSUS) subheadings as 7306.30.10, 7306.30.50, and 7306.90.10. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise is dispositive.

Analysis of Comments Received

All issues raised in interested parties' briefs are addressed in the Issues and Decision Memorandum.[1] A list of the issues raised by interested parties and to which we responded in the Issues and Decision Memorandum is provided in the Appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov,* and is available to all parties in the Central Records Unit, room B8024 of the main Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/index.html.* The signed Issues and Decision Memorandum and the electronic versions of the Issues and Decision Memorandum are identical in content.

Methodology

The Department conducted this review in accordance with section 751(a)(1)(A) of the Act. For each of the subsidy programs found countervailable during the POR, we determine that there is a subsidy, *i.e.,* a government-provided financial contribution that confers a benefit to the recipient, and that the subsidy is specific.[2] For a complete description of the methodology underlying all of the Department's conclusions, *see* the Issues and Decision Memorandum.

Final Results of Review

In accordance with 19 CFR 351.221(b)(5), we calculated an individual subsidy rate for the mandatory respondents, the Borusan Companies and the Toscelik Companies. The subsidy rate calculated for the Borusan Companies is *de minimis.* As discussed in the accompanying Issues and Decision Memorandum, it is the Department's practice to calculate a rate for companies that are not individually examined by averaging the weighted-average net subsidy rates for the individually-reviewed companies, excluding rates that are zero, *de minimis,* or based entirely on facts available. Because only the Toscelik Companies received an above-*de minimis* net subsidy rate, and this rate is not based entirely on facts available, for the companies for which a review was requested that were not individually examined as mandatory respondents, *i.e.,* Erbosan, Guven, Umran, and the Yucel Companies, we assigned the subsidy rate calculated for the Toscelik Companies. As a result of this review, we determine the listed net subsidy rates for January 1, 2015, through December 31, 2015:

Company	Net subsidy rate (percent)
Borusan Group, Borusan Holding, A.S. (Borusan Holding), Borusan Mannesmann Boru Sanayi ve Ticaret A.S. (Borusan), Borusan Istikbal Ticaret T.A.S. (Istikbal), (collectively, the Borusan Companies)	* 0.49
Toscelik Profil ve Sac Endustrisi A.S. (Toscelik Profil), Toscelik Metal Ticaret AS., and Tosyali Dis Ticaret AS. (Tosyali) (collectively, the Toscelik Companies)	6.64
Guven Steel Pipe (also known as Guven Celik Born San. Ve Tic. Ltd.) (Guven) [3]	6.64
Umran Celik Born Sanayii A.S. (also known as Umran Steel Pipe Inc.) (Umran) [4]	6.64
Erbosan Erciyas Boru Sanayi ve Ticaret A.S. (Erbosan)	6.64
Yucel Boru ye Profil Endustrisi A.S., Yucelboru Ihracat Ithalat ye Pazarlama A.S. and Cayirova Boru Sanayi ye Ticaret A.S. (collectively, the Yucel Companies) [5]	6.64

* (*de minimis*).

[1] *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 Final Results of Countervailing Duty (CVD) Administrative Review: Circular Welded Carbon Steel Pipes and Tubes from Turkey,'' dated concurrently with and hereby adopted by these final results (Issues and Decision Memorandum).

[2] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

[3] *See Circular Welded Carbon Steel Pipes and Tubes from Turkey: Final Results of Countervailing Duty Administrative Review; Calendar Year 2013 and Rescission of Countervailing Duty Administrative Review, in Part,* 80 FR 61361 (October 13, 2015).

[4] *Id.*

[5] *Id.*

Disclosure

We will disclose to the parties in this proceeding the calculations performed for these final results within five days of the date of publication of this notice in the **Federal Register**.[6]

Assessment Rates

In accordance with 19 CFR 351.212(b)(2), the Department intends to issue assessment instructions to U.S. Customs and Border Protection (CBP) 15 days after the date of publication of these final results of review to liquidate shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after January 1, 2015, through December 31, 2015. Concerning the Borusan Companies, the Department intends to issue assessment instructions to CBP to liquidate shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after January 1, 2015, through December 31, 2015, without regard to countervailing duties.

Cash Deposits

In accordance with section 751(a)(1) of the Act, we intend to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts shown for each of the respective companies listed above, except if the rate calculated in these final results is zero or *de minimis,* no cash deposit will be required. These cash deposit requirements, effective upon publication of these final results, shall remain in effect until further notice.

Administrative Protective Order

This notice also serves as a reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation which is subject to sanction.

These final results are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

[6] *See* 19 CFR 351.224(b).

Dated: October 4, 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.

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[FR Doc. 2017–22069 Filed 10–11–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–053]

Certain Aluminum Foil From the People's Republic of China: Deferral of Preliminary Determination of the Less-Than-Fair-Value Investigation

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

DATES: Applicable October 12, 2017.

FOR FURTHER INFORMATION CONTACT: Erin Kearney at (202) 482–0167, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On March 30, 2017, the Department of Commerce (the Department) initiated an antidumping duty investigation concerning imports of certain aluminum foil from the People's Republic of China (PRC).[1] On April 3, 2017, as part of the investigation of certain aluminum foil from the PRC, the Department initiated an inquiry into the status of the PRC as a nonmarket economy (NME) country, pursuant to section 771(18)(C)(ii) of the Tariff Act of 1930, as amended (the Act).[2]

The *Initiation Notice* stated that the Department, in accordance with section 733(b)(1)(A) of the Act and 19 CFR 351.205(b)(1), would issue its preliminary determination in this investigation no later than 140 days after the date of the initiation, unless postponed.[3] On August 1, 2017, the Department postponed the deadline for the preliminary determination of this investigation by 50 days, until October 4, 2017, in accordance with section 733(c)(1)(A) of the Act and 19 CFR 351.205(b)(2).[4]

Deferral of Preliminary Determination

In the *NME Inquiry Initiation Notice,* the Department solicited comments and information from interested parties and announced its intention to issue its final determination regarding the PRC's NME status prior to the issuance of the Department's preliminary determination in the less-than-fair-value investigation.[5] To fully consider all information relevant to the inquiry into the status of the PRC as a NME country and issue a final determination, the Department requires additional time

[1] *See Certain Aluminum Foil from the People's Republic of China: Initiation of Less-Than-Fair-Value Investigation,* 82 FR 15691 (March 30, 2017) (*Initiation Notice*).

[2] *See Certain Aluminum Foil from the People's Republic of China: Notice of Initiation of Inquiry into the Status of the People's Republic of China as a Nonmarket Economy Country Under the Antidumping and Countervailing Duty Laws,* 82 FR 16162 (April 3, 2017) (*NME Inquiry Initiation Notice*).

[3] *See Initiation Notice,* 82 FR at 15695.

[4] *See Certain Aluminum Foil from the People's Republic of China: Postponement of Preliminary Determination of the Less-Than-Fair-Value Investigation,* 82 FR 35753 (August 1, 2017).

[5] *See NME Inquiry Initiation Notice,* 82 FR at 16163.

before issuing its preliminary determination in this investigation. For this reason, the Department is deferring the preliminary determination, and expects to issue the determination by November 17, 2017.

In accordance with section 735(a)(1) of the Act, the deadline for the final determination of this investigation will continue to be 75 days after the date of the preliminary determination, unless postponed at a later date.

Dated: October 4, 2017.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2017–22070 Filed 10–11–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF741

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Scallop Committee to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Thursday, October 26, 2017 at 9:30 a.m.

ADDRESSES: The meeting will be held at the Hilton Garden Inn Logan Airport, 100 Boardman Street, Boston, MA 02128; phone: (617) 567–6789.

Council Address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Scallop Committee will review Framework (FW) 29 alternatives and analyses. The primary focus of this meeting will be to provide input on the range of specification alternatives. FW 29 will set specifications including ABC/ACLs, days at sea, access area allocations, total allowable catch for the Northern Gulf of Maine (NGOM) management area, targets for General Category incidental catch and set-asides for the observer and research programs for fishing year 2018 and default specifications for fishing year 2019. Management measures in FW 29 include: (1) Flatfish accountability measures; (2) NGOM Management measures; (3) Measures to access area boundaries consistent with potential changes to habitat and groundfish mortality closed areas. They will also make recommendations on 2018 scallop work priorities. The PDT and AP will discuss scallop related issues under consideration in groundfish FW 57. Other business may be discussed as necessary.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

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

Dated: October 6, 2017.

Jeffrey N. Lonergan,

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

[FR Doc. 2017–22060 Filed 10–11–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Multistakeholder Process on Internet of Things Security Upgradability and Patching

AGENCY: National Telecommunications and Information Administration, U.S. Department of Commerce.

ACTION: Notice of open meeting.

SUMMARY: The National Telecommunications and Information Administration (NTIA) will convene a virtual meeting of a multistakeholder process on Internet of Things Security Upgradability and Patching on November 8, 2017. This is the sixth in a series of meetings. For information on prior meetings, see Web site address below.

DATES: The virtual meeting will be held on November 8, 2017, from 2:00 p.m. to 4:30 p.m., Eastern Time. See Supplementary Information for details.

ADDRESSES: This is a virtual meeting. NTIA will post links to online content and dial-in information on the multistakeholder process Web site at *https://www.ntia.doc.gov/other-publication/2016/multistakeholder-process-iot-security.*

FOR FURTHER INFORMATION CONTACT: Allan Friedman, National Telecommunications and Information Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Room 4725, Washington, DC 20230; telephone: (202) 482–4281; email: *afriedman@ntia.doc.gov.* Please direct media inquiries to NTIA's Office of Public Affairs: (202) 482–7002; email: *press@ntia.doc.gov.*

SUPPLEMENTARY INFORMATION:

Background: In March of 2015, the National Telecommunications and Information Administration issued a Request for Comment to ''identify substantive cybersecurity issues that affect the digital ecosystem and digital economic growth where broad consensus, coordinated action, and the development of best practices could substantially improve security for organizations and consumers.'' [1] We received comments from a range of stakeholders, including trade associations, large companies, cybersecurity startups, civil society organizations and independent computer security experts.[2] The comments recommended a diverse set of issues that might be addressed through the multistakeholder process, including cybersecurity policy and practice in the

[1] U.S. Department of Commerce, Internet Policy Task Force, Request for Public Comment, Stakeholder Engagement on Cybersecurity in the Digital Ecosystem, 80 FR 14360, Docket No. 150312253–5253–01 (Mar. 19, 2015), *available at: https://www.ntia.doc.gov/files/ntia/publications/cybersecurity_rfc_03192015.pdf.*

[2] NTIA has posted the public comments received at *https://www.ntia.doc.gov/federal-register-notice/2015/comments-stakeholder-engagement-cybersecurity-digital-ecosystem.*

emerging area of Internet of Things (IoT).

In a separate but related matter in April 2016, NTIA, the Department's Internet Policy Task Force, and its Digital Economy Leadership Team sought comments on the benefits, challenges, and potential roles for the government in fostering the advancement of the Internet of Things.'' [3] Over 130 stakeholders responded with comments addressing many substantive issues and opportunities related to IoT.[4] Security was one of the most common topics raised. Many commenters emphasized the need for a secure lifecycle approach to IoT devices that considers the development, maintenance, and end-of-life phases and decisions for a device.

After reviewing these comments, NTIA announced that the next multistakeholder process on cybersecurity would be on IoT security upgradability and patching.[5] NTIA subsequently announced that the first meeting of a multistakeholder process on this topic would be held on October 19, 2016.[6] NTIA has convened five subsequent virtual or in-person meetings.[7]

The matter of patching vulnerable systems is now an accepted part of cybersecurity.[8] Unaddressed technical flaws in systems leave the users of software and systems at risk. The nature of these risks varies, and mitigating these risks requires various efforts from the developers and owners of these systems. One of the more common means of mitigation is for the developer or other maintaining party to issue a security patch to address the vulnerability. Patching has become more commonly accepted, even for consumers, as more operating systems and applications shift to visible reminders and automated updates. Yet as one security expert notes, this evolution of the software industry has yet to become the dominant model in IoT.[9]

To help realize the full innovative potential of IoT, users need reasonable assurance that connected devices, embedded systems, and their applications will be secure. A key part of that security is the mitigation of potential security vulnerabilities in IoT devices or applications through patching and security upgrades.

The ultimate objective of the multistakeholder process is to foster a market offering more devices and systems that support security upgrades through increased consumer awareness and understanding. Enabling a thriving market for patchable IoT requires common definitions so that manufacturers and solution providers have shared visions for security, and consumers know what they are purchasing. Currently, no such common, widely accepted definitions exist, so many manufacturers struggle to effectively communicate to consumers the security features of their devices. This is detrimental to the digital ecosystem as a whole, as it does not reward companies that invest in patching and it prevents consumers from making informed purchasing choices.

Stakeholders have identified four distinct work streams that could help foster better security across the ecosystem, one of which has produced a consensus document.[10] The main objectives of the November 8, 2017, meeting are to share progress from the continuing working groups and potentially come to consensus around final products. Stakeholders will also discuss how the outputs of the different work streams can complement each other, and what next steps will be in promoting awareness and use of the outputs. More information about stakeholders' work is available at: *https://www.ntia.doc.gov/other-publication/2016/multistakeholder-process-iot-security.*

Time and Date: NTIA will convene a virtual meeting of the multistakeholder process on Internet of Things Security Upgradability and Patching on November 8, 2017, from 2:00 p.m. to 4:30 p.m., Eastern Time. The meeting date and time are subject to change. Please refer to NTIA's Web site, *https://www.ntia.doc.gov/other-publication/2016/multistakeholder-process-iot-security,* for the most current information.

Place: This is a virtual meeting. NTIA will post links to online content and dial-in information on the multistakeholder process Web site at *https://www.ntia.doc.gov/other-publication/2016/multistakeholder-process-iot-security.*

Other Information: The meeting is open to the public and the press. There will be an opportunity for stakeholders viewing the webcast to participate remotely in the meeting through a moderated conference bridge, including polling functionality. Access details for the meeting are subject to change. Please refer to NTIA's Web site, *https://www.ntia.doc.gov/other-publication/2016/multistakeholder-process-iot-security,* for the most current information.

The meeting is also accessible to people with disabilities. Individuals requiring accommodations, such as other auxiliary aids, are asked to notify Allan Friedman at the contact information listed above at least seven (7) business days prior to the meeting.

Dated: October 5, 2017.

Kathy D. Smith,

Chief Counsel, National Telecommunications and Information Administration.

[FR Doc. 2017–21976 Filed 10–11–17; 8:45 am]

BILLING CODE 3510–60–P

[3] U.S. Department of Commerce, Internet Policy Task Force, Request for Public Comment, Benefits, Challenges, and Potential Roles for the Government in Fostering the Advancement of the Internet of Things, 81 FR 19956, Docket No. 160331306–6306–01 (April 5, 2016), *available at: https://www.ntia.doc.gov/federal-register-notice/2016/rfc-potential-roles-government-fostering-advancement-internet-of-things.*

[4] NTIA has posted the public comments received at *https://www.ntia.doc.gov/federal-register-notice/2016/comments-potential-roles-government-fostering-advancement-internet-of-things.*

[5] NTIA, *Increasing the Potential of IoT through Security and Transparency* (Aug. 2, 2016), *available at: https://www.ntia.doc.gov/blog/2016/increasing-potential-iot-through-security-and-transparency.*

[6] NTIA, Notice of Multistakeholder Process on Internet of Things Security Upgradability and Patching Open Meeting (Sept. 15, 2016), *available at: https://www.ntia.doc.gov/federal-register-notice/2016/10192016-meeting-notice-msp-iot-security-upgradability-patching.*

[7] **Federal Register** Notices, Agendas, and Documents of these meetings are available at: *https://www.ntia.doc.gov/other-publication/2016/multistakeholder-process-iot-security.*

[8] *See, e.g.* Murugiah Souppaya and Karen Scarfone, *Guide to Enterprise Patch Management Technologies, Special Publication 800–40 Revision 3,* National Institute of Standards and Technology, NIST SP 800–40 (2013) *available at: http://nvlpubs.nist.gov/nistpubs/SpecialPublications/NIST.SP.800–40r3.pdf.*

[9] Bruce Schneier, *The Internet of Things Is Wildly Insecure—And Often Unpatchable,* Wired (Jan. 6, 2014) *available at: https://www.schneier.com/blog/archives/2014/01/security_risks_9.html.*

[10] Documents shared by working group stakeholders are *available at: https://www.ntia.doc.gov/other-publication/2016/multistakeholder-process-iot-security.*

CONSUMER PRODUCT SAFETY COMMISSION

Sunshine Act Meeting Notice

TIME AND DATE: Wednesday, October 18, 2017, 10:00 a.m.–12:00 p.m.

PLACE: Hearing Room 420, Bethesda Towers, 4330 East West Highway, Bethesda, MD.

STATUS: Commission Meeting—Open to the Public.

MATTER TO BE CONSIDERED: Decisional Matter: (1) Prohibition of Children's Toys and Child Care Articles Containing Specified Phthalates—Final Rule; (2) Revision to the Notice of Requirements (NOR) for Prohibition of Children's Toys and Child Care Articles Containing

Specified Phthalates—Notice of Proposed Rulemaking.

A live webcast of the Meeting can be viewed at *https://www.cpsc.gov/live.*

CONTACT PERSON FOR MORE INFORMATION: Rockelle Hammond, Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814, (301) 504–7923.

Dated: October 10, 2017.

Alberta E. Mills,

Acting Secretary.

[FR Doc. 2017–22181 Filed 10–10–17; 4:15 pm]

BILLING CODE 6355–01–P

DEPARTMENT OF EDUCATION

RIN 1894–AA09

[Docket ID ED–2017–OS–0078]

Secretary's Proposed Supplemental Priorities and Definitions for Discretionary Grant Programs

AGENCY: Department of Education.

ACTION: Proposed priorities and definitions.

SUMMARY: In order to support and strengthen the work that educators do every day in collaboration with parents, advocates, and community members, the Secretary proposes 11 priorities and related definitions for use in discretionary grant programs that are in place today or may exist in the future. The Secretary may choose to include an entire priority within a grant program or merely one or more of its component parts. These proposed priorities and definitions are intended to replace the current supplemental priorities published on December 10, 2014 (79 FR 73425).

DATES: We must receive your comments on or before November 13, 2017.

ADDRESSES: Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. We will not accept comments by fax or by email, or those submitted after the comment period. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID at the top of your comments.

- *Federal eRulemaking Portal:* Go to *www.regulations.gov* to submit your comments electronically. Information on using *Regulations.gov*, including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under ''How to use *regulations.gov*.''

- *Postal Mail, Commercial Delivery, or Hand Delivery:* If you mail or deliver your comments, address them to Jennifer Bell-Ellwanger, U.S. Department of Education, 400 Maryland Avenue SW., Room 6W231, Washington, DC 20202.

Privacy Note: The Department's policy is to make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at *www.regulations.gov.* Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: Jennifer Bell-Ellwanger, U.S. Department of Education, 400 Maryland Avenue SW., Room 6W231, Washington, DC 20202. Telephone: (202) 401–0831 or by email: *jennifer.bell-ellwanger@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service, toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Invitation to Comment: We invite you to submit comments regarding this notice. To ensure that your comments have maximum effect in developing the notice of final priorities, we urge you to identify clearly the specific issues that each comment addresses.

We invite you to assist us in complying with the specific requirements of Executive Orders 12866 and 13563 and their overall requirement of reducing regulatory burden that might result from these proposed priorities and definitions. Please let us know of any further ways we could reduce potential costs or increase potential benefits while preserving the effective and efficient administration of our programs.

During and after the comment period, you may inspect all public comments about this notice by accessing *Regulations.gov.* You may also inspect the comments in person in Room 6W231, 400 Maryland Avenue SW., Washington, DC, between the hours of 8:30 a.m. and 4:00 p.m., Washington, DC time, Monday through Friday of each week except Federal holidays.

Assistance to Individuals with Disabilities in Reviewing the Rulemaking Record: On request we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for this notice. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Program Authority: 20 U.S.C. 1221e–3.

Proposed Priorities:

This notice contains 11 proposed priorities.

Background:

The Secretary proposes 11 priorities and related definitions for use in discretionary grant programs to reflect the Secretary's vision for American education. Specifically, the priorities are designed to encourage grantees to empower parents and educators; reduce red tape; utilize and build evidence of what works; and, most importantly, take strides toward ensuring equal access to the high-quality, affordable education every American student deserves in an educational environment that is safe and respectful of all viewpoints and backgrounds.

Improving education starts with allowing greater decision-making authority at the State and local level while also recognizing that the ultimate form of local control occurs when parents and students are empowered to choose their own educational paths forward. This work also requires helping all students overcome challenges they may face outside of the classroom, learn to read so they can use reading to learn, and complete their formal education with a well-considered and attainable path to a sustainable career. These priorities will also support broad-based access to 21st-century technologies.

The Department believes that more Federal programs are not a sufficient proxy for progress and that increased Federal funding cannot be a stand-in for increased learning. We will focus less on discrete funding streams and more on innovative problem solving. This can only happen when everyone gets a seat at the table and can focus on high-priority local projects that promote change from the ground up. We will place a renewed focus on our core mission: serving the most vulnerable students, ensuring equal access for all students, protecting their path to a world-class education, and empowering local educators to deliver for our students.

Proposed Priority 1—Empowering Families to Choose a High-Quality Education that Meets Their Child's Unique Needs.

Background:

In his first address to a joint session of Congress on February 28, 2017, the President underscored the importance of educational choice and providing families with access to quality

educational options, noting that families should be free to choose the school that is right for their children. Likewise, the Secretary believes that every child, regardless of his or her ZIP code or family income, should have access to a high-quality education. A family should have the chance to select the educational path that best meets a child's needs, regardless of where or how instruction is delivered. The Department is committed to improving access to high-quality preschool through 12th grade (P–12) and postsecondary educational options, offering meaningful choices for families, and providing families with the information and tools they need to make these important decisions.

In 2012, approximately 78 percent of kindergarten through 12th grade students attended the public school to which they were geographically assigned, about 14 percent attended a public school of their choice, and almost nine percent attended a private school.[1] In addition, among all children ages 5–17, approximately three percent were homeschooled in 2012.[2] Satisfaction levels are the highest among private school parents, with more than 80 percent of parents saying they were ''very satisfied'' with their children's school. Parents of children at public charter schools and public schools of choice also showed levels of satisfaction that were significantly higher than parents at geographically assigned district schools.[3]

A diverse array of postsecondary education choices are also available to high school students through dual-enrollment and similar programs, which allow these students to take postsecondary coursework offered by a college or university, the secondary school in which they are enrolled, or another provider.

The Administration's goal is to maximize availability of high-quality learning opportunities. This proposed priority would support grantees in offering innovative and, where possible, evidence-based models of educational choice (as defined in this notice, and consistent with applicable Federal, State, and local law) to students in both P–12 and postsecondary settings.

Proposed Priority:

Projects that are designed to address one or more of the following priority areas:

(a) Increasing the proportion of students with access to educational choice (as defined in this notice).

(b) Increasing access to educational choice for one or more of the following groups of students:

(i) Students in communities served by rural local educational agencies (as defined in this notice).

(ii) Students who are children with disabilities as defined in the Individuals with Disabilities Education Act (IDEA) and/or individuals with disabilities under Section 504 of the Rehabilitation Act of 1973 (Section 504) or students with disabilities and children with disabilities who are eligible under both laws);

(iii) English learners (as defined in section 8101(20) of the Elementary and Secondary Education Act, as amended, or section 203(7) of the Workforce Innovation and Opportunity Act of 2014).

(iv) Students in schools identified for comprehensive or targeted support and improvement in accordance with section 1111(c)(4)(C)(iii), (c)(4)(D), or (d)(2)(C)–(D) of the Elementary and Secondary Education Act, as amended.

(v) Students who are living in poverty (as defined under section 1113(a)(5)(A) of the Elementary and Secondary Education Act, as amended) and are served by high-poverty schools (as defined in this notice), or are a low-income individual (as defined under section 312(g) of the Higher Education Act of 1965, as amended).

(vi) Disconnected youth.

(vii) Migratory children.

(viii) Low-skilled adults.

(ix) Students who are Indians, as defined in section 6151 of the Elementary and Secondary Education Act, as amended.

(x) Military- or veteran-connected students (as defined in this notice).

(xi) Children or students who are academically far below grade level, who have left school before receiving a regular high school diploma, who are at risk of not graduating with a regular high school diploma on time.

(xii) Children or students who are homeless.

(xiii) Children or students who are or have been incarcerated.

(xiv) Children or students who are or were previously in foster care.

(c) Developing, increasing access to, and building evidence of effectiveness of innovative models of educational choice.

Proposed Priority 2—Promoting Innovation and Efficiency, Streamlining Education with an Increased Focus on Improving Student Outcomes, and Providing Increased Value to Students and Taxpayers.

Background:

The Department is focused on fostering a more favorable environment for innovation by reducing red tape and streamlining regulations and other requirements in education while placing an increased focus on improving student outcomes. This increased focus on outcomes, and decreased emphasis on compliance first, will allow us to invest more in approaches supported by evidence of positive outcomes for students and avoid those that are inefficient, ineffective, or unproven.

In order to accomplish this goal, the Department is rethinking the incentives we set for grantees and how those incentives, in turn, affect how grantees interact with subgrantees (such as schools within a district), nonprofits supporting implementation of a grant project, and other partners. In general, the Administration also welcomes and encourages entities pursuing innovative approaches to participate in the Department's programs.

Leaders in States, districts, schools, and institutions of higher education must also have the opportunity to do things differently to meet the needs of their students. At the Federal level, the Administration is interested in eliminating unnecessary burdens placed on grantees. Through this priority, we likewise encourage States, school districts, schools, and others receiving grants from the Department to weigh whether requirements they place on subgrantees and other partners working to achieve grant objectives or being served by the grant are necessary to drive improvements in student outcomes, or if they actually hinder efforts to best serve students. Doing so will allow States, districts, schools, teachers, and institutions of higher education to spend less time on paperwork and burdensome administration and more time on their core missions.

Proposed Priority:

Projects that are designed to address one or more of the following priority areas:

(a) Implementing strategies that ensure education funds are spent in a way that increases their efficiency and

[1] U.S. Department of Education, National Center for Education Statistics, Parent and Family Involvement in Education Survey of the 2012 National Household Education Surveys Program (PFI–NEHS: 2012). (n.d.). ''Percentages of children enrolled in kindergarten through 12th grade by school type: 2012.'' Available at: *https://nces.ed.gov/nhes/tables/enrollment_school_type.asp.*

[2] U.S. Department of Education, National Center for Education Statistics, Digest of Education Statistics. (2014). ''Table 206.10. Number and percentage of homeschooled students ages 5 through 17 with a grade equivalent of kindergarten through 12th grade, by selected child, parent, and household characteristics: 2003, 2007, and 2012.'' Available at: *https://nces.ed.gov/programs/digest/d15/tables/dt15_206.10.asp.*

[3] Cheng, A. & Peterson, P. (2017). How Satisfied are Parents with Their Children's Schools? *Education Next, 17*(2). Available at: *http://educationnext.org/how-satisfied-are-parents-with-childrens-schools-us-dept-ed-survey.*

effectiveness, including by reducing waste or achieving better outcomes.

(b) Supporting innovative strategies with the potential to lead to significant and wide-reaching improvements in the delivery of educational services.

(c) Reducing compliance burden within the grantee's operations (including on subgrantees or other partners working to achieve grant objectives or being served by the grant) in a manner that decreases paperwork or staff time spent on administrative functions, or other measurable ways that help educational providers to save money, benefit more students, or improve results.

(d) Demonstrating innovative paths to improved outcomes by applicants that meet the requirements in 34 CFR 75.225 (a)(1)(i) and (ii).

(e) Strengthening development capabilities to increase private support for institutions or demonstrating matching support for proposed projects.

Proposed Priority 3—Fostering Flexible and Affordable Paths to Obtaining Knowledge and Skills.

Background:

An educated and well-prepared workforce is essential to maintaining an American advantage in a global economy where competition for jobs is increasing and technology is changing rapidly.[4] In their 2017 State of the State addresses, at least 24 governors identified workforce development and career pathways as key education priorities.[5] It is critical that we ensure our Nation's workforce is prepared to meet the challenges of tomorrow with the skills and credentials that employers require.

To meet these challenges, schools must better equip students with the skills or knowledge required by employers, particularly employment in in-demand industry sectors or occupations, and recognized postsecondary credentials need to be developed that focus on the career and technical skills needed for in-demand industry sectors or occupations (as defined in section 3(23)(A) of the Workforce Innovation and Opportunity Act of 2014). Such credentials should serve to define, measure, and communicate the skills students will need to be successful in workplaces.

Meeting this challenge requires starting early in a student's education. Each American student is unique and enters school with a distinct set of strengths and challenges. Each student learns and grows at his or her own pace and in his or her own way; therefore, States, districts, schools, institutions of higher education, and other local providers must help every student build upon his or her unique strengths and address his or her unique challenges.

Competency-based learning is one possible approach to improve student outcomes and prepare students for careers.[6] Under this approach, instead of equating seat time with learning—assuming all students need the same amount of time to learn material—students can work at their own pace and progress as they demonstrate mastery of content. Other approaches to prepare students for work and life are also encouraged, including those that allow students to more easily demonstrate their knowledge and skills and employers to more easily communicate the knowledge and skills they require.

Proposed Priority:

Projects that are designed to address one or more of the following priority areas:

(a) Improving collaboration between education providers and employers to ensure student learning objectives are aligned with the skills or knowledge required for employment in an in-demand industry sector or occupation (as defined in section 3(23)(A) of the Workforce Innovation and Opportunity Act of 2014).

(b) Developing or developing pathways to recognized postsecondary credentials (as defined in section 3(52) of the Workforce Innovation and Opportunity Act of 2014) focused on career and technical skills for in-demand industry sectors or occupations and employment of credential holders. Students may obtain such credentials through a wide variety of education providers, such as: Institutions of higher education eligible for Federal student financial aid programs, non-traditional education providers (*e.g.,* apprenticeship programs or computer coding boot camps), and other providers of self-guided learning.

(c) Providing work-based learning experiences (such as internships, apprenticeships, and fellowships) leading to careers in in-demand industry sectors or occupations.

(d) Creating or expanding innovative paths to a recognized postsecondary credential or obtainment of job-ready skills for careers in in-demand industry sectors or occupations, such as through career pathways (as defined in section 3(7) of the Workforce Innovation and Opportunity Act of 2014). Such credentials may be offered to all students through a wide variety of education providers, such as traditional institutions of higher education, non-traditional education providers, and other providers of self-guided learning.

(e) Creating or expanding opportunities for individuals to obtain recognized postsecondary credentials through the demonstration of prior knowledge and skills, such as competency-based learning. Such credentials may include an industry-recognized certificate or certification, a certificate of completion of an apprenticeship, a license recognized by the State involved or Federal Government, or an associate or baccalaureate degree.

(f) Creating or expanding opportunities for individuals to obtain recognized postsecondary credentials in science, technology, engineering, or mathematics.

Proposed Priority 4—Fostering Knowledge and Promoting the Development of Skills that Prepare Students to be Informed, Thoughtful, and Productive Individuals and Citizens.

Background:

Knowledge and skills that prepare students to be informed, thoughtful, and productive individuals and citizens include knowledge of civics, financial literacy, problem solving, and employability skills[7] (such as critical thinking, interpersonal skills, or organizational skills). Research suggests that self-regulation, perseverance, and social skills play an important role in students' academic, career, and life outcomes.[8] Unfortunately, national assessments suggest that our students often lack such skills.

[4] Schwab, K. (2016). The Global Competitiveness Report 2016–2017. Geneva, Switzerland: World Economic Forum. Available at: *http://www3.weforum.org/docs/GCR2016-2017/05FullReport/TheGlobalCompetitivenessReport2016-2017_FINAL.pdf.*

[5] Rafa, A. and Rogowski, D. (2017). ''Governors' Top Education Priorities: 2017 State of the State addresses.'' Denver, CO: Education Commission of the States. Available at: *www.ecs.org/ec-content/uploads/Governors%E2%80%99-Top-Education-Priorities-2017-State-of-the-State-addresses.pdf.*

[6] U.S. Department of Education, Office of Planning, Evaluation and Policy Development, Policy and Program Studies Service. (2017). National Survey on High School Strategies Designed to Help At-Risk Students Graduate: Competency-Based Advancement. Available at: *https://www2.ed.gov/rschstat/eval/high-school/competency-based-advancement.pdf.*

[7] See *http://cte.ed.gov/employabilityskills* for more information.

[8] Farrington, C.A., Roderick, M., Allensworth, E., Nagaoka, J., Keyes, T.S., Johnson, D.W., & Beechum, N.O. (2012). Teaching adolescents to become learners. The role of noncognitive factors in shaping school performance: A critical literature review. Chicago: University of Chicago Consortium on Chicago School Research. Available at: *https://consortium.uchicago.edu/sites/default/files/publications/Noncognitive%20Report.pdf.*

For example, between 1998 and 2014, the average scores of eighth grade students only increased from 150 to 154 on the National Assessment of Educational Progress (NAEP) civics assessment, remaining well below the proficient score of 178.[9] Additionally, numerous international studies indicate our Nation's students are not performing as well as students in other countries. On the Program for International Student Assessment (PISA), 15-year-old students in the United States performed near the Organization for Economic Cooperation and Development (OECD) average on financial literacy and slightly better than the OECD average on problem solving.[10] However, 18 percent of 15-year-old students in the United States were low-performers (scoring below level 2 out of 5 levels) on the financial literacy assessment and 18 percent of students in the United States were low-performers on the problem solving assessment.[11]

For the United States to compete globally, schools must better prepare students to obtain each of these types of skills. It is especially critical for students to master these skills as the number of jobs created by new businesses has substantially declined since the 1990s.[12] In addition, while the number of business startups has climbed back to pre-2007 to 2009 recession levels, such activity has declined over the long term compared to peaks in the 1980s.[13] Promoting the development of these skills can prepare students for later in life and prepare them for employment or entrepreneurship. This, in turn, will foster a learning society and ultimately boost Americans' quality of life.

Proposed Priority:

Projects that are designed to address one or more of the following priority areas:

(a) Fostering knowledge of the common rights and responsibilities of American citizenship and civic participation, such as through civics education consistent with section 203(12) of the Workforce Innovation and Opportunity Act of 2014.

(b) Supporting projects likely to improve student academic performance and better prepare students for employment, responsible citizenship, and fulfilling lives, including by preparing students to do one or more of the following:

(i) Develop positive personal relationships with others.

(ii) Develop determination, perseverance, and the ability to overcome obstacles.

(iii) Develop self-esteem through perseverance and earned success.

(iv) Develop problem-solving skills.

(v) Control impulses and work toward long-term goals.

(c) Supporting instruction in time management, job seeking, personal organization, public and interpersonal communication, or other practical skills needed for successful career outcomes.

(d) Supporting instruction in personal financial literacy, knowledge of markets and economics, knowledge of higher education financing and repayment (*e.g.,* college savings and student loans), or other skills aimed at building personal financial understanding and responsibility.

Proposed Priority 5—Meeting the Unique Needs of Students and Children, including those with Disabilities and/or with Unique Gifts and Talents

Background:

Our Nation's schools must assist all students in reaching their full potential. The Department seeks to improve students' access to high-quality educational opportunities that lead to successful transitions to college and careers. In particular, the Department is committed to ensuring that students with disabilities have equal access to a high-quality education, consistent with applicable requirements in Federal and State law, are held to high standards, and are prepared to lead productive, independent lives.

In addition, the Department believes that students possessing special innate skills, talents, and abilities—especially such students from disadvantaged backgrounds—should be given every opportunity to realize their full potential for the benefit of the Nation at large. Developing and empowering students to become the innovators of tomorrow is essential for our economic competitiveness. Therefore, this priority also seeks to promote high-quality educational opportunities that nurture students' individual gifts and talents to prepare them for future success.

Proposed Priority:

Projects that are designed to address one or more of the following priority areas:

(a) Ensuring students with disabilities are offered the opportunity to meet challenging objectives and receive an educational program that is both meaningful and appropriately ambitious in light of each student's circumstances by improving one or more of the following:

(i) Academic outcomes.

(ii) Functional outcomes.

(iii) Development of skills leading to competitive integrated employment or independent living.

(iv) Social or emotional development.

(b) Ensuring coursework, books, or other materials are accessible to students who are children with disabilities and/or individuals with disabilities under Section 504.

(c) Developing opportunities for students who are gifted and talented (as defined in section 8101(27) of the Elementary and Secondary Education Act, as amended), particularly students with high needs (as defined in this notice) who may not be served by traditional gifted and talented programs, so that they can reach their full potential, such as providing a greater number of gifted and talented students with access to challenging coursework or other materials.

Proposed Priority 6—Promoting Science, Technology, Engineering, and Math (STEM) Education, With a Particular Focus on Computer Science.

Background:

Our Nation's economic competitiveness depends on our ability to improve and expand STEM learning and engagement. In a 2005 report, ''Rising Above the Gathering Storm,'' [14] the National Academies concluded that a primary factor influencing the future health of the American economy and our ability to create jobs is innovation resulting from advances in science and engineering. Yet U.S. students finished behind those of 29 countries in mathematics and 22 countries in science on the 2012 Program for International Student Assessment, which measures the mathematics and science literacy of 15-year-olds in the world's most advanced countries. To ensure that our economic competitiveness is not at risk because of a shortage of STEM talent,

[9] The Nation's Report Card. (2015). 2014 Civics Assessment: Overall Civics Scores. Available at: *www.nationsreportcard.gov/hgc_2014/#civics/scores.*

[11] U.S. Department of Education, National Center for Education Statistics. (2014). ''Program for International Student Assessment (PISA): Financial Literacy: Proficiency Levels.'' Available at: *https://nces.ed.gov/surveys/pisa/pisa2012/pisa2012highlights_12.asp.* U.S. Department of Education, National Center for Education Statistics (2014). ''Program for International Student Assessment (PISA): Problem Solving: Proficiency Levels.'' Available at: *https://nces.ed.gov/surveys/pisa/pisa2012/pisa2012highlights_11.asp.*

[12] Bureau of Labor Statistics. (2016). Entrepreneurship and the U.S. Economy. Available at: *www.bls.gov/bdm/entrepreneurship/entrepreneurship.htm.*

[13] Ewing Marion Kauffman Foundation (May 18, 2017). Startup Activity Swings Upward for Third Consecutive Year, Annual Kauffman Index Reports. Available at: *www.kauffman.org/newsroom/2017/05/startup-activity-swings-upward-for-third-consecutive-year-annual-kauffman-index-reports.*

[14] National Academy of Sciences, National Academy of Engineering, and Institute of Medicine. 2007. *Rising Above the Gathering Storm: Energizing and Employing America for a Brighter Economic Future.* Washington, DC: The National Academies Press. *https://doi.org/10.17226/11463.*

we must expand the capacity of our elementary and secondary schools to provide all students, including girls, students of color, and others historically underrepresented in STEM fields, with engaging and meaningful opportunities, both in and outside the classroom, to develop knowledge and competencies in these subjects.

Computer science constitutes an important area within STEM. Georgetown University's Center on Education and the Workforce projects that, by 2020, 51 percent of STEM jobs will be in computer science-related fields.[15] If current trends continue, 1.4 million computer science-related jobs will be available over the next ten years, but according to the Bureau of Labor Statistics, only 400,000 American computer science graduates will emerge with the skills needed to fill those jobs. This lack of skilled college graduates can be attributed, in part, to a dearth of opportunities to engage in computer science in elementary and secondary school. According to the National Center for Women and Information Technology, less than one-quarter of students nationwide have access to rigorous computer science courses.[16] In light of findings such as these, it is clear we must redouble our efforts to prepare students and produce a workforce capable of sustaining and growing this critical sector of the economy.

Computer science skills are important not only for the technology sector but also for a growing number of industries that rely on computer skills to improve their products and services, including transportation, healthcare, education, and financial services. Moreover, computer science instruction can help foster the problem-solving and analytical skills needed in many other disciplines and careers. Not surprisingly, parents increasingly recognize the importance of computer science: 9 out of 10 parents surveyed by Gallup say they want computer science taught at their child's school.[17]

Effective use of technology in the classroom can help reduce inequities in learning and achievement and better prepare students for the careers of tomorrow.[18] Educators can leverage new digital technologies to improve their teaching, but also need support to do so.[19] As the Department's 2017 National Education Technology Plan describes, technology can serve as a powerful tool to reimagine learning experiences by leveraging advances enabled by technology, including personalized learning, which adapts instruction to students' individual needs.[20] Technology used for educational purposes must be accessible to students who are children with disabilities and/or individuals with disabilities, consistent with the requirements of the Americans with Disabilities Act, and Section 504 of the Rehabilitation Act of 1973. The provision of assistive technology devices and services is also integral to the education of children with disabilities under the IDEA. Technology can enable adult learners to fit courses into their work schedule or to learn and earn new credentials that prepare them to further their careers regardless of where they live.

Proposed Priority:

Projects designed to improve student achievement in science, technology, engineering, math and computer science, or other educational outcomes and are designed to address one or more of the following priority areas:

(a) Increasing the number of educators adequately prepared to deliver rigorous instruction in STEM fields, including computer science (as defined in this notice), through recruitment, evidence-based (as defined in 34 CFR 77.1) professional development for current STEM educators, or evidence-based retraining for current educators seeking to transition from other subjects to STEM fields.

(b) Supporting student mastery of key prerequisites (*e.g.* Algebra I) to ensure success in all STEM fields, but particularly computer science coursework (notwithstanding the definition in this notice), and exposing students to building block skills (such as critical thinking and problem solving, gained through hands-on, inquiry-based learning), as well as the proficient use of computer applications necessary to transition from a user of technologies, particularly computer technologies, to a developer of them.

(c) Identifying and implementing instructional strategies in STEM fields, including computer science (as defined in this notice), that are supported by strong or moderate evidence (as defined in 34 CFR 77.1).

(d) Expanding access to and participation in rigorous computer science (as defined in this notice) coursework for traditionally underrepresented students such as racial or ethnic minorities, women, or students in communities served by rural local educational agencies (as defined in this notice).

(e) Increasing access to STEM coursework, including computer science (as defined in this notice), and hands-on learning opportunities, such as through expanded course offerings, dual-enrollment, or other innovative delivery mechanisms including high-quality online coursework.

(f) Creating or expanding partnerships between schools, LEAs and/or SEAs, local businesses, not-for-profit organizations, or institutes of higher education to give students access to internships, apprenticeships, or other work-based learning experiences in STEM fields, including computer science (as defined in this notice).

(g) Other evidence-based (as defined in 34 CFR 77.1) areas that encourage innovative new approaches to expanding access to high-quality STEM education, including computer science (as defined in this notice).

(h) Utilizing technology for educational purposes in communities served by rural local educational agencies (as defined in this notice) or other areas identified as lacking sufficient access to such tools and resources.

(i) Utilizing technology to provide access to educational choice (as defined in this notice).

(j) Working with schools, municipal libraries, or other partners to provide new and accessible methods of accessing digital learning resources, such as by digitizing books or expanding access to such resources for a greater number of students.

(k) Supporting programs that lead to recognized postsecondary credentials (as defined in section 3(52) of the Workforce Innovation and Opportunity Act of 2014 (WIOA)) for careers in science, technology, engineering, and mathematics or in in-demand industry sectors or occupations (as defined in section 3(23)(A) of WIOA).

(l) Making coursework, books, or other materials available as open educational resources or taking other steps so that such materials may be inexpensively and widely used.

Proposed Priority 7—Promoting Literacy.

[15] See *https://cew.georgetown.edu/wp-content/uploads/2014/11/stem-complete.pdf.*

[16] See *http://www.prweb.com/releases/2012/12/prweb10219767.htm.*

[17] See *http://services.google.com/fh/files/misc/images-of-computer-science-report.pdf.*

[18] *See* Warschauer, M., & Matuchniak, T. (2010). New technology and digital worlds: Analyzing evidence of equity in access, use, and outcomes. *Review of Research in Education, 34*(1), 179–225.

[19] Purcell, K., Heaps, A., Buchanan, J., & Friedrich, L. (2013). How teachers are using technology at home and in their classrooms. Washington, DC: Pew Research Center's Internet & American Life Project. Available at: *www.pewinternet.org/2013/02/28/how-teachers-are-using-technology-at-home-and-in-their-classrooms/.*

[20] U.S. Department of Education, Office of Educational Technology (OET) (2017). Reimagining the Role of Technology in Education: 2017 National Education Technology Plan Update. Available at: *https://tech.ed.gov/files/2017/01/NETP17.pdf.*

Background:

Literacy is a foundation for learning and is essential to students' ability to progress, pursue higher education, and succeed in the workplace. For example, the reading level of third grade students is highly predictive of their later success in school and enrollment in college.[21] Third grade literacy rates can have tremendous social consequences, including on individuals' earnings as adults.[22] Students' reading scores on the NAEP, unfortunately, are not increasing at a fast enough rate to ensure all students are ready for college and today's careers. Between 1992 and 2015, the percentage of fourth grade students who scored at or above ''proficient'' increased by only seven percentage points, from 29 percent to 36 percent.[23] Black and Hispanic students have experienced greater improvements than white students on fourth grade NAEP reading tests, but only 18 percent of black students and 21 percent of Hispanic students score at or above ''proficient'' compared to 46 percent of their white counterparts.[24]

One strategy to improve literacy is to integrate literacy instruction into content-area teaching. This may be especially important for adolescents who need to learn to read a variety of texts in math, science, and social studies courses.[25] A lack of literacy skills may hinder their pursuit of additional education, career opportunities, and participation in society.[26]

While there are numerous evidence-based literacy interventions and strategies,[27] professional development and effective data use (*e.g.,* formative assessments to inform reading groupings and instruction) are key to successful implementation. For example, after participating in a kindergarten–third grade early literacy professional development initiative, teachers in Mississippi improved the quality of their instruction and improved student engagement in their classrooms.[28] Similarly, case studies of five programs that aligned preschool through third grade learning highlighted the importance of instructional coaches to train teachers in using data to inform instruction.[29]

Families play a critical role in supporting children's literacy. When families and schools work together and support each other in their respective roles, children have a more positive attitude toward school and experience more school success.[30] Specifically, research has found that having parents reinforce specific literacy skills is effective in improving children's literacy.[31]

Proposed Priority:

Projects that are designed to address one or more of the following priority areas:

(a) Promoting literacy interventions supported by strong evidence (as defined in 34 CFR 77.1), including by supporting educators with the knowledge, skills, professional development (as defined in section 8101(42) of the Elementary and Secondary Education Act, as amended), or materials necessary to promote such literacy interventions.

(b) Providing families with evidence-based (as defined in 34 CFR 77.1) strategies for promoting literacy at home. This may include providing families with access to books or other physical or digital materials or content about how to support their child's reading development, or providing family literacy activities (as defined in section 203(9) of the Workforce Innovation and Opportunity Act of 2014).

(c) Facilitating the accurate and timely use of data by educators to improve reading instruction and make informed decisions about how to help students build literacy skills while protecting student and family privacy.

(d) Integrating literacy instruction into content-area teaching using practices supported by strong or moderate evidence (as defined in 34 CFR 77.1).

(e) Supporting the development of literacy skills to meet the employment and independent living needs of adults using practices supported by strong evidence (as defined in 34 CFR 77.1).

Proposed Priority 8—Promoting Effective Instruction in Classrooms and Schools.

Background:

Research indicates that of all the school-related factors that impact student academic performance, teacher quality matters most.[32] Teaching is critically important, challenging, and complex work, and great teachers contribute enormously to the learning and the lives of children.[33] At the same time, there is still much work to be done to ensure meaningful and ample support

[21] See, *e.g.,* Lesnick, J., Goerge, R. M., Smithgall, C. & Gwynne, J. (2010). Reading on Grade Level in Third Grade: How Is It Related to High School Performance and College Enrollment? Chapin Hall at the University of Chicago. Available at: *www.chapinhall.org/sites/default/files/Reading_on_Grade_Level_111710.pdf.*

[22] The Annie E. Casey Foundation. (2013). Early Warning Confirmed: A Research Update on Third-Grade Reading. Available at: *www.aecf.org/resources/early-warning-confirmed/.*

[23] The Nation's Report Card. (2015). National Achievement Level Results. Available at: *www.nationsreportcard.gov/reading_math_2015/#reading/acl?grade=4.*

[24] Ibid.

[25] Baker, S., Lesaux, N., Jayanthi, M., Dimino, J., Proctor, C. P., Morris, J., Gersten, R., Haymond, K., Kieffer, M. J., Linan-Thompson, S., & Newman-Gonchar, R. (2014). Teaching academic content and literacy to English learners in elementary and middle school. Washington, DC: National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences, U.S. Department of Education. Available at: *http://ies.ed.gov/ncee/wwc/publications_reviews.aspx.* Torgesen, J.K., Houston, D.D., Rissman, L.M., Decker, S.M., Roberts, G., Vaughn, S., Wexler, J., Francis, D.J., Rivera, M., & Lesaux, N. (2007). Academic Literacy Instruction For Adolescents. Portsmouth, NH: RMC Research Corporation, Center on Instruction. Available at: *http://opi.mt.gov/pub/rti/Essential Components/RBCurric/Reading/RTIResources/Academic%20Literacy%20Instruction%20for%20Adolescents.pdf.*

[26] See U.S. Department of Education, Office of Career, Technical and Adult Education. (2016). *Adult Workers with Low Measured Skills: A 2016 Update.* Available at: *https://www2.ed.gov/about/offices/list/ovae/pi/AdultEd/factsh/adultworkerslowmeasuredskills.pdf.*

[27] See the What Works Clearinghouse's literacy publications at *https://ies.ed.gov/ncee/wwc/Publication#/FWWFilterId:3,SortBy:RevisedDate,SetNumber:1.*

[28] Folsom, J. S., Smith, K. G., Burk, K., & Oakley, N. (2017). *Educator outcomes associated with implementation of Mississippi's K–3 early literacy professional development initiative* (REL 2017–270). Washington, DC: U.S. Department of Education, Institute of Education Sciences, National Center for Education Evaluation and Regional Assistance, Regional Educational Laboratory Southeast. Available at: *https://ies.ed.gov/ncee/edlabs/projects/project.asp?projectID=466.*

[29] U.S. Department of Education, Office of Planning, Evaluation and Policy Development, Policy and Program Studies Service, Case Studies of Schools Implementing Early Elementary Strategies: Preschool Through Third Grade Alignment and Differentiated Instruction, Washington, DC, 2016. Available at *https://www2.ed.gov/rschstat/eval/implementing-early-strategies/report.pdf.*

[30] Henderson, A.T. & Mapp, K.L. (2002). A new wave of evidence: The impact of school, family and community connections on student achievement. Austin: SEDL.

[31] Senechal, M. (2006). The Effect of Family Literacy Interventions On Children's Acquisition of Reading: from Kindergarten to Grade 3. National Institute for Literacy, Washington, DC. Available at *http://lincs.ed.gov/publications/pdf/lit_interventions.pdf.*

[32] RAND Corporation. (2012). Teachers matter: Understanding teachers' impact on student achievement. Santa Monica, CA: Author. Available at: *www.rand.org/content/dam/rand/pubs/corporate_pubs/2012/RAND_CP693z1-2012-09.pdf.*

[33] RAND Corporation. (2012). Teachers matter: Understanding teachers' impact on student achievement. Santa Monica, CA: Author. Available at: *www.rand.org/content/dam/rand/pubs/corporate_pubs/2012/RAND_CP693z1-2012-09.pdf.;* Rowan, B., Correnti, R. & Miller, R. J. (2002). What Large-Scale Survey Research Tells Us About Teacher Effects on Student Achievement: Insights from the Prospects Study of Elementary Schools. *Teachers College Record,* 104, 1525–1567; Rivkin, S.G., Hanushek, E. & Kain, J.F. (2000). Teachers, Schools, and Academic Achievement (Working Paper W6691). *National Bureau of Economic Research.* Available at: *www.cgp.upenn.edu/pdf/Hanushek_NBER.PDF.*

for educators so that they can help students reach their full potential.

Similarly, effective principals and other school leaders are crucial to strengthening teaching and school communities and improving student achievement. School leadership is second only to classroom instruction in importance among school-based variables affecting student achievement.[34] Research shows that effective leaders play a critical role in student academic success, especially in high-need schools, by creating cultures of high expectations and by recruiting and retaining highly effective teachers.[35] Effective leaders also create a vision of academic success for all children, encourage other educators to take on leadership roles and responsibilities, and build a school that is part of, and responsive to, the community that it serves.

In particular, this priority seeks to develop evidence on effective professional development and programs that support teachers and leaders as they enter the profession, different leadership pathways for educators in and out of the classroom, increased diversity through strategic recruitment, innovative staffing models, and retention of top talent.

Proposed Priority:

Projects that are designed to address one or more of the following priority areas:

(a) Developing new career pathways for effective educators to assume leadership roles with the option to maintain instructional responsibilities and direct interaction with students.

(b) Supporting the recruitment or retention of educators who are effective and increase diversity (including, but not limited to, racial and ethnic diversity).

(c) Promoting innovative strategies to increase the number of students who have access to effective teachers or school leaders in one or more of the following:

(i) Schools generally.

(ii) Schools that are located in communities served by rural local educational agencies; or

(iii) Schools with a large proportion of low-income students.

(d) Developing or implementing innovative staffing or compensation models to attract effective educators.

(e) Recruiting promising students and qualified individuals from other fields to become teachers, principals, or other school leaders, such as mid-career professionals from other occupations, former military personnel, or recent graduates of institutions of higher education with records of academic distinction who demonstrate potential to become effective teachers, principals, or other school leaders.

(f) Increasing the opportunities for high-quality preparation of, or professional development for, teachers or other educators of science, technology, engineering, and math subjects.

Proposed Priority 9—Promoting Economic Opportunity.

Background:

Data show that in 2016, a worker with a high school diploma earned almost $10,000 more per year than a worker with less than a high school diploma.[36] Similarly, a worker with a bachelor's degree earned about $24,000 more per year than a worker with only a high school diploma.[37] In general, individuals with higher educational attainment have higher rates of employment and higher average earnings than those with lower levels of educational attainment.[38]

Research tells us that children who grow up in stable households, with parents reaching higher levels of education, who read to them, and who engage in their intellectual development, will have advantages over children growing up in households without these characteristics.[39]

By recognizing the non-academic factors that contribute to academic success, this priority would support pathways out of poverty. While the Department—and education leaders at the State and local levels—cannot solve all of these out-of-school challenges, the Department can more effectively use its resources to support students (and their families) so that they have all of the tools that they need to be successful in the classroom and beyond. The Department can also help to ensure that its efforts are working in conjunction with—and not against—other Federal, State, local, and—most of all—private efforts to solve the challenges of poverty.

Proposed Priority:

Projects that are designed to reduce academic or non-academic barriers to economic mobility and, therefore, increase educational opportunities for children, by addressing one or more of the following priority areas:

(a) Aligning Federal, State, and/or local funding streams to promote economic mobility of low-income parents and children.

(b) Building greater effective family engagement in their students' education.

(c) Creating or supporting alternative paths to a regular high school diploma (as defined in section 8101(43) of the Elementary and Secondary Education Act, as amended) and/or recognized postsecondary credentials (as defined in section 3(52) of the Workforce Innovation and Opportunity Act of 2014) for students whose environments outside of school, disengagement with a traditional curriculum, homelessness, or other challenges make it more difficult for them to complete an educational program.

(d) Increasing the number of children who enter kindergarten ready to succeed in school and in life by supporting families and communities to help more children obtain requisite knowledge and skills to be prepared developmentally.

(e) Creating or expanding partnerships between schools, LEAs, and/or SEAs, and community-based organizations to provide supports and services to students and families.

Proposed Priority 10—Encouraging Improved School Climate and Safer and More Respectful Interactions in a Positive and Safe Educational Environment.

Background:

In order for students to engage in thoughtful debate and meaningful discussion, a critical component of learning, they must feel safe to honestly and openly share their thoughts and opinions on a wide range of issues in school. School leaders, teachers, and professors must ensure that schools and institutions of higher education are physically and disciplinarily safe for students to learn. This environment can be developed through promoting a positive school setting that supports learning, minimizes disruptions, and increases respect for differing experiences and perspectives.

Open and honest dialogue is especially important in postsecondary settings, where students grapple with particularly complex, difficult, and potentially polarizing issues. Ensuring that students and educators of all

[34] Louis, K.S., Leithwood, K., Wahlstrom, K., & Anderson, S. (2010). *Investigating the links to improved student learning: Final report of research findings.* Available at: *www.wallacefoundation.org/knowledge-center/Documents/Investigating-the-Links-to-Improved-Student-Learning.pdf.*

[35] Loeb, S., et al. (2012). Effective Schools: Teacher Hiring, Assignment, Development, and Retention. *Journal of Education Finance and Policy, 7,* 269–304.

[36] Bureau of Labor Statistics. (2017). Unemployment rates and earnings by education attainment, 2016. Available at: *www.bls.gov/emp/ep_chart_001.htm/.*

[37] *Ibid.*

[38] *Ibid.*

[39] Egalite, A. (2016). How Family Background Influences Student Achievement. *Education Next, 16*(2). Available at: *http://educationnext.org/how-family-background-influences-student-achievement.*

backgrounds are able to engage in respectful dialogue—without fear of retribution—is likely to promote greater learning and understanding and a stronger Nation.

Thoughtful debate is unlikely to take root in an environment that tolerates bullying and other major disruptions. Elementary and secondary schools have made strides in fostering safer environments. Between 2005 and 2015, the percentage of students ages 12–18 who reported being bullied decreased from 28 to 21 percent.[40] Additionally, victimization rates have greatly declined between 1992 and 2015, falling from 181 per 1,000 students to 33 per 1,000 students.[41] Thus, schools are becoming physically and emotionally safer for students; however, more needs to be done to stop bullying and ensure that every child can learn in a safe environment.

A significant number of teachers report that the behavior of a few students is disrupting the education of many: Between 1994 and 2012, the percentage of teachers who reported that student misbehavior interfered with their teaching fluctuated over the years, ranging from 34 to 41 percent.[42] In classrooms that experience severe disruptions, it is difficult for teachers to provide instruction and students may not feel secure and comfortable enough to learn and grow.

Proposed Priority:

Projects that are designed to address one or more of the following priority areas:

(a) Creating positive and safe learning environments, including by providing school personnel with effective strategies.

(b) Developing positive learning environments that promote strong relationships among students, faculty, and staff to help enhance the learning environment and prevent bullying, violence, and disruptive actions that can diminish the opportunity to receive a high-quality education.

(c) Protecting free speech in order to allow for the discussion of diverse ideas or viewpoints.

Proposed Priority 11—Ensuring that Service Members, Veterans, and Their Families Have Access to High-Quality Educational Choices.

Background:

It is essential to provide our Nation's veterans and service members with the resources necessary to continue their education and seek a path to a career outside of the military. In the 2011–12 school year, 1.3 million military students were enrolled as undergraduate or graduate students, a significant 22 percent increase from the 2008–09 school year.[43] However, despite the many education and training opportunities provided in the Post-9/11 GI Bill and through other programs, a 2013 survey found that fewer than half of Iraq and Afghanistan veterans had taken advantage of the financial aid benefits available to them.[44] These opportunities must be made easier to use and their benefits more clearly communicated.

When they enroll in higher education, military- and veteran-connected postsecondary students frequently have different needs from other students. Unfortunately, the quality of services provided to these students can vary substantially.[45] Such students are also more likely to experience obstacles to the successful completion of their programs, such as disruptions due to transfers, unit activities, or deployments. Despite these barriers, many military- and veteran-connected students have succeeded in higher education. A recent study of veterans who used the Post-9/11 GI Bill to pursue higher education found that approximately 72 percent have either earned a postsecondary degree or are continuing to work toward a certificate or degree.[46]

In addition, it is critical to support the educational opportunities and achievement of military- or veteran-connected students in elementary and secondary education. In 2015, the Department of Defense reported there were almost 1.8 million military-connected children and slightly more than 1 million military spouses.[47] Many military families experience frequent moves that require their children to change schools, leading to additional challenges and stresses.[48]

Proposed Priority:

Projects that are designed to address the academic needs of military- or veteran-connected students (as defined in this notice).

Types of Priorities:

When inviting applications for a competition using one or more priorities, we designate the type of each priority as absolute, competitive preference, or invitational through a notice in the **Federal Register**. The effect of each type of priority follows:

Absolute priority: Under an absolute priority, we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

Competitive preference priority: Under a competitive preference priority, we give competitive preference to an application by (1) awarding additional points, depending on the extent to which the application meets the priority (34 CFR 75.105(c)(2)(i)); or (2) selecting an application that meets the priority over an application of comparable merit that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

Invitational priority: Under an invitational priority, we are particularly interested in applications that meet the priority. However, we do not give an application that meets the priority a preference over other applications (34 CFR 75.105(c)(1)).

Proposed Definitions:

The Secretary proposes the following definitions for use in any Department discretionary grant program.

Children or students with high needs means children or students at risk of educational failure or otherwise in need of special assistance or support, such as children and students who are living in poverty, who are English learners, who are academically far below grade level, who have left school before receiving a regular high school diploma, who are at risk of not graduating with a regular

[40] Musu-Gillette, L., Zhang, A., Wang, K., Zhang, J., and Oudekerk, B.A. (2017). *Indicators of School Crime and Safety: 2016* (NCES 2017–064/NCJ 250650). U.S. Department of Education, National Center for Education Statistics and Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice. Washington, DC. Available at: *https://nces.ed.gov/pubs2017/2017064.pdf.*

[41] *Ibid.*

[42] *Ibid.*

[43] Radford, A.W., Bentz, A., Dekker, R., & Paslov, J. (2016). *After the Post-9/11 GI Bill: A Profile of Military Service Members and Veterans Enrolled in Undergraduate and Graduate Education.* Stats in Brief. (NCES 2016–435). U.S. Department of Education, National Center for Education Statistics. Washington, DC. Available at: *nces.ed.gov/pubs2016/2016435.pdf.*

[44] After the Wars—Washington Post-Kaiser Family Foundation (2013) survey of Afghanistan and Iraq war veterans. Available at: *www.washingtonpost.com/page/2010-2019/WashingtonPost/2015/10/20/National-Politics/Polling/question_13812.xml.*

[45] Queen, B., Lewis, L. & Ralph, J. (2014). Services and Support Programs for Military Service Members and Veterans at Postsecondary Institutions, 2012–13. U.S. Department of Education, Institute of Education Sciences, National Center for Education Statistics. Available at: *https://nces.ed.gov/pubsearch/pubsinfo.asp?pubid=2014017.*

[46] Cate, C.A., Lyon, J., Schmelding, J., & Bogue, B.Y. (2017). National Veteran Education Success Tracker: A Report on the Academic Success of Student Veterans Using the Post-9/11 GI Bill. Student Veterans of America. Available at: *http://nvest.studentveterans.org/wp-content/uploads/2017/03/NVEST-Report_FINAL.pdf.*

[47] U.S. Department of Defense, Office of the Deputy Assistant Secretary of Defense for Military Community and Family Policy (2015). 2015 Demographics: Profile of the Military Community. Available at: *http://download.militaryonesource.mil/12038/MOS/Reports/2015-Demographics-Report.pdf.*

[48] Clever, Molly M., and Segal, D.R. (2013). The Demographics of Military Children and Families. *The Future of Children 23*(2), 13–39.

high school diploma on time, who are homeless, who are in foster care, who have been incarcerated, or are children or students with disabilities.

Computer science means the study of computers and algorithmic processes and includes the study of computing principles and theories, computational thinking, computer hardware, software design, coding, analytics, and computer applications.

Computer science often includes computer programming or coding as a tool to create software including applications, games, Web sites, and tools to manage or manipulate data; development and management of computer hardware and the other electronics related to sharing, securing, and using digital information.

In addition to coding, the expanding field of computer science emphasizes computational thinking and interdisciplinary problem-solving to equip students with the skills and abilities necessary to apply computation in our digital world.

Computer science does not include using a computer for everyday activities, such as browsing the internet; use of tools like word processing, spreadsheets or presentation software; or using computers in the study and exploration of unrelated subjects.

Educational choice means the opportunity for a student (or a family member on their behalf) to create a personalized path for learning that is consistent with applicable Federal, State, and local laws, is in an educational setting that best meets the student's needs, and, where possible, incorporates evidence-based activities, strategies, and interventions.[49] Opportunities made available to a student through a grant program are those that supplement what is provided by a student's geographically assigned school or the institution in which he or she is currently enrolled and may include one or more of the options listed below:

(1) Public educational programs or courses including those offered by traditional public schools, public charter schools, public magnet schools, public online education providers, or other public education providers.

(2) Private or home-based educational programs or courses including those offered by private schools, private online providers, private tutoring providers, community or faith-based organizations, or other private education providers.

(3) Internships, apprenticeships, or other programs offering access to learning in the workplace.

(4) Part-time coursework or career preparation offered by a public or private provider in person or through the internet or another form of distance learning, that serves as a supplement to full-time enrollment at an educational institution, as a stand-alone program leading to a credential, or as a supplement to education received in a homeschool setting.

(5) Dual or concurrent enrollment programs or early college high schools (as defined in section 8101(15) and (17) of the Elementary and Secondary Education Act, as amended), or other programs that enable secondary school students to begin earning credit toward a postsecondary degree or credential prior to high school graduation.

(6) Access to services or programs for aspiring or current postsecondary students not offered by the institution in which they are currently enrolled to support retention and graduation.

(7) Other educational services including credit-recovery, accelerated learning, and tutoring. *High-poverty school* means a school in which at least 50 percent of students are from low-income families as determined using one of the measures of poverty specified under section 1113(a)(5) of the Elementary and Secondary Education Act, as amended. For middle and high schools, eligibility may be calculated on the basis of comparable data from feeder schools. Eligibility as a high-poverty school under this definition is determined on the basis of the most currently available data.

Military- or veteran-connected student means one or more of the following:

(a) A child participating in an early learning and development program, a student enrolled in preschool through grade 12, or a student enrolled in postsecondary education or career and technical education, who has a parent or guardian who is a member of the uniformed services (as defined by 37 U.S.C. 101, in the Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard, National Oceanic and Atmospheric Administration, or Public Health Service) or is a veteran of the uniformed services with an honorable discharge (as defined by 38 U.S.C. 3311).

(b) A student who is a member of the uniformed services, a veteran of the uniformed services, or the spouse of a service member or veteran.

(c) A child participating in an early learning and development program or a student enrolled in preschool through grade 12 or in a postsecondary education program who has a parent or guardian who is a veteran of the uniformed services (as defined by 37 U.S.C. 101).

Rural local educational agency means a local educational agency that is eligible under the Small Rural School Achievement (SRSA) program or the Rural and Low-Income School (RLIS) program authorized under Title V, Part B of the Elementary and Secondary Education Act, as amended. Eligible applicants may determine whether a particular district is eligible for these programs by referring to information on the Department's Web site at *www2.ed.gov/nclb/freedom/local/reap.html*.

Final Priorities and Definitions:

We will announce the final priorities and definitions in a notice in the **Federal Register**. We will determine the final priorities and definitions after considering responses to this notice and other information available to the Department. This notice does not preclude us from proposing additional priorities, requirements, definitions, or selection criteria, subject to meeting applicable rulemaking requirements.

Note: This notice does *not* solicit applications. In any year in which we choose to use one or more of these priorities or definitions, we invite applications through a notice in the **Federal Register**.

Executive Orders 12866, 13563, and 13771

Regulatory Impact Analysis

Under Executive Order 12866, the Secretary must determine whether this regulatory action is ''significant'' and, therefore, subject to the requirements of the Executive order and subject to review by the Office of Management and Budget (OMB). Section 3(f) of Executive Order 12866 defines a ''significant regulatory action'' as an action likely to result in a rule that may—

(1) Have an annual effect on the economy of $100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities in a material way (also referred to as an ''economically significant'' rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

[49] U.S. Department of Education, Office of Elementary and Secondary Education (2016). Non-Regulatory Guidance: Using Evidence to Strengthen Education Investments. Available at: *https://www2.ed.gov/policy/elsec/leg/essa/guidanceuseseinvestment.pdf*.

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles stated in the Executive order.

This proposed regulatory action is a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866.

Under Executive Order 13771, for each new regulation that the Department proposes for notice and comment or otherwise promulgates that is a significant regulatory action under Executive Order 12866, it must identify two deregulatory actions. Beginning with Fiscal Year 2017, any new incremental costs associated with a new regulation must be fully offset by the elimination of existing costs through deregulatory actions. Although this regulatory action is a significant regulatory action, the requirements of Executive Order 13771 do not apply because this regulatory action is a ''transfer rule'' not covered by the Executive order.

We have also reviewed this proposed regulatory action under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency—

(1) Propose or adopt regulations only upon a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency ''to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.'' The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include ''identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.''

We are issuing these proposed priorities and definitions only on a reasoned determination that their benefits will justify their costs. In choosing among alternative regulatory approaches, we selected the approach that will maximize net benefits. Based on the analysis that follows, the Department believes that this regulatory action is consistent with the principles in Executive Order 13563.

We also have determined that this regulatory action will not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

In accordance with these Executive orders, the Department has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action. The potential costs associated with this regulatory action are those resulting from regulatory requirements and those we have determined are necessary for administering the Department's programs and activities.

Discussion of Costs and Benefits:

The proposed priorities and definitions would impose minimal costs on entities that would receive assistance through the Department's discretionary grant programs. Additionally, the benefits of implementing the proposal contained in this notice outweigh any associated costs because it would result in the Department's discretionary grant programs encouraging the submission of a greater number of high-quality applications and supporting activities that reflect the Administration's educational priorities.

Application submission and participation in a discretionary grant program are voluntary. The Secretary believes that the costs imposed on applicants by the proposed priorities would be limited to paperwork burden related to preparing an application for a discretionary grant program that is using a priority in its competition. Because the costs of carrying out activities would be paid for with program funds, the costs of implementation would not be a burden for any eligible applicants, including small entities.

Regulatory Flexibility Act Certification: For these reasons as well, the Secretary certifies that these proposed priorities and definitions would not have a significant economic impact on a substantial number of small entities.

Intergovernmental Review: Some of the programs affected by these proposed priorities and definitions are subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for these programs.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Betsy DeVos,

Secretary of Education.

[FR Doc. 2017–22127 Filed 10–11–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Biological and Environmental Research Advisory Committee

AGENCY: Office of Science, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Biological and Environmental Research Advisory Committee (BERAC). The Federal Advisory Committee Act requires that

public notice of these meetings be announced in the **Federal Register**.

DATES: Thursday, November 2, 2017; 8:30 a.m.–5:30 p.m. and Friday, November 3, 2017; 8:30 a.m.–12:30 p.m.

ADDRESSES: Gaithersburg Marriott Washingtonian Center, 9751 Washingtonian Blvd., Gaithersburg, Maryland 20878.

FOR FURTHER INFORMATION CONTACT: Dr. Tristram West, Designated Federal Officer, BERAC, U.S. Department of Energy, Office of Science, Office of Biological and Environmental Research, SC–23/Germantown Building, 1000 Independence Avenue SW., Washington, DC 20585–1290. Phone 301–903–5155; fax (301) 903–5051 or email: *tristram.west@science.doe.gov.* The most current information concerning this meeting can be found on the Web site: *http://science.energy.gov/ber/berac/meetings/.*

SUPPLEMENTARY INFORMATION:

Purpose of the Committee: To provide advice on a continuing basis to the Director, Office of Science of the Department of Energy, on the many complex scientific and technical issues that arise in the development and implementation of the Biological and Environmental Research Program.

Tentative Agenda Topics

- News from the Office of Science
- News from the Office of Biological and Environmental Research (BER)
- News from the Biological Systems Science and Climate and Environmental Sciences Divisions
- Report on the Biological Systems Science Division Committee of Visitors
- Report on the Grand Challenges Report
- Facility Update
- Introductions to new Bioenergy Research Centers
- Scientific Workshop Outbriefs
- Science Talks
- New Business
- Public Comment

Public Participation: The day and a half meeting is open to the public. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make oral statements regarding any of the items on the agenda, you should contact Tristram West at *tristram.west@science.doe.gov* (email) or 301–903–5051 (fax). You must make your request for an oral statement at least five business days before the meeting. Reasonable provision will be made to include the scheduled oral statements on the agenda. The Chairperson of the Committee will conduct the meeting to facilitate the orderly conduct of business. Public comment will be limited to five minutes each.

Minutes: The minutes of this meeting will be available for public review and copying within 45 days at the BERAC Web site: *http://science.energy.gov/ber/berac/meetings/berac-minutes/.*

Issued in Washington, DC on October 5, 2017.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2017–22104 Filed 10–11–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Idaho Cleanup Project

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Idaho Cleanup Project. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Thursday, October 26, 2017, 8:00 a.m.–3:45 p.m.

The opportunity for public comment is at 10:15 a.m. and 1:30 p.m.

This time is subject to change; please contact the Federal Coordinator (below) for confirmation of times prior to the meeting.

ADDRESSES: Sun Valley Inn, 1 Sun Valley Road, Sun Valley, ID 83353.

FOR FURTHER INFORMATION CONTACT: Robert L. Pence, Federal Coordinator, Department of Energy, Idaho Operations Office, 1955 Fremont Avenue, MS–1203, Idaho Falls, Idaho 83415. Phone (208) 526–6518; Fax (208) 526–8789 or email: *pencerl@id.doe.gov* or visit the Board's Internet home page at: *http://inlcab.energy.gov/.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Topics (agenda topics may change up to the day of the meeting; please contact Robert L. Pence for the most current agenda):

- Recent Public Outreach
- Idaho Cleanup Project (ICP) Overview
- Update on Integrated Waste Treatment Unit (IWTU)
- IWTU Question and Answer Session with Idaho Department of Environmental Quality, Hazardous Waste Program Manager
- Update on Transuranic Waste Shipment and Characterization
- Update on Monitoring Well Contamination
- Update on Snake River Plain Aquifer
- Site Environmental Monitoring Annual Report
- Status of Idaho Settlement Agreement
- EM SSAB Chairs Meeting Report

Public Participation: The EM SSAB, Idaho Cleanup Project, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Robert L. Pence at least seven days in advance of the meeting at the phone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral presentations pertaining to agenda items should contact Robert L. Pence at the address or telephone number listed above. The request must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Robert L. Pence, Federal Coordinator, at the address and phone number listed above. Minutes will also be available at the following Web site: *http://inlcab.energy.gov/pages/meetings.html.*

Issued at Washington, DC, on October 5, 2017.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2017–22105 Filed 10–11–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Northern New Mexico

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a combined meeting of the Environmental

Monitoring and Remediation Committee and Waste Management Committee of the Environmental Management Site-Specific Advisory Board (EM SSAB), Northern New Mexico (known locally as the Northern New Mexico Citizens' Advisory Board [NNMCAB]). The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, October 25, 2017, 1:00 p.m.–4:00 p.m.

ADDRESSES: NNMCAB Office, 94 Cities of Gold Road, Pojoaque, NM 87506.

FOR FURTHER INFORMATION CONTACT: Menice Santistevan, Northern New Mexico Citizens' Advisory Board, 94 Cities of Gold Road, Santa Fe, NM 87506. Phone (505) 995–0393; Fax (505) 989–1752 or Email: *menice.santistevan@em.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Purpose of the Environmental Monitoring and Remediation Committee (EM&R): The EM&R Committee provides a citizens' perspective to NNMCAB on current and future environmental remediation activities resulting from historical Los Alamos National Laboratory (LANL) operations and, in particular, issues pertaining to groundwater, surface water and work required under the New Mexico Environment Department Order on Consent. The EM&R Committee will keep abreast of DOE–EM and site programs and plans. The committee will work with the NNMCAB to provide assistance in determining priorities and the best use of limited funds and time. Formal recommendations will be proposed when needed and, after consideration and approval by the full NNMCAB, may be sent to DOE–EM for action.

Purpose of the Waste Management (WM) Committee: The WM Committee reviews policies, practices and procedures, existing and proposed, so as to provide recommendations, advice, suggestions and opinions to the NNMCAB regarding waste management operations at the Los Alamos site.

Tentative Agenda:

- Call to Order and Introductions
- Approval of Agenda
- Approval of Minutes from August 30, 2017
- Old Business
- New Business
  - Election of Committee Officers for Fiscal Year 2018
- Update from NNMCAB Chair
- Update from NNMCAB Co-Deputy Designated Federal Officer
- Public Comment Period
- Presentation: Radioactive Waste Units and Measures
- Finalize Fiscal Year 2018 Committee Work Plans
- Adjourn

Public Participation: The NNMCAB's Committees welcome the attendance of the public at their combined committee meeting and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Menice Santistevan at least seven days in advance of the meeting at the telephone number listed above. Written statements may be filed with the Committees either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Menice Santistevan at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Menice Santistevan at the address or phone number listed above. Minutes and other Board documents are on the Internet at: *http://energy.gov/em/nnmcab/meeting-materials.*

Issued at Washington, DC, on October 5, 2017.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2017–22108 Filed 10–11–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

DOE/NSF Nuclear Science Advisory Committee

AGENCY: Office of Science, Department of Energy.

ACTION: Notice of renewal.

SUMMARY: Pursuant to Section 14(a)(2)(A) of the Federal Advisory Committee Act, as amended, and following consultation with the Committee Management Secretariat, General Services Administration, notice is hereby given that the DOE/NSF Nuclear Science Advisory Committee (NSAC) has been renewed for a two-year period.

The Committee will provide advice and recommendations to the Director, Office of Science (DOE), and the Assistant Director, Directorate for Mathematical and Physical Sciences (NSF), on scientific priorities within the field of basic nuclear science research.

Additionally, the renewal of the NSAC has been determined to be essential to conduct business of the Department of Energy and the National Science Foundation, and to be in the public interest in connection with the performance of duties imposed upon DOE and NSF, by law and agreement. The Committee will continue to operate in accordance with the provisions of the Federal Advisory Committee Act, adhering to rules and regulations issued implementation of that Act.

FOR FURTHER INFORMATION CONTACT: Dr. Timothy Hallman at (301) 903–3613.

Issued in Washington, DC on September 29, 2017.

Shena Kennerly,

Acting Committee Management Officer.

[FR Doc. 2017–21918 Filed 10–11–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Oak Ridge Reservation

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Oak Ridge Reservation. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, November 8, 2017, 6:00 p.m.

ADDRESSES: Department of Energy Information Center, Office of Science and Technical Information, 1 Science.gov Way, Oak Ridge, Tennessee 37831.

FOR FURTHER INFORMATION CONTACT: Melyssa P. Noe, Alternate Deputy Designated Federal Officer, U.S. Department of Energy, Oak Ridge Office of Environmental Management (OREM), P.O. Box 2001, EM–942, Oak Ridge, TN 37831. Phone (865) 241–3315; Fax (865) 241–6932; Email: *Melyssa.Noe@orem.doe.gov.* Or visit the Web site at *https://energy.gov/orem/services/*

community-engagement/oak-ridge-site-specific-advisory-board.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda:

- Welcome and Announcements
- Comments from the Deputy Designated Federal Officer (DDFO)
- Comments from the DOE, Tennessee Department of Environment and Conservation and Environmental Protection Agency Liaisons
- Public Comment Period
- Presentation: Environmental Management Complex Overview
- Motions/Approval of October 11, 2017 Meeting Minutes
- Status of Outstanding Recommendations
- Alternate DDFO Report
- Committee Reports
- Adjourn

Public Participation: The EM SSAB, Oak Ridge, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Melyssa P. Noe at least seven days in advance of the meeting at the phone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to the agenda item should contact Melyssa P. Noe at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Melyssa P. Noe at the address and phone number listed above. Minutes will also be available at the following Web site: *https://energy.gov/orem/listings/oak-ridge-site-specific-advisory-board-meetings.*

Issued at Washington, DC, on October 5, 2017.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2017–22106 Filed 10–11–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Portsmouth

AGENCY: Department of Energy (DOE).

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Portsmouth. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Thursday, November 2, 2017, 6:00 p.m.

ADDRESSES: Ohio State University, Endeavor Center, 1862 Shyville Road, Piketon, Ohio 45661.

FOR FURTHER INFORMATION CONTACT: Greg Simonton, Alternate Deputy Designated Federal Officer, Department of Energy Portsmouth/Paducah Project Office, Post Office Box 700, Piketon, Ohio 45661, (740) 897–3737, *Greg.Simonton@lex.doe.gov.*

SUPPLEMENTARY INFORMATION: *Purpose of the Board:* The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management and related activities.

Tentative Agenda:

- Call to Order, Introductions, Review of Agenda
- Approval of September 2017 Minutes
- Deputy Designated Federal Officer's Comments
- Federal Coordinator's Comments
- Liaison's Comments
- Presentation
- Administrative Issues
- Subcommittee Updates
- Public Comments
- Final Comments from the Board
- Adjourn

Public Participation: The meeting is open to the public. The EM SSAB, Portsmouth, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Greg Simonton at least seven days in advance of the meeting at the phone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Greg Simonton at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Greg Simonton at the address and phone number listed above. Minutes will also be available at the following Web site: *http://www.ports-ssab.energy.gov/.*

Issued at Washington, DC, on October 5, 2017.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2017–22107 Filed 10–11–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2082–062; Project No. 14803–000]

PacifiCorp, Klamath River Renewal Corporation; Notice of Application for Amendment and Transfer of License and Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Amendment and Partial Transfer of License.

b. *Project Nos.:* 2082–062 and 14803–000.

c. *Date filed:* September 23, 2016, supplemented March 1, 2017,and June 23, 2017.

d. *Applicants:* PacifiCorp (transferor)Klamath River Renewal Corporation (transferee).

e. *Name of Projects:* Klamath Project (P–2082)Lower Klamath Project (P–14803).

f. *Location:* Klamath Project: On the Klamath River in Klamath County, Oregon, and on the Klamath River and Fall Creek in Siskiyou County, California. The project includes about 477 acres of federal lands administered by the Bureau of Reclamation and the Bureau of Land Management.

Lower Klamath Project: On the Klamath River in Klamath County, Oregon, and Siskiyou County, California. The project would include about 395 acres of federal lands administered by the Bureau of Land Management.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791 (a)–825(r).

h. *Applicants Contact:*

For Transferor: Ms. Sarah Kamman, Vice President and General Counsel, PacifiCorp, 825 NE Multnomah Street, Suite 2000, Portland, OR 97232, (503) 813–5865, *sarah.kamman@pacificorp.com*.

For Transferee: Mr. Michael Carrier, President, Klamath River Renewal Corporation, 423 Washington Street, 3rd Floor, San Francisco, CA 94111, (415) 820–4441, *michael@klamathrenewal.org*.

i. *FERC Contact:* Diana Shannon, (202) 502–6139 or *diana.shannon@ferc.gov*.

j. *Deadline for filing comments, motions to intervene, and protests:* 30 days from the date that the Commission issues this notice.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp*. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp*. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–2082–062 and P–14803–000.

k. *Description of Amendment and Transfer Request:* The applicants request that the Commission amend the existing Klamath Project No. 2082 license to remove the J.C. Boyle, Copco No. 1, Copco No. 2, and Iron Gate developments from the license and create a new project, the Lower Klamath Project, for those developments. The applicants also request that the Lower Klamath Project be transferred from PacifiCorp to the Klamath River Renewal Corporation (Renewal Corporation) which, if the Commission were to approve its surrender application in a separate proceeding, would then surrender the project license and remove the project dams. The applicants supplemented their September 23, 2016 application on March 1, 2017 and June 23, 2017 with information setting forth the legal, technical, and financial capabilities of the Renewal Corporation to perform its responsibilities as transferee. Applicants further request that the Commission act on the amendment and transfer application by December 31, 2017, and allow the Renewal Corporation six months from the issuance date of the order approving transfer to submit proof of its acceptance of license transfer.

l. *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/efiling.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 addresses in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY).

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.

All filings 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). 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.

o. *Additional Information:* The Renewal Corporation's request to surrender and decommission the Lower Klamath Project, also filed on September 23, 2016, will be considered in a separate proceeding. The surrender, including removal of the project dams, is contingent upon a Commission order amending PacifiCorp's existing Klamath Project (P–2082) license to create a new project, the Lower Klamath Project, and transferring the Lower Klamath Project to the Renewal Corporation, as described in item (k), above, and Commission approval of the surrender application. The Renewal Corporation requests that the Commission not act on the surrender request until it is ready to accept license transfer and states that it will file, by December 31, 2017, its decommissioning plan to serve as the basis for Commission staff's environmental and engineering review of the surrender application. Because only a licensee may file to surrender a license and the Commission does not accept contingent applications, the surrender application is deemed to be filed by both PacifiCorp and the Renewal Corporation. *See* 18 CFR. 6.1 and 4.32(j). If the Commission approves the transfer and the Renewal Corporation accepts the license, following which the Renewal Corporation would become the sole licensee, the surrender proceeding would continue solely in Project No. 14803. We are not requesting comments at this time on the surrender application. After receiving the applicants' supplemental filing regarding a decommissioning plan, the

Commission will issue a notice requesting comments, protests, and motions to intervene in that proceeding.

Dated: October 5, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–22005 Filed 10–11–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13371–002]

Town of West Stockbridge; Notice of Application Tendered for Filing With the Commission and Soliciting Additional Study Requests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Exemption from Licensing.

b. *Project No.:* 13371–002.

c. *Date Filed:* September 21, 2017.

d. *Applicant:* Town of West Stockbridge (West Stockbridge).

e. *Name of Project:* Shaker Mill Dam Hydroelectric Project.

f. *Location:* On the Williams River, in the Town of West Stockbridge, Berkshire County, Massachusetts. No federal or tribal lands would be occupied by project works or located within the project boundary.

g. *Filed Pursuant to:* Public Utility Regulatory Policies Act of 1978, 16 U.S.C. 2705, 2708 (2012), *amended by* the Hydropower Regulatory Efficiency Act of 2013, Public Law 113–23, 127 Stat. 493 (2013).

h. *Applicant Contact:* Town of West Stockbridge, c/o Earl B. Moffatt, Chairman, Board of Selectmen, 21 State Line Rd., P.O. Box 525, West Stockbridge, MA 01266; (413) 232–0300, extension 319.

i. *FERC Contact:* Michael Watts, (202) 502–6123 or *michael.watts@ferc.gov.*

j. *Cooperating agencies:* Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item l below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. *See,* 94 FERC 61,076 (2001).

k. Pursuant to section 4.32(b)(7) of the Commission's regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the date of filing of the application, and serve a copy of the request on the applicant.

l. Deadline for filing additional study requests and requests for cooperating agency status: November 20, 2017.

The Commission strongly encourages electronic filing. Please file additional study requests and requests for cooperating agency status using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–13371–002.

m. This application is not ready for environmental analysis at this time.

n. The proposed Shaker Mill Dam Hydroelectric Project would consists of: (1) An existing 43-foot-long, 16.3-foot-high concrete gravity dam that includes a 10-foot-wide non-overflow section and a 33-foot-long ogee spillway section with two discharge pipes, and a crest elevation of 895.3 feet mean sea level (msl); (2) existing east and west concrete abutments; (3) existing east and west masonry training walls that extend downstream of the dam; (4) an existing 32.3-acre impoundment with a normal water surface elevation of 895.3 feet msl; (5) an intake structure that includes an existing 12-inch-diameter gate opening and a proposed 24-inch-diameter gate opening; (6) a proposed powerhouse with a 3-kilowatt (kW) Kaplan turbine-generator unit and a 6-kW Kaplan turbine-generator unit, for a total installed capacity of 9 kW; (7) two proposed draft tubes to discharge water from the powerhouse; and (8) appurtenant facilities.

West Stockbridge proposes to operate the project in a run-of-river mode with an estimated annual energy production of approximately 67.5 megawatt-hours.

o. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support. A copy is also available for inspection and reproduction at the address in item h above.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

p. Procedural schedule and final amendments: The application will be processed according to the following preliminary schedule. Revisions to the schedule will be made as appropriate (*e.g.,* if there are no deficiencies and/or scoping is waived, the schedule would be shortened).

Issue Deficiency Letter—November 2017.

Issue Notice of Acceptance—March 2018.

Issue Scoping Document—April 2018.

Issue Notice of Ready for Environmental Analysis—June 2018.

Issue Notice of the Availability of the EA—October 2018.

Dated: October 5, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–22010 Filed 10–11–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP17–56–000, CP17–57–000]

Texas Eastern Transmission, L.P.; Brazoria Interconnector Gas Pipeline, LLC; Notice of Availability of the Environmental Assessment for the Proposed Stratton Ridge Expansion Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) for the Stratton Ridge Expansion Project (Project), proposed by Texas Eastern Transmission, L.P. and Brazoria Interconnector Gas Pipeline, LLC (together referred to as Applicants) in the above-referenced dockets. The Applicants request authorization to construct certain facilities designed to transport up to 322 million cubic feet per day of natural gas on a firm basis from Texas Eastern Transmission, L.P.'s existing interconnections to a delivery point on the Brazoria Interconnector Gas Pipeline near Stratton Ridge, Texas.

The EA assesses the potential environmental effects of the

construction and operation of the Project in accordance with the requirements of the National Environmental Policy Act (NEPA). The FERC staff concludes that approval of the proposed project, with appropriate mitigating measures, would not constitute a major federal action significantly affecting the quality of the human environment.

The proposed Project includes the following facilities:

- A 0.5-mile-long new pipeline lateral (BIG Interconnect) connecting the proposed new Angleton Compressor Station to the existing BIG Pipeline in Brazoria County, Texas;
- the new Angleton Compressor Station, a 12,500 horsepower electrically-powered compressor station in Brazoria County, Texas;
- pressure regulation modifications at the existing Joaquin Compressor Station in Shelby County, Texas;
- installation of Clean Burn technologies at the existing Mont Belvieu Compressor Station in Chambers County, Texas;
- modifications to existing pig [1] launchers at the existing Huntsville Compressor Station, in San Jacinto County, Texas; and Hempstead Compressor Station in Waller County, Texas;
- modifications to an existing pig launcher/receiver, facility crossover piping and a valve at the existing Provident City Station in Lavaca County, Texas:
- a new aboveground wire-line launcher/receiver assembly site and interconnect valve site near milepost 0.5 of the BIG Interconnect Pipeline in Brazoria County, Texas; and
- replacement of existing 16-inch-diameter crossover piping and valve with new 24-inch-diameter crossover piping and valve at an existing facility in Lavaca County, Texas.

The FERC staff mailed copies of the EA to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American tribes; potentially affected landowners and other interested individuals and groups; and newspapers and libraries in the project area. In addition, the EA is available for public viewing on the FERC's Web site (*www.ferc.gov*) using the eLibrary link. A limited number of copies of the EA are available for distribution and public inspection at: Federal Energy Regulatory Commission, Public Reference Room, 888 First Street NE., Room 2A, Washington, DC 20426, (202) 502–8371.

Any person wishing to comment on the EA may do so. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that the Commission has the opportunity to consider your comments prior to making its decision on this project, it is important that we receive your comments in Washington, DC on or before November 4, 2017.

For your convenience, there are three methods you can use to file your comments to the Commission. In all instances, please reference the project docket numbers (CP17–56–000 and CP17–57–000) with your submission. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov*.

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

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

(3) You can file a paper copy of your comments by mailing them to the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214).[2] Only intervenors have the right to seek rehearing of the Commission's decision. The Commission grants affected landowners and others with environmental concerns intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which no other party can adequately represent. Simply filing environmental comments will not give you intervenor status, but you do not need intervenor status to have your comments considered.

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on General Search, and enter the docket number excluding the last three digits in the Docket Number field (*i.e.,* CP17–56 or CP17–57). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp*.

Dated: October 5, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–21999 Filed 10–11–17; 8:45 am]

BILLING CODE 6717–01–P

[1] A pig is an internal pipeline device used to clean or inspect the pipeline.

[2] See the previous discussion on the methods for filing comments.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

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

Docket Numbers: EC17–176–000.
Applicants: El Cabo Wind LLC.
Description: Supplement to September 13, 2017 Application for Authorization of Transactions under Section 203 of the FPA, et al. of El Cabo Wind LLC.
Filed Date: 10/4/17.
Accession Number: 20171004–5158.
Comments Due: 5 p.m. ET 10/18/17.

Docket Numbers: EC17–192–000.
Applicants: Pattern Energy Group LP, Pattern Energy Group Inc., El Cabo Wind LLC.
Description: Supplement to September 26, 2017 Application for Authorization for Disposition of

Jurisdictional Facilities, et al. of Pattern Energy Group LP, et al. under EC17–192.Energy Group Inc. and El Cabo Wind LLC.

Filed Date: 10/4/17.

Accession Number: 20171004–5156.

Comments Due: 5 p.m. ET 10/18/17.

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

Docket Numbers: ER17–2426–000.

Applicants: PSEG Keys Energy Center LLC.

Description: Amendment to September 1, 2017 PSEG Keys Energy Center LLC tariff filing.

Filed Date: 10/4/17.

Accession Number: 20171004–5160.

Comments Due: 5 p.m. ET 10/25/17.

Docket Numbers: ER18–29–000.

Applicants: Public Service Company of New Mexico.

Description: Notice of Cancellation of Interconnection Agreement (Rate Schedule No. 55) of Public Service Company of New Mexico.

Filed Date: 10/5/17.

Accession Number: 20171005–5031.

Comments Due: 5 p.m. ET 10/26/17.

Docket Numbers: ER18–30–000.

Applicants: Mississippi Power Company.

Description: § 205(d) Rate Filing: MRA Shared Sevice Agreement (with Cooperative Energy) Filing to be effective 12/4/2017.

Filed Date: 10/5/17.

Accession Number: 20171005–5086.

Comments Due: 5 p.m. ET 10/26/17.

Docket Numbers: ER18–31–000.

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

Description: § 205(d) Rate Filing: 2017–10–05_SA 3028 Ameren IL-Prairie Power Project#6 Yantisville to be effective 10/6/2017.

Filed Date: 10/5/17.

Accession Number: 20171005–5099.

Comments Due: 5 p.m. ET 10/26/17.

Docket Numbers: ER18–32–000.

Applicants: Southern California Edison Company.

Description: Tariff Cancellation: Notice of Cancellation SCE and City of Pasadena Letter Agreement to be effective 12/5/2017.

Filed Date: 10/5/17.

Accession Number: 20171005–5101.

Comments Due: 5 p.m. ET 10/26/17.

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 5, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–22003 Filed 10–11–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP17–409–000]

DTE Midstream Appalachia, LLC; Notice of Schedule for Environmental Review of the Birdsboro Pipeline Project

On May 1, 2017, DTE Midstream Appalachia, LLC (DTE) filed an application in Docket No. CP17–409–000 requesting a Certificate of Public Convenience and Necessity pursuant to Section 7(c) of the Natural Gas Act to construct and operate certain natural gas pipeline facilities. The proposed project is known as the Birdsboro Pipeline Project (Project), and would provide approximately 79 million cubic feet per day of firm transportation service from an interconnect with the Texas Eastern Transmission Company pipeline system to the Birdsboro Power Facility in Birdsboro, Pennsylvania.

On May 9, 2017, the Federal Energy Regulatory Commission (Commission or FERC) issued its Notice of Application for the Project. Among other things, that notice alerted agencies issuing federal authorizations of the requirement to complete all necessary reviews and to reach a final decision on a request for a federal authorization within 90 days of the date of issuance of the Commission staff's Environmental Assessment (EA) for the Project. This instant notice identifies the FERC staff's planned schedule for the completion of the EA for the Project.

Schedule for Environmental Review

Issuance of EA—November 15, 2017

90-day Federal Authorization Decision Deadline—February 13, 2018

If a schedule change becomes necessary, additional notice will be provided so that the relevant agencies are kept informed of the Project's progress.

Project Description

DTE is seeking to construct and operate approximately 13.2 miles of 12-inch-diameter natural gas transmission pipeline in Berks County, Pennsylvania. The Project would also involve construction of a new meter station and appurtenant facilities. The Project would deliver firm transportation service from an interconnect with the Texas Eastern Transmission Company pipeline system in Rockland Township to the Birdsboro Power Facility in the Borough of Birdsboro.

Background

On January 18, 2017, the Commission issued a *Notice of Intent to Prepare an Environmental Assessment for the Planned Birdsboro Pipeline Project, and Request for Comments on Environmental Issues, and Notice of Public Scoping Session* (NOI). The NOI was issued during the pre-filing review of the Project in Docket No. PF17–1–000 and was sent to affected landowners; federal, state, and local government agencies; elected officials; environmental and public interest groups; Native American tribes; other interested parties; and local libraries and newspapers. In response to the NOI, the Commission received comments from the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, the Stockbridge Munsee Tribal Historic Preservation Officer, the Pennsylvania Department of Environmental Protection, the Pennsylvania Game Commission, Berks County, and multiple non-governmental organizations and members of the public. The primary issues raised by the commentors are cultural and historic resources, including the Oley Township Historic District; construction of the non-jurisdictional Birdsboro Power Plant; geologic concerns, including karst terrain and blasting at an existing quarry; and impacts on streams, wetlands, and wildlife habitat.

The U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency are cooperating agencies in the preparation of the EA.

Additional Information

In order to receive notification of the issuance of the EA and to keep track of all formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription. This can reduce the amount of time you

spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp*.

Additional information about the Project is available from the Commission's Office of External Affairs at (866) 208–FERC or on the FERC Web site (*www.ferc.gov*). Using the eLibrary link, select General Search from the eLibrary menu, enter the selected date range and Docket Number excluding the last three digits (*i.e.,* CP17–409), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at (866) 208–3676, TTY (202) 502–8659, or at *FERCOnlineSupport@ferc.gov*. The eLibrary link on the FERC Web site also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

Dated: October 5, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–22001 Filed 10–11–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 3102–025]

Jason and Carol Victoria Presley; Notice of Intent To File Subsequent License Application, and Request To Waive Pre-Filing Requirements

a. *Type of Filing:* Notice of Intent To File Subsequent License Application and Request To Waive Pre-Filing Requirements.

b. *Project No.:* 3102–025.

c. *Dated Filed:* September 12, 2017.

d. *Submitted By:* Jason and Carol Victoria Presley.

e. *Name of Project:* High Shoals Project.

f. *Location:* On the Apalachee River in Walton, Morgan, and Oconee Counties, Georgia. The project does not occupy federal lands.

g. *Filed Pursuant to:* Part 5 of the Commission's regulations. 18. CFR pt. 5 (2017).

h. *Applicant Contact:* Mr. Jason Presley and Ms. Carol Victoria Presley, 110 Frazier Hill Road, Bishop, GA 30621, (706) 769–8293, email: *jason@presley.us, victoria@presley.us*.

i. *FERC Contact:* Monte TerHaar at (202) 502–6035 or email at *monte.terhaar@ferc.gov*.

j. On September 12, 2017, Jason and Carol Victoria Presley (licensee) filed a Notice of Intent to file a subsequent license application (Notice of Intent), and a request that the Commission waive certain deadlines, as required by the Commission's regulations, for filing the Notice of Intent, Pre-Application Document (PAD), and request to use the Traditional Licensing Process (TLP).[1] The licensee requests waiver of the Commission's regulations to allow for additional time to: (1) Consult with agencies and stakeholders to support a request to use the TLP; (2) compile project documents for public inspection; and (3) submit a PAD and request to use the TLP. The licensee states that it plans to submit its PAD and request to use the TLP by October 31, 2017.

k. The licensee requests a waiver of the Commission's regulatory deadlines for the Notice of Intent, PAD, and Request to Use the TLP because of exigent circumstances relating to the death of the prior licensee and the subsequent transfer of license to current licensee.[2]

l. With this notice we are soliciting comments on the licensee's Notice of Intent and request to waive certain pre-filing requirements. All comments should be sent to the address in paragraph n below. Any individual or entity interested in submitting comments must do so within 30 days from the date that the Commission issues this notice.

m. The Notice of Intent, waiver request, and associated filings are available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site (*http://www.ferc.gov*), using the eLibrary link. Enter the docket number, excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). A copy is also available for inspection and reproduction at the address in paragraph h.

Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. The Commission strongly encourages electronic filing. Please file all documents using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp*. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp*. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov*. In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–3102–025. All filings with the Commission must bear the appropriate heading: Comments on Notice of Intent.

Dated: October 5, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–22006 Filed 10–11–17; 8:45 am]

BILLING CODE 6717–01–P

[1] The licensee requests that sections 5.2, 5.3, 5.5, 5.6, 16.6, and 16.7 of the Commission's regulations be waived. 18 CFR 5.2, 5.3, 5.5, 5.6, 16.6, 16.7 (2017).

[2] *Gaynor L. Bracewell and John and Carol Victoria Presley,* 159 FERC 62,314 (2017).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL17–79–000]

Tilton Energy LLC; Notice of Institution of Section 206 Proceeding and Refund Effective Date

On October 5, 2017, the Commission issued an order in Docket No. EL17–79–000, pursuant to section 206 of the Federal Power Act (FPA), 16 U.S.C. 824e (2012), instituting an investigation into whether the rates for Reactive Supply and Voltage Control Service (Reactive Service) of Tilton Energy LLC may be unjust and unreasonable. *Tilton Energy LLC,* 161 FERC 61,023 (2017).

The refund effective date in Docket No. EL17–79–000, established pursuant to section 206(b) of the FPA, will be the date of publication of this notice in the **Federal Register**.

Any interested person desiring to be heard in Docket No. EL17–79–000 must file a notice of intervention or motion to intervene, as appropriate, with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rule 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.214, within 21 days of the date of issuance of the order.

Dated: October 5, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–22008 Filed 10–11–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP17–495–000, PF17–4–000, CP17–494–000, PF17–4–000]

Jordan Cove Energy Project, L.P.; Pacific Connector Gas Pipeline, LP; Notice of Applications

Take notice that on September 21, 2017, Jordan Cove Energy Project, L.P. (Jordan Cove), 5615 Kirby Drive, Suite 500, Houston, Texas 77005, filed in Docket No. CP17–495–000 an application under section 3 of the Natural Gas Act (NGA) and Part 153 of the Commission's regulations, seeking authorization to site, construct and operate a natural gas liquefaction and liquefied natural gas (LNG) export facility (LNG Terminal) on the bay side of the North Spit of Coos Bay in unincorporated Coos County, Oregon. The LNG Terminal will be capable of receiving up to 1,200,000 dekatherms per day (Dth/d) of natural gas via the Pacific Connector Gas Pipeline, liquefying it, storing it in two cryogenic storage tanks, and loading the LNG onto ocean going vessels for export, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Also take notice that on September 21, 2017, Pacific Connector Gas Pipeline, LP (Pacific Connector), 5615 Kirby Drive, Suite 500, Houston, Texas 77005, filed an application in Docket No. CP17–494–000, pursuant to section 7(c) of the NGA, and Parts 157 and 284 of the Commission's regulations, for: (1) A certificate of public convenience and necessity (i) authorizing Pacific Connector to construct, install, own, and operate a new, approximately 229-mile natural gas pipeline under Part 157, Subpart A of the Commission's regulations, (ii) approving the *pro forma* Tariff and non-conforming provisions submitted herewith, and (iii) approving the proposed initial rates for service; (2) a blanket certificate authorizing Pacific Connector to engage in certain self-implementing routine activities under Part 157, Subpart F, of the Commission's regulations; and (3) a blanket certificate authorizing Pacific Connector to transport natural gas, on an open access and self-implementing basis, under Part 284, Subpart G of the Commission's regulations, all as more fully set forth in the application which is on file with the Commission and open to public inspection. Copies of this filing are available for review at the Commission in the Public Reference Room, or may be viewed on the Commission's Web site web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TTY, (202) 502–8659.

Questions regarding this application should be directed to Rose Haddon, Director, Regulatory Affairs, Jordan Cove Energy Project, L.P., 5615 Kirby Drive, Suite 500, Houston, Texas 77005, or by telephone at 866–227–9249, or email at: *rose.haddon@jordancovelng.com*.

On February 10, 2017, the Commission staff granted Jordan Cove's request to utilize the Pre-Filing Process and assigned Docket No. PF17–4–000 to staff activities involved with Jordan Cove's LNG Terminal and the Pacific Connector. Now, as of the filing of the application on September 21, 2017, the Pre-Filing Process for this project has ended. From this time forward, this proceeding will be conducted in Docket No. CP17–495–000 for the Jordan Cove Energy Project and in Docket No. CP17–494–000 for the Pacific Connector, as noted in the caption of this Notice.

Within 90 days after the Commission issues a Notice of Application for the applications in the two instant dockets, the Commission staff will issue a Notice of Schedule for Environmental Review that will indicate the anticipated date for the Commission's staff issuance of the final EIS analyzing both proposals. The issuance of a Notice of Schedule for Environmental Review will also 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 final EIS.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, before the comment date of this notice, file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 7 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*www.ferc.gov*) under the e-Filing link. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

Comment Date: 5:00 p.m. Eastern Time on October 26, 2017.

Dated: October 5, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–22004 Filed 10–11–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER18–27–000]

Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization; Thunder Ranch Wind Project, LLC

This is a supplemental notice in the above-referenced proceeding Thunder Ranch Wind Project, 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 25, 2017.

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

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

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

Dated: October 5, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–22009 Filed 10–11–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP17–80–000]

Notice of Schedule for Environmental Review of the Eastern Panhandle Expansion Project; Columbia Gas Transmission, LLC

On March 15, 2017, Columbia Gas Transmission, LLC (Columbia) filed an application in Docket No. CP17–80–000 requesting a Certificate of Public Convenience and Necessity pursuant to Section 7(c) of the Natural Gas Act to construct and operate certain natural gas pipeline facilities. The proposed project is known as the Eastern Panhandle Expansion Project (Project), and would involve construction and operation of approximately 3.4 miles of 8-inch-diameter pipeline in Fulton County, Pennsylvania; Washington County, Maryland: and Morgan County, West Virginia.

On April 25, 2017, the Federal Energy Regulatory Commission (Commission or FERC) issued its Notice of Application for the Project. Among other things, that notice alerted agencies issuing federal authorizations of the requirement to complete all necessary reviews and to reach a final decision on a request for a federal authorization within 90 days of the date of issuance of the Commission staff's Environmental Assessment (EA) for the Project. This instant notice identifies the FERC staff's planned schedule for the completion of the EA for the Project.

Schedule for Environmental Review

Issuance of EA—January 26, 2018
90-day Federal Authorization Decision Deadline—April 26, 2018

If a schedule change becomes necessary, additional notice will be provided so that the relevant agencies are kept informed of the Project's progress.

Project Description

Columbia proposes to construct, operate, and maintain the Project in three counties and states (Fulton County, Pennsylvania; Washington County, Maryland; and Morgan County, West Virginia). The Project would provide an additional 47.5 dekatherms per day (Dth/d) of capacity for firm transportation service to markets in West Virginia through Mountaineer Gas Company's (Mountaineer) gathering system. The Project will involve the construction and operation of approximately 3.4 miles of new greenfield 8-inch-diameter pipeline, three main line valves, and two new tie-in assemblies.

Background

On April 25, 2017, the Commission issued a *Notice of Intent to Prepare an Environmental Assessment for the Proposed Eastern Panhandle Expansion Project and Request for Comments on Environmental Issues* (NOI). The NOI was sent to affected landowners; federal, state, and local government agencies; elected officials; environmental and public interest groups; Native American tribes; other interested parties; and local libraries and newspapers. In response to the NOI, the Commission received comments from: the U.S. Army Corps of Engineers, the U.S. Department of Interior, National Park Service, Potomac Riverkeeper Network, Upper Potomac Riverkeeper, Waterkeepers Chesapeake, Allegheny Defense Project, West Virginia Rivers, 1,761 signatories from the Chesapeake Climate Action Network, and 115 concerned citizens from the region. The primary issues raised by the commentors are: Potential impacts on the Potomac River, karst features, groundwater quality, safety, climate change, and the Chesapeake and Ohio Canal National Historical Park.

The U.S. Department of Interior, National Park Service and the U.S. Environmental Protection Agency are cooperating agencies in the preparation of the EA.

Additional Information

In order to receive notification of the issuance of the EA and to keep track of all formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Additional information about the Project is available from the Commission's Office of External Affairs at (866) 208–FERC or on the FERC Web site (*www.ferc.gov*). Using the eLibrary link, select General Search from the eLibrary menu, enter the selected date range and Docket Number excluding the last three digits (*i.e.,* CP17–080), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at (866) 208–3676, TTY (202) 502–8659, or at *FERCOnlineSupport@ferc.gov.* The eLibrary link on the FERC Web site also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

Dated: October 5, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–22000 Filed 10–11–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP17–468–000]

Notice of Schedule for Environmental Review of the Proposed Marshall County Mine Panel 18w Project; Texas Eastern Transmission, LP

On June 30, 2017, Texas Eastern Transmission, LP filed an application in Docket No. CP17–468–000 requesting a Certificate of Public Convenience and Necessity pursuant to Section 7(c) of the Natural Gas Act to construct and operate certain natural gas pipeline facilities. The proposed project is known as the as Marshall County Mine Panel 18W Project (Project), and would excavate and elevate sections of four existing mainline pipelines to minimize and monitor potential strains on the pipelines due to anticipated longwall mining activities.

On July 13, 2017, the Federal Energy Regulatory Commission (Commission or FERC) issued its Notice of Application for the Project. Among other things, that notice alerted agencies issuing federal authorizations of the requirement to complete all necessary reviews and to reach a final decision on a request for a federal authorization within 90 days of the date of issuance of the Commission staff's Environmental Assessment (EA) for the Project. This instant notice identifies the FERC staff's planned schedule for the completion of the EA for the Project.

Schedule for Environmental Review

Issuance of EA—December 21, 2017
90-day Federal Authorization Decision Deadline—March 21, 2018

If a schedule change becomes necessary, additional notice will be provided so that the relevant agencies are kept informed of the Project's progress.

Project Description

Texas Eastern proposes to excavate and elevate 1.6-mile-long sections each of its Line 10, Line 15, Line 30, and a 1.5-mile-long section of its Line 25 to minimize and monitor potential strains on the pipelines due to anticipated longwall mining activities of Marshall Coal. Concurrent with pipeline elevation, portions of two of the lines, Lines 10 and 15, would be replaced with new pipe. Texas Eastern will also perform maintenance activities on sections of Lines 25 and 30. The four mainline sections will be returned to natural gas service while remaining elevated using sandbags and skids during the longwall mining activities and potential ground subsidence. Once the mining-induced subsidence and the 2017–2018 heating season have both ended, the two sections of pipeline located within wetlands will be removed and the four elevated pipeline sections will be re-installed belowground, hydrostatically tested, and placed back into service.

Background

On July 24, 2017, the Commission issued a *Notice of Intent to Prepare an Environmental Assessment for the Proposed Marshall County Mine Panel 18W Project and Request for Comments on Environmental Issues* (NOI). The NOI was sent to affected landowners; federal, state, and local government agencies; elected officials; environmental and public interest groups; Native American tribes; other interested parties; and local libraries and newspapers. The Commission did not received any comments in response to the NOI.

Additional Information

In order to receive notification of the issuance of the EA and to keep track of all formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Additional information about the Project is available from the Commission's Office of External Affairs at (866) 208–FERC or on the FERC Web site (*www.ferc.gov*). Using the eLibrary link, select General Search from the eLibrary menu, enter the selected date range and Docket Number excluding the last three digits (*i.e.,* CP17–468), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at (866) 208–3676, TTY (202) 502–8659, or at *FERCOnlineSupport@ferc.gov.* The eLibrary link on the FERC Web site also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

Dated: October 5, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–22002 Filed 10–11–17; 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 exempt wholesale generator filings:

Docket Numbers: EG18–2–000.
Applicants: NTE Carolinas II, LLC.
Description: Self-Certification of Exempt Wholesale Generator Status of NTE Carolinas II, LLC.
Filed Date: 10/4/17.
Accession Number: 20171004–5155.
Comments Due: 5 p.m. ET 10/25/17.

Docket Numbers: EG18–3–000.
Applicants: Bladen Solar, LLC.
Description: Self-Certification of Exempt Wholesale Generator Status of Bladen Solar, LLC.
Filed Date: 10/5/17.
Accession Number: 20171005–5005.
Comments Due: 5 p.m. ET 10/26/17.

Docket Numbers: EG18–4–000.
Applicants: Bullock Solar, LLC.
Description: Self-Certification of Exempt Wholesale Generator Status of Bullock Solar, LLC.
Filed Date: 10/5/17.
Accession Number: 20171005–5006.
Comments Due: 5 p.m. ET 10/26/17.

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

Docket Numbers: ER18–26–000.
Applicants: Southwestern Electric Power Company.
Description: § 205(d) Rate Filing: SWEPCO–NTEC Hallsville S. Tap to Gum Springs DPA to be effective 9/11/2017.
Filed Date: 10/4/17.
Accession Number: 20171004–5139.
Comments Due: 5 p.m. ET 10/25/17.

Docket Numbers: ER18–27–000.
Applicants: Thunder Ranch Wind Project, LLC.
Description: Baseline eTariff Filing: Thunder Ranch Wind Project, LLC MBR Tariff to be effective 11/1/2017.
Filed Date: 10/4/17.
Accession Number: 20171004–5154.
Comments Due: 5 p.m. ET 10/25/17.

Docket Numbers: ER18–28–000.
Applicants: Duke Energy Florida, LLC.
Description: § 205(d) Rate Filing: DEF Bartow NITSA Update to be effective 1/1/2018.
Filed Date: 10/5/17.
Accession Number: 20171005–5003.
Comments Due: 5 p.m. ET 10/26/17.

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 5, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–22007 Filed 10–11–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Western Area Power Administration

Recommendation for the Western Area Power Administration Loveland Area Projects and Colorado River Storage Project To Pursue Final Negotiations Regarding Membership in a Regional Transmission Organization

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice.

SUMMARY: Western Area Power Administration (WAPA), a power marketing administration (PMA) of the Department of Energy (DOE), is publishing this recommendation for the Loveland Area Projects (LAP) and the Colorado River Storage Project (CRSP) to pursue final negotiations regarding membership in the Southwest Power Pool (SPP), a Regional Transmission Organization (RTO). WAPA is seeking public comment from its customers, Native American Tribes, stakeholders, and the public on the substance of WAPA's recommendation to pursue final negotiations regarding LAP and CRSP membership in SPP.

DATES: To ensure consideration, all comments should be received by WAPA by email or at the address below on or before 4 p.m. MST November 27, 2017. WAPA will present a detailed explanation of the recommendation for LAP and listen to customers' and other interested parties' comments at a forum in Loveland, Colorado. WAPA also will present a detailed explanation of the recommendation for CRSP and listen to customers' and other interested parties' comments at forums held in locations throughout the CRSP marketing area. The specific times and locations of these forums are posted on the Web sites identified in the **SUPPLEMENTARY INFORMATION** section. Key information that formed the basis for this recommendation will be presented at the forums and is posted at the Web sites listed in the **SUPPLEMENTARY INFORMATION** section. Any decision to pursue the recommendation will be informed by comments received.

ADDRESSES: Send written comments by email to *SPP-Comments@wapa.gov* or by mail to Mr. Rodney G. Bailey, Power Marketing Advisor, Western Area Power Administration, 150 East Social Hall Avenue, Suite 300, Salt Lake City, UT 84111–1580. Written comments must be received by the deadline identified in the **DATES** section to be considered in WAPA's decision process and should include the following information:

1. Name and general description of the entity submitting the comment.

2. Name, mailing address, telephone number, and email address of the entity's primary contact.

3. Identification of any specific recommendation the comment references.

FOR FURTHER INFORMATION CONTACT: Mr. Rodney Bailey, Power Marketing Advisor, Western Area Power Administration, 150 East Social Hall Avenue, Suite 300, Salt Lake City, UT 84111–1580, telephone (801) 524–4007.

SUPPLEMENTARY INFORMATION: In 2013, representatives for LAP and CRSP, along with eight other transmission owners, informally referred to as the Mountain West Transmission Group (Mountain West), began discussing combining their transmission systems under a single tariff to eliminate pancaked transmission rates and enable generation optimization across the footprint. After reaching conceptual agreement on the possibility of a joint tariff, the discussions focused on the Mountain West participants joining an RTO with a fully integrated energy and ancillary services market. With this perspective, the Mountain West participants, individually and collectively, completed transmission cost studies, adjusted production cost modeling, and performed various other analyses. The Mountain West participants sent a request for information to SPP and three other RTOs. After having considered the responses to its request, in conjunction with each Mountain West participant's individual analyses and the collective Mountain West analyses, the Mountain West participants reached consensus to further investigate membership in SPP. After extensive discussions among the Mountain West participants, preliminary negotiations with SPP, and further analysis by WAPA subject matter experts, and pursuant to its authority under Section 1232(a)(1)(A) of the Energy Policy Act of 2005 (42 U.S.C. 16431), WAPA recommends pursuing final negotiations regarding LAP and CRSP membership in SPP. Any decision by WAPA to move forward in final negotiations with SPP will be consistent with CRSP and LAP statutory requirements and as outlined in the basis for the recommendation and explanatory material posted to WAPA's Rocky Mountain Region (RMR) and Colorado River Storage Project Management Center (CRSP MC) Web sites at *https://www.wapa.gov/regions/rm* and *https://www.wapa.gov/regions/crsp,* respectively. At the conclusion of those final negotiations, WAPA intends to provide notification of its decision for LAP and CRSP to either execute a membership agreement with SPP or terminate formal negotiations.

Therefore, WAPA is soliciting comments from its customers and other interested parties regarding this recommendation. If the membership negotiations are successful, then LAP and CRSP would sign an SPP membership agreement to become members of SPP and participate in the SPP Integrated Marketplace, the LAP and CRSP transmission systems would be placed under the SPP tariff, and the Western Area Colorado Missouri Balancing Authority responsibilities would transfer to SPP. Section 1232(b) of the Energy Policy Act of 2005 authorizes the appropriate Federal regulatory authority to enter into a contract, agreement, or other arrangement transferring control and use of all or part of the transmission system of a Federal utility to a Transmission Organization. (42 U.S.C. 16431(b)). The Administrator of WAPA is designated as the appropriate Federal regulatory authority with respect to all or part of WAPA's transmission system in accordance with the Energy Policy Act of 2005.

Availability of Information

The basis for this recommendation and explanatory material to be presented at the forums are available for review and comment on the Web sites referenced in the **SUPPLEMENTARY INFORMATION** section. Comments received in response to this notice will be posted on the same Web sites after the close of the comment period.

Environmental Compliance

In compliance with the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321–4347), Council on Environmental Quality Regulations (40 CFR parts 1500–1508), and DOE NEPA Regulations (10 CFR part 1021), WAPA is in the process of determining whether an environmental assessment or an environmental impact statement should be prepared or if this action can be categorically excluded from those requirements. Further environmental review actions will be posted to the RMR and CRSP MC Web sites referenced in the **SUPPLEMENTARY INFORMATION** section.

Dated: September 21, 2017.

Mark A. Gabriel,

Administrator.

[FR Doc. 2017–21938 Filed 10–11–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Western Area Power Administration

Proposed Olmsted Project Rate Order No. WAPA–177

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of Proposed Power Formula Rate.

SUMMARY: The United States Department of Energy, Western Area Power Administration (WAPA), Colorado River Storage Project Management Center (CRSP MC), is proposing a new power formula rate for the Olmsted Hydroelectric Powerplant Replacement Project (Olmsted). There is no existing rate for Olmsted; therefore, the CRSP MC is proposing a new formula, under Rate Schedule Olmsted F–1, that will be used to determine the annual energy charge. WAPA will provide a brochure detailing information about the proposed formula rate prior to the public information forum and will post it to the Olmsted rate action Web site at *https://www.wapa.gov/regions/CRSP/rates/Pages/rate-order-177.aspx*. If approved, the proposed formula rate under Rate Schedule Olmsted F–1 would become effective on April 1, 2018, and remain in effect through March 31, 2023, or until superseded. Publication of this **Federal Register** notice begins the formal process for the proposed formula rate.

DATES: The consultation and comment period will begin October 12, 2017 and end January 10, 2018. WAPA will present a detailed explanation about the proposed rate at a public information forum on November 17, 2017, at 10 a.m. MDT in Salt Lake City, Utah. WAPA will accept oral and written comments at a public comment forum on November 17, 2017, immediately following the conclusion of the public information forum. WAPA will accept written comments any time during the 90-day consultation and comment period.

ADDRESSES: The public information forum and the public comment forum will be held at the new Colorado River Storage Project Management Center, Western Area Power Administration, 299 South Main Street, Suite 200, Salt Lake City, UT 84111. Written comments and requests to be informed about the Federal Energy Regulatory Commission's (FERC) actions concerning the rates submitted by WAPA to FERC for approval should be sent to: Ms. Lynn C. Jeka, CRSP Manager, Colorado River Storage Project Management Center, Western Area Power Administration, 150 East Social Hall Avenue, Suite 300, Salt Lake City, UT 84111, email *jeka@wapa.gov*. The Colorado River Storage Project Management Center is scheduled to relocate to the new address in October 2017. WAPA will post the new mailing address and the date of the move, as well as information about the rate process, on WAPA's Web site at *https://www.wapa.gov/regions/CRSP/rates/Pages/rate-order-177.aspx*.

WAPA will post official comments received via letter and email to this Web site after the close of the comment period. Written comments must be received by the end of the consultation and comment period to be considered in WAPA's decision process. Access to WAPA's facility is controlled; therefore, any U.S. citizen wanting to attend these forums must present an official form of picture identification such as a U.S. driver's license, U.S. passport, U.S. Government ID, or U.S. Military ID at the time of the forums. Foreign nationals planning to attend should contact WAPA 30 days in advance of the forums to allow sufficient time to arrange admittance.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Hackett, CRSP Rates Manager, Colorado River Storage Project Management Center, Western Area Power Administration, 150 East Social Hall Avenue, Suite 300, Salt Lake City, UT 84111, (801) 524–5503 or email *hackett@wapa.gov*.

SUPPLEMENTARY INFORMATION: The existing Olmsted Powerplant, located in northern Utah, is over 100 years old and was acquired from PacifiCorp in condemnation proceedings by the United States in 1990. As part of the condemnation proceedings, PacifiCorp continued Olmsted operations until 2015 after which time the operation of the facility became the responsibility of the Department of the Interior. As agreed upon in an implementation agreement executed February 4, 2015, among the Central Utah Water Conservancy District (District); Department of the Interior (Interior), Bureau of Reclamation (Reclamation); and WAPA, the District is currently constructing a replacement facility for power generation and will operate and maintain the Olmsted facilities in connection with its Central Utah Project operations.

Non-reimbursable funding for Olmsted has largely been contributed by the District, Interior, and the Upper Basin States. Funds available under Section 5(c) of the Colorado River Storage Project Act were made available for Olmsted, and these funds are considered a reimbursable Federal investment to be repaid by power revenues. Interior will continue to own the Olmsted Powerplant, and commercial operation is anticipated to begin July 1, 2018. WAPA will market an energy-only product as no capacity will be available to market from Olmsted. Power production will be non-dispatchable and incidental to the delivery of water. It is expected that annual energy production will average approximately 27,000,000 kWh per year.

It is proposed that each customer which receives an allocation from Olmsted will pay its proportional share of the amortized portion of the reimbursable investment in Olmsted, with interest, and the associated operation, maintenance, and replacement (OM&R) costs in return for its proportional share of total marketable energy production. This repayment schedule does not depend upon the energy made available for sale or the amount of generation each year. Customers are to pay reimbursable investment as well as the OM&R costs of Olmsted and, in return, will receive all of the energy produced. Each fiscal year (FY) WAPA will estimate the Olmsted expenses by preparing a power repayment study, which will include estimates of the reimbursable investment costs, including interest, and OM&R.

To date, all investments are accounted for as Construction in Progress (CIP) costs and have not been transferred to plant accounts for capitalization. Once transferred, an amortization schedule will be calculated for repayment. Historical financial data are only available through FY 2016, and

projections are based on the FY 2019 Reclamation and WAPA work plans received in April 2017 as indicated in Table 1. WAPA will post updates to these projections on the Web site as data become available.

TABLE 1—ACTUAL & PROJECTED INVESTMENT AND OM&R COSTS REQUIRING REPAYMENT

FY	2015	2016	2017	2018	2019	2020	2021	2022
Reimbursable CIP	.....	$5,800,000						
Olmsted O&M	$160,000	10,000	$10,000	$10,000	$140,000	$751,300	$561,352	$281,800
WAPA O&M	.....	.....	9,500	10,000	10,500	11,000	11,000	11,500
FY Totals	160,000	5,810,000	19,500	20,000	150,500	762,300	572,352	293,300

WAPA will provide the Olmsted power customers with the initial installment information at least 30 days prior to initiation of service. Service is expected to begin July 1, 2018, or as soon as Olmsted is declared commercially operable. The FY 2018 annual installment will include all actual and projected OM&R costs requiring repayment through FY 2018 in addition to amortized payments on capital investments plus interest. The FY 2018 installment amount will be divided by the number of months of service, which is anticipated to be 3 months. Thereafter, the annual installment amount, in 12 monthly payments, will be established in advance by WAPA and submitted to the Olmsted power customers on or before August 31 prior to the new FY.

The calculation of the annual installment will include adjustments between estimated and actual costs included in preceding installments. If costs in the preceding installment are underestimated, an amount equal to the difference will be added to the next annual installment. Conversely, if costs in the preceding installment are overestimated, the amount would be deducted from the next installment.

Legal Authority

The proposed formula rate constitutes a major rate adjustment as defined by 10 CFR 903.2(e); therefore, WAPA will hold both a public information forum and a public comment forum for this formula rate proposal under 10 CFR 903.15 and 903.16. WAPA will review all timely public comments and will make amendments or adjustments to the proposal, as appropriate. The final formula rate will be forwarded to the Deputy Secretary of Energy for approval on an interim basis.

WAPA is establishing an electric service formula rate for Olmsted under the DOE Organization Act (42 U.S.C. 7152); the Reclamation Act of 1902 (ch. 1093, 32 Stat. 388), as amended and supplemented by subsequent laws, particularly section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)); the CRSP Act of 1956 (43 U.S.C. 620); and other acts that specifically apply to the project involved.

By Delegation Order No. 00–037.00B, effective November 19, 2016, the Secretary of Energy delegated: (1) The authority to develop power and transmission rates to WAPA's Administrator, (2) the authority to confirm, approve, and place such rates into effect on an interim basis to the Deputy Secretary of Energy, and (3) the authority to confirm, approve, and place into effect on a final basis, to remand, or to disapprove such rates to FERC. Existing DOE procedures for public participation in power rate adjustments (10 CFR 903) were published on September 18, 1985 (50 FR 87835).

Availability of Information

All studies, comments, letters, memorandums, or other documents that WAPA initiates or uses to develop the proposed rates are available for inspection and copying at the Colorado River Storage Project Management Center, Western Area Power Administration, 150 East Social Hall Avenue, Suite 300, Salt Lake City, UT. WAPA is scheduled to relocate to a new address in October 2017. In addition to being available at the new address, WAPA will post information about the rate process on WAPA's Web site at *https://www.wapa.gov/regions/CRSP/rates/Pages/rate-order-177.aspx*.

Ratemaking Procedure Requirements

Environmental Compliance

The U.S. Department of the Interior, Central Utah Project Completion Act Office, and the Central Utah Water Conservancy District completed an Environmental Assessment (EA) on the Olmsted Hydroelectric Powerplant Replacement Project. These agencies issued a Finding Of No Significant Impact (FONSI) on the EA. This action was signed January 16, 2015. WAPA adopted the EA and FONSI for its action of marketing the output from the Olmsted Powerplant. This rate action is an action included as part of marketing of the Olmsted Powerplant generation.

Determination Under Executive Order 12866

WAPA has an exemption from centralized regulatory review under Executive Order 12866. Accordingly, no clearance of this notice by the Office of Management and Budget is required.

Dated: September 5, 2017.

Mark A. Gabriel,

Administrator.

[FR Doc. 2017–21936 Filed 10–11–17; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2016–0438; FRL–9969–49–OW]

Notice of Extension to Comment Period on the Request for Public Comments To Be Sent to EPA on Peer Review Materials To Inform the Safe Drinking Water Act Decision Making on Perchlorate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; extension of comment period.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is extending the comment period for the notice, ''Request for Public Comments To Be Sent to EPA on Peer Review Materials To Inform the Safe Drinking Water Act Decision Making on Perchlorate.'' In response to stakeholder requests, EPA is extending the comment period for the ''Draft Report: Proposed Approaches To Inform the Derivation of a Maximum Contaminant Level Goal for Perchlorate in Drinking Water'' (draft MCLG Approaches Report)'' an additional 21 days, from October 30, 2017, to November 20, 2017.

DATES: The comment period announced in the notice that was published on September 15, 2017 (82 FR 43354) is extended. Comments must now be

received by EPA on or before November 20, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OW–2016–0438 to the Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or withdrawn. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: For additional information please contact Samuel Hernandez at the U.S. EPA, Office of Ground Water and Drinking Water, Standards and Risk Management Division (Mail Code 4607M), 1200 Pennsylvania Avenue NW., Washington, DC 20460; telephone: 202–564–1735; or email: *hernandez.samuel@epa.gov.*

SUPPLEMENTARY INFORMATION: On September 15, 2017, EPA published in the **Federal Register** (82 FR 43354), a notice announcing the release of materials for public comment. The materials will undergo expert peer review in support of the EPA's Safe Drinking Water Act decision making on perchlorate. The Agency requested comment on the draft MCLG Approaches Report. The notice of request for public comment, as initially published in the **Federal Register**, provided for written comments to be submitted to EPA on or before October 30, 2017 (a 45-day public comment period). Since publication, EPA has received requests for additional time to submit comments. EPA is extending the public comment period for 21 days until November 20, 2017. EPA will consider public comments and peer review recommendations in future revisions to the MCLG Approaches Report. The draft report is available at *http://www.regulations.gov* (Docket ID No. EPA–HQ–OW–2016–0438). The revised BBDR model code files can be accessed at *https://hero.epa.gov/hero/index.cfm/reference/details/reference_id/3352518.*

Dated: October 4, 2017.

Michael H. Shapiro,

Acting Assistant Administrator, Office of Water.

[FR Doc. 2017–22112 Filed 10–11–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2017–0007; FRL–9967–35]

Pesticide Product Registration; Receipt of Applications for New Active Ingredients

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received applications to register pesticide products containing active ingredients not included in any currently registered pesticide products. Pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is hereby providing notice of receipt and opportunity to comment on these applications.

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

ADDRESSES: Submit your comments, identified by the Docket Identification (ID) Number and the File Symbol of interest as shown in the body of this document, 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: Robert McNally, Biopesticides and Pollution Prevention Division (BPPD) (7511P), main telephone number: (703) 305–7090; email address: *BPPDFRNotices@epa.gov.;* or Michael Goodis, Registration Division (RD) (7505P), main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.* The mailing address for each contact person is: Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001. As part of the mailing address, include the contact person's name, division, and mail code. The division to contact is listed at the end of each application summary.

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. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *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. Registration Applications

EPA has received applications to register pesticide products containing

active ingredients not included in any currently registered pesticide products. Pursuant to the provisions of FIFRA section 3(c)(4) (7 U.S.C. 136a(c)(4)), EPA is hereby providing notice of receipt and opportunity to comment on these applications. Notice of receipt of these applications does not imply a decision by the Agency on these applications.

1. *File symbol:* 524–AUL. *Docket ID number:* EPA–HQ–OPP–2017–0402. *Applicant:* Monsanto Company, 800 North Lindbergh Blvd., St. Louis, MO 63167. *Product name:* MON 88702. *Active ingredient:* Insecticide—*Bacillus thuringiensis* Cry51Aa2.834_16 proteins and the genetic material (vector PV–GHIR508523) necessary for its production in MON 88702 cotton (OECD Unique Identifier: MON–887Ø2–4). *Proposed use:* Plant-incorporated protectant. Contact: BPPD.

2. *File symbol:* 69526–RO. *Docket ID number:* EPA–HQ–OPP–2017–0403. *Applicant:* Petro-Canada Lubricants, Inc., 2310 Lakeshore Rd. W., Mississauga, Ontario L5J 1K2, Canada (c/o EnviroReg LLC, 13411 Marble Rock Dr., Chantilly, VA 20151). *Product name:* VNT Selective Herbicide Ready-To-Use. *Active ingredient:* Herbicide—Calcium Disodium Ethylenediaminetetraacetic Acid (CaNa2EDTA) at 2%. *Proposed use:* Nonfood, spot, weed treatment on lawns. Contact: BPPD.

3. *File symbol:* 91213–E. *Docket ID number:* EPA–HQ–OPP–2017–0336. *Applicant:* United States Department of Agriculture—Agricultural Research Service, 215 Johnson Hall, Washington State University, Pullman, WA 99164. *Product name:* Battalion Pro. *Active ingredient:* Herbicide—*Pseudomonas fluorescens* strain ACK55 at 0.34%. *Proposed use:* For suppression of cheat grass/downy brome, medusahead, and jointed goat grass through use as a seed treatment or a spray in the following areas: crops (*i.e.,* cereal grains and forage, fodder, and straw of cereal grains; grass forage, fodder, and hay; nongrass animal feeds; oilseeds; legumes; tree nuts; and berries and small fruit), rangeland, forest, pasture, turf, conservation reserve program lands, sod production, golf courses, recreational areas, road sides, road cuts, construction sites, and rights-of-way. Contact: BPPD.

4. *File symbol:* 91213–R. *Docket ID number:* EPA–HQ–OPP–2017–0336. *Applicant:* United States Department of Agriculture—Agricultural Research Service, 215 Johnson Hall, Washington State University, Pullman, WA 99164. *Product name: Pseudomonas fluorescens strain ACK55. Active ingredient:* Herbicide—*Pseudomonas fluorescens* strain ACK55 at 0.24%. *Proposed use:* For manufacturing use. Contact: BPPD.

5. *File symbol:* 91428–R. *Docket ID number:* EPA–HQ–OPP–2017–0419. *Applicant:* Brandt IHammer, 479 Village Park Dr., Powell, OH 43065. *Product name:* Technical α-Methyl Mannoside. *Active ingredient:* Plant Regulator—Methyl alpha-D-mannopyranoside at 100.00%. *Proposed use:* For manufacturing use. Contact: BPPD.

6. *File symbol:* 91746–A. *Docket ID number:* EPA–HQ–OPP–2017–0432. *Applicant:* Belchim Crop Protection NV/SA c/o Critical Path Services, LLC, 3070 McCann Farm Drive, Suite 112, Garnet Valley, PA 19060. *Product name:* Pyridate Technical. *Active ingredient:* Herbicide—Pyridate [Carbonothioic acid, O-(6-chloro-3-phenyl-4-pyridizinyl) S-octyl ester)] at 92.74%. *Proposed use:* For manufacturing use. Contact: RD.

7. *File symbol:* 91746–E. *Docket ID number:* EPA–HQ–OPP–2017–0432. *Applicant:* Belchim Crop Protection NV/SA c/o Critical Path Services, LLC, 3070 McCann Farm Drive, Suite 112, Garnet Valley, PA 19060. *Product name:* BCP258H_4 Herbicide. *Active ingredient:* Herbicide—Pyridate [Carbonothioic acid, O-(6-chloro-3-phenyl-4-pyridizinyl) S-octyl ester)] at 56.1%. *Proposed use: Brassica* head and stem vegetables (crop subgroup 5A), cabbage, chickpea (garbanzo bean), collards, field corn, mint, and peanuts. Contact: RD.

8. *File symbol:* 91746–L. *Docket ID number:* EPA–HQ–OPP–2017–0432. *Applicant:* Belchim Crop Protection NV/SA c/o Critical Path Services, LLC, 3070 McCann Farm Drive, Suite 112, Garnet Valley, PA 19060. *Product name:* Tough 5 EC Herbicide. *Active ingredient:* Herbicide—Pyridate [Carbonothioic acid, O-(6-chloro-3-phenyl-4-pyridizinyl) S-octyl ester)] at 56.1%. *Proposed use: Brassica* head and stem vegetables (crop subgroup 5A), cabbage, chickpea (garbanzo bean), collards, field corn, mint, and peanuts. Contact: RD.

9. *File symbol:* 91746–R. *Docket ID number:* EPA–HQ–OPP–2017–0432. *Applicant:* Belchim Crop Protection NV/SA c/o Critical Path Services, LLC, 3070 McCann Farm Drive, Suite 112, Garnet Valley, PA 19060. *Product name:* BCP258H_3 Herbicide. *Active ingredient:* Herbicide—Pyridate [Carbonothioic acid, O-(6-chloro-3-phenyl-4-pyridizinyl) S-octyl ester)] at 56.1%. *Proposed use: Brassica* head and stem vegetables (crop subgroup 5A), cabbage, chickpea (garbanzo bean), collards, field corn, mint, and peanuts. Contact: RD.

10. *File symbol:* 91746–U. *Docket ID number:* EPA–HQ–OPP–2017–0432. *Applicant:* Belchim Crop Protection NV/SA c/o Critical Path Services, LLC, 3070 McCann Farm Drive, Suite 112, Garnet Valley, PA 19060. *Product name*: BCP258H_2 Herbicide. *Active ingredient:* Herbicide—Pyridate [Carbonothioic acid, O-(6-chloro-3-phenyl-4-pyridizinyl) S-octyl ester)] at 56.1%. *Proposed use: Brassica* head and stem vegetables (crop subgroup 5A), cabbage, chickpea (garbanzo bean), collards, field corn, mint, and peanuts. Contact: RD.

Authority: 7 U.S.C. 136 *et seq.*

Dated: October 2, 2017.

Delores Barber,

Director, Information Technology and Resources Management Division, Office of Pesticide Programs.

[FR Doc. 2017–22117 Filed 10–11–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2017–0042; FRL–9967–60]

Pesticide Program Dialogue Committee; Notice of Charter Renewal

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Notice is hereby given that the Environmental Protection Agency (EPA) has determined that in accordance with the provisions of the Federal Advisory Committee Act (FACA), the Pesticide Program Dialogue Committee (PPDC) is in the public interest and is necessary in connection with the performance of EPA's duties. Accordingly, PPDC will be renewed for an additional two-year period. The purpose of PPDC is to provide advice and recommendations to the EPA Administrator on issues associated with regulatory development and reform initiatives, evolving public policy and program implementation issues, and science issues, associated with evaluating and reducing risks from use of pesticides.

FOR FURTHER INFORMATION CONTACT: Dea Zimmerman, Designated Federal Officer, PPDC, U.S. EPA, (mail code LC–17J), 77 W. Jackson Boulevard, Chicago, IL 60604, telephone number: (312)–353–6344; email address: *zimmerman.dea@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you work in an agricultural settings or if you are concerned about implementation of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA); the Federal Food, Drug, and Cosmetic Act (FFDCA); and the amendments to both of these major pesticide laws by the Food Quality Protection Act (FQPA) of 1996; the Pesticide Registration Improvement Act, and the Endangered Species Act. Potentially affected entities may include, but are not limited to: Agricultural workers and farmers; pesticide industry and trade associations; environmental, consumer, and farm worker groups; pesticide users and growers; animal rights groups; pest consultants; State, local, and tribal governments; academia; public health organizations; and the public. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

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–2017–0042, 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.*

Authority: 5 U.S.C. App.2.

Dated: September 28, 2017.

Richard P. Keigwin, Jr.,

Director, Office of Pesticide Programs.

[FR Doc. 2017–22100 Filed 10–11–17; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL ACCOUNTING STANDARDS ADVISORY BOARD

Notice of Renewal of Federal Accounting Standards Advisory Board Charter

AGENCY: Federal Accounting Standards Advisory Board.

ACTION: Notice.

Pursuant to 31 U.S.C. 3511(d), the Federal Advisory Committee Act (Pub. L. 92–463), as amended, and the FASAB Rules Of Procedure, as amended in October 2010, notice is hereby given that under the authority and in furtherance of the objectives of 31 U.S.C. 3511(d), the Secretary of the Treasury, the Director of the Office of Management and Budget, and the Comptroller General of the United States (the sponsors) have agreed to continue an advisory committee to consider and recommend accounting standards and principles for the federal government. Copies can be obtained by contacting FASAB at (202) 512–7350.

FOR FURTHER INFORMATION CONTACT: Ms. Wendy M. Payne, Executive Director, 441 G Street NW., Mailstop 6H19, Washington, DC 20548, or call (202) 512–7350.

Authority: Federal Advisory Committee Act, Public Law 92–463.

Dated: October 5, 2017.

Wendy M. Payne,

Executive Director.

[FR Doc. 2017–22075 Filed 10–11–17; 8:45 am]

BILLING CODE 1610–02–P

FEDERAL HOUSING FINANCE AGENCY

[No. 2017–N–08]

Proposed Collection; Comment Request

AGENCY: Federal Housing Finance Agency.

ACTION: 60-Day notice of submission of information collection for approval from Office of Management and Budget.

SUMMARY: In accordance with the requirements of the Paperwork Reduction Act of 1995 (PRA), the Federal Housing Finance Agency (FHFA or the Agency) is seeking public comments concerning an information collection known as ''Federal Home Loan Bank Directors,'' which has been assigned control number 2590–0006 by the Office of Management and Budget (OMB). FHFA intends to submit the information collection to OMB for review and approval of a three-year extension of the control number, which is due to expire on December 31, 2017.

DATES: Interested persons may submit comments on or before December 11, 2017.

ADDRESSES: Submit comments to FHFA, identified by ''Proposed Collection; Comment Request: 'Federal Home Loan Bank Directors, (No. 2017–N–08)' '' by any of the following methods:

- *Agency Web site: www.fhfa.gov/open-for-comment-or-input.*
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. If you submit your comment to the *Federal eRulemaking Portal,* please also send it by *email* to FHFA at *RegComments@fhfa.gov* to ensure timely receipt by the agency.
- *Mail/Hand Delivery:* Federal Housing Finance Agency, Eighth Floor, 400 Seventh Street SW., Washington, DC 20219, ATTENTION: Proposed Collection; Comment Request: ''Federal Home Loan Bank Directors, (No. 2017–N–08)''.

We will post all public comments we receive without change, including any personal information you provide, such as your name and address, email address, and telephone number, on the FHFA Web site at *http://www.fhfa.gov.* In addition, copies of all comments received will be available for examination by the public on business days between the hours of 10 a.m. and 3 p.m., at the Federal Housing Finance Agency, Eighth Floor, 400 Seventh Street SW., Washington, DC 20219. To make an appointment to inspect comments, please call the Office of General Counsel at (202) 649–3804.

FOR FURTHER INFORMATION CONTACT: Patricia Sweeney, Senior Management Analyst, Division of Bank Regulation, by email at *Patricia.Sweeney@fhfa.gov* or by telephone at (202) 649–3311; or Eric Raudenbush, Associate General Counsel, *Eric.Raudenbush@fhfa.gov,* (202) 649–3084 (these are not toll-free numbers); Federal Housing Finance Agency, 400 Seventh Street SW., Washington, DC 20219. The Telecommunications Device for the Hearing Impaired is (800) 877–8339.

SUPPLEMENTARY INFORMATION:

A. Need for and Use of the Information Collection

Section 7 of the Federal Home Loan Bank Act (Bank Act) vests the management of each Federal Home Loan Bank (Bank) in its board of directors.[1] As required by section 7, each Bank's board comprises two types of directors:

[1] *See* 12 U.S.C. 1427(a)(1).

(1) Member directors, who are drawn from the officers and directors of member institutions located in the Bank's district and who are elected to represent members in a particular state in that district; and (2) independent directors, who are unaffiliated with any of the Bank's member institutions, but who reside in the Bank's district and are elected on an at-large basis.[2] Both types of directors serve four-year terms, which are staggered so that approximately one-quarter of a Bank's total directorships are up for election every year.[3] Section 7 and FHFA's implementing regulation, codified at 12 CFR part 1261, establish the eligibility requirements for both types of Bank directors and the professional qualifications for independent directors, and set forth the procedures for their election.

Part 1261 of the regulations requires that each Bank administer its own annual director election process. As part of this process, a Bank must require each nominee for both types of directorship, including any incumbent that may be a candidate for re-election, to complete and return to the Bank a form that solicits information about the candidate's statutory eligibility to serve and, in the case of independent director candidates, about his or her professional qualifications for the directorship being sought.[4] Specifically, member director candidates are required to complete the *Federal Home Loan Bank Member Director Eligibility Certification Form (Member Director Eligibility Certification Form),* while independent director candidates must complete the *Federal Home Loan Bank Independent Director Application Form (Independent Director Application Form).* Each Bank must also require all of its incumbent directors to certify annually that they continue to meet all eligibility requirements.[5] Member directors do this by completing the *Member Director Eligibility Certification Form* again every year, while independent directors complete the abbreviated *Federal Home Loan Bank Independent Director Annual Certification Form (Independent Director Annual Certification Form)* to certify their ongoing eligibility.

The Banks use the information collection contained in the *Independent Director Application Form* and part 1261 to determine whether individuals who wish to stand for election or re-election as independent directors satisfy the statutory eligibility requirements and possess the professional qualifications required under the statute and regulations. Only individuals meeting those requirements and qualifications may serve as an independent director.[6] On an annual basis, the Banks use the information collection contained in the *Independent Director Annual Certification Form* and part 1261 to determine whether its incumbent independent directors continue to meet the statutory eligibility requirements. The Banks use the information collection contained in the *Member Director Eligibility Certification Form* and part 1261 to determine whether individuals who wish to stand for election or re-election as member directors satisfy the statutory eligibility requirements. Only individuals meeting these requirements may serve as a member director.[7] On an annual basis, the Banks also use the information collection contained in the *Member Director Eligibility Certification Form* and part 1261 to determine whether its incumbent member directors continue to meet the statutory eligibility requirements.

The OMB control number for this information collection is 2590–0006. The current clearance for the information collection expires on December 31, 2017. The likely respondents are individuals who are prospective and incumbent Bank directors. A copy of the current version of each of the three forms appears at the end of this notice. FHFA is considering some minor revisions to the forms for use going forward and will publish the revised versions of the forms with the second PRA notice.

B. Burden Estimate

FHFA estimates the total annual hour burden imposed upon respondents by the three Bank director forms comprising this information collection to be 145 hours (37 hours + 75 hours + 33 hours = 145 hours, as detailed below).

The Agency estimates the total annual hour burden on all member director candidates and incumbent member directors associated with review and completion of the *Member Director Eligibility Certification Form* to be 37 hours. This includes a total annual average of 68 member director candidates, with 1 response per individual taking an average of 15 minutes (.25 hours) (68 respondents × .25 hours = 17 hours). It also includes a total annual average of 80 incumbent member directors, with 1 response per individual taking an average of 15 minutes (.25 hours) (80 individuals × .25 hours = 20 hours).

The Agency estimates the total annual hour burden on all independent director candidates associated with review and completion of the *Independent Director Application Form* to be 75 hours. This includes a total annual average of 25 independent director candidates, with 1 response per individual taking an average of 3 hours (25 individuals × 3 hours = 75 hours).

The Agency estimates the total annual hour burden on all incumbent independent directors associated with review and completion of the *Independent Director Annual Certification Form* to be 33 hours. This includes a total annual average of 66 incumbent independent directors, with 1 response per individual taking an average of 30 minutes (.5 hours) (66 individuals × .5 hours = 33 hours).

C. Comments Request

FHFA requests written comments on the following: (1) Whether the collection of information is necessary for the proper performance of FHFA functions, including whether the information has practical utility; (2) the accuracy of FHFA's estimates of the burdens of the collection of information; (3) ways to enhance the quality, utility, and clarity of the information collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Dated: October 3, 2017.

Kevin Winkler,

Chief Information Officer, Federal Housing Finance Agency.

BILLING CODE 8070–01–P

[1] *See* 12 U.S.C. 1427(a)(1).

[2] *See* 12 U.S.C. 1427(b) and (d).

[3] *See* 12 U.S.C. 1427(d).

[4] *See* 12 CFR 1261.7(c) and (f); 12 CFR 1261.14(b).

[5] *See* 12 CFR 1261.12.

[6] *See* 12 U.S.C. 1427(a)(3).

FEDERAL HOME LOAN BANK MEMBER DIRECTOR ELIGIBILITY CERTIFICATION FORM

1. Print or type your full name:

_____

2. Are you a citizen of the United States? **Yes** ☐ **No** ☐

3. Provide the address of your principal residence:

Street	City	State	Zip code

4. Provide the following information about the institution you serve as an officer or director that is a member of your Federal Home Loan Bank:

Name of member	**Your title or position**

Telephone number	**Fax number**	**E-mail address**

Street	**City**	**State**	**Zip code**

Mailing address (if different)	**City**	**State**	**Zip code**

5. Provide the name and location of any other institution you serve as an officer or a director that is a member of any Federal Home Loan Bank:

Name of member	**City**	**State**	**Your title or position**

Name of member	**City**	**State**	**Your title or position**

FEDERAL HOME LOAN BANK MEMBER DIRECTOR ELIGIBILITY CERTIFICATION FORM

6. Does each member listed in LINE 4 and LINE 5 comply with all of its applicable minimum capital requirements established by its appropriate federal or state regulator?

Yes ☐ **No** ☐

If you answered **No**, identify the non-compliant institution and note the Bank of which it is a member.

_____	_____
Name of member	**Bank District**
_____	_____
Name of member	**Bank District**

I HEREBY CERTIFY that the information provided on this Federal Home Loan Bank Member Director Eligibility Certification Form is true, correct, and complete to the best of my knowledge.

_____	_____
Signature	Date

State of _____)
County of _____)

Signed and sworn to before me this _____ day of _____ of 20____.

_____
Signature of Notary Public

(Notarial Seal)

My commission expires: _____

DIRECTIONS

If you need assistance in completing this Form or have any questions, please contact:

Name:
Federal Home Loan Bank of
Address:
Telephone:
Fax:
E-Mail:

Who Must File and When

The Federal Home Loan Bank (Bank) uses the information you provide on this Form to determine whether you meet the statutory and regulatory eligibility requirements to serve as a member director. You can find these requirements in section 1427 of Title 12 of the United States Code (12 U.S.C. § 1427) and in part 1261 of Title 12 of the Code of Federal Regulations (12 C.F.R. part 1261). A copy of the statutory and regulatory eligibility requirements is enclosed for your reference. Only individuals who satisfy these requirements may run for a member directorship or serve as a member director.

Nominees for a Member Bank Directorship

If you wish to accept a nomination to serve as a member director, you must complete this Form and return it to the Bank on or before _____. If you do not submit this Form to the Bank by the deadline, you will be deemed to have declined the nomination.

Incumbent Member Bank Directors

Every year, each incumbent member director must complete this Form and return it to the Bank on or before March 1st. The Bank will use the information to confirm your continued eligibility to serve as a member director. If you do not submit this form by the March 1st deadline, the Bank may declare that you are no longer eligible to serve as a member director, and may declare vacant the member directorship that you hold. If March 1st falls on a Saturday, Sunday, or federal holiday, you have until the next business day to submit the completed Form.

Individuals Selected to Fill a Vacancy

If the Bank selected you to fill a vacancy on the board of directors, you must complete this Form and return it to the Bank on or before _____. You cannot become a member director unless you complete and return the Form to the Bank.

FEDERAL HOME LOAN BANK MEMBER DIRECTOR ELIGIBILITY CERTIFICATION FORM: DIRECTIONS

Line-by-Line Instructions

LINE 1. Print or type your full name.

LINE 2. You must be a United States citizen in order to serve as a member director. Check the appropriate answer.

LINE 3. Provide the address of your principal residence.

LINE 4. You must be an officer or a director of an institution that is a member of the Bank in order to be a member director of that Bank. In addition, the member must be located in the state within the Bank district that is to be represented by the directorship you wish to hold. In most cases, a member will be deemed to be located where it maintains its home office or its principal place of business. Provide the requested information for the member you serve as an officer or director, as well as your title or position at that institution.

LINE 5. If you are an officer or director of any other institution that is a member of this or any other Bank, provide the name and location of the institution(s), as well as the position that you hold at the institution(s).

LINE 6. In order for you to be eligible to serve as a member director, every institution that you serve as an officer or director that is a member of the Bank in which you wish to hold a directorship must be in compliance with all of its applicable minimum capital requirements established by its appropriate federal or state regulator. The term "appropriate federal regulator" has the same meaning as the term "appropriate Federal banking agency" in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. § 1813(q)) and, for federally insured credit unions, means the National Credit Union Administration. The term "appropriate state regulator" means any state officer, agency, supervisor, or other entity that has regulatory authority over, or is empowered to institute enforcement action against, a member.

Check the appropriate answer as to whether each institution you listed in LINE 4 and LINE 5 is in compliance with all of the applicable minimum capital requirements established by its appropriate federal or state regulator. If the answer is **No**, you must list each non-compliant institution regardless of the Bank of which it is a member. However, your status as an officer or director of a non-compliant institution will render you ineligible to serve as a Bank director only if that institution is a member of the Bank in which you wish to hold a directorship.

Privacy Act Statement: In accordance with the Privacy Act (5 U.S.C. 552a), the following notice is provided. This information is solicited under authority of 12 U.S.C. 1427(a) and (b); and 12 CFR 1261.5, 1261.7, and 1261.10 to 1261.13. Furnishing the information on this form is voluntary, but failure to do so may result in you not meeting the statutory and regulatory eligibility requirements to serve as a member director. The purpose of this information is to facilitate the timely determination of your eligibility to serve as a member director. Information may be disclosed in accordance with the routine uses identified in FHFA-System of Records Notice FHFA-8 Federal Home Loan Bank Directors, which may be found at https://www.fhfa.gov/SupervisionRegulation/Rules/Pages/Privacy-Act-of-1974-System-of-Records-Notice-of-the-Establishment-of-New-Systems-of-Records.aspx.

Paperwork Reduction Act Statement: Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

FEDERAL HOME LOAN BANK INDEPENDENT DIRECTOR APPLICATION FORM

PERSONAL INFORMATION

Full name: _____

Address:

Current employment:

_____ _____
Name of organization Your title or position

_____ _____ _____
Telephone number Fax number E-mail address

_____ _____ _____ _____
Street City State Zip code

_____ _____ _____ _____
Mailing address (if different) City State Zip code

STATUTORY ELIGIBLITY REQUIREMENTS

An individual must satisfy certain statutory requirements in order to be eligible for election as an independent director of a Federal Home Loan Bank (Bank). The requirements relate to citizenship, residency, and, for prospective public interest directors, experience in that field. The statute also prohibits an independent director from serving as an officer, employee, or director of an institution that is a member of, or that receives advances from, the Bank on whose board the director serves. The questions below address these statutory requirements.

1. ***Citizenship.*** Are you a citizen of the United States? Yes ☐ No ☐

2. ***Residency.*** In order to be an independent director you must be a bona fide resident of a state that is in the geographic district of the Bank on whose board you wish to serve. You will satisfy this requirement if your principal residence is located in that geographic district (A), or if you own or lease a second residence in the district *and* are employed in the district (B). Please indicate the basis you are using to demonstrate bona fide residence.

A. Is your principal residence located in the Bank's geographic district? Yes ☐ No ☐

B. If you answered No, do you own or lease a second residence in the Bank's district *and* are you employed in the district? Yes ☐ No ☐

If so, provide the address of your second home, the name of, and identifying information on, your employer, and your title or position, if different from that on page 1 of this Form.

Second home address:

Employer information:

Name of organization	Your title or position

Telephone number	Fax number	E-mail address

Street	City	State	Zip code

Mailing address (if different)	City	State	Zip code

3. ***Public Interest Directors.*** If you are seeking election as a public interest director, you must be able to demonstrate that you have more than four years experience representing consumer or community interests on banking services, credit needs, housing, or consumer financial protections.

If you meet this requirement, provide information on how you have represented such consumer or community interests for more than four years.

4. ***Conflicts of interest.*** Independent directors and their spouses may not serve as an officer of any Bank or as an officer, employee, or director of any member of, or any recipient of advances from, the Bank on whose board the independent director serves. You and your spouse will have to give up any conflicting position before you can become a Bank director.

For purposes of this conflict of interest provision, the terms:

"Member" and "Recipient of advances" include the institution itself and any subsidiary of the institution. If the institution is owned by a holding company, the terms include the holding company if 35 percent or more of the holding company's assets, on a consolidated basis, are attributable to institutions that are members of, or recipients of advances from, the Bank on whose board the independent director serves. Thus, you may not serve as a director, employee, or officer of a holding company if one or more members of, or one or more recipients of advances from, your Bank constitute 35 percent or more of the holding company's assets.

A. Please specify each position you and your spouse have in any member of, or recipient of advances from, the Bank on whose board you would serve.

B. Do you agree to give up positions that are deemed to be conflicting interests before becoming an independent director of that Bank? Yes ☐ No ☐

SELECTION CRITERIA

The Banks are multi-billion dollar financial institutions, the principal business of which is to borrow funds in the capital markets and then provide secured loans to their members. Each Bank is required to have independent directors who possess knowledge or expertise in financial management, derivatives, auditing and accounting, risk management practices, project development, organizational management, or the law.

1. ***Leadership Experience.*** Bank directors should have experience in senior management or policy-making in one or more fields of business, government, education, or community/civic affairs, and should have a record of achievement in their chosen profession or field of business. This experience should provide directors with the ability to understand the business of the Bank, to act independently, and to ask Bank management appropriate questions about how they are conducting Bank business.

A. If you have ever served as the CEO, CFO, COO, or in a similar capacity for a business enterprise, or as a dean or senior faculty member at a prominent college or university, or as a senior official for a federal or state government or prominent nonprofit organization, please provide the details for those positions, including the dates of service and the positions held.

B. If you have other experience dealing with issues such as developing or implementing business strategies, overseeing regulatory compliance, corporate governance, or board operations, or have previously served on the board of a large business enterprise, please describe those experiences.

C. If you have other significant business or professional achievements that demonstrate your ability to lead an organization please describe them.

2. ***Business Knowledge.*** Bank directors must be financially literate, meaning they must be familiar with how financial statements and various financial ratios are used in managing a business enterprise, how basic accounting conventions apply to the Bank, and how internal controls are used to manage risk. They also must have some knowledge about one or more of the areas of the Bank's business, such as mortgage finance, capital markets transactions, accounting/modeling practices, affordable housing, community and economic development, and legal and regulatory compliance.

A. Do you know how to read and understand a financial statement, and do you understand how financial ratios and other indices are used for evaluating the performance of a business enterprise? Yes ☐ No ☐

If you answered Yes, please describe the setting in which you gained that knowledge.

B. Do you have a working familiarity with basic finance and accounting practices, including internal controls and risk management? Yes ☐ No ☐

If you answered Yes, please describe the setting in which you acquired that knowledge.

C. Do you have experience with financial accounting and auditing, particularly with a publicly traded company? Yes ☐ No ☐

If you answered Yes, please describe that experience.

D. Do you have experience in project development or organizational management?
Yes ☐ No ☐

If you answered Yes, please describe that experience.

E. Do you have experience in an organization providing financing for residential mortgages, housing for low or moderate income individuals and families, or real estate development?
Yes ☐ No ☐

If you answered Yes, please describe that experience.

F. Have you served in any position that required an understanding of the legal and other fiduciary obligations associated with being an independent director? Yes ☐ No ☐

If you answered Yes, please describe that experience.

G. The mission of the Banks is to support the housing finance activities of their members, which includes residential mortgage finance and community and economic development lending activities. Please describe any prior experience that is related to the mission of the Banks.

3. ***Commitment to Service.*** In order to serve effectively on the board of a Bank, a director must be able to attend the meetings of the board of directors and subcommittees on which the director serves, and to devote the time necessary to prepare for those meetings.

A. Do you have any other business or professional commitments that would hinder your ability to prepare for and attend board of director and committee meetings? Yes ☐ No ☐

If so, please describe the constraints on your ability to serve.

B. If you serve on any other corporate boards, please provide the name and location of the organization, your role (*e.g.*, chair and committee assignments), and the term of service.

Name of organization	Your role	Term
Name of organization	Your role	Term
Name of organization	Your role	Term

4. ***Personal Integrity.*** Character is an important consideration in evaluating any prospective Bank director. All directors must have high ethical standards and integrity in both their personal and professional dealings. Please indicate whether you ever have been convicted of a felony, been found to have violated any federal or state civil laws relating to the securities, banking, housing or real estate industries, or have had a professional license suspended or revoked.
Yes ☐ No ☐

If you answered Yes, please explain.

5. ***Independence.*** It is essential that an independent director be able to act independently of management in overseeing the policy and operations of a Bank, and not have any relationships that may create actual or apparent conflicts of interest. Please disclose whether you have any familial or business relationships with any members of Bank management or the board of directors of the Bank, and any other relationship(s) that might lead a reasonable person to question your independence. Yes ☐ No ☐

If you answered Yes, please explain.

6. ***Other Experience and Education.*** Please provide a copy of your resume if it describes other business, professional, or educational achievements that are not described in the responses to the questions above. Resume attached. Yes ☐ No ☐

BY EXECUTING AND SUBMITTING THIS APPLICATION FORM, YOU ARE CERTIFYING THAT THE INFORMATION YOU PROVIDED IS TRUE, CORRECT, AND COMPLETE TO THE BEST OF YOUR KNOWLEDGE AND THAT YOU AGREE TO SERVE AS A DIRECTOR IF ELECTED.

_____ _____

Signature Date

Privacy Act Statement: In accordance with the Privacy Act (5 U.S.C. 552a), the following notice is provided. This information is solicited under authority of 12 U.S.C. 1427(a) and (b); and 12 CFR 1261.5, 1261.7, and 1261.10 to 1261.13. Furnishing the information on this form is voluntary, but failure to do so may result in you not meeting the statutory and regulatory eligibility requirements to serve as an independent director. The purpose of this information is to facilitate the timely determination of your eligibility to serve as an independent director. Information may be disclosed in accordance with the routine uses identified in FHFA-System of Records Notice FHFA-8 Federal Home Loan Bank Directors, which may be found at https://www.fhfa.gov/SupervisionRegulation/Rules/Pages/Privacy-Act-of-1974-System-of-Records-Notice-of-the-Establishment-of-New-Systems-of-Records.aspx.

Paperwork Reduction Act Statement: Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

FEDERAL HOME LOAN BANK INDEPENDENT DIRECTOR ANNUAL CERTIFICATION FORM

Full name: _____

Federal Home Loan Bank of: _____

Every year, each incumbent independent Federal Home Loan Bank (Bank) director must certify that he or she continues to meet all of the following requirements:

- United States citizen
- Bona fide resident of a state in the geographic district of the Bank on whose board you serve
  - your principal residence is located in that geographic district OR
  - you own or lease a second residence in the district *and* are employed in the district
- During your term of office, you and your spouse may not:
  - serve as an officer of any Federal Home Loan Bank
  - serve as an officer, employee, or director of any member or subsidiary of a member of the Bank you serve, or any holding company that controls one or more members of the Bank you serve if the assets of all such members constitute 35 percent or more of the assets of the holding company, on a consolidated basis
  - serve as an officer, employee, or director of any recipient of advances from the Bank you serve, or any holding company that controls one or more recipients of advances from the Bank you serve if the assets of all such recipients constitute 35 percent or more of the assets of the holding company, on a consolidated basis
- To be designated a public interest director, you must have more than four years experience representing consumer or community interests on banking services, credit needs, housing, or consumer financial protections
- If you are not designated as a public interest director, you must have knowledge or experience in one of the following: auditing and accounting, derivatives, financial management, organizational management, project development, risk management practices, or the law.

By executing this form, you are certifying that you continue to meet these requirements and that the director application form you submitted previously, or any amended certification form you submitted previously, is true, correct, and complete to the best of your knowledge.

Please check one box:

☐ **No changes have occurred.**

☐ **Changes have occurred to my responses in these sections of my Form:**

Personal information:

Eligibility information, including conflicts of interest:

Commitment to serve:

Personal integrity:

Independence:

Other changes:

Dated: _____

Signature: _____

Privacy Act Statement: In accordance with the Privacy Act (5 U.S.C. 552a), the following notice is provided. This information is solicited under authority of 12 U.S.C. 1427(a) and (b); and 12 CFR 1261.5, 1261.7, and 1261.10 to 1261.13. Furnishing the information on this form is voluntary, but failure to do so may result in you not meeting the statutory and regulatory eligibility requirements to serve as an independent director. The purpose of this information is to facilitate the timely determination of your eligibility to serve as an independent director. Information may be disclosed in accordance with the routine uses identified in FHFA-System of Records Notice FHFA-8 Federal Home Loan Bank Directors, which may be found at https://www.fhfa.gov/SupervisionRegulation/Rules/Pages/Privacy-Act-of-1974-System-of-Records-Notice-of-the-Establishment-of-New-Systems-of-Records.aspx.

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[FR Doc. 2017–22014 Filed 10–11–17; 8:45 am]
BILLING CODE 8070–01–C

FEDERAL MARITIME COMMISSION

Notice of Agreement Filed

The Commission hereby gives notice of the filing of the following agreement under the Shipping Act of 1984. Interested parties may submit comments on the agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within twelve days of the date this notice appears in the **Federal Register**. A copy of the agreement is available through the Commission's Web site (*www.fmc.gov*) or by contacting the Office of Agreements at (202)–523–5793 or *tradeanalysis@fmc.gov.*

Agreement No.: 201227–005.

Title: Pacific Ports Operational Improvements Agreement.

Parties: Ocean Carrier Equipment Management Association, Inc., FMC Agreement No. 011284; West Coast MTO Agreement, FMC Agreement No. 201143; Maersk Line A/S; CMA CGM S.A., APL Co. Pte Ltd., and American President Lines, Ltd. (acting as a single party); COSCO SHIPPING Lines Co., Ltd.; Evergreen Line Joint Service Agreement, FMC Agreement No. 011982; Hamburg-Sud and Alianca Navegacao e Logistica Ltda. (acting as a single party); Hapag-Lloyd AG, Hapag-Lloyd USA, Companhia Libra de Navegacao, and Compania Libra de Navegacion Uruguay S.A. (acting as a single party); Mitsui O.S.K. Lines, Ltd.; Nippon Yusen Kaisha Line; Kawasaki Kisen Kaisha, Ltd.; Hyundai Merchant Marine Co., Ltd.; Zim Integrated Shipping Services; MSC Mediterranean Shipping Company SA; Matson Navigation Company, Inc.; APM Terminals Pacific, Ltd.; Eagle Marine Services, Ltd.; International Transportation Service, Inc.; LBCT LLC; Everport Terminal Services, Inc.; Total Terminals International LLC; West Basin Container Terminal LLC; Pacific Maritime Services, L.L.C.; SSA Terminal (Long Beach), LLC; Trapac Inc.; Yusen Terminals, Inc.; SSA Terminals, LLC; SSA Terminals (Oakland), LLC; SSA Terminals (Seattle), LLC; Sea Star Stevedoring Company, Inc.; Washington United Terminals, Inc.

Filing Party: Donald J. Kassilke, Esq.; Cozen O'Connor; 1200 19th Street NW; Washington, DC 20036.

Synopsis: The Amendment makes several updates to the membership of the Agreement.

By Order of the Federal Maritime Commission.

Dated: October 6, 2017.

Rachel E. Dickon,

Assistant Secretary.

[FR Doc. 2017–22061 Filed 10–11–17; 8:45 am]
BILLING CODE 6731–AA–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 7, 2017.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *CBC Financial, Inc., Westmont, Illinois;* to become a bank holding company by acquiring 100 percent of the voting shares of Citizens Bank of Chatsworth, Chatsworth, Illinois.

B. Federal Reserve Bank of Dallas (Robert L. Triplett III, Senior Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *AOB Ventures, Inc., Edinburg, Texas;* to become a bank holding company by acquiring 100 percent of the voting shares of Brush Country Bank, Freer, Texas.

C. Federal Reserve Bank of Philadelphia (William paniel, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105–1521. Comments can also be sent electronically to *Comments.applications@phil.frb.org:*

1. *Lawrence Keister & Company, Scottsdale, Pennsylvania;* to acquire up to 21.7 percent of the voting shares of Mid Penn Bancorp, Inc., and thereby indirectly acquire voting shares of Mid Penn Bank, both of Millersburg, Pennsylvania.

Board of Governors of the Federal Reserve System, October 5, 2017.

Ann Misback,

Secretary of the Board.

[FR Doc. 2017–21950 Filed 10–11–17; 8:45 am]
BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Breast and Cervical Cancer Early Detection and Control Advisory Committee

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of meeting.

SUMMARY: In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC), announces the following meeting for the Breast and Cervical Cancer Early Detection and Control Advisory Committee (BCCEDCAC). This meeting is open to the public, limited only by room seating (36 seats), audio phone lines (50 audio lines) and net conference access (50 net conference lines) available. The public is welcome to listen to the meeting by accessing the call-in number, 1–888–596–9856, the passcode, 38181337; 50 audio lines will be available.

Online Registration Required: In order to expedite the security clearance process required for entry into a Federal building, all BCCEDCAC Meeting attendees must register for the meeting online at least 8 business days in advance at *https://www.cdc.gov/cancer/nbccedp/advisory-committee/registration.htm* . Please complete all the required fields and submit your registration no later than November 20, 2017. Each meeting day, in-person attendees must check-in and present identification (driver's license/state issued ID, or passport) to CDC security.

DATES: The meeting will be held on November 30, 2017, 9:00 a.m. to 5:00 p.m., EST and December 1, 2017 9:00 a.m. to 1:00 p.m., EST.

ADDRESSES: CDC Chamblee Campus 4770 Buford Highway, Building 106, Room 1B, Atlanta, GA 30341. The web-conference access for November 30, 2017 is *https://ondieh.adobeconnect.com/bccedcac/.* The web-conference access for December 1, 2017 is *https://ondieh.adobeconnect.com/bccedcac2/.*

FOR FURTHER INFORMATION CONTACT: Jameka Reese Blackmon, MBA,CMP, Designated Federal Officer, National Center for Chronic Disease Prevention and Health Promotion, CDC, 4770 Buford Highway NE., Mailstop F76, Atlanta, Georgia, 30341–3717, Telephone (770) 488–4740; *grz4@cdc.gov.*

SUPPLEMENTARY INFORMATION:

Purpose: The committee is charged with advising the Secretary, Department of Health and Human Services, and the Director, CDC, regarding the early detection and control of breast and cervical cancer. The committee makes recommendations regarding national program goals and objectives; implementation strategies; and program priorities including surveillance, epidemiologic investigations, education and training, information dissemination, professional interactions and collaborations, and policy.

Matters To Be Considered: The agenda will include discussions on expanded National Breast and Cervical Cancer Early Detection Program (NBCCEDP) strategies to increase breast and cervical cancer screening, review of success with implementing evidence-based interventions in health systems in the Colorectal Cancer Control Program and expanding evaluation to measure impact and sustainability of population based activities. Agenda items are subject to change as priorities dictate.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Claudette Grant,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2017–22059 Filed 10–11–17; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Information Comparison With Insurance Data.

OMB No.: 0970–0342.

Description: The Deficit Reduction Act of 2005 amended Section 452 of the Social Security Act (the Act) to authorize the Secretary, through the Federal Parent Locator Service (FPLS), to conduct comparisons of information concerning individuals owing past-due child support with information maintained by insurers (or their agents) concerning insurance claims, settlements, awards, and payments. 42 U.S.C. 652(m)(1).

An insurer may choose to participate in the data comparison using one of the following methods:

- An insurer submits information concerning claims, settlements, awards, and payments to the federal Office of Child Support and Enforcement (OCSE). OCSE compares the information with parents who owe past-due support.
- OCSE sends a file containing information about parents who owe past-due support to the insurer, or their agent to compare with their claims, settlements, awards, and payments. The insurer or their agent sends the matches to OCSE.

On a daily basis, OCSE sends the results of the comparison in the Insurance Match Response Record to child support agencies responsible for collecting past-due support. Child support agencies use the matches to collect past-due support from the insurance proceeds.

The information collection activities pertaining to the information comparison with insurance data are authorized by:

(1) 42 U.S.C. 652(a)(9) which requires the federal Office of Child Support Enforcement (OCSE) to operate the FPLS established by 42 U.S.C. 653(a)(1); and

(2) 42 U.S.C. 652(m) which authorizes OCSE, through the FPLS, to compare information concerning individuals owing past-due support with information maintained by insurers (or their agents) concerning insurance claims, settlements, awards, and payments, and to furnish information resulting from the data matches to the state child support agencies responsible for collecting child support from the individuals.

Respondents: Insurers or their agents, including the U.S. Department of Labor and state agencies administering workers' compensation programs, and the Insurance Services Office (ISO).

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Insurance Match File: Monthly Reporting Electronically	22	12	0.083	22
Insurance Match File: Weekly Reporting Electronically	7	52	0.083	30
Insurance Match File: Daily Reporting Electronically	2	251	0.083	42
Match File: Daily Reporting Manually	80	251	0.1	2,008
Total				2,102

Estimated Total Annual Burden Hours: 2,102 hours.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 330 C Street SW., Washington, DC 20201. Attention Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *infocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the

proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Email: *OIRA_SUBMISSION@OMB.EOP.GOV*, Attn: Desk Officer for the Administration for Children and Families.

Mary Jones,

Reports Clearance Officer.

[FR Doc. 2017–21960 Filed 10–11–17; 8:45 am]

BILLING CODE 4184–41–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–5568]

Prescription Drug User Fee Act of 2017; Electronic Submissions and Data Standards; Public Meeting; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public meeting.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the following public meeting entitled ''Prescription Drug User Fee Act of 2017; Electronic Submissions and Data Standards.'' The topics to be discussed will include the current status of electronic submissions and data standards initiatives to improve the predictability and consistency of the electronic submissions process in support of the human drug review program. FDA is seeking input from a variety of stakeholders—industry, academia, patient advocates, professional societies and other interested parties—as it fulfills its commitment under the Prescription Drug User Fee Act of 2017 (PDUFA) to hold annual public meetings to seek stakeholder input related to enhancing the transparency and accountability of the electronic submission and data standards activities. FDA will use the information from the public meeting to inform the development of the FDA Information Technology (FDA IT) Strategic Plan and electronic submissions gateway target timeframes.

DATES: The public meeting will be held March 21, 2018, from 9 a.m. to 4 p.m. Submit either electronic or written comments regarding this public meeting prior to the meeting through April 18, 2018. See the **SUPPLEMENTARY INFORMATION** section for registration date and information.

ADDRESSES: The public meeting will be held at the FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (Rm. 1503, Section A), Silver Spring, MD 20993–0002. Entrance for the public meeting participants (non-FDA employees) is through Building 1, where routine security check procedures will be performed. For parking and security information, please refer to *https://www.fda.gov/AboutFDA/WorkingatFDA/BuildingsandFacilities/WhiteOakCampusInformation/default.htm.*

You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before April 18, 2018. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of April 18, 2018. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- Mail/Hand delivery/Courier (for written/paper submissions): Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2017–N–5568 for ''Prescription Drug User Fee Act of 2017; Electronic Submissions and Data Standards.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Ron Fitzmartin, Center for Drug Evaluation

and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 1115, Silver Spring, MD 20993–0002, 301–796–5333, email: *cderdatastandards@fda.hhs.gov;* or Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is committed to achieve the long-term goal of improving the predictability and consistency of the electronic submission process, and enhancing transparency and accountability of FDA information technology related activities. FDA agreed in the PDUFA VI commitment letter to hold annual public meetings to seek stakeholder input related to electronic submissions and data standards to inform the FDA IT Strategic Plan and published targets. The commitment letter outlines FDA's performance goals and procedures under the PDUFA program for the years 2018–2022. The commitment letter can be found at *https://www.fda.gov/forindustry/userfees/prescriptiondrug userfee/ucm446608.htm.*

II. Topics for Discussion at the Public Meeting

FDA strives to achieve a fully automated standards-based IT environment that enhances the regulatory review processes for human drugs and biologics. The purpose of the March 21, 2018, public meeting is to obtain input from industry and other interested stakeholders on enhancing the transparency and accountability of the electronic submission and data standards activities. To help fulfill its commitment, FDA is particularly interested in receiving input on the following topics:

- Electronic Submissions
  - Electronic submission process, including key electronic submission milestones and associated sponsor notifications from the completion of the upload of the submission to the Electronic Submissions Gateway (ESG) through the time the submission is made available to the review team.
  - Electronic submission system past performance, emerging industry needs, and technology initiatives.
  - Published and future targets for the ESG and related electronic submission systems.
  - Implementation of electronic Common Technical Document (eCTD) v4.0.
- Data Standards Initiatives
  - International Organization for Standards (ISO) Identification of Medicinal Products (IDMP): ISO IDMP standards implementation will support a variety of regulatory activities related to development, registration, and life cycle management of medicinal products, as well as pharmacovigilance and risk management. There are five standards that describe the substance (ISO 11238), dosage form and routes of administration (ISO 11239), units of measure (ISO 11240), medicinal product identifier (ISO 11615), and pharmaceutical product identifier (ISO 11616).
  - Individual Case Safety Reports (ICSRs): ICSRs provide a consistent approach to the creation and review of drug and biologics safety information and pharmacovigilance activities.

FDA will consider all comments made at this workshop or received through the docket (see **ADDRESSES**).

III. Participating in the Public Meeting

Registration: To register to attend ''Prescription Drug User Fee Act VI; Electronic Submissions and Data Standards; Public Meeting; Request for Comments'' please send an email to *cderdatastandards@fda.hhs.gov* by February 19, 2018. Please provide complete contact information for each attendee, including name, title, affiliation, address, email, and telephone.

Registration is free and based on space availability, with priority given to early registrants. Persons interested in attending this public meeting must register by February 19, 2018, midnight Eastern Time. Early registration is recommended because seating is limited; therefore, FDA may limit the number of participants from each organization. Registrants will receive confirmation when they have been accepted.

If you need special accommodations due to a disability, please contact Chenoa Conley, 301–796–0035, email *Chenoa.Conley@fda.hhs.gov* at least 7 days before the meeting.

Request for Oral Presentations: During online registration you may indicate if you wish to present during the public comment session and which topic(s) you wish to address. FDA will do its best to accommodate requests to make public comments. Individuals and organizations with common interests are urged to consolidate or coordinate their presentations. Following the close of registration, FDA will determine the amount of time allotted to each presenter and the approximate time each oral presentation is to begin, and will select and notify participants by March 6, 2018. All requests to make oral presentations must be received by the close of registration on February 19, 2018, midnight Eastern Time. If selected for presentation, any presentation materials must be emailed to *cderdatastandards@fda.hhs.gov* no later than March 14, 2018. No commercial or promotional material will be permitted to be presented or distributed at the public meeting.

Transcripts: Please be advised that as soon as a transcript of the public meeting is available, it will be accessible at *https://www.regulations.gov.* It may be viewed at the Dockets Management Staff (see **ADDRESSES**). A link to the transcript will also be available on the internet at *https://www.fda.gov/forindustry/userfees/prescriptiondrug userfee/ucm446608.htm.*

Dated: October 5, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017–21981 Filed 10–11–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2009–D–0461]

Format and Content of a Risk Evaluation and Mitigation Strategy Document; Revised Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a revised draft guidance for industry entitled ''Format and Content of a REMS Document.'' A Risk Evaluation and Mitigation Strategy (REMS) document, which is part of a REMS that is required by FDA, establishes the goals and requirements of the REMS. This revised draft guidance describes a new recommended format for a REMS document. The new format was developed based on extensive stakeholder feedback. This guidance revises and supersedes the draft guidance entitled ''Format and Content of Proposed Risk Evaluation and Mitigation Strategies (REMS), REMS Assessments, and Proposed REMS Modifications,'' that was published by FDA on October 1, 2009.

DATES: Submit either electronic or written comments on the draft guidance

by December 11, 2017 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov*. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov*.
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2009–D–0461 for ''Format and Content of a REMS Document.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov*. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf*.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002, or to the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Gita Toyserkani, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 2422, Silver Spring, MD 20993, 301–796–1783, *Gita.Toyserkani@fda.hhs.gov;* or Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a revised draft guidance for industry entitled ''Format and Content of a REMS Document.'' The Food and Drug Administration Amendments Act of 2007 (Pub. L. 110–85) created section 505–1 of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 355–1), which authorizes FDA to require a REMS for certain drugs if FDA determines that a REMS is necessary to ensure that the benefits of the drug outweigh its risks (see section 505–1(a) of the FD&C Act). A REMS is a required risk management strategy that can include one or more elements to ensure that the benefits of a drug outweigh its risks (see section 505–1(e) of the FD&C Act). The REMS document includes concise information about the goals and requirements of the REMS as they relate to the elements described under the FD&C Act.

In the **Federal Register** of October 1, 2009 (74 FR 50801), FDA announced the availability of a draft guidance for industry entitled ''Format and Content of Proposed Risk Evaluation and Mitigation Strategies (REMS), REMS Assessments, and Proposed REMS Modifications.'' The 2009 draft guidance described the recommended format and content for submission of proposed REMS. It also included information and recommendations on the content of assessments and proposed modifications of approved REMS.

Over the last 6 years, under the REMS Integration Initiative, FDA's implementation of the REMS authorities has evolved. The goals of the REMS Integration Initiative included developing guidance, improving standardization and assessment of REMS, and improving integration of REMS into the health care system. (More information on the REMS Integration Initiative can be found at: *https://www.fda.gov/ForIndustry/UserFees/PrescriptionDrugUserFee/ucm350852.htm*).

Through the REMS Integration Initiative and other outreach, FDA has received feedback that specific activities and requirements for various stakeholders (*e.g.,* prescribers,

pharmacists) are not clearly communicated in REMS documents. Stakeholders have reported spending excessive time trying to locate, understand, and comply with REMS requirements.

To address the stakeholders' feedback, FDA is revising the 2009 draft guidance on the format and content of a REMS to include information to assist applicants in drafting clear, informative, and standardized REMS documents. This revised draft guidance provides updated recommendations on the format and content of a REMS document and supersedes the 2009 draft guidance. Additional and more detailed information is provided in the template appended to this guidance.

The new format of the REMS document, as described in this revised draft guidance and appended template, contains substantially the same content as described in the 2009 draft guidance; however, the information has been reorganized. In the old format, the REMS requirements were organized by the elements described in the statute. In the new format, requirements are organized to describe who is responsible for implementing the requirement, when the requirement is to be implemented, what the required action is, and with what REMS material(s). Additionally, the new format supports submission of REMS documents in Structured Product Labeling (SPL) format.

Certain information included in the 2009 draft guidance has been revised and included in other guidances subsequently published and therefore has been omitted from this revised draft guidance. For example:

- Information on how FDA determines when a REMS is necessary to ensure that the benefits of a drug outweigh its risks can be found in the draft guidance for industry, ''FDA's Application of Statutory Factors in Determining When a REMS Is Necessary'' (at: *https://www.fda.gov/ucm/groups/fdagov-public/@fdagov-drugs-gen/documents/document/ucm521504.pdf*).
- Information on REMS modifications can be found in the guidance for industry, ''Risk Evaluation and Mitigation Strategies: Modifications and Revisions'' (at: *https://www.fda.gov/downloads/drugs/guidancecomplianceregulatoryinformation/guidances/ucm441226.pdf*).

This revised guidance and appended template are being reissued in draft form to enable the public to review and comment before finalization.

This revised draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The revised draft guidance, when finalized, will represent the current thinking of FDA on the format and content of a REMS document. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. This guidance is not subject to Executive Order 12866.

II. The Paperwork Reduction Act of 1995

This revised draft guidance contains information collection provisions that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collection of information in the guidance was approved under OMB control numbers 0910–0001 and 0910–0338.

III. Electronic Access

Persons with access to the internet may obtain the draft guidance at either *https://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm, https://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/Guidances/default.htm*, or *https://www.regulations.gov.*

Dated: October 5, 2017.

Anna K. Abram,

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

[FR Doc. 2017–22050 Filed 10–11–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–D–5868]

Requests for Reconsideration at the Division Level Under the Generic Drug User Fee Act; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft guidance for industry entitled ''Requests for Reconsideration at the Division Level Under GDUFA.'' This guidance provides recommendations for industry on the procedures for resolving scientific and/or regulatory issues or matters between FDA and applicants of abbreviated new drug applications (ANDAs) that wish to pursue a request for reconsideration within the review discipline at the division level or original signatory authority. This guidance also provides information for applicants to consider before pursuing a request for reconsideration, procedures for submitting a request for reconsideration, and the Agency's process for responding to those requests.

DATES: Submit either electronic or written comments on the draft guidance by December 11, 2017 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–

2017–D–5868 for ''Requests for Reconsideration at the Division Level Under GDUFA; Draft Guidance for Industry; Availability.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states **THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION**. The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Lisa Bercu, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 75, Rm. 1611, Silver Spring, MD 20993–0002, 240–402–6902.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Requests for Reconsideration at the Division Level Under GDUFA.'' This guidance provides recommendations for industry on the procedures for resolving scientific and/or regulatory issues or matters between FDA and applicants of ANDAs that wish to pursue a request for reconsideration within the review discipline at the division level or original signatory authority. In accordance with ''GDUFA Reauthorization Performance Goals and Program Enhancements Fiscal Years 2018–2022'' (GDUFA II Goals Letter or GDUFA II Commitment Letter; *https://www.fda.gov/downloads/ForIndustry/UserFees/GenericDrugUserFees/UCM525234.pdf*), FDA agreed to certain review goals and procedures for the review of requests for reconsideration received on or after October 1, 2017.[1]

As agreed to by FDA and industry in the GDUFA II Commitment Letter, applicants may pursue a request for reconsideration within the review discipline at the division level. In addition, if an applicant requests a teleconference as part of its request to reclassify a major amendment or standard review status, FDA will schedule and conduct the teleconference and decide 90 percent of such reclassification requests within 30 days of the date of FDA's receipt of the request for a teleconference. As stated in the GDUFA II Commitment Letter, this goal only applies when the applicant accepts the first scheduled teleconference date offered by FDA. This guidance provides additional details and recommendations concerning considerations for applicants before pursuing a request for reconsideration and procedures for submitting a request for reconsideration and the Agency's process for responding to those requests.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on ''Requests for Reconsideration at the Division Level Under GDUFA.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. This guidance is not subject to Executive Order 12866.

II. Paperwork Reduction Act of 1995

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. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Applications for FDA Approval To Market a New Drug

OMB Control Number 0910–0001—Revision

The information collection request supports the Agency's draft guidance entitled, ''Requests for Reconsideration at the Division Level Under GDUFA.'' As discussed in section I of this notice, this guidance provides information to respondents regarding procedures for

[1] The FDA Reauthorization Act of 2017 (Pub. L. 115–52) included the reauthorization of generic user fees as Title III, Generic Drug User Amendments of 2017 (GDUFA II).

submitting requests for reconsideration, including details on the content and format of the submission. Respondents to the collection of information are applicants of ANDAs. Based on available data with regard to similar information collections, FDA's Center for Drug Evaluation and Research will receive approximately 150 requests for reconsideration annually from 75 respondents. Because we estimate it will take 5 hours to prepare a request for reconsideration, we estimate it will take an average of 750 total hours annually for respondents to prepare and submit requests for reconsideration. The burden of the information collection, therefore, is estimated as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Guidance recommendation	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Section IV: Procedures for Submitting and Responding to a Request for Reconsideration	75	2	150	5	750

[1] There are no capital or operating and maintenance costs associated with the collection of information.

III. Electronic Access

Persons with access to the Internet may obtain the draft guidance at either *https://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm* or *https://www.regulations.gov.*

Dated: October 5, 2017.

Anna K. Abram,

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

[FR Doc. 2017–22049 Filed 10–11–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2011–N–0424]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Temporary Marketing Permit Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by November 13, 2017.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, Fax: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0133. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Ila Mizrachi, Office of Operations, Food and Drug Administration, Three White Flint North, 10–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–7729, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Temporary Marketing Permit Applications—21 CFR 130.17(c) and (i)

OMB Control Number 0910–0133—Extension

This information collection supports Agency regulations. Specifically, section 401 of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 341) directs FDA to issue regulations establishing definitions and standards of identity for food ''whenever . . . such action will promote honesty and fair dealing in the interest of consumers . . . .'' Under section 403(g) of the FD&C Act (21 U.S.C. 343(g)), a food that is subject to a definition and standard of identity prescribed by regulation is misbranded if it does not conform to such definition and standard of identity. Section 130.17 (21 CFR 130.17) provides for the issuance by FDA of temporary marketing permits that enable the food industry to test consumer acceptance and measure the technological and commercial feasibility in interstate commerce of experimental packs of food that deviate from applicable definitions and standards of identity. Section 130.17(c) enables the Agency to monitor the manufacture, labeling, and distribution of experimental packs of food that deviate from applicable definitions and standards of identity. The information so obtained can be used in support of a petition to establish or amend the applicable definition or standard of identity to provide for the variations. Section 130.17(i) specifies the information that a firm must submit to FDA to obtain an extension of a temporary marketing permit.

In the **Federal Register** of June 15, 2017 (82 FR 27489), we published a 60-day notice requesting public comment on the proposed extension of this collection of information. No comments were received.

We therefore estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity/21 CFR section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
130.17(c)—Request for temporary marketing permit	13	2	26	25	650
130.17(i)—Request to extend marketing permit	1	2	2	2	4
Total					654

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

The estimated number of temporary marketing permit applications and hours per response is an average based on our experience with applications received for the past 3 years, and information from firms that have submitted recent requests for temporary marketing permits. Based on this information, we estimate that there will be, on average, approximately 13 firms submitting requests for 2 temporary marketing permits per year over the next 3 years.

Thus, we estimate that 13 respondents will submit 2 requests for temporary marketing permits annually pursuant to § 130.17(c). The estimated number of respondents for § 130.17(i) is minimal because this section is seldom used by the respondents; therefore, the Agency estimates that there will be one or fewer respondents annually with two or fewer requests for extension of the marketing permit under § 130.17(i). The estimated number of hours per response is an average based on the Agency's experience and information from firms that have submitted recent requests for temporary marketing permits. We estimate that 13 respondents each will submit 2 requests for temporary marketing permits under § 130.17(c) and that it will take a respondent 25 hours per request to comply with the requirements of that section, for a total of 650 hours. We estimate that one respondent will submit two requests for extension of its temporary marketing permits under § 130.17(i) and that it will take a respondent 2 hours per request to comply with the requirements of that section, for a total of 4 hours.

Dated: October 6, 2017.

Anna K. Abram,

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

[FR Doc. 2017–22053 Filed 10–11–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–D–0113]

The Prohibition of Distributing Free Samples of Tobacco Products; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a guidance for industry entitled ''The Prohibition of Distributing Free Samples of Tobacco Products.'' The guidance provides information intended to assist tobacco product manufacturers, distributors, and retailers in complying with the regulations prohibiting the distribution of free samples of tobacco products.

DATES: The announcement of the guidance is published in the **Federal Register** on October 12, 2017.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov*.
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2017–D–0113 for ''The Prohibition of Distributing Free Samples of Tobacco Products; Guidance for Industry; Availability.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Submit written requests for single copies of this guidance to the Center for Tobacco Products, Food and Drug Administration, Document Control Center, Bldg. 71, Rm. G335, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request or include a fax number to which the guidance document may be sent. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance.

FOR FURTHER INFORMATION CONTACT: Paul Hart or Samantha Loh Collado, Center for Tobacco Products, Food and Drug Administration, 10903 New Hampshire Ave., Document Control Center, Bldg. 71, Rm. G335, Silver Spring, MD 20993–0002, 877–287–1373, email: *CTPRegulations@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry entitled ''The Prohibition of Distributing Free Samples of Tobacco Products.'' Title 21 of the CFR 1140.16(d)(1) prohibits, with a limited exception, tobacco product manufacturers, distributors, and retailers from distributing or causing to be distributed any free samples of cigarettes, smokeless tobacco, or other tobacco products. This guidance finalizes the draft guidance of the same title, which was made available for public comment as noted in the **Federal Register** of January 18, 2017 (82 FR 5583), and describes, among other things, FDA's current thinking on how the prohibition of distributing free samples of tobacco products applies to non-monetary exchanges, coupons and discounts, membership and rewards programs, contests and games of chance, and the business-to-business exchange of free samples.

II. Significance of Guidance

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on the prohibition of distributing free samples of tobacco products. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. This guidance is not subject to Executive Order 12866.

III. Electronic Access

Persons with access to the internet may obtain an electronic version of the guidance at either *https://www.regulations.gov* or *https://www.fda.gov/TobaccoProducts/Labeling/RulesRegulationsGuidance/default.htm.*

Dated: October 5, 2017.

Anna K. Abram,

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

[FR Doc. 2017–22045 Filed 10–11–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–D–5960]

Respiratory Syncytial Virus Infection: Developing Antiviral Drugs for Prophylaxis and Treatment; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft guidance for industry entitled ''Respiratory Syncytial Virus Infection: Developing Antiviral Drugs for Prophylaxis and Treatment.'' The purpose of this draft guidance is to assist sponsors in all phases of antiviral drug development for prophylaxis and treatment of disease caused by respiratory syncytial virus (RSV) infection.

DATES: Submit either electronic or written comments on the draft guidance by December 11, 2017 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2017–D–5960 for ''Respiratory Syncytial Virus Infection: Developing Antiviral Drugs for Prophylaxis and Treatment; Draft Guidance for Industry; Availability.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments

received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Jeffrey Murray, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 6360, Silver Spring, MD 20993–0002, 301–796–1500.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Respiratory Syncytial Virus Infection: Developing Antiviral Drugs for Prophylaxis and Treatment.'' This draft guidance addresses FDA's current thinking regarding the overall drug development program for an indication for treatment and prevention of disease caused by RSV infection including nonclinical development, early phases of clinical development, and phase 3 trial designs. This draft guidance focuses primarily on pediatric antiviral drug development for RSV but also discusses drug development for other populations.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on ''Respiratory Syncytial Virus Infection: Developing Antiviral Drugs for Prophylaxis and Treatment.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. This guidance is not subject to Executive Order 12866.

II. The Paperwork Reduction Act of 1995

This draft guidance refers to previously approved collections of information that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR parts 312 and 314 have been approved under OMB control numbers 0910–0014 and 0910–0001, respectively.

III. Electronic Access

Persons with access to the internet may obtain the draft guidance at either *https://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm* or *https://www.regulations.gov*.

Dated: October 5, 2017.

Anna K. Abram,

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

[FR Doc. 2017–22051 Filed 10–11–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier OS–0990–new]

Agency Information Collection Request; 60-Day Public Comment Request

AGENCY: Office of the Secretary, HHS

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

DATES: Comments on the ICR must be received on or before December 11, 2017.

ADDRESSES: Submit your comments to *Sherrette.Funn@hhs.gov* or by calling (202) 795–7714.

FOR FURTHER INFORMATION CONTACT: When submitting comments or requesting information, please include the document identifier 0990-New-60D and project title for reference, to *Sherrette.funn@hhs.gov,* or call the Reports Clearance Officer.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Title of the Collection: I Can Do It, You Can Do It! Program Evaluation.

Type of Collection: New.

OMB No. 0990–NEW–Office within OS—Office of the President's Council on Fitness, Sports & Nutrition (OPCFSN), Office of the Assistant Secretary for Health.

Abstract: Initiated by the former HHS Office on Disability, supported by the Eunice Kennedy Shriver National Institute of Child Health and Human Development and the former Division of Nutrition Research Coordination at the National Institutes of Health, and adopted by OPCFSN in 2011, the *I Can Do It, You Can Do It!* health promotion program is designed to provide access and opportunities for children and adults with a wide range of physical and cognitive disabilities to lead healthy, active lives. Approximately 56 million children and adults living in the United States have some level of disability. Despite physical activity and good nutrition being the cornerstones of evidence-based health promotion interventions for reducing the risk of comorbidities (*e.g.,* diabetes, heart disease, stroke), many people with a disability or caregivers who have a child with a disability experience substantial difficulty accessing these programs. The program partners with K–12 schools and school districts, colleges and universities, and other community-based entities that implement the program using a mentoring approach that has been well-documented in the research literature as efficacious in changing the attitudes, knowledge, and health behaviors of individuals with and without a disability.

The information collected for the *I Can Do It, You Can Do It!* Program Evaluation will allow the OPCFSN and partners to assess the impact of the program and gather critical information for improvement.

ANNUALIZED BURDEN HOUR TABLE

Forms	Respondents	Number of respondents	Number of responses per respondents	Average burden per response	Total burden hours
Advocate Form	Site Coordinator	10	1	20/60	3
Advocate Annual Follow-Up Survey	Site Coordinator	10	1	20/60	3
End of Wave 1 Interview Script	Site Coordinator	10	1	1	10
End of Wave 1 Feedback Survey	Site Coordinator	10	1	45/60	8
End of Wave 2 Interview	Site Coordinator	10	1	1	10
End of Wave 2 Feedback Survey	Site Coordinator	10	1	20/60	3
Technical Assistance Assessment	Site Coordinator	10	1	25/60	4
Mentee Pre-Assessment	Mentee/Program Participant	700	1	20/60	233
Mentee Post-Assessment	Mentee/Program Participant	700	1	20/60	233
Mentor Feedback Survey	Mentor	700	1	15/60	175
Weekly Goal-Setting Guide	Mentor	700	10	10/60	1166
Mentee Focus Group Script	Mentee/Program Participant	60	1	1	60
Parent/Guardian Focus Group Script.	Mentee's Parent/Guardian	60	1	1	60
Total			22		1968

Terry S. Clark,

Office of the Secretary, Asst Paperwork Reduction Act Reports Clearance Officer.

[FR Doc. 2017–21983 Filed 10–11–17; 8:45 am]

BILLING CODE 4150–35–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism, Special Emphasis Panel; NIAAA Fellowship Review.

Date: November 2, 2017.

Time: 8:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute on Alcohol Abuse and Alcoholism, Terrace Conference Room, 5635 Fishers Lane, Bethesda, MD 20892.

Contact Person: Richard A. Rippe, Ph.D., Scientific Review Officer, Extramural Project Review Branch, Office of Extramural Activities, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, 5635 Fishers Lane, Room 2109, Rockville, MD 20852 301–443–8599, *rippera@mail.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel, SEP Review Member Conflict Applications.

Date: November 14, 2017.

Time: 2:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute on Alcohol Abuse and Alcoholism, 5635 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Anna Ghambaryan, M.D., Scientific Review Officer, Office of Extramural Activities, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, 5635 Fishers Lane, Rockville, MD 20852, 301–443–4032, *anna.ghambaryan@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants; 93.701, ARRA Related Biomedical Research and Research Support Awards., National Institutes of Health, HHS).

Dated: October 5, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–21989 Filed 10–11–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of Exclusive Patent License: DNA-Based Vaccine for Prevention of Zika Virus Infection

AGENCY: National Institutes of Health, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: The National Institute of Allergy and Infectious Diseases (NIAID), an institute of the National Institutes of Health, Department of Health and Human Services, is contemplating the grant of an Exclusive Commercialization Patent License to PaxVax, Inc., located in Redwood City, California, to practice the inventions embodied in the patent applications listed in the **SUPPLEMENTARY INFORMATION** section of this notice.

DATES: Only written comments and/or applications for a license which are received by the National Institute of Allergy and Infectious Diseases' Technology Transfer and Intellectual Property Office on or before November 13, 2017 will be considered.

ADDRESSES: Requests for copies of the patent applications, inquiries, and comments relating to the contemplated Exclusive Commercialization Patent License should be directed to: Dr. Amy Petrik, Technology Transfer and Patent Specialist, Technology Transfer and Intellectual Property Office, National Institute of Allergy and Infectious Diseases, 5601 Fishers Lane, Suite 2G, MSC9804, Rockville, MD 20852–9804, phone number 301–496–2644, or *petrika@mail.nih.gov*.

SUPPLEMENTARY INFORMATION: The following represents the intellectual property is to be licensed under the prospective agreement: HHS Ref. No. E–181–2016/0, including provisional patent applications 62/396,613 filed September 19, 2016 entitled ''Zika Virus Vaccines'', and all continuing U.S. and foreign patents/patent applications for the technology family, to PaxVax Inc.

All rights in these inventions have been assigned to the Government of the United States of America.

The prospective Exclusive Patent License territory may be worldwide and the field of use may be limited to: ''Development and use of DNA-based vaccines expressing virus-like particle antigens comprising Zika virus membrane and/or envelope proteins for prevention of Zika virus infection in humans.''

Since 2015, Zika virus (ZIKV) outbreaks have had a significant effect on global public health. The mosquito-borne disease, which causes several congenital abnormalities in the developing fetus, as well as other neurological disorders in infected individuals has no approved vaccine to treat or prevent infection. To address this critical need, several approaches are being explored for a vaccine against ZIKV infection in priority populations including women of child-bearing age and their partners.

Many entities, governmental, academic, and commercial, are actively pursuing development of ZIKV vaccines each using a different approach to address this public health need. The U.S. Government is coordinating its vaccine development response to ZIKV and has published this plan at *https://www.phe.gov/Preparedness/planning/Pages/zika-white-paper.aspx.*

Vaccine development approaches for ZIKV include but are not limited to inactivated virus (dead virus), live attenuated virus (weakened virus), recombinant viral vectors (weakened virus with target genes added), and subunit (portion of a virus) as well as mRNA- and DNA-based (gene-targeted). These various strategies provide multiple redundancies, expanded choice, and ensure short and long term maximal benefits to the public.

The subject invention relates to the use of nucleic acid molecules encoding Zika virus (ZIKV) proteins that when introduced in a cell produces noninfectious virus-like particles (VLPs) capable of eliciting a protective immune response against viral infection. More specifically, the subject vaccine is a DNA-based candidate encoding a polypeptide of a ZIKV membrane and envelope proteins that when expressed results in production of noninfectious VLPs that generate protective neutralizing antibodies against ZIKA infection. The vaccine, which is based on a similar vaccine developed for the related West Nile virus, is currently undergoing clinical trial evaluation. The subject invention has been advertised in the **Federal Register** and published on 12 December 2016.

This notice is made in accordance with 35 U.S.C. 209 and 37 CFR part 404. The prospective Exclusive Patent License will be royalty bearing and may be granted unless within thirty (30) days from the date of this published notice, the NIAID receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR part 404.

Complete applications for a license in the prospective field of use that are timely filed in response to this notice will be treated as objections to the grant of the contemplated Exclusive Patent License. Comments and objections submitted to this notice will not be made available for public inspection and, to the extent permitted by law, will not be released under the *Freedom of Information Act,* 5 U.S.C. 552.

Dated: October 5, 2017.

Suzanne Frisbie,

Deputy Director, Technology Transfer and Intellectual Property Office, National Institute of Allergy and Infectious Diseases.

[FR Doc. 2017–21986 Filed 10–11–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; 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 General Medical Sciences Special Emphasis Panel; Review of Support of Competitive Research (SCORE) Award Applications.

Date: November 8, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Courtyard by Marriott Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Manas Chattopadhyay, Ph.D., Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, Building 45, Room 3An12N, 45 Center Drive, Bethesda, MD 20892, 301–827–5320, *manasc@mail.nih.gov.*

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel; Review of NIH Pathway to Independence Award K99/R00 Applications.

Date: November 16, 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: Robert Horowits, Ph.D., Scientific Review Officer, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3An.18, Bethesda, MD 20892–6200, 301–594–6904, *horowitr@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: October 5, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–21990 Filed 10–11–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Notice of 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, NIDCD.

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 DEAFNESS AND OTHER COMMUNICATION DISORDERS, 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, NIDCD.

Date: November 6, 2017.

Open: 8:00 a.m. to 8:15 a.m.

Agenda: Reports from the institute staff.

Place: National Institutes of Health, Porter Neuroscience Research Center, Room 610, Building 35A, Convent Drive, Bethesda, MD 20892.

Closed: 8:15 a.m. to 3:45 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, Porter Neuroscience Research Center, Room 610, Building 35A, Convent Drive, Bethesda, MD 20892.

Contact Person: Andrew J. Griffith, Ph.D., MD, Director, Division of Intramural Research, National Institute on Deafness and Other Communication Disorders, 35A Convent Drive, GF 103, Rockville, MD 20892, 301–496–1960, *griffita@nidcd.nih.gov.*

Any member of the public interested in presenting oral comments to the committee may notify the Contact Person listed on this notice at least 10 days in advance of the meeting. Interested individuals and representatives of organizations may submit a letter of intent, a brief description of the organization represented, and a short description of the oral presentation. Only one representative of an organization may be allowed to present oral comments and if accepted by the committee, presentations may be limited to five minutes. Both printed and electronic copies are requested for the record. In addition, any interested person may file written comments with the committee by forwarding their 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.

Information is also available on the Institute's/Center's home page: *http://www.nidcd.nih.gov/about/groups/bsc/,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: October 5, 2017.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–21974 Filed 10–11–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; 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 General Medical Sciences Special Emphasis Panel.

Date: November 16, 2017.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building, Room 3An12N, 45 Center Drive, Bethesda, MD 20892.

Contact Person: Lisa A. Dunbar, Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3AN12, Bethesda, MD 20892, 301–594–2849, *dunbarl@mail.nih.gov.*

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel; Review of R13 Conference Grant Applications.

Date: November 17, 2017.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building, Room 3An.12N, 45 Center Drive, Bethesda, MD 20892.

Contact Person: Rebecca H. Johnson, Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, Natcher Building, Room 3AN18C, Bethesda, MD 20892, 301–594–2771, *johnsonrh@nigms.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: October 5, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–21991 Filed 10–11–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meetings

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 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 Mental Health Special Emphasis Panel; National NeuroAIDS Tissue Consortium.

Date: November 7, 2017.

Time: 3:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: David M. Armstrong, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center/Room 6138/MSC 9608, 6001 Executive Boulevard, Bethesda, MD 20892–9608, 301–443–3534, *armstrda@mail.nih.gov.*

Name of Committee: National Institute of Mental Health Special Emphasis Panel; PsychENCODE.

Date: November 8, 2017.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Vinod Charles, Ph.D., Scientific Review Officer Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6151, MSC 9606, Bethesda, MD 20892–9606, 301–443–1606, *charlesvi@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program No. 93.242, Mental Health Research Grants, National Institutes of Health, HHS)

Dated: October 5, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–21993 Filed 10–11–17; 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; PAR Panel: Physical Activity and Weight Control Interventions Among Cancer Survivors: Effects on Biomarkers of Prognosis and Survival.

Date: November 1, 2017.

Time: 1:00 p.m. to 3:30 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: Denise Wiesch, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3138, MSC 7770, Bethesda, MD 20892, (301) 437–3478, *wieschd@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Bioanalytical Chemistry, Biophysics, and Assay Development.

Date: November 2, 2017.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Handlery Union Square Hotel, 351 Geary Street, San Francisco, CA 94102.

Contact Person: Vonda K. Smith, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6188, MSC 7892, Bethesda, MD 20892, 301–435–1789, *smithvo@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Exploration of Antimicrobial Drug Discovery and Resistance.

Date: November 2–3, 2017.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Admiral Fell Inn, 888 South Broadway, Baltimore, MD 21231.

Contact Person: Susan Daum, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr. Room 3202, Bethesda, MD 20892, 301–827–7233, *susan.boyle-vavra@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Behavioral Neuroscience.

Date: November 2–3, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Renaissance Washington DC, Dupont Circle, 1143 New Hampshire Avenue NW., Washington, DC 20037.

Contact Person: Mei Qin, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5213, Bethesda, MD 20892, 301–875–2215, *qinmei@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Community Influences on Health Behavior.

Date: November 2, 2017.

Time: 1:00 p.m. to 5:00 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: Ping Wu, Ph.D., Scientific Review Officer, HDM IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3166, Bethesda, MD 20892, 301–451–8428, *wup4@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Health Informatice.

Date: November 3, 2017.

Time: 8:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites DC Convention Center, 900 10th Street NW., Washington, DC 20001.

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: Emerging Technologies in Neuroscience.

Date: November 3, 2017.

Time: 10:00 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 (Virtual Meeting).

Contact Person: Sharon S. Low, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5104, MSC 5104, Bethesda, MD 20892–5104, 301–237–1487, *lowss@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 5, 2017.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–21971 Filed 10–11–17; 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; PAR17–029: Dynamic Interactions between Systemic or Non-Neuronal Systems and the Brain in Aging and in Alzheimer's Disease.

Date: November 1, 2017.

Time: 1:00 p.m. to 8:00 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: Inese Z. Beitins, MD, Scientific Review Officer, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6152, MSC 7892, Bethesda, MD 20892, 301–435–1034, *beitinsi@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Immune System Plasticity in Dental, Oral, and Craniofacial Diseases.

Date: November 1, 2017.

Time: 1:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Rajiv Kumar, Ph.D., Chief, MOSS IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4216, MSC 7802, Bethesda, MD 20892, 301–435–1212, *kumarra@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Developmental and Immuno Cancer Therapy.

Date: November 2, 2017.

Time: 12:00 p.m. to 3:00 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: Nicholas J. Donato, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4040, Bethesda, MD 20817, 301–827–4810, *nick.donato@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Infectious Diseases and Microbiology AREA Review.

Date: November 3, 2017.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Cambria Hotel & Suites Rockville, 1 Helen Heneghan Way, Rockville, MD 20850.

Contact Person: Liangbiao Zheng, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3202, MSC 7808, Bethesda, MD 20892, 301–996–5819, *zhengli@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Genomics and Animal Biological Resource Facilities.

Date: November 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: Luis Dettin, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2208, Bethesda, MD 20892, 301–451–1327, *dettinle@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member conflict: Topics in Mechanisms of Bacterial Virulence and Pathogenesis.

Date: November 3, 2017.

Time: 10:30 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.

Contact Person: Gagan Pandya, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, RM 3200, MSC 7808, Bethesda, MD 20892, 301–435–1167, *pandyaga@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–17–176: From Genomic Association to Causation: A Convergent, Neuroscience Approach.

Date: November 3, 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, (Virtual Meeting).

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.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR–17–263: Innovation for HIV Vaccine Discovery.

Date: November 3, 2017.

Time: 3:00 p.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: Robert Freund, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5216, MSC 7852, Bethesda, MD 20892, 301–435–1050, *freundr@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Musculoskeletal, Oral, Skin and Rehab Sciences AREA (R15) Review.

Date: November 6, 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: Aftab A. Ansari, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4108, MSC 7814, Bethesda, MD 20892, 301–237–9931, *ansaria@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 5, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–21972 Filed 10–11–17; 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; Fellowships: Oncology.

Date: November 6–7, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.

Contact Person: Reigh-Yi Lin, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301–827–6009, *lin.reigh-yi@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Risk, Prevention, and Health Behavior.

Date: November 6–7, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015.

Contact Person: Martha M. Faraday, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3110, MSC 7808, Bethesda, MD 20892, (301) 435–3575, *faradaym@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Cardiovascular Sciences.

Date: November 6–7, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Alexandria Old Town, 1767 King Street, Alexandria, VA 22314.

Contact Person: Margaret Chandler, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4126, MSC 7814, Bethesda, MD 20892, (301)435–1743, *margaret.chandler@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Non-HIV Anti-Infective Therapeutics.

Date: November 6–7, 2017.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda Downtown, 7335 Wisconsin Ave., Bethesda, MD 20814.

Contact Person: Neerja Kaushik-Basu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3198, MSC 7808, Bethesda, MD 20892, (301)435–2306, *kaushikbasun@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Human-Animal Interaction (HAI) Research.

Date: November 6, 2017.

Time: 11:00 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.

Contact Person: Biao Tian, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3089B, MSC 7848, Bethesda, MD 20892, (301) 402–4411, *tianbi@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Healthcare Delivery and Methodologies.

Date: November 6, 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: Tasmeen Weik, DRPH, MPH, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3141, Bethesda, MD 20892, 301–827–6480, *weikts@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Urology and Urogynecology Small Business Review.

Date: November 7, 2017.

Time: 10:00 a.m. to 12:00 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: Ganesan Ramesh, Ph.D., Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2182, MSC 7818, Bethesda, MD 20892, 301–827–5467, *ganesan.ramesh@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; GI Physiology and Pathology.

Date: November 7, 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: Meenakshisundar Ananthanarayanan, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2178, Bethesda, MD 20892, 301–827–6281, *meena.ananthanarayanan@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Improving Smoking Cessation in Socioeconomically Disadvantaged Populations via Scalable Interventions.

Date: November 7, 2017.

Time: 1:00 p.m. to 5:00 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: Miriam Mintzer, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive Room 3108, Bethesda, MD 20892, 301–523–0646, *mintzermz@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 5, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–21973 Filed 10–11–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meetings

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 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 Mental Health, Special Emphasis Panel; Clinical Trials to Test the Effectiveness of Treatment, Preventive, and Services Interventions (R01).

Date: November 3, 2017.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Marcy Ellen Burstein, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH Neuroscience Center, 6001 Executive Blvd., Room 6143, MSC 9606, Bethesda, MD 20892–9606, 301–443–9699, *bursteinme@mail.nih.gov.*

Name of Committee: National Institute of Mental Health, Special Emphasis Panel; NIMH Biobehavioral Research Awards for Innovative New Scientists (NIMH BRAINS).

Date: November 7, 2017.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Vinod Charles, Ph.D., Scientific Review Officer Division of Extramural Activities, National Institute of Mental Health, NIH Neuroscience Center, 6001 Executive Blvd., Room 6151, MSC 9606, Bethesda, MD 20892–9606, 301–443–1606, *charlesvi@mail.nih.gov.*

Name of Committee: National Institute of Mental Health, Special Emphasis Panel; NIMH Pathway to Independence Awards (K99/R00).

Date: November 7, 2017.

Time: 12:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Virtual Meeting).

Contact Person: Rebecca Steiner Garcia, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH Neuroscience Center, 6001 Executive Blvd., Room 6149, MSC 9608, Bethesda, MD 20892–9608, 301–443–4525, *steinerr@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program No. 93.242, Mental Health Research Grants, National Institutes of Health, HHS)

Dated: October 5, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–21992 Filed 10–11–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2017–0948]

Certificate of Alternative Compliance for Hatteras CABO LLC's Fishing Yacht RESILIANT, HIN: HATHP606H718

AGENCY: Coast Guard, DHS.

ACTION: Notice.

SUMMARY: The Coast Guard announces that the District Five Prevention Division has issued a Certificate of

Alternate Compliance from the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), for Hatteras CABO LLC's fishing yacht RESILIANT, HIN: HATHP606H718 as required by statue. Due to the construction and placement of the pilothouse aft of amidships, the vessel cannot fully comply with the masthead light and sidelight provisions of the 72 COLREGS without interfering with the vessel's design and construction, as there are no structures forward of amidships on which a masthead light or sidelights could be affixed. This notice promotes the Coast Guard's maritime safety and stewardship missions.

FOR FURTHER INFORMATION CONTACT: For further information or questions about this notice, call or email: CDR Scott W. Muller, District Five, Chief, Inspections and Investigations, U.S. Coast Guard; telephone: 757–398–6389, email: *Scott.W.Muller@uscg.mil.*

SUPPLEMENTARY INFORMATION: The United States is signatory to the International Maritime Organization's International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), as amended. The special construction or purpose of some vessels makes them unable to comply with the light, shape, and sound signal provisions of the 72 COLREGS. Under statutory law [1] and Coast Guard regulation,[2] a vessel may instead meet alternative requirements and the vessel's owner, builder, operator, or agent may apply for a Certificate of Alternate Compliance (COAC). For vessels of special construction, the cognizant Coast Guard District Office determines whether the vessel for which the COAC is sought complies as closely as possible with the 72 COLREGS and decides whether to issue the COAC. Once issued, a COAC remains valid until information supplied in the COAC application or the COAC terms become inapplicable to the vessel. Under the governing statute [3] and regulation,[4] the Coast Guard must publish notice of this action.

The Prevention Division, Fifth Coast Guard District, hereby finds and certifies that Hatteras CABO LLC's fishing yacht RESILIANT, HIN: HATHP606H718, is a vessel of special construction or purpose and that, with respect to the position of the masthead light and sidelights, it is not possible to comply fully with the requirements of the provisions enumerated in the 72 COLREGS without interfering with the design and construction of the vessel. The Prevention Division, Fifth Coast Guard District, further finds and certifies that the proposed placement of the masthead light and sidelights is in the closest possible compliance with the applicable provisions of the 72 COLREGS and that full compliance with the 72 COLREGS would not significantly enhance the safety of the vessel's operation.

This notice is issued under authority of 33 U.S.C. 1605(c) and 33 CFR 81.18.

Dated: October 5, 2017.

J.R. Barnes,

Capt., Chief, Prevention Division.

[FR Doc. 2017–21978 Filed 10–11–17; 8:45 am]

BILLING CODE 9110–04–P

[1] 33 U.S.C. 1605(c).

[2] 33 CFR 81.3.

[3] 33 U.S.C. 1605(c).

[4] 33 CFR 81.18.

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0002; Internal Agency Docket No. FEMA–B–1750]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR). The LOMR will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings. For rating purposes, the currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will become effective on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Deputy Associate Administrator for Insurance and Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov*; or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required.

They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: September 16, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
Arizona:						
Maricopa	City of Glendale (17–09–0883P).	The Honorable Jerry Weiersy, Mayor, City of Glendale, 5850 West Glendale Avenue, Glendale, AZ 85301.	City Hall, 5850 West Glendale Avenue, Glendale, AZ 85301.	*http://www.msc.fema.gov/lomc*	Dec. 22, 2017	040045
Maricopa	City of Peoria (17–09–0883P).	The Honorable Cathy Carlat, Mayor, City of Peoria, 8401 West Monroe Street, Peoria, AZ 85345.	City Hall, 8401 West Monroe Street, Peoria, AZ 85345.	*http://www.msc.fema.gov/lomc*	Dec. 22, 2017	040050
Maricopa	City of Phoenix (17–09–0814P).	The Honorable Greg Stanton, Mayor, City of Phoenix, 200 West Washington Street, 11th Floor, Phoenix, AZ 85003.	Street Transportation Department, 200 West Washington Street, 5th Floor, Phoenix, AZ 85003.	*http://www.msc.fema.gov/lomc*	Dec. 22, 2017	040051
California: San Diego	Unincorporated Areas of San Diego County (17–09–0655P).	The Honorable Dianne Jacob, Chair, Board of Supervisors, San Diego County, 1600 Pacific Highway, Room 335, San Diego, CA 92101.	Department of Public Works, Flood Control, 5510 Overland Avenue, Suite 410, San Diego, CA 92123.	*http://www.msc.fema.gov/lomc*	Dec. 21, 2017	060284
Florida:						
Duval	City of Jacksonville (17–04–4330P).	The Honorable Lenny Curry, Mayor, City of Jacksonville, City Hall at St. James Building, 117 West Duval Street, Suite 400, Jacksonville, FL 32202.	City Hall, 117 West Duval Street, Jacksonville, FL 32202.	*http://www.msc.fema.gov/lomc*	Dec. 15, 2017	120077
Leon	Unincorporated Areas of Leon County (17–04–2660P).	Mr. Vincent Long, County Administrator, Leon County, 301 South Monroe Street, 5th Floor, Tallahassee, FL 32301.	Leon County Courthouse, 301 South Monroe Street, Tallahassee, FL 32301.	*http://www.msc.fema.gov/lomc*	Dec. 19, 2017	120143
Illinois:						
Tazewell	City of Washington (17–05–0896P).	The Honorable Gary W. Manier, Mayor, City of Washington, 301 Walnut Street, Washington, IL 61571.	City Hall, 301 Walnut Street, Washington, IL 61571.	*http://www.msc.fema.gov/lomc*	Nov. 9, 2017	170655
Tazewell	Unincorporated Areas of Tazewell County (17–05–0896P).	The Honorable David Zimmerman, Chairman, Tazewell County Board, McKenzie Building, 11 South 4th Street, Suite 432, Pekin, IL 61554.	McKenzie Building, 4th Floor, 11 South 4th Street, Pekin, IL 61554.	*http://www.msc.fema.gov/lomc*	Nov. 9, 2017	170815
Will	Unincorporated Areas of Will County (16–05–6813P).	The Honorable Lawrence M. Walsh, County Executive, Will County, Will County Office Building, 302 North Chicago Street, Joliet, IL 60432.	Land Use Department, 58 East Clinton Street, Suite 100, Joliet, IL 60432.	*http://www.msc.fema.gov/lomc*	Nov. 28, 2017	170695
Will	Village of Romeoville (17–05–4409P).	The Honorable John D. Noak, Mayor, Village of Romeoville, 1050 West Romeo Road, Romeoville, IL 60446.	Village Hall, 1050 West Romeo Road, Romeoville, IL 60446.	*http://www.msc.fema.gov/lomc*	Dec. 22, 2017	170711
Iowa: Bremer	City of Waverly (17–07–0954P).	The Honorable Charles D. Infelt, Mayor, City of Waverly, 200 1st Street Northeast, Waverly, IA 50677.	City Hall, 200 1st Street Northeast, Waverly, IA 50677.	*http://www.msc.fema.gov/lomc*	Dec. 22, 2017	190030
Missouri:						

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Effective date of modification	Community No.
St. Louis	City of Chesterfield (16–07–2013P).	The Honorable Bob Nation, Mayor, City of Chesterfield, Chesterfield City Hall, 690 Chesterfield Parkway West, Chesterfield, MO 63017.	City Hall, 690 Chesterfield Parkway West, Chesterfield, MO 63017.	*http://www.msc.fema.gov/lomc*	Dec. 5, 2017	290896
St. Louis	City of Creve Coeur (16–07–2013P).	The Honorable Barry Glantz, Mayor, City of Creve Coeur, Creve Coeur Government Center, 300 North New Ballas Road, Creve Coeur, MO 63141.	Government Center, 300 North Ballas Road, Creve Coeur, MO 63141.	*http://www.msc.fema.gov/lomc*	Dec. 5, 2017	290344
St. Louis	City of Town and Country (16–07–2013P).	The Honorable Jon F. Dalton, Mayor, City of Town and County, Municipal Center, 1011 Municipal Center Drive, Town and Country, MO 63131.	Municipal Center, 1011 Municipal Center Drive, Town and Country, MO 63131.	*http://www.msc.fema.gov/lomc*	Dec. 5, 2017	290389
St. Louis	Unincorporated Areas of St. Louis County (16–07–2013P).	Mr. Steven A. Stenger, County Executive, St. Louis County, St. Louis County Government Center, 41 South Central, Clayton, MO 63105.	St Louis County, Government Community Development, 121 South Meramec Avenue, Clayton, MO 63105.	*http://www.msc.fema.gov/lomc*	Dec. 5, 2017	290327
Nevada: Carson	City of Carson City (16–09–1091P).	The Honorable Robert Crowell, Mayor, City of Carson City, City Hall, 201 North Carson Street, Suite 2, Carson City, NV 89701.	Carson City Permit Center, 108 East Proctor Street, Carson City, NV 89701.	*http://www.msc.fema.gov/lomc*	Dec. 26, 2017	320001
Ohio:						
Fairfield	City of Lancaster (17–05–3331P).	The Honorable David S. Smith, Mayor, City of Lancaster, Lancaster City Hall, 104 East Main Street, Room 101, Lancaster, OH 43130.	Municipal Building, 121 East Chestnut Street, Suite 100, Lancaster, OH 43130.	*http://www.msc.fema.gov/lomc*	Dec. 14, 2017	390161
Lake	City of Wickliffe (16–05–5396P).	The Honorable William A. Margalis, Mayor, City of Wickliffe, Wickliffe City Hall, 28730 Ridge Road, Wickliffe, OH 44092.	City Hall, Building Department, 28730 Ridge Road, Wickliffe, OH 44092.	*http://www.msc.fema.gov/lomc*	Dec. 21, 2017	390321
Oregon: Jackson	City of Medford (17–10–0050P).	The Honorable Gary Wheeler, Mayor, City of Medford, 411 West 8th Street, Medford, OR 97501.	City Hall, 411 West 8th Street, Medford, OR 97501.	*http://www.msc.fema.gov/lomc*	Dec. 1, 2017	410096
Washington: Island	Unincorporated Areas of Island County (17–10–1006P).	Mr. Richard Hannold, Commissioner, Island County, 1 Northeast 7th Street, Room 214, Coupeville, WA 98239.	Island County, Courthouse Annex, 1 Northeast 6th Street, Coupeville, WA 98239.	*http://www.msc.fema.gov/lomc*	Dec. 18, 2017	530312

[FR Doc. 2017–22018 Filed 10–11–17, 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0001]

Notice of Adjustment of Disaster Grant Amounts

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: FEMA gives notice of an adjustment to the threshold for Small Project subgrants made to state, tribal, and local governments and private nonprofit facilities for disasters declared on or after October 1, 2017.

DATES: This adjustment applies to major disasters and emergencies declared on or after October 1, 2017.

FOR FURTHER INFORMATION CONTACT: Christopher Logan, Recovery Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–3834.

SUPPLEMENTARY INFORMATION: The Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207, as amended by the Sandy Recovery Improvement Act, Public Law 113–2, provides that FEMA will annually adjust the threshold for assistance provided under section 422, Simplified Procedures, relating to the Public Assistance program, to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

FEMA gives notice that $125,500 is the threshold for any Small Project subgrant made to state, tribal, and local governments or to the owner or operator of an eligible private nonprofit facility under section 422 of the Stafford Act for all major disasters or emergencies declared on or after October 1, 2017.

FEMA bases the adjustment on an increase in the Consumer Price Index for All Urban Consumers of 1.9 percent for the 12-month period that ended in August 2017. This is based on information released by the Bureau of Labor Statistics at the U.S. Department of Labor on September 14, 2017.

Catalog of Federal Domestic Assistance No. 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters).

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–22035 Filed 10–11–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0002; Internal Agency Docket No. FEMA–B–1740]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR). The LOMR will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings. For rating purposes, the currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will be finalized on the dates listed the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Deputy Associate Administrator for Insurance and Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov*; or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: September 27, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Colorado:						
Eagle	Town of Eagle (17–08–0450P).	Mr. John Schneiger, Manager, Town of Eagle, P.O. Box 609, Eagle, CO 81631.	Town Hall, 200 Broadway Street, Eagle, CO 81631.	*http://www.msc.fema.gov/lomc*	Nov. 3, 2017	080238
Eagle	Unincorporated areas of Eagle County (17–08–0450P).	The Honorable Jillian H. Ryan, Chair, Eagle County Board of Commissioners, P.O. Box 850, Eagle, CO 81631.	Eagle County Engineering Department, 500 Broadway Street, Eagle, CO 81631.	*http://www.msc.fema.gov/lomc*	Nov. 3, 2017	080238

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Jefferson	City of Arvada (17–08–0149P).	The Honorable Marc Williams, Mayor, City of Arvada, P.O. Box 8101, Arvada, CO 80001.	Engineering Department, 8101 Ralston Road, Arvada, CO 80001.	*http://www.msc.fema.gov/lomc*	Oct. 27, 2017	085072
Jefferson	Unincorporated areas of Jefferson County (17–08–0149P).	The Honorable Libby Szabo, Chair, Jefferson County Board of Commissioners, 100 Jefferson County Parkway, Golden, CO 80419.	Jefferson County Planning and Zoning Department, 100 Jefferson County Parkway, Golden, CO 80419.	*http://www.msc.fema.gov/lomc*	Oct. 27, 2017	080087
Jefferson	Unincorporated areas of Jefferson County (17–08–0687P).	The Honorable Libby Szabo, Chair, Jefferson County Board of Commissioners, 100 Jefferson County Parkway, Golden, CO 80419.	Jefferson County Planning and Zoning Department, 100 Jefferson County Parkway, Golden, CO 80419.	*http://www.msc.fema.gov/lomc*	Nov. 3, 2017	080087
Larimer	City of Fort Collins (17–08–0129P).	The Honorable Wade Troxel, Mayor, City of Fort Collins, 300 Laporte Avenue, Fort Collins, CO 80522.	Stormwater Utilities Department, 700 West Street, Fort Collins, CO 80522.	*http://www.msc.fema.gov/lomc*	Oct. 26, 2017	080102
Larimer	Unincorporated areas of Larimer County (17–08–0129P).	The Honorable Lew Gaiter III, Chairman, Larimer County Board of Commissioners, 200 West Oak Street, 2nd Floor, Fort Collins, CO 80522.	Larimer County Engineering Department, 200 West Oak Street, 3rd Floor, Fort Collins, CO 80522.	*http://www.msc.fema.gov/lomc*	Oct. 26, 2017	080101
Florida:						
Collier	Unincorporated areas of Collier County (17–04–4308P).	The Honorable Penny Taylor, Chair, Collier County Board of Commissioners, 3299 Tamiami Trail East, Suite 303, Naples, FL 34112.	Collier County Engineering Services Section Growth Management Department, 3301 Tamiami Trail East, Building F, 1st Floor, Naples, FL 34112.	*http://www.msc.fema.gov/lomc*	Oct. 20, 2017	120067
Collier	Unincorporated areas of Collier County (17–04–4803P).	The Honorable Penny Taylor, Chair, Collier County Board of Commissioners, 3299 Tamiami Trail East, Suite 303, Naples, FL 34112.	Collier County Engineering Services Section Growth Management Department, 3301 Tamiami Trail East Building F, 1st Floor, Naples, FL 34112.	*http://www.msc.fema.gov/lomc*	Oct. 31, 2017	120067
Flagler	City of Palm Coast (17–04–2665P).	The Honorable Melissa Holland, Mayor, City of Palm Coast, 160 Lake Avenue, Palm Coast, FL 32164.	City Hall, 160 Lake Avenue, Palm Coast, FL 32164.	*http://www.msc.fema.gov/lomc*	Nov. 2, 2017	120684
Lee	City of Sanibel (17–04–1950P).	The Honorable Kevin Ruane, Mayor, City of Sanibel, 800 Dunlop Road, Sanibel, FL 33957.	Planning and Code Enforcement Department, 800 Dunlop Road, Sanibel, FL 33957.	*http://www.msc.fema.gov/lomc*	Oct. 18. 2017	120402
Monroe	City of Marathon (17–04–3767P).	The Honorable Dan Zieg, Mayor, City of Marathon, 9805 Overseas Highway, Marathon, FL 33050.	Planning Department, 9805 Overseas Highway, Marathon, FL 33050.	*http://www.msc.fema.gov/lomc*	Oct. 6. 2017	120681
Maryland:						
Worcester	Town of Ocean City (17–03–0551P).	Mr. Douglas R. Miller, Manager, Town of Ocean City, 301 Baltimore Avenue, Ocean City, MD 21842.	Department of Planning and Community Development, 301 Baltimore Avenue, Ocean City, MD 21842.	*http://www.msc.fema.gov/lomc*	Nov. 3, 2017	245207
New York:						
Rockland	Town of Ramapo (17–02–0104P).	The Honorable Christopher P. St. Lawrence, Supervisor, Town of Ramapo, 237 State Route 59, Suffern, NY 10901.	Town Hall, 237 State Route 59, Suffern, NY 10901.	*http://www.msc.fema.gov/lomc*	Dec. 7, 2017	365340
Rockland	Village of Spring Valley (17–02–0104P).	The Honorable Demeza Delhomme, Mayor, Village of Spring Valley, 200 North Main Street, Spring Valley, NY 10977.	Village Hall, 200 North Main Street, Spring Valley, NY 10977.	*http://www.msc.fema.gov/lomc*	Dec. 7, 2017	365344
North Carolina:						

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Person	Unincorporated areas of Person County (17–04–0451P).	The Honorable Tracey L. Kendrick, Chairman, Person County Board of Commissioners, 717 Country Club Road, Roxboro, NC 27574.	Person County Planning and Zoning Department, 325 South Morgan Street, Roxboro, NC 27573.	*http://www.msc.fema.gov/lomc*	Sept. 28, 2017	370346
Watauga	Town of Boone (17–04–3175P).	The Honorable Rennie Brantz, Mayor, Town of Boone 567 West King Street, Boone, NC 28607.	Planning and Inspections Department, 680 West King Street Boone, NC 28607.	*http://www.msc.fema.gov/lomc*	Oct. 26, 2017	370253
Pennsylvania:						
Clinton	Borough of Flemington (16–03–2633P).	The Honorable Gary L. Durkin, Mayor, Borough of Flemington, 126 High Street, Flemington, PA 17745.	Borough Hall, 126 High Street, Flemington, PA 17745.	*http://www.msc.fema.gov/lomc*	Oct. 13, 2017	420326
Clinton	Township of Bald Eagle (16–03–2633P).	The Honorable James H. Bechdel Sr., Chairman, Township of Bald Eagle Board of Supervisors, 12 Fairpoint Road, Mill Hall, PA 17751.	Township Hall, 12 Fairpoint Road, Mill Hall, PA 17751.	*http://www.msc.fema.gov/lomc*	Oct. 13, 2017	420319
Clinton	Township of Castanea (16–03–2633P).	The Honorable Ronald L. Welch Sr., Chairman, Township of Castanea Board of Supervisors, 347 Nittany Road, Lock Haven, PA 17745.	Township Hall, 347 Nittany Road, Lock Haven, PA 17745.	*http://www.msc.fema.gov/lomc*	Oct. 13, 2017	420322
Clinton	Township of North Fayette (16–03–2633P).	The Honorable Peter Spangler, Chairman, Township of Allison Board of Supervisors, P.O. Box 27, Lock Haven, PA 17745.	Township Hall, 1106 Glen Road, Lock Haven, PA 17745.	*http://www.msc.fema.gov/lomc*	Oct. 13, 2017	421534
Texas:						
Bell	City of Belton (17–06–0764P).	The Honorable Marion Grayson, Mayor, City of Belton, P.O. Box 120, Belton, TX 76513.	City Hall, 333 Water Street, Belton, TX 76513.	*http://www.msc.fema.gov/lomc*	Oct. 27, 2017	480028
Brazos	Unincorporated areas of Brazos County (17–06–1259P).	The Honorable Duane Peters, Brazos County Judge, 200 South Texas Avenue, Suite 332, Bryan, TX 77803.	Brazos County Road and Bridge Department, 2617 West Highway 21, Bryan, TX 77803.	*http://www.msc.fema.gov/lomc*	Nov. 7, 2017	481195
El Paso	City of El Paso (17–06–1734P).	The Honorable Oscar Leeser, Mayor, City of El Paso, 300 North Campbell Street, El Paso, TX 79901.	City Hall, 801 Texas Avenue, El Paso, TX 79901.	*http://www.msc.fema.gov/lomc*	Oct. 31, 2017	480214
Gregg	City of Longview (17–06–0856P).	The Honorable Andy Mack, Mayor, City of Longview, P.O. Box 1952, Longview, TX 75605.	City Hall, 933 Mobile Drive, Longview, TX 75604.	*http://www.msc.fema.gov/lomc*	Oct. 17, 2017	480264
Rockwall	City of Rockwall (17–06–2407P).	The Honorable Jim Pruitt, Mayor, City of Rockwall, 385 South Goliad Street, Rockwall, TX 75087.	Public Works Department, 385 South Goliad Street, Rockwall, TX 75087.	*http://www.msc.fema.gov/lomc*	Oct. 23, 2017	480547
Virginia: Prince William	Unincorporated areas of Prince William County (17–03–0682P).	Mr. Christopher E. Martino, Prince William County Executive, 1 County Complex Court, Woodbridge, VA 22192.	Prince William County Department of Public Works, 5 County Complex Court, Woodbridge, VA 22192.	*http://www.msc.fema.gov/lomc*	Oct. 19, 2017	510119

[FR Doc. 2017–22020 Filed 10–11–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0002]

Final Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final notice.

SUMMARY: Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports

have been made final for the communities listed in the table below.

The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report are used by insurance agents and others to calculate appropriate flood insurance premium rates for buildings and the contents of those buildings.

DATES: The date of February 2, 2018, which has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

ADDRESSES: The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at *www.msc.fema.gov* by the date indicated above.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.*

The flood hazard determinations are made final in the watersheds and/or communities listed in the table below.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: September 27, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

EAST CENTRAL LOUISIANA COASTAL WATERSHED AND EASTERN LOUISIANA COASTAL WATERSHED

Community	Community map repository address
Jefferson Parish, Louisiana and Incorporated Areas Docket Nos.: FEMA–B–1301 and FEMA–B–1623	
City of Gretna	City Hall, 740 2nd Street, Gretna, LA 70053.
City of Harahan	City Hall, 6437 Jefferson Highway, Harahan, LA 70123.
City of Kenner	City Hall, 1801 Williams Boulevard, Kenner, LA 70062.
City of Westwego	City Hall, 1100 4th Street, Westwego, LA 70094.
Town of Grand Isle	Town Hall, 170 Ludwig Lane, Grand Isle, LA 70358.
Town of Jean Lafitte	Jean Lafitte Town Government Building, 2654 Jean Lafitte Boulevard, Lafitte, LA 70067.
Unincorporated Areas of Jefferson Parish	Joseph S. Yenni Building, 1221 Elmwood Park Boulevard, Jefferson, LA 70123.

[FR Doc. 2017–22023 Filed 10–11–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0002; Internal Agency Docket No. FEMA–B–1752]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR). The LOMR will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings. For rating purposes, the currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will be finalized on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Deputy Associate Administrator for Insurance and Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are

accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov*; or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: September 27, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Arizona: Cochise ...	Unincorporated Areas of Cochise County, (17–09–1682P).	The Honorable Ann English, Chair, Board of Supervisors, Cochise County, 1415 West Melody Lane, Building G, Bisbee, AZ 85603.	Cochise County Flood Control District, 1415 West Melody Lane Building F, Bisbee, AZ 85603.	*http://www.msc.fema.gov/lomc*	Dec. 27, 2017	040012
California:						
Santa Clara	City of Gilroy, (16–09–2429P).	The Honorable Roland Velasco, Mayor, City of Gilroy, City Hall, 7351 Rosanna Street, Gilroy, CA 95020.	Public Works Department, 7351 Rosanna Street, Gilroy, CA 95020.	*http://www.msc.fema.gov/lomc*	Jan. 8, 2018	060340
Santa Clara	Unincorporated Areas of Santa Clara County, (16–09–2429P).	The Honorable Dave Cortese, Chairman, Board of Supervisors, Santa Clara County, 70 West Hedding Street, East Wing, 10th Floor, Santa Jose, CA 95110.	Office of Planning, 70 West Hedding Street, San Jose, CA 95110.	*http://www.msc.fema.gov/lomc*	Jan. 8, 2018	060337
Ventura	City of Fillmore, (16–09–2533P).	The Honorable Carrie Broggie, Mayor, City of Fillmore, 250 Central Avenue, Fillmore, CA 93015.	City Hall, 250 Central Avenue, Fillmore, CA 93015.	*http://www.msc.fema.gov/lomc*	Dec. 29, 2017	060415
Ventura	Unincorporated Areas of Ventura County, (16–09–2533P).	The Honorable John C. Zaragoza, Chairman, Board of Supervisors, Ventura County, 800 South Victoria Avenue, Ventura, CA 93009.	Ventura County Hall of Administration, 800 South Victoria Avenue, Ventura, CA 93009.	*http://www.msc.fema.gov/lomc*	Dec. 29, 2017	060413
Idaho: Blaine	Unincorporated Areas of Blaine County, (17–10–0681P).	The Honorable Jacob Greenberg, Commissioner, Blaine County, 206 1st Avenue South, Suite 300, Hailey, ID 83333.	Blaine County Planning & Zoning, 219 1st Avenue South, Suite 208, Hailey, ID 83333.	*http://www.msc.fema.gov/lomc*	Dec. 28, 2017	165167
Missouri: Cass	City of Belton, (17–07–0605P).	The Honorable Jeff Davis, Mayor, City of Belton, Belton City Hall, 506 Main Street, Belton, MO 64012.	City Hall Annex, 520 Main Street, Belton, MO 64012.	*http://www.msc.fema.gov/lomc*	Jan. 2, 2018	290062

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Nevada: Clark	Unincorporated Areas of Clark County, (17–09–0607P).	The Honorable Steve Sisolak, Chairman, Board of Supervisors, Clark County, 500 South Grand Central Parkway, 6th Floor, Las Vegas, NV 89106.	Office of the Director of Public Works, 500 South Grand Central Parkway, Las Vegas, NV 89155.	*http://www.msc.fema.gov/lomc*	Dec. 26, 2017	320003
New Jersey:						
Bergen	Borough of New Milford, (17–02–0405P).	The Honorable Ann Subrizi, Mayor, Borough of New Milford, New Milford Borough Hall, 930 River Road, New Milford, NJ 07646.	Borough Hall, 930 River Road, New Milford, NJ 07646.	*http://www.msc.fema.gov/lomc*	Jan. 5, 2018	340054
Bergen	Township of Teaneck, (17–02–0405P).	The Honorable Mohammed Hameeduddin, Mayor, Township of Teaneck, Teaneck Municipal Building, 818 Teaneck Road, Teaneck, NJ 07666.	Teaneck Municipal Building, 818 Teaneck Road, Teaneck, NJ 07666.	*http://www.msc.fema.gov/lomc*	Jan. 5, 2018	340075
New York:						
Suffolk	Town of Southold, (17–02–1400P).	Mr. Scott A. Russell, Town Supervisor, Town of Southold, 53095 Main Road, Southold, NY 11971.	Town Hall, 53095 Route 25, Southold, NY 11971.	*http://www.msc.fema.gov/lomc*	Feb. 16, 2018	360813
Tioga	Town of Nichols, (17–02–0953P).	Mr. Kevin K. Engelbert, Supervisor, Town of Nichols, P.O. Box 359, Nichols, NY 13812.	Town Hall, 54 East River Road, Nichols, NY 13812.	*http://www.msc.fema.gov/lomc*	Feb. 16, 2018	360837
Tioga	Village of Nichols, (17–02–0953P).	The Honorable Leslie Pelotte, Mayor, Village of Nichols, P.O. Box 142, Nichols, NY 13812.	Village Hall, 17 Kirby Street, Nichols, NY 13812.	*http://www.msc.fema.gov/lomc*	Feb. 16, 2018	360838
Ohio: Montgomery	City of West Carrollton, (16–05–4433P).	The Honorable Jeff Sanner, Mayor, City of West Carrollton, 300 East Central Avenue, West Carrollton, OH 45449.	Civic Center, 300 East Central Avenue, West Carrollton, OH 45449.	*http://www.msc.fema.gov/lomc*	Dec. 28, 2017	390419
Texas: Dallas	City of Coppell, (17–06–2181P).	The Honorable Karen Hunt, Mayor, City of Coppell, 255 East Parkway Boulevard, Coppell, TX 75019.	City Engineering Department, 255 Parkway Boulevard, Coppell, TX 75019.	*http://www.msc.fema.gov/lomc*	Jan. 2, 2018	480170
Washington:						
King	City of North Bend, (17–10–0730P).	The Honorable Kenneth G. Hearing, Mayor, City of North Bend, 211 Main Avenue North, North Bend, WA 98045.	Planning Department, 126 East 4th Street, North Bend, WA 98045.	*http://www.msc.fema.gov/lomc*	Jan. 8, 2018	530085
King	Unincorporated Areas of King County, (17–10–0730P).	The Honorable Dow Constantine, County Executive, King County, 401 5th Avenue, Suite 800, Seattle, WA 98104.	Department of Water and Land Resources, 201 South Jackson Street, Suite 600, Seattle, WA 98055.	*http://www.msc.fema.gov/lomc*	Jan. 8, 2018	530071

[FR Doc. 2017–22019 Filed 10–11–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0002; Internal Agency Docket No. FEMA–B–1745]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before January 10, 2018.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–1745, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *http://floodsrp.org/pdfs/srp_fact_sheet.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: September 16, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

I. Watershed-based studies:

Community	Community map repository address
Middle Brazos-Palo Pinto Watershed	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Eastland County, Texas and Incorporated Areas	
City of Ranger	City Hall, 400 West Main Street, Ranger, TX 76470.
Unincorporated Areas of Eastland County	Eastland County Judge's Office, 100 West Main Street, Suite 203, Eastland, TX 76448.
Erath County, Texas and Incorporated Areas	
Unincorporated Areas of Erath County	Erath County Courthouse, 100 West Washington Street, Stephenville, TX 76401.
Hood County, Texas and Incorporated Areas	
City of DeCordova	DeCordova Bend Estates Country Club, 5301 Country Club Drive, Granbury, TX 76049.
City of Granbury	Municipal Building, 401 North Park Street, Granbury, TX 76048.
Unincorporated Areas of Hood County	Hood County Environmental Health Department, 201 West Bridge Street, Granbury, TX 76048.
Johnson County, Texas and Incorporated Areas	
Unincorporated Areas of Johnson County	Johnson County Public Works Department, Johnson County Annex, 2 North Mill Street, Suite 305, Cleburne, TX 76033.

Community	Community map repository address
Palo Pinto County, Texas and Incorporated Areas	
City of Graford	City Hall, 424 East Lee Avenue, Graford, TX 76449.
City of Mineral Wells	City Clerk's Office, 115 Southwest 1st Street, Mineral Wells, TX 76067.
City of Mingus	City Hall, 229 South Mingus Boulevard, Mingus, TX 76463.
City of Strawn	City Hall, 118 East Housley Street, Strawn, TX 76475.
Town of Gordon	Town Hall, 105 South Main Street, Gordon, TX 76453.
Unincorporated Areas of Palo Pinto County	Palo Pinto County 911 Office, 520 Oak Street, Palo Pinto, TX 76484.
Parker County, Texas and Incorporated Areas	
City of Millsap	City Hall, 208 Fannin Street, Millsap, TX 76066.
City of Mineral Wells	City Clerk's Office, 115 Southwest 1st Street, Mineral Wells, TX 76067.
City of Weatherford	Utilities Service Center, 917 Eureka Street, Weatherford, TX 76086.
Town of Cool	Cool Community Center, 150 South Farm to Market Road 113, Millsap, TX 76066.
Unincorporated Areas of Parker County	Parker County Permitting Department, 1114 Santa Fe Drive, Weatherford, TX 76086.
Stephens County, Texas and Incorporated Areas	
Unincorporated Areas of Stephens County	Stephens County Judge's Office, 200 West Walker Street, Breckenridge, TX 76424.
Young County, Texas and Incorporated Areas	
Unincorporated Areas of Young County	Young County 911 Director's Office, 516 4th Street, Room B5, Graham, TX 76450.

II. Non-watershed-based studies:

Community	Community map repository address
Garrett County, Maryland and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Project: 11–03–0525S Preliminary Date: January 6, 2017	
Unincorporated Areas of Garrett County	Garrett County Courthouse Administrative Building, Department of Permits and Inspection Services, 203 South 4th Street, Room 208, Oakland, MD 21550.
Wayne County, Pennsylvania (All Jurisdictions)	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Project: 16–03–2419S Preliminary Date: February 16, 2017	
Borough of Prompton	Prompton Fire Hall, 638 Prompton Road, Prompton, PA 18456.
Township of Canaan	Canaan Township Secretary's Office, 1327 Roosevelt Highway, Waymart, PA 18472.
Township of Texas	Texas Township Municipal Building, 506 Willow Avenue, Honesdale, PA 18431.
Grant County, West Virginia and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Project: 11–03–0525S Preliminary Date: January 6, 2017	
Town of Bayard	Town Hall, 101 Spruce Street, Suite 1, Bayard, WV 26707.
Unincorporated Areas of Grant County	Grant County Courthouse, 5 Highland Avenue, Petersburg, WV 26847.

[FR Doc. 2017–22030 Filed 10–11–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0001]

Notice of Adjustment of Statewide Per Capita Impact Indicator

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: FEMA gives notice that the statewide per capita impact indicator under the Public Assistance program for disasters declared on or after October 1, 2017, will be increased.

DATES: This adjustment applies to major disasters declared on or after October 1, 2017.

FOR FURTHER INFORMATION CONTACT: Christopher Logan, Recovery Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–3834.

SUPPLEMENTARY INFORMATION: 44 CFR 206.48 provides that FEMA will adjust the statewide per capita impact indicator under the Public Assistance program to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

FEMA gives notice that the statewide per capita impact indicator will be increased to $1.46 for all disasters declared on or after October 1, 2017.

FEMA bases the adjustment on an increase in the Consumer Price Index for All Urban Consumers of 1.9 percent for the 12-month period that ended in August 2017. The Bureau of Labor Statistics of the U.S. Department of Labor released the information on September 14, 2017.

Catalog of Federal Domestic Assistance No. 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters).

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–22036 Filed 10–11–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0002; Internal Agency Docket No. FEMA–B–1747]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before January 10, 2018.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–1747, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *http://floodsrp.org/pdfs/srp_fact_sheet.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: September 16, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

I. Non-watershed-based studies:

Community	Community map repository address
Valdez-Cordova Census Area, Alaska	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Project: 11–10–0414S Preliminary Dates: September 15, 2016, February 1, 2017, and April 10, 2017	
City of Valdez	City Hall, 212 Chenega Avenue, Valdez, AK 99686.
Whatcom County, Washington and Incorporated Areas	
Maps Available for Inspection Online at: *http://www.fema.gov/preliminaryfloodhazarddata*	
Project: 13–10–0343S Preliminary Dates: September 30, 2015 and June 9, 2017	
Unincorporated Areas of Whatcom County	Public Works/River and Flood Division, 322 North Commercial Street, Suite 120, Bellingham, WA 98225.

[FR Doc. 2017–22029 Filed 10–11–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0002]

Final Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final Notice.

SUMMARY: Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below.

The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report are used by insurance agents and others to calculate appropriate flood insurance premium rates for buildings and the contents of those buildings.

DATES: The date of January 19, 2018 which has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

ADDRESSES: The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at *www.msc.fema.gov* by the date indicated above.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.*

The flood hazard determinations are made final in the watersheds and/or communities listed in the table below.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: September 27, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

I. Watershed-based studies:

Community	Community map repository address
Lower Columbia Watershed	
Clark County, Washington and Incorporated Areas Docket No.: FEMA–B–1630	
City of Camas	City Hall, 616 North East 4th Avenue, Camas, WA 98607.
City of Washougal	City Hall, 1701 C Street, Washougal, WA 98671.
Unincorporated Areas of Clark County	Clark County, 1300 Franklin Street, Vancouver, WA 98660.
Upper Rogue Watershed	
Jackson County, Oregon and Incorporated Areas Docket No.: FEMA–B–1650	
City of Eagle Point	City Hall, 17 Buchanan Avenue South, Eagle Point, OR 97524.
City of Shady Cove	City Hall, 22451 Highway 62, Shady Cove, OR 97539.
Unincorporated Areas of Jackson County	Jackson County Development Services, 10 South Oakdale Avenue, Room 100, Medford, OR 97501.

II. Non-watershed-based studies:

Community	Community map repository address
Montgomery County, New York (All Jurisdictions) Docket No.: FEMA–B–1634	
City of Amsterdam	City Hall, 61 Church Street, Amsterdam, NY 12010.
Town of Amsterdam	Amsterdam Town Office Building, 283 Manny's Corners Road, Amsterdam, NY 12010.
Town of Canajoharie	Canajoharie Town Office, 12 Mitchell Street, Canajoharie, NY 13317.
Town of Charleston	Charleston Municipal Building, 480 Corbin Hill Road, Sprakers, NY 12166.
Town of Florida	Florida Town Office Building, 214 Fort Hunter Road, Amsterdam, NY 12010.
Town of Glen	Glen Town Office, 7 Erie Street, Fultonville, NY 12072.
Town of Minden	Minden Municipal Town Building, 134 Highway 80, Fort Plain, NY 13339.
Town of Mohawk	Town of Mohawk, Richard A. Papa Office Building, 2–4 Park Street, Fonda, NY 12068.
Town of Palatine	Palatine Town Office, 141 West Grand Street, Palatine Bridge, NY 13428.
Town of Root	Root Town Office, 1048 Carlisle Road, Sprakers, NY 12166.
Town of St. Johnsville	St. Johnsville Town Office, 7431 State Highway 5, St. Johnsville, NY 13452.
Village of Ames	Village Office, 595 Latimer Hill Road, Ames, NY 13317.
Village of Canajoharie	Canajoharie Village Office, 75 Erie Boulevard, Canajoharie, NY 13317.
Village of Fonda	Municipal Building, 8 East Main Street, Fonda, NY 12068.
Village of Fort Johnson	Municipal Building, 1 Prospect Street, Fort Johnson, NY 12070.
Village of Fort Plain	Village Hall, 168 Canal Street, Fort Plain, NY 13339.
Village of Fultonville	Village Court Municipal Building, 10 Erie Street, Fultonville, NY 12072.
Village of Hagaman	Pawling Hall, 86 Pawling Street, Hagaman, NY 12086.
Village of Nelliston	Village Municipal Building, 11 River Street, Nelliston, NY 13410.
Village of Palatine Bridge	Village Office, 11 West Grand Street, Palatine Bridge, NY 13428.
Village of St. Johnsville	St. Johnsville Village Office, 16 Washington Street, St. Johnsonville, NY 13452.

[FR Doc. 2017–22024 Filed 10–11–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0002]

Final Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below.

The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report are used by insurance agents and others to calculate appropriate flood insurance premium rates for buildings and the contents of those buildings.

DATES: The date of December 7, 2017 which has been established for the FIRM and, where applicable, the supporting FIS report showing the new

or modified flood hazard information for each community.

ADDRESSES: The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at *www.msc.fema.gov* by the date indicated above.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.*

The flood hazard determinations are made final in the watersheds and/or communities listed in the table below.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: September 27, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Boulder County, Colorado and Incorporated Areas Docket No.: FEMA–B–1601	
City of Boulder	Municipal Building Plaza, 1777 Broadway, Boulder, CO 80302.
Unincorporated Areas of Boulder County	Boulder County Transportation Department, 2525 13th Street, Suite 203, Boulder, CO 80304.
Chaffee County, Colorado and Incorporated Areas Docket No.: FEMA–B–1547	
City of Salida	City Hall, 448 East 1st Street, Suite 112, Salida, CO 81201.
Town of Buena Vista	Town Hall, 210 East Main Street, Buena Vista, CO 81211.
Town of Poncha Springs	Town Hall, 330 Burnett Avenue, Poncha Springs, CO 81242.
Unincorporated Areas of Chaffee County	Chaffee County Courthouse, 104 Crestone Avenue, Salida, CO 81201.
Dunn County, North Dakota Unincorporated Areas Docket No.: FEMA–B–1642	
Unincorporated Areas of Dunn County	Dunn County Courthouse, 205 Owens Street, Manning, ND 58642.
Morgan County, Utah and Incorporated Areas Docket No.: FEMA–B–1638	
City of Morgan City	Building Department, 90 West Young Street, Morgan City, UT 84050.
Unincorporated Areas of Morgan County	Morgan County Community Development Department, 48 West Young Street, Morgan City, UT 84050.

[FR Doc. 2017–22022 Filed 10–11–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0002; Internal Agency Docket No. FEMA–B–1749]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before January 10, 2018.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for

inspection at both the online location and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* or *http://www.fema.gov/preliminaryfloodhazarddata* for comparison.

You may submit comments, identified by Docket No. FEMA–B–1749, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *http://floodsrp.org/pdfs/srp_fact_sheet.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *www.msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: September 25, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Blount County, Alabama and Incorporated Areas	
Project: 15–04–8752S Preliminary Date: March 29, 2017	
City of Oneonta	City Hall, 202 3rd Avenue East, Oneonta, AL 35121.
Town of Altoona	Town Hall, 2844 Main Street, Altoona, AL 35952.
Town of Cleveland	Town Hall, 62732 U.S. Highway 231, Cleveland, AL 35049.
Town of Highland Lake	Town Hall, 612 Lakeshore Drive, Highland Lake, AL 35121.
Town of Locust Fork	Town Hall, 34 Town Hall Road, Locust Fork, AL 35097.
Town of Nectar	Nectar Town Hall, 14795 State Highway 160, Cleveland, AL 35049.
Town of Rosa	Rosa Town Hall, 35 Waterton Drive, Oneonta, AL 35121.
Town of Snead	Town Hall, 87169 U.S. Highway 278, Snead, AL 35952.
Town of Susan Moore	Susan Moore Town Hall, 39989 State Highway 75, Altoona, AL 35952.
Unincorporated Areas of Blount County	Blount County Engineering Department, 6454 2nd Avenue West, Oneonta, AL 35121.
Etowah County, Alabama and Incorporated Areas	
Project: 15–04–8752S Preliminary Date: March 29, 2017	
Town of Altoona	Town Hall, 2844 Main Street, Altoona, AL 35952.
Town of Walnut Grove	Town Hall, 4012 Gadsden Blountsville Road, Walnut Grove, AL 35990.
Unincorporated Areas of Etowah County	Etowah County Engineer's Office, 402 Tuscaloosa Avenue, Gadsden, AL 35901.
Jefferson County, Alabama and Incorporated Areas	
Project: 15–04–8752S Preliminary Date: March 29, 2017	
City of Adamsville	City Hall, 4828 Main Street, Adamsville, AL 35005.

Community	Community map repository address
City of Birmingham	Department of Planning, Engineering, and Permits, 710 North 20th Street, 5th Floor, Birmingham, AL 35203.
City of Clay	Clay City Hall, 2441 Old Springville Road, Birmingham, AL 35215.
City of Fultondale	Business License, Permit, and Inspections Department, 1015 Old Walker Chapel Road, Fultondale, AL 35068.
City of Gardendale	Inspections Services Department, 925 Main Street, Gardendale, AL 35071.
City of Graysville	City Hall, 246 South Main Street, Graysville, AL 35073.
City of Kimberly	City Hall, 9256 Stouts Road, Kimberly, AL 35091.
City of Pinson	City Hall, 4410 Main Street, Pinson, AL 35126.
City of Sumiton	City Hall, 416 State Street, Sumiton, AL 35148.
City of Tarrant	City Hall, 1604 Pinson Valley Parkway, Tarrant, AL 35217.
City of Warrior	City Hall, 215 Main Street North, Warrior, AL 35180.
Town of Brookside	Town Hall, 2711 Municipal Lane, Brookside, AL 35036.
Town of Cardiff	Jefferson County Land Development Office, 716 Richard Arrington Jr. Boulevard North, Room 260, Birmingham, AL 35203.
Town of Maytown	Maytown Town Hall, 4509 Town Hall Drive, Mulga, AL 35118.
Town of Morris	Town Hall, 8304 Stouts Road, Morris, AL 35116.
Town of Mulga	Town Hall, 505 Mulga Loop Road, Mulga, AL 35118.
Town of Sylvan Springs	Town Hall, 100 Rock Creek Road, Sylvan Springs, AL 35118.
Town of Trafford	Town Hall, 9239 East Commercial Avenue, Trafford, AL 35172.
Town of West Jefferson	West Jefferson Town Hall, 7000 West Jefferson Road, Quinton, AL 35130.
Unincorporated Areas of Jefferson County	Jefferson County Land Development Office, 716 Richard Arrington Jr. Boulevard North, Room 260, Birmingham, AL 35203.
Marshall County, Alabama and Incorporated Areas	
Project: 15–04–8752S Preliminary Date: March 29, 2017	
City of Albertville	City Hall, 116 West Main Street, Albertville, AL 35950.
City of Boaz	City Hall, 112 North Broad Street, Boaz, AL 35957.
Town of Douglas	Town Hall, 55 Alabama Highway 168, Douglas, AL 35964.
Unincorporated Areas of Marshall County	Marshall County Engineering Department, 424 Blount Avenue, Suite A337, Guntersville, AL 35976.
Clear Creek County, Colorado and Incorporated Areas	
Project: 12–08–0607S Preliminary Date: February 8, 2017	
City of Idaho Springs	City Hall, 1711 Miner Street, Idaho Springs, CO 80452.
Town of Georgetown	Town Hall, 404 6th Street, Georgetown, CO 80444.
Unincorporated Areas of Clear Creek County	Clear Creek County Annex, 1111 Rose Street, Georgetown, CO 80444.
Jefferson County, Colorado and Incorporated Areas	
Project: 12–08–0607S Preliminary Date: February 8, 2017	
City of Arvada	Engineering Department, 8101 Ralston Road, Arvada, CO 80002.
City of Golden	Public Works Department, 1445 10th Street, Golden, CO 80401.
Unincorporated Areas of Jefferson County	Jefferson County Planning and Zoning Division, 100 Jefferson County Parkway, Suite 3550, Golden, CO 80419.
Greenville County, South Carolina and Incorporated Areas	
Project: 16–04–6906S Preliminary Date: February 28, 2017	
Unincorporated Areas of Greenville County	Greenville County Floodplain Management Office, 301 University Ridge, Suite 4100, Greenville, SC 29601.
Jasper County, South Carolina and Incorporated Areas	
Project: 07–04–0633S Preliminary Date: January 16, 2017	
City of Hardeeville	City Hall, 205 Main Street, Hardeeville, SC 29927.
Town of Ridgeland	Town Hall, 1 Town Square, Ridgeland, SC 29936.
Unincorporated Areas of Jasper County	Jasper County Planning and Building Services, 358 3rd Avenue, Room 202, Ridgeland, SC 29936.

[FR Doc. 2017–22028 Filed 10–11–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0002]

Final Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final Notice.

SUMMARY: Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below.

The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report are used by insurance agents and others to calculate appropriate flood insurance premium rates for buildings and the contents of those buildings.

DATES: The date of February 16, 2018 which has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

ADDRESSES: The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at *www.msc.fema.gov* by the date indicated above.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in flood prone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.*

The flood hazard determinations are made final in the watersheds and/or communities listed in the table below.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: September 25, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Appanoose County, Iowa and Incorporated Areas Docket No.: FEMA–B–1657	
City of Centerville	City Hall, 312 East Maple Street, Centerville, IA 52544.
City of Cincinnati	City Hall, 101 Alpine Street, Cincinnati, IA 52549.
City of Moravia	Municipal Building, 116 South William Street, Moravia, IA 52571.
City of Mystic	City Hall, 304 West Main Street, Mystic, IA 52574.
City of Plano	City Hall, 311 3rd Street, Plano, IA 52581.
City of Rathbun	City Hall, 411 Main Street, Rathbun, IA 52544.
Town of Unionville	Town Hall, 109 West Union Street, Unionville, IA 52594.
Unincorporated Areas of Appanoose County	Appanoose County Board of Supervisors Office, 201 North 12th Street, Centerville, IA 52544.
Clarke County, Iowa and Incorporated Areas Docket No.: FEMA–B–1657	
City of Osceola	City Hall, 115 North Fillmore Street, Osceola, IA 50213.
City of Woodburn	City Hall, 607 Sigler Street, Woodburn, IA 50275.
Unincorporated Areas of Clarke County	Clarke County Courthouse, 100 South Main Street, Osceola, IA 50213.
Decatur County, Iowa and Incorporated Areas Docket No.: FEMA–B–1657	
City of Davis City	City Hall, Community Center, North Bridge Street, Davis City, IA 50065.
City of Grand River	City Hall, 126 Broadway Street, Grand River, IA 50108.
City of Lamoni	City Hall, 190 South Chestnut Street, Lamoni, IA 50140.
City of Leon	City Hall, 104 West 1st Street, Leon, IA 50144.
Unincorporated Areas of Decatur County	Decatur County Engineer's Office, 1306 South Main Street, Leon, IA 50144.

Community	Community map repository address
Lucas County, Iowa and Incorporated Areas Docket No.: FEMA–B–1657	
City of Chariton	City Hall, 115 South Main Street, Chariton, IA 50049.
City of Lucas	Community Center, 111 East Front Street, Lucas, IA 50151.
City of Russell	City Hall, 115 South Maple Street, Russell, IA 50238.
Unincorporated Areas of Lucas County	Lucas County Secondary Roads Department, 916 Braden Avenue, Chariton, IA 50049.
Marion County, Iowa and Incorporated Areas Docket No.: FEMA–B–1657	
City of Bussey	City Hall, 313 5th Street, Bussey, IA 50044.
City of Hamilton	City Hall, 407 East Street, Hamilton, IA 50116.
City of Harvey	City Hall, 402 West Street, Harvey, IA 50119.
City of Knoxville	City Hall, 305 South 3rd Street, Knoxville, IA 50138.
City of Marysville	Marysville City Hall, 311 Cedar Street, Hamilton, IA 50116.
City of Melcher-Dallas	City Hall, 305 D Main East Street, Melcher-Dallas, IA 50062.
City of Pella	City Hall, 825 Broadway Street, Pella, IA 50219.
City of Pleasantville	City Hall, 108 West Jackson Street, Pleasantville, IA 50225.
City of Swan	City Hall, 104 Church Street, Swan, IA 50252.
Unincorporated Areas of Marion County	Marion County Engineer's Office, 402 Willetts Drive, Knoxville, IA 50138.
Monroe County, Iowa and Incorporated Areas Docket No.: FEMA–B–1657	
City of Melrose	City Hall, 110 Kells Avenue, Melrose, IA 52569.
Unincorporated Areas of Monroe County	Monroe County Courthouse, 10 Benton Avenue East, Albia, IA 52531.
Wayne County, Iowa and Incorporated Areas Docket No.: FEMA–B–1657	
City of Corydon	City Hall, 101 West Jackson Street, Corydon, IA 50060.
City of Seymour	City Hall, 109 North 5th Street, Seymour, IA 52590.
Unincorporated Areas of Wayne County	Wayne County Courthouse, 100 North Lafayette Street, Corydon, IA 50060.

[FR Doc. 2017–22026 Filed 10–11–17; 8:45 am]
BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0002]

Final Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final notice.

SUMMARY: Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below.

The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report are used by insurance agents and others to calculate appropriate flood insurance premium rates for buildings and the contents of those buildings.

DATES: The date of July 18, 2017 which has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

ADDRESSES: The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at *www.msc.fema.gov* by the date indicated above.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for

each community or online through the FEMA Map Service Center at *www.msc.fema.gov.*

The flood hazard determinations are made final in the watersheds and/or communities listed in the table below.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: September 27, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Fayette County, Pennsylvania (All Jurisdictions) Docket No.: FEMA–B–1466	
Borough of Everson	Borough Municipal Building, 232 Brown Street, Everson, PA 15631.

[FR Doc. 2017–22027 Filed 10–11–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2017–0028; OMB No. 1660–0058]

Agency Information Collection Activities: Proposed Collection; Comment Request; Fire Management Assistance Grant Program.

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on an extension, without change, of a currently approved information collection. In accordance with the Paperwork Reduction Act of 1995, this notice seeks comments concerning the Fire Management Assistance Grant Program.

DATES: Comments must be submitted on or before December 11, 2017.

ADDRESSES: To avoid duplicate submissions to the docket, please use only one of the following means to submit comments:

(1) *Online.* Submit comments at *www.regulations.gov* under Docket ID FEMA–2017–0028. Follow the instructions for submitting comments.

(2) *Mail.* Submit written comments to Docket Manager, Office of Chief Counsel, DHS/FEMA, 500 C Street SW., 8NE., Washington, DC 20472–3100.

All submissions received must include the agency name and Docket ID. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to read the Privacy Act notice that is available via the link in the footer of *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Allen Wineland, FMAG Program Manager, Office of Response & Recovery, FEMA, (202) 702–1472 for additional information. You may contact the Records Management Division for copies of the proposed collection of information at email address: *FEMA-Information-Collections-Management@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION: The information collection is required for Fire Management Assistance Grant Program (FMAGP) eligibility determinations, grants management, and compliance with other federal laws and regulations. FEMA's regulations, at 44 CFR part 204, specify the information collections necessary to facilitate the provision of assistance under the FMAGP. FMAGP was established under Section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5187, as amended by section 303 of the Disaster Mitigation Act of 2000, and authorizes the President to provide assistance to any State or local government for the mitigation, management, and control of any fire on public or private forest land or grassland that threatens such destruction as would constitute a major disaster.

Collection of Information

Title: Fire Management Assistance Grant Program.

Type of Information Collection: Extension, without change, of a currently approved information collection.

OMB Number: 1660–0058.

FEMA Forms: FEMA Form 078–0–1, Request for Fire Management Assistance Declaration; FEMA Form 089–0–24, Request for Fire Management Sub-grant; FEMA Form 078–0–2, Principal Advisor's Report.

Abstract: The information collection is required to make grant eligibility determinations for the Fire Management Assistance Grant Program (FMAGP). These eligibility-based grants and subgrants provide assistance to any eligible State, Indian tribal government, or local government for the mitigation, management, and control of a fire on public or private forest land or grassland that is threatening such destruction as would constitute a major disaster. The data/information gathered in the forms is used to determine the severity of the threatening fire, current and forecast weather conditions, and associated factors related to the fire and its potential threat as a major disaster.

Affected Public: State, local, or Tribal Government.

Number of Respondents: 178.

Number of Responses: 553.

Estimated Total Annual Burden Hours: 811 hours.

Estimated Total Annual Respondent Cost: The estimated annual cost to respondents for the hour burden is $56,281.

Estimated Respondents' Operation and Maintenance Costs: There are no annual costs to respondents operations and maintenance costs for technical services.

Estimated Respondents' Capital and Start-Up Costs: There is no annual start-up or capital costs.

Estimated Total Annual Cost to the Federal Government: The cost to the Federal Government is $612,372.

Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of

the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Tammi Hines,

Records Management Program Chief, Mission Support, Federal Emergency Management Agency, Department of Homeland Security.

[FR Doc. 2017–22017 Filed 10–11–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0001]

Notice of Adjustment of Countywide Per Capita Impact Indicator

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: FEMA gives notice that the countywide per capita impact indicator under the Public Assistance program for disasters declared on or after October 1, 2017, will be increased.

DATES: This adjustment applies to major disasters declared on or after October 1, 2017.

FOR FURTHER INFORMATION CONTACT: Christopher Logan, Recovery Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–3834.

SUPPLEMENTARY INFORMATION: In assessing damages for area designations under 44 CFR 206.40(b), FEMA uses a countywide per capita indicator to evaluate the impact of the disaster at the county level. FEMA will adjust the countywide per capita impact indicator under the Public Assistance program to reflect annual changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

FEMA gives notice of an increase in the countywide per capita impact indicator to $3.68 for all disasters declared on or after October 1, 2017.

FEMA bases the adjustment on an increase in the Consumer Price Index for All Urban Consumers of 1.9 percent for the 12-month period that ended in August 2017. The Bureau of Labor Statistics of the U.S. Department of Labor released the information on September 14, 2017.

Catalog of Federal Domestic Assistance No. 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters).

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–22031 Filed 10–11–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0002]

Final Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final notice.

SUMMARY: Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below.

The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report are used by insurance agents and others to calculate appropriate flood insurance premium rates for buildings and the contents of those buildings.

DATES: The date of September 29, 2017 which has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

ADDRESSES: The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at *www.msc.fema.gov* by the date indicated above.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.*

The flood hazard determinations are made final in the watersheds and/or communities listed in the table below.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: September 27, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

I. Watershed-based studies:

Community	Community map repository address
Brandywine-Christina Watershed Chester County, Pennsylvania (All Jurisdictions) Docket No.: FEMA–B–1613	
Borough of Atglen	Borough Office, 120 West Main Street, Atglen, PA 19310.
Borough of Avondale	Borough Office Building, 110 Pomeroy Avenue, Avondale, PA 19311.
Borough of Downingtown	Municipal Government Center, 4–10 West Lancaster Avenue, Downingtown, PA 19335.
Borough of Kennett Square	Borough Hall, 120 Marshall Street, Kennett Square, PA 19348.
Borough of Modena	Borough Hall, 5 Woodland Avenue, Modena, PA 19358.
Borough of Parkesburg	Borough Hall, Building 1, 315 West 1st Avenue, Parkesburg, PA 19365.
Borough of South Coatesville	Borough Hall, 136 Modena Road, South Coatesville, PA 19320.
Borough of West Chester	Municipal Building, 401 East Gay Street, West Chester, PA 19380.
Borough of West Grove	Municipal Building, 117 Rosehill Avenue, 2nd Floor, West Grove, PA 19390.
City of Coatesville	City Hall, 1 City Hall Place, Coatesville, PA 19320.
Township of Birmingham	Birmingham Township Office, 1040 West Street Road, West Chester, PA 19382.
Township of Caln	Caln Township Municipal Building, 253 Municipal Drive, Thorndale, PA 19372.
Township of East Bradford	East Bradford Township Hall, 666 Copeland School Road, West Chester, PA 19380.
Township of East Brandywine	East Brandywine Township Office, 1214 Horseshoe Pike, Downingtown, PA 19335.
Township of East Caln	East Caln Township Municipal Building, 110 Bell Tavern Road, Downingtown, PA 19335.
Township of East Fallowfield	Township Building, 2264 Strasburg Road, East Fallowfield, PA 19320.
Township of East Marlborough	East Marlborough Township Office, 721 Unionville Road, Kennett Square, PA 19348.
Township of East Whiteland	East Whiteland Township Building, 209 Conestoga Road, Frazer, PA 19355.
Township of Franklin	Franklin Township Building, 20 Municipal Lane, Landenberg, PA 19350.
Township of Highland	Highland Township Municipal Building, 100 Five Point Road, Coatesville, PA 19320.
Township of Honey Brook	Township Administration Office, 500 Suplee Road, Honey Brook, PA 19344.
Township of Kennett	Kennett Township Municipal Building, 801 Burrows Run Road, Chadds Ford, PA 19317.
Township of London Grove	London Grove Township Office, 372 Rose Hill Road, Suite 100, West Grove, PA 19390.
Township of Londonderry	Londonderry Municipal Office Building, 103 Daleville Road, Cochranville, PA 19330.
Township of Lower Oxford	Lower Oxford Township Municipal Office, 220 Township Road, Oxford, PA 19363.
Township of New Garden	New Garden Township Administrative Building, 299 Starr Road, Landenberg, PA 19350.
Township of Newlin	Newlin Township Office, Maintenance Garage, 1751 Embreeville Road, Coatesville, PA 19320.
Township of Penn	Penn Township Building, 260 Lewis Road, West Grove, PA 19390.
Township of Pennsbury	Pennsbury Township Municipal Building, 702 Baltimore Pike, Chadds Ford, PA 19317.
Township of Pocopson	Pocopson Township Administration Building, 740 Denton Hollow Road, West Chester, PA 19382.
Township of Sadsbury	Sadsbury Township Municipal Building, 2920 Lincoln Highway, Sadsburyville, PA 19369.
Township of Thornbury	Thornbury Township Municipal Building, 8 Township Drive, Cheyney, PA 19319.
Township of Upper Oxford	Upper Oxford Township Building, 1185 Limestone Road, Oxford, PA 19363.
Township of Upper Uwchlan	Upper Uwchlan Township Office, 140 Pottstown Pike, Chester Springs, PA 19425.
Township of Uwchlan	Uwchlan Township Administration Building, Zoning Department, 715 North Ship Road, Exton, PA 19341.
Township of Valley	Valley Township Municipal Building, 890 West Lincoln Highway, Coatesville, PA 19320.
Township of Wallace	Wallace Township Municipal Building, 1250 Creek Road, Glenmoore, PA 19343.
Township of West Bradford	West Bradford Township Building, 1385 Campus Drive, 1st Floor, Downingtown, PA 19335.
Township of West Brandywine	Township Building, 198 Lafayette Road, Upper Level, West Brandywine, PA 19320.

Community	Community map repository address
Township of West Caln	West Caln Township Municipal Building, 721 West Kings Highway, Wagontown, PA 19376.
Township of West Fallowfield	West Fallowfield Township Office, 3095 Limestone Road, Suite 1, Cochranville, PA 19330.
Township of West Goshen	West Goshen Township Office, 1025 Paoli Pike, West Chester, PA 19380.
Township of West Marlborough	West Marlborough Township Building, 1300 Doe Run Road, Coatesville, PA 19320.
Township of West Nantmeal	West Nantmeal Township Municipal Building, 455 North Manor Road, Elverson, PA 19520.
Township of West Nottingham	West Nottingham Township Municipal Building, 100 Park Road, Nottingham, PA 19362.
Township of West Sadsbury	West Sadsbury Township Municipal Building, 6400 North Moscow Road, Parkesburg, PA 19365.
Township of West Whiteland	West Whiteland Township Building, Zoning Department, 101 Commerce Drive, Exton, PA 19341.

II. Non-watershed-based studies:

Community	Community map repository address
Volusia County, Florida and Incorporated Areas Docket No.: FEMA–B–1617	
City of Daytona Beach	City Hall, 301 South Ridgewood Avenue, Daytona Beach, FL 32114.
City of Daytona Beach Shores	City Hall, 2990 South Atlantic Avenue, Daytona Beach Shores, FL 32118.
City of Deltona	Department of Development Services, 2345 Providence Boulevard, Deltona, FL 32725.
City of Edgewater	Building and Planning Department, 104 North Riverside Drive, Edgewater, FL 32132.
City of Flagler Beach	City Hall, 105 South 2nd Street, Flagler Beach, FL 32136.
City of Holly Hill	City Hall, City Planner's Office, 1065 Ridgewood Avenue, Holly Hill, FL 32117.
City of New Smyrna Beach	City Hall, 210 Sams Avenue, New Smyrna Beach, FL 32168.
City of Oak Hill	City Hall, 234 South US Highway 1, Oak Hill, FL 32759.
City of Ormond Beach	City Hall, City Manager's Office, 22 South Beach Street, Ormond Beach, FL 32174.
City of Port Orange	City Hall, 1000 City Center Circle, Port Orange, FL 32129.
City of South Daytona	City Hall, 1672 South Ridgewood Avenue, South Daytona, FL 32119.
Town of Ponce Inlet	Town Hall, 4300 South Atlantic Avenue, Ponce Inlet, FL 32127.
Unincorporated Areas of Volusia County	Volusia County Office of Growth Management, 123 West Indiana Avenue, DeLand, FL 32720.
Henderson County, Kentucky and Incorporated Areas Docket No.: FEMA–B–1603	
City of Henderson	City Hall, 222 1st Street, Henderson, KY 42420.
Unincorporated Areas of Henderson County	Henderson County Courthouse, 20 North Main Street, Henderson, KY 42420.

[FR Doc. 2017–22025 Filed 10–11–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities. The flood hazard determinations modified by each LOMR will be used to calculate flood insurance premium rates for new buildings and their contents.

DATES: Each LOMR was finalized as in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *www.msc.fema.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email)

patrick.sacbibit@fema.dhs.gov; or visit the FEMA Map Information eXchange (FMIX) online at *www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard information is the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

This new or modified flood hazard information, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

This new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings, and for the contents in those buildings. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *www.msc.fema.gov.*

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: September 25, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Arizona:					
Maricopa (FEMA Docket No.: B–1712).	City of Glendale (16–09–2447P).	The Honorable Jerry Weiers, Mayor, City of Glendale, City Hall, 5850 West Glendale Avenue, Glendale, AZ 85301.	City Hall, 5850 West Glendale Avenue, Glendale, AZ 85301.	Jun. 16, 2017	040045
Maricopa (FEMA Docket No.: B–1712).	City of Litchfield Park (16–09–3089P).	The Honorable Thomas L. Schoaf, Mayor, City of Litchfield Park, City Hall, 214 West Wigwam Boulevard, Litchfield Park, AZ 85340.	City Hall, 214 West Wigwam Boulevard, Litchfield Park, AZ 85340.	Jun. 15, 2017	040128
Maricopa (FEMA Docket No.: B–1712).	City of Peoria (16–09–2447P).	The Honorable Cathy Carlat, Mayor, City of Peoria, 8401 West Monroe Street, Peoria, AZ 85345.	City Hall, 8401 West Monroe Street, Peoria, AZ 85345.	Jun. 16, 2017	040050
Maricopa (FEMA Docket No.: B–1712).	City of Phoenix (16–09–2155P).	The Honorable Greg Stanton, Mayor, City of Phoenix, 200 West Washington Street, 11th Floor, Phoenix, AZ 85003.	Street Transportation Department, 200 West Washington Street, 5th Floor, Phoenix, AZ 85003.	Jun. 2, 2017	040051
Maricopa (FEMA Docket No.: B–1712).	Unincorporated Areas of Maricopa County (16–09–2447P).	The Honorable Denny Barney, Chairman, Board of Supervisors, Maricopa County, 301 West Jefferson Street, 10th Floor, Phoenix, AZ 85003.	Flood Control District of Maricopa County, 2801 West Durango Street, Phoenix, AZ 85009.	Jun. 16, 2017	040037
Pima (FEMA Docket No.: B–1712).	City of Tucson (16–09–1226P).	The Honorable Jonathan Rothschild, Mayor, City of Tucson, 255 West Alameda Street, 10th Floor, Tucson, AZ 85701.	Planning and Development Services, 201 North Stone Avenue, 1st Floor, Tucson, AZ 85701.	Jun. 2, 2017	040076
Pima (FEMA Docket No.: B–1712).	Unincorporated Areas of Pima County (16–09–1226P).	The Honorable Sharon Bronson, Chair, Board of Supervisors, Pima County, 130 West Congress Street, 11th Floor, Tucson, AZ 85701.	Pima County Flood Control District, 201 North Stone Avenue, 9th Floor, Tucson, AZ 85701.	Jun. 2, 2017	040073
California:					
Contra Costa (FEMA Docket No.: B–1712).	City of Brentwood, (17–09–0675P).	The Honorable Robert Taylor, Mayor, City of Brentwood, 150 City Park Way, Brentwood, CA 94513.	Planning Department, 150 City Park Way, Brentwood, CA 94513.	Jun. 19, 2017	060439
Contra Costa (FEMA Docket No.: B–1712).	Unincorporated Areas of Contra Costa County, (17–09–0675P).	The Honorable Federal D. Glover, Chairman, Board of Supervisors, Contra Costa County, 651 Pine Street, Martinez, CA 94553.	Public Works Department, 255 Glacier Drive, Martinez, CA 94553.	Jun. 19, 2017	060025
Madera (FEMA Docket No.: B–1712).	Unincorporated Areas of Madera County (16–09–2575P).	The Honorable Max Rodriguez, Chairman, Board of Supervisors, Madera County, 200 West 4th Street, Madera, CA 93637.	Resource Management Agency, 2037 West Cleveland Avenue, Madera, CA 93637.	Jun. 15, 2017	060170
Riverside (FEMA Docket No.: B–1712).	City of Menifee (16–09–1612P).	The Honorable Scott Mann, Mayor, City of Menifee, 29714 Haun Road, Menifee, CA 92586.	Engineering & Public Works Departments, 29714 Haun Road, Menifee, CA 92586.	Jun. 16, 2017	060176
San Diego (FEMA Docket No.: B–1712).	City of San Diego (16–09–1178P).	The Honorable Kevin L Faulconer, Mayor, City of San Diego, 202 C Street, 11th Floor, San Diego, CA 92101.	Public Works Department, 525 B Street, Suite 750, MS 908A, San Diego, CA 92101.	May 30, 2017	060295
San Joaquin (FEMA Docket No.: B–1712).	City of Stockton (16–09–2351P).	The Honorable Michael D. Tubbs, Mayor, City of Stockton, 425 North El Dorado Street, Stockton, CA 95202.	Community Development Department, 345 North El Dorado Street, Stockton, CA 95202.	Jun. 23, 2017	060302

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Idaho: Ada (FEMA Docket No.: B–1712)	Unincorporated Areas of Ada County (16–10–1385P).	The Honorable Dave Case, Chairman, Ada County Board of Commissioners, 200 West Front Street, 3rd Floor, Boise, ID 83702.	Ada County Courthouse, 200 West Front Street, Boise, ID 83702.	Jun. 23, 2017	160001
Indiana:					
Boone (FEMA Docket No.: B–1712).	City of Lebanon (16–05–5075P).	The Honorable Matt Gentry, Mayor, City of Lebanon, City of Lebanon Municipal Building, 401 South Meridian Street, Lebanon, IN 46052.	Municipal Building, 401 South Meridian Street, Lebanon, IN 46052.	Jun. 23, 2017	180013
Boone (FEMA Docket No.: B–1712).	Unincorporated Areas of Boone County (16–05–5075P).	The Honorable Jeff Wolfe, Boone County Commissioner, 201 Courthouse Square, Lebanon, IN 46052.	Boone County Area Plan Commission, 116 West Washington Street, Lebanon, IN 46052.	Jun. 23, 2017	180011
Kentucky:					
Pike (FEMA Docket No.: B–1712).	Unincorporated Areas of Pike County, (17–04–1490P).	The Honorable William M. Deskins, Judge Executive, Pike County, 146 Main Street, Pikeville, KY 41501.	Pike County Courthouse, 146 Main Street, Pikeville, KY 41501.	Jun. 29, 2017	210298
Pike (FEMA Docket No.: B–1712).	Unincorporated Areas of Pike County, (17–04–1672P).	The Honorable William M. Deskins, Judge Executive, Pike County, 146 Main Street, Pikeville, KY 41501.	Pike County Courthouse, 146 Main Street, Pikeville, KY 41501.	Jun. 29, 2017	210298
Michigan: Wayne (FEMA Docket No.: B–1712)	City of Northville (16–05–6404P).	The Honorable Ken Roth, Mayor, City of Northville, City Hall, 215 West Main Street, Northville, MI 48167.	City Hall, 215 West Main Street, Northville, MI 48167.	Jun. 2, 2017	260235
Missouri:					
St. Charles (FEMA Docket No.: B–1712).	City of Cottleville (16–07–1877P).	The Honorable Jim Hennessey, Mayor, City of Cottleville, 5490 5th Street, Cottleville, MO 63304.	City Hall, 5490 5th Street, Cottleville, MO 63304.	Jun. 29, 2017	290898
St. Charles (FEMA Docket No.: B–1712).	City of St. Peters (16–07–1877P).	The Honorable Len Pagano, Mayor, City of St. Peters, 1 St. Peters Centre Boulevard, St. Peters, MO 63376.	City Hall, 1 Saint Peters Centre Boulevard, St. Peters, MO 63376.	Jun. 29, 2017	290319
St. Charles (FEMA Docket No.: B–1712).	Unincorporated Areas of St. Charles County (16–07–1877P).	Mr. Steve Ehlmann, St. Charles County Executive, 100 North 3rd Street, Suite 318, St. Charles, MO 63301.	County Administration Building, 201 North 2nd Street, Suite 420, St. Charles, MO 63301.	Jun. 29, 2017	290315
Nebraska:					
Howard (FEMA Docket No.: B–1712).	Unincorporated Areas of Howard County (16–07–2344P).	The Honorable Kathy Hirschman, Chairman, Howard County Board of Commissioners, 830 Hardy Road, St. Paul, NE 68873.	Howard County Courthouse, 612 Indian Street, St. Paul, NE 68873.	Jun. 8, 2017	310446
Howard (FEMA Docket No.: B–1712).	Village of Dannebrog (16–07–2344P).	The Honorable Carol Schroeder, Chairperson, Village of Dannebrog, 104 South Mill Street, Dannebrog, NE 68831.	Village Hall, 102 South Mill Street, Dannebrog, NE 68831.	Jun. 8, 2017	310118
Nevada:					
Carson (FEMA Docket No.: B–1712).	City of Carson City (16–09–1192P).	The Honorable Robert Crowell, Mayor, City of Carson City, City Hall, 201 North Carson Street, Suite 2, Carson City, NV 89701.	Carson City Permit Center, 108 East Proctor Street, Carson City, NV 89701.	Jun. 5, 2017	320001
Clark (FEMA Docket No.: B–1712).	City of Las Vegas (16–09–0698P).	The Honorable Carolyn G. Goodman, Mayor, City of Las Vegas, City Hall, 495 South Main Street, Las Vegas, NV 89101.	Public Works Department, 400 Stewart Avenue, 4th Floor, Las Vegas, NV 89101.	Jun. 21, 2017	325276
Clark (FEMA Docket No.: B–1712).	City of North Las Vegas (16–09–2150P).	The Honorable John J. Lee, Mayor, City of North Las Vegas, 2250 Las Vegas Boulevard North, North Las Vegas, NV 89030.	Public Works Department, 2200 Civic Center Drive, North Las Vegas, NV 89030.	May 30, 2017	320007
Clark (FEMA Docket No.: B–1712).	City of North Las Vegas (16–09–2540P).	The Honorable John J. Lee, Mayor, City of North Las Vegas, 2250 Las Vegas Boulevard North, North Las Vegas, NV 89030.	Public Works Department, 2200 Civic Center Drive, North Las Vegas, NV 89030.	May 30, 2017	320007
Clark (FEMA Docket No.: B–1712).	City of North Las Vegas (16–09–3212P).	The Honorable John J. Lee, Mayor, City of North Las Vegas, 2250 Las Vegas Boulevard North, North Las Vegas, NV 89030.	Public Works Department, 2200 Civic Center Drive, North Las Vegas, NV 89030.	Jun. 29, 2017	320007
New Jersey: Ocean (FEMA Docket No.: B–1712)	Township of Brick (16–02–1649P).	The Honorable John G. Ducey, Mayor, Township of Brick, 401 Chambersbridge Road, Brick, NJ 08723.	Township Hall Municipal Building, 401 Chambersbridge Road, Brick, NJ 08723.	May 30, 2017	345285
Oregon: Deschutes (FEMA Docket No.: B–1712)	Unincorporated Areas of Deschutes County, (17–10–0456P).	Ms. Tammy Baney, Chair, Deschutes County Board of Commissioners, P.O. Box 6005, Bend, OR 97708.	Deschutes County Board of Commissioners, 1164 Northwest Bond Street, Bend, OR 97701.	Jun. 23, 2017	410055
Texas:					
Dallas (FEMA Docket No.: B–1712).	City of Balch Springs (16–06–3086P).	The Honorable Carrie Marshall, Mayor, City of Balch Springs, 13503 Alexander Road, Balch Springs, TX 75181.	Public Works Department, 3117 Hickory Tree Road, Balch Springs, TX 75180.	Jul. 5, 2017	480166
Dallas (FEMA Docket No.: B–1712).	City of Dallas (16–06–3086P).	The Honorable Michael S. Rawlings, Mayor, City of Dallas, 1500 Marilla Street, Suite 5EN, Dallas, TX 75201.	Department of Public Works, 320 East Jefferson Boulevard, Dallas, TX 75203.	Jul. 5, 2017	480171
Dallas (FEMA Docket No.: B–1712).	City of Grand Prairie, (17–06–0542P).	The Honorable Ron Jensen, Mayor, City of Grand Prairie, 317 West College Street, Grand Prairie, TX 75050.	City Development Center, 206 West Church Street, Grand Prairie, TX 75050.	Jun. 8, 2017	485472
Washington: Wahkiakum (FEMA Docket No.: B–1712)	Unincorporated Areas of Wahkiakum County (16–10–0856P).	Mr. Blair H. Brady, Chairman, Wahkiakum County Board of Commissioners, 64 Main Street, Cathlamet, WA 98612.	Wahkiakum County Courthouse, 64 Main Street, Cathlamet, WA 98612.	Jun. 23, 2017	530193
Wisconsin:					

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Marathon (FEMA Docket No.: B–1712).	Unincorporated Areas of Marathon County, (17–05–1790X).	The Honorable Kurt Gibbs, Chairperson, Marathon County, 500 Forest Street, Wausau, WI 54403.	Conservation Planning and Zoning Office, 210 River Drive, Wausau, WI 54403.	Jun. 22, 2017	550245
Marathon (FEMA Docket No.: B–1712).	Village of Hatley, (17–05–1790X).	The Honorable David Narloch, President, Village of Hatley, 115 Kuhlman Avenue, Hatley, WI 54440.	Village Hall, 435 Curtis Avenue, Hatley, WI 54440.	Jun. 22, 2017	550251
Milwaukee (FEMA Docket No.: B–1712).	City of Milwaukee (16–05–7247P).	The Honorable Tom Barrett, Mayor, City of Milwaukee, 200 East Wells Street, Room 201, Milwaukee, WI 53202.	City Hall, 200 East Wells Street, Milwaukee, WI 53202.	Jun. 23, 2017	550278
Milwaukee (FEMA Docket No.: B–1712).	Village of Brown Deer (16–05–7247P).	The Honorable Carl Krueger, Village President, Village of Brown Deer, 4800 West Green Brook Drive, Brown Deer, WI 53223.	Village Hall, 4800 West Green Brook Drive, Brown Deer, WI 53223.	Jun. 23, 2017	550271
Waukesha (FEMA Docket No.: B–1712).	Unincorporated Areas of Waukesha County (16–05–6562P).	The Honorable Paul L. Decker, Waukesha County Board Chair, County Courthouse, 515 West Moreland Boulevard, Room C170, Waukesha, WI 53188.	Waukesha County Administration Section, 515 West Mooreland Boulevard, Waukesha, WI 53188.	Jun. 23, 2017	550476
Waukesha (FEMA Docket No.: B–1712).	Village of Sussex (16–05–6562P).	The Honorable Gregory L. Goetz, President, Village Board, N61W24222 Oak Court, Sussex, WI 53089.	Village Hall, N64W23760 Main Street, Sussex, WI 53089.	Jun. 23, 2017	550490

[FR Doc. 2017–22021 Filed 10–11–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0001]

Notice of Adjustment of Minimum Project Worksheet Amount

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: FEMA gives notice that the minimum Project Worksheet Amount under the Public Assistance program for disasters and emergencies declared on or after October 1, 2017, will be increased.

DATES: This adjustment applies to major disasters and emergencies declared on or after October 1, 2017.

FOR FURTHER INFORMATION CONTACT: Christopher Logan, Recovery Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–3834.

SUPPLEMENTARY INFORMATION: The Robert T. Stafford Disaster Relief and Emergency Assistance Act 42 U.S.C. 5121–5207 and 44 CFR 206.202(d)(2) provide that FEMA will annually adjust the minimum Project Worksheet amount under the Public Assistance program to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

FEMA gives notice of an increase to $3,140 for the minimum amount that will be approved for any Project Worksheet under the Public Assistance program for all major disasters and emergencies declared on or after October 1, 2017.

FEMA bases the adjustment on an increase in the Consumer Price Index for All Urban Consumers of 1.9 percent for the 12-month period that ended in August 2017. This is based on information released by the Bureau of Labor Statistics at the U.S. Department of Labor on September 14, 2017.

Catalog of Federal Domestic Assistance No. 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters).

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–22034 Filed 10–11–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0001]

Notice of Maximum Amount of Assistance Under the Individuals and Households Program

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: FEMA gives notice of the maximum amount for assistance under the Individuals and Households Program for emergencies and major disasters declared on or after October 1, 2017.

DATES: This adjustment applies to emergencies and major disasters declared on or after October 1, 2017.

FOR FURTHER INFORMATION CONTACT: Christopher B. Smith, Recovery Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 212–1000.

SUPPLEMENTARY INFORMATION: Section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Stafford Act), 42 U.S.C. 5174, prescribes that FEMA must annually adjust the maximum amount for assistance provided under the Individuals and Households Program (IHP). FEMA gives notice that the maximum amount of IHP financial assistance provided to an individual or household under section 408 of the Stafford Act with respect to any single emergency or major disaster is $34,000. The increase in award amount as stated above is for any single emergency or major disaster declared on or after October 1, 2016. In addition, in accordance with 44 CFR 61.17(c), this adjustment includes the maximum amount of available coverage under any Group Flood Insurance Policy (GFIP) issued.

FEMA bases the adjustment on an increase in the Consumer Price Index for All Urban Consumers of 1.9 percent for the 12-month period, which ended in August 2017. The Bureau of Labor Statistics of the U.S. Department of Labor released the information on September 14, 2017.

Catalog of Federal Domestic Assistance No. 97.048, Federal Disaster Assistance to Individuals and Households in Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–22032 Filed 10–11–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4339–DR; Docket ID FEMA–2017–0001]

Puerto Rico; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Commonwealth of Puerto Rico (FEMA–4339–DR), dated September 20, 2017, and related determinations.

DATES: This amendment was issued October 2, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the Commonwealth of Puerto Rico is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of September 20, 2017.

The municipalities of Adjuntas, Aguada, Aquadilla, Añasco, Cabo Rojo, Camuy, Guánica, Guayanilla, Hatillo, Hormigueros, Isabela, Lajas, Larus, Las Marías, Maricao, Mayagüez, Moca, Peñuelas, Quebradillas, Rincón, Sabana Grande, San Germán, San Sebastián, and Yauco for Individual Assistance (already designated for debris removal and emergency protective measures [Categories A and B], including direct federal assistance, under the Public Assistance program).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–22033 Filed 10–11–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2017–0049]

The President's National Infrastructure Advisory Council

AGENCY: National Protection and Programs Directorate, DHS.

ACTION: Committee management; notice of an open Federal Advisory Committee meeting.

SUMMARY: The President's National Infrastructure Advisory Council (NIAC) will meet Thursday, November 9, 2017, in Arlington, VA. This meeting will be open to the public.

DATES: The NIAC will meet on Thursday, November 9, 2017, 1:30 p.m.–4:30 p.m. Eastern Standard Time (EST). The meeting may close early if the committee has completed its business. For additional information, please consult the NIAC Web site, *www.dhs.gov/NIAC,* or contact the NIAC Secretariat by phone at (703) 235–2888 or by email at *NIAC@hq.dhs.gov.*

ADDRESSES: Navy League Building, 2300 Wilson Blvd. Arlington, VA 22201. Members of the public will register at the registration table prior to entering the meeting room. For information on facilities or services for individuals with disabilities, or to request special assistance at the meeting, contact the person listed under **FOR FURTHER INFORMATION CONTACT** below as soon as possible.

Members of the public are invited to provide comments on issues to be considered by the NIAC mentioned in the supplementary information section. Comments must be submitted in writing no later than 12:00 p.m. on November 9, 2017, in order to be considered by the Council in its meeting. The comments must be identified by docket number DHS–2017–0049, and may be submitted by any *one* of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* Follow the instructions for submitting written comments.
- *Email: NIAC@hq.dhs.gov.* Include docket number DHS–2017–0049 in the subject line of the message.
- *Fax:* (703)235–9707, ATTN: Ginger Norris.
- *Mail:* Ginger Norris, National Protection and Programs Directorate, Department of Homeland Security, 245 Murray Lane SW., Mail Stop 0612, Washington, DC 20598–0607.

Instructions: All written submissions must include the words ''Department of Homeland Security'' and docket number DHS–2017–0049. Written comments will be posted without alteration at *www.regulations.gov,* including any personal information provided.

Docket: For access to the docket or to read background documents or comments received by the NIAC, go to *www.regulations.gov.* Enter ''NIAC'' in the search line and the Web site will list all relevant documents for your review.

Members of the public will have an opportunity to provide oral comments on the topics on the meeting agenda below, and on any previous studies issued by the NIAC. We request that comments be limited to the issues and studies listed in the meeting agenda and previous NIAC studies. All previous NIAC studies can be located at *www.dhs.gov/NIAC.* Public comments may be submitted in writing or presented in person for the Council to consider. Comments for discussion during the NIAC meeting can be received on or after Thursday, November 9, 2017 no later than one hour prior to the start of the meeting. Comments received after the deadline will be added as part of the subsuquent meeting minutes. In-person presentations will be limited to three minutes per speaker, with no more than 15 minutes for all speakers. Parties interested in making in-person comments should register on the Public Comment Registration list available at the entrance to the meeting location prior to the beginning of the meeting.

FOR FURTHER INFORMATION CONTACT: Ginger Norris, NIAC Designated Federal Officer, Department of Homeland Security, 202–441–5885, *ginger.norris@hq.dhs.gov.*

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. Appendix. The NIAC shall provide the President, through the Secretary of Homeland Security, with advice on the security and resilience of the Nation's critical infrastructure sectors. The NIAC will meet to discuss issues relevant to critical infrastructure security and resilience, as directed by the President. The Council will discuss future taskings and host a cross-sector panel discussion about various risks facing critical infrastructure. All powerpoint presentations will be posted prior to the

meeting on the Council's public Web page *www.dhs.gov/NIAC.*

Agenda

I. Opening of Meeting
II. Roll Call of Members
III. Opening Remarks and Introductions
IV. Approval of August 2017 Meeting Minutes
V. Cross–Sector Panel Discussion
VI. Public Comment
VII. Discussion of New NIAC Business
VIII. Closing Remarks
IX. Adjournment

Deirdre Gallop-Anderson,

Alternate Designated Federal Officer for the National Infrastructure Advisory Council.

[FR Doc. 2017–22076 Filed 10–11–17; 8:45 am]

BILLING CODE 9110–9P–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–HQ–IA–2017–0055; 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 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 13, 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–2017–0055.
- *U.S. mail or hand-delivery:* Public Comments Processing, Attn: Docket No. FWS–HQ–IA–2017–0055; 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 CONTACT**. 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.;* ESA), 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, ESA prohibits activities with listed species unless Federal authorization is acquired that allows such activities.

Applicant: Wildlife Conservation Society, New York, NY; PRT–36203C

The applicant requests a permit to export four captive-born maleos (*Macrocephalon maleo*) to Weltvogelpark Walsrode, Germany, for the purpose of enhancing the propagation or survival of the species. This notification covers a single export conducted by the applicant.

Applicant: Smithsonian National Zoological Park, Washington, DC; PRT–41581C

The applicant requests a permit to export one male cheetah (*Acinonyx jubatus*) to Toronto Zoo, Toronto,

Canada, for the purpose of enhancing the propagation or survival of the species. This notification covers a single export conducted by the applicant.

Applicant: Omaha's Henry Doorly Zoo & Aquarium, Omaha, NE; PRT–15139C

The applicant requests a permit to import biological samples collected from live, wild animals of the various genera: Allocebus, Avahi, Cheirogaleus, Daubentonia, Eulemur, Hapalemur, Indri, Lemur, Lepilemur, Microcebus, Mirza, Phaner, Prolemur, Propithecus, and Varecia, for the purposes of scientific research. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: Jack Phillips, Gladewater, TX; PRT–67438A

The applicant requests a renewal permit to cull red lechwe (*Kobus leche*) for the purpose of enhancing the propagation and survival of the species. This notification covers activities to be conducted by the applicant over a 5-year period.

Museum Applicant

Applicant: American Museum of Natural History, New York, NY; PRT–761887

The applicant requests a renewal permit to export and reimport nonliving museum specimens of endangered and threatened species previously accessioned into the applicant's collection for scientific research. This notification covers activities to be conducted by the applicant over a 5-year period.

Trophy Applicant

Applicant: David A. Gitilitz, Aspen, CO; PRT–40731C

The applicant requests a permit to import a sport-hunted trophy of a male bontebok (*Damaliscus pygargus pygargus*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancing the propagation or survival of the species. This notification covers a single import conducted by the applicant.

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. 2017–21977 Filed 10–11–17; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–ES–2017–N121; FXES11130800000–178–FF08EVEN00]

Receipt of Application for Incidental Take Permit; Draft Low-Effect Habitat Conservation Plan for the California Tiger Salamander; La Purisima Golf Course Solar Array Project, Santa Barbara County, California

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), have received an application from Protek Investments, LLC for an incidental take permit under the Endangered Species Act of 1973, as amended. The permit would authorize take of the federally endangered California tiger salamander (Santa Barbara distinct population segment), incidental to otherwise lawful activities associated with the La Purisima Golf Course Solar Array Project draft low-effect habitat conservation plan. We invite public comment.

DATES: Written comments should be received on or before November 13, 2017.

ADDRESSES: *To obtain documents:* You may download a copy of the draft habitat conservation plan and draft low-effect screening form and environmental action statement at *http://www.fws.gov/ventura/,* or you may request copies of the documents by sending U.S. mail to our Ventura office, or by phone (see **FOR FURTHER INFORMATION CONTACT**).

To submit written comments: Please send us your written comments using one of the following methods:

- *U.S. mail:* Send your comments to: Stephen P. Henry, Field Supervisor, Ventura Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2493 Portola Road, Suite B, Ventura, CA 93003.
- *Facsimile:* Fax your comments to 805–644–3958.

FOR FURTHER INFORMATION CONTACT: Rachel Henry, Fish and Wildlife Biologist, 805–677–3312 (phone), or at the Ventura address in **ADDRESSES**.

SUPPLEMENTARY INFORMATION: We have received an application from Protek Investments, LLC (applicant) for an incidental take permit under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.;* ESA). The applicant has agreed to follow all of the conditions in the draft habitat conservation plan for the project. The permit would authorize take of the Santa Barbara distinct population segment of the federally endangered California tiger salamander (*Ambystoma californiense*) incidental to otherwise lawful activities associated with the draft La Purisima Golf Course Solar Array Project Habitat Conservation Plan (HCP). We invite public comment on the application, the draft HCP, draft low-effect screening form, and environmental action statement.

Background

The Santa Barbara distinct population segment (DPS) of the California tiger salamander was listed by the Service as endangered on September 21, 2000 (65 FR 57242). Section 9 of the ESA and its implementing regulations prohibit the ''take'' of fish or wildlife species listed as endangered or threatened. ''Take'' is defined under the ESA to include the following activities: ''[T]o harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct'' (16 U.S.C. 1532); however, under section 10(a)(1)(B) of the ESA, we may issue permits to authorize incidental take of listed species. ''Incidental take'' is defined by the ESA as take that is incidental to, and not the purpose of, carrying out of an otherwise lawful activity. Regulations governing incidental take permits for threatened and endangered species are in the Code of Federal Regulations (CFR) at 50 CFR 17.32 and 17.22, respectively. Under the

ESA, protections for federally listed plants differ from the protections afforded to federally listed animals. Issuance of an incidental take permit also must not jeopardize the existence of federally listed fish, wildlife, or plant species. All species included in the incidental take permit would receive assurances under our ''No Surprises'' regulations (50 CFR 17.22(b)(5) and 17.32(b)(5)).

Applicant's Proposed Activities

The applicant has applied for a permit for incidental take of the California tiger salamander. The potential take will occur in association with activities necessary for the implementation of the installation of a 3 acre solar array project. The site includes suitable upland habitat for the California tiger salamander. The HCP includes avoidance and minimization measures for the covered species. As mitigation for unavoidable loss of occupied upland habitat the applicant is supporting recovery goals for the California tiger salamander by facilitating and funding survey work to detect the presence of invasive barred tiger salamanders in the area.

Our Preliminary Determination

The Service has made a preliminary determination that issuance of the incidental take permit is neither a major Federal action that will significantly affect the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4321 *et seq.;* NEPA), nor will it individually or cumulatively have more than a negligible effect on the species covered in the HCP. Therefore, the permit qualifies for a categorical exclusion under NEPA.

Public Comments

If you wish to comment on the permit application, draft HCP, and associated documents, you may submit comments by one of the methods in **ADDRESSES**.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public view, we cannot guarantee that we will be able to do so.

Authority

We provide this notice under section 10 of the ESA (16 U.S.C. 1531 *et seq.*) and NEPA regulations (40 CFR 1506.6).

Dated: October 4, 2017.

Stephen P. Henry,

Field Supervisor, Ventura Fish and Wildlife Office, Ventura, California.

[FR Doc. 2017–22092 Filed 10–11–17; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–ES–2017–N134; FXES11130800000–178–FF08EVEN00]

Receipt of Application for Incidental Take Permit; Draft Low-Effect Habitat Conservation Plan for the California Tiger Salamander; Rice Ranch Development Project, Santa Barbara County, California

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), have received an application from John Scardino of Highlands at Double R, LLC for an incidental take permit under the Endangered Species Act of 1973, as amended. The permit would authorize take of the federally endangered California tiger salamander (Santa Barbara distinct population segment), incidental to otherwise lawful activities associated with the Rice Ranch Development Project draft low-effect habitat conservation plan. We invite public comment.

DATES: Written comments should be received on or before November 13, 2017.

ADDRESSES: *To obtain documents:* You may download a copy of the draft habitat conservation plan and draft low-effect screening form and environmental action statement at *http://www.fws.gov/ventura/,* or you may request copies of the documents by sending U.S. mail to our Ventura office, or by phone (see **FOR FURTHER INFORMATION CONTACT**).

To submit written comments: Please send us your written comments using one of the following methods:

- *U.S. mail:* Send your comments to: Stephen P. Henry, Field Supervisor, Ventura Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2493 Portola Road, Suite B, Ventura, CA 93003.
- *Facsimile:* Fax your comments to 805–644–3958.

FOR FURTHER INFORMATION CONTACT: Rachel Henry, Fish and Wildlife Biologist, 805–677–3312 (phone), or at the Ventura address in **ADDRESSES**.

SUPPLEMENTARY INFORMATION: We have received an application from John Scardino of Highlands at Double R, LLC (applicant) for an incidental take permit under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.;* ESA). The applicant has agreed to follow all of the conditions in the draft habitat conservation plan for the project. The permit would authorize take of the Santa Barbara distinct population segment of the federally endangered California tiger salamander (*Ambystoma californiense*) incidental to otherwise lawful activities associated with the draft Rice Ranch Development Habitat Conservation Plan (HCP). We invite public comment on the application, the draft HCP, draft low-effect screening form, and environmental action statement.

Background

The Santa Barbara distinct population segment (DPS) of the California tiger salamander was listed by the Service as endangered on September 21, 2000 (65 FR 57242). Section 9 of the ESA and its implementing regulations prohibit the ''take'' of fish or wildlife species listed as endangered or threatened. ''Take'' is defined under the ESA to include the following activities: ''[T]o harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct'' (16 U.S.C. 1532); however, under section 10(a)(1)(B) of the ESA, we may issue permits to authorize incidental take of listed species. ''Incidental take'' is defined by the ESA as take that is incidental to, and not the purpose of, carrying out of an otherwise lawful activity. Regulations governing incidental take permits for threatened and endangered species are in the Code of Federal Regulations (CFR) at 50 CFR 17.32 and 17.22, respectively. Under the ESA, protections for federally listed plants differ from the protections afforded to federally listed animals. Issuance of an incidental take permit also must not jeopardize the existence of federally listed fish, wildlife, or plant species. The permittee would receive assurances under our ''No Surprises'' regulations (50 CFR 17.22(b)(5) and 17.32(b)(5)) regarding conservation activities for the California tiger salamander.

Applicant's Proposed Activities

The applicant has applied for a permit for incidental take of the California tiger salamander. The potential take will

occur in association with activities necessary for the construction of the residential development. The site includes approximately 180 acres of suitable upland habitat for the California tiger salamander. The HCP includes avoidance and minimization measures for the covered species and mitigation for unavoidable loss of occupied upland habitat through the purchase of mitigation credits at a Service-approved conservation bank.

Our Preliminary Determination

The Service has made a preliminary determination that issuance of the incidental take permit is neither a major Federal action that will significantly affect the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4321 *et seq.;* NEPA), nor will it individually or cumulatively have more than a negligible effect on the species covered in the HCP. The Service considers the impacts of the project on the California tiger salamander to be minor as the affected habitat is moderate to low quality and does not provide connectivity between breeding ponds. Therefore, the permit qualifies for a categorical exclusion under NEPA.

Public Comments

If you wish to comment on the permit application, draft HCP, and associated documents, you may submit comments by one of the methods in **ADDRESSES**.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public view, we cannot guarantee that we will be able to do so.

Authority

We provide this notice under section 10 of the ESA (16 U.S.C. 1531 *et seq.*) and NEPA regulations (40 CFR 1506.6).

Dated: October 5, 2017.

Stephen P. Henry,

Field Supervisor, Ventura Fish and Wildlife Office, Ventura, California.

[FR Doc. 2017–22091 Filed 10–11–17; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLIDC00000.17XL1109AF.L16200000.MG0000.241A0; 4500110251]

Notice of Public Meeting, Coeur d'Alene District Resource Advisory Council, Idaho

October 27, 2017

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act of 1976, the Federal Advisory Committee Act of 1972, and the Federal Lands Recreation Enhancement Act of 2004, the U.S. Department of the Interior, Bureau of Land Management (BLM) Coeur d'Alene District Resource Advisory Council (RAC) will meet as indicated below.

DATES: The Coeur d'Alene District RAC will hold a public meeting on Thursday, October 19, 2017. The meeting will begin at 9:00 a.m. and end no later than 3:30 p.m.

ADDRESSES: The meeting will be held at the BLM Coeur d'Alene District Office, 3815 Schreiber Way, Coeur d'Alene, Idaho 83815.

FOR FURTHER INFORMATION CONTACT: Suzanne Endsley, Coeur d'Alene District, Idaho, 3815 Schreiber Way, Coeur d'Alene, Idaho 83815, (208) 769–5004. Persons who use a telecommunications device for the deaf (TDD) may contact Ms. Endsley by calling the Federal Relay Service (FRS) at (800) 877–8339. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with Ms. Endsley. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The 15-member RAC advises the Secretary of the Interior, through the Bureau of Land Management, on a variety of planning and management issues associated with public land management in Idaho. The meeting agenda will include updates from the Cottonwood and Coeur d'Alene Field Offices; presentations from the Nez Perce/Clearwater and the Idaho Panhandle National Forests regarding potential new recreation fees and/or increased fee rates; information on vegetation treatment projects and recreation enhancements. Additional agenda topics or changes to the agenda will be announced in local news releases. More information is available at *http://www.blm.gov/id/st/en/get_involved/resource_advisory/coeur_d_alene_district.html.* RAC meetings are open to the public. A public comment period will be available on October 19 from 1:00 p.m. to 1:30 p.m. during the meeting. Depending on the number of persons wishing to comment and time available, the time for individual oral comments may be limited.

Before including your address, phone number, email address, or other personal identifying information in your comments, please be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Individuals who plan to attend and need special assistance, such as sign language interpretation, should contact the BLM as provided above.

Authority: 43 CFR 1784.4–2.

Linda Clark,

BLM Coeur d'Alene District Manager.

[FR Doc. 2017–22047 Filed 10–11–17; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF THE INTERIOR

Office of Natural Resources Revenue

[Docket No. ONRR–2011–0006; DS63644000 DR2000000.CH7000 189D0102R2; OMB Control Number 1012–0009]

Agency Information Collection Activities: Submission to the Office of Management and Budget for Review and Approval; OCS Net Profit Share Payment Reporting

AGENCY: Office of Natural Resources Revenue, Interior.

ACTION: Notice of extension.

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), we, the Office of Natural Resources Revenue (ONRR), are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before *November 13, 2017.*

ADDRESSES: You may submit your 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 to *OIRA_Submission@omb.eop.gov;* or via facsimile to (202) 395–5806. Please mail a copy of your comments to Mr. Armand Southall, Regulatory Specialist, ONRR, P.O. Box 25165, MS 64400, Denver, Colorado 80225–0165, or by email to

Armand.Southall@onrr.gov. Please reference ''OMB Control Number 1012–0009'' in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: For questions on technical issues, contact Mr. Roman Geissel, Deputy Program Manager, Audit and Compliance Management (ACM), ONRR, at (303) 231–3226, or email to *Roman.Geissel@onrr.gov.* For other questions, contact Mr. Armand Southall, at (303) 231–3221, or email to *Armand.Southall@onrr.gov.* You may also contact Mr. Southall to obtain copies, at no cost, of (1) the ICR and (2) the regulations that require us to collect the information. You may view the ICR at *http://www.reginfo.gov/public/do/PRAMain* and select ''Information Collection Review,'' then select ''Department of the Interior'' in the drop-down box under ''Currently Under Review.''

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 published a notice, with a 60-day public comment period soliciting comments on this collection of information, in the **Federal Register** on May 5, 2017 (82 FR 21261). We received the following comments in response to the notice: ''The burden hour estimate of 2,400 hours annually for the current 14 lessees of producing NPSLs is a reasonable estimate. The instructions on the handling of NPSLs are clear. The recordkeeping requirements are easy to understand. The reporting format follows the standard ONRR–2014 format so it's easy to understand.''

Once again, we are soliciting comments on this 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 ONRR; (2) will this information be processed and used in a timely manner; (3) is the estimate of the burden accurate; (4) how might ONRR enhance the quality, usefulness, and clarity of the information collected; and (5) how might ONRR 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 Personally Identifiable Information (PII), such as your address, phone number, email address, or other personal identifying information, in your comment(s), you should be aware that your entire comment—including PII—may be made available to the public at any time. While you may ask us, in your comment, to withhold your PII from public view, we cannot guarantee that we will be able to do so.

Abstract: The Secretary of the United States Department of the Interior is responsible for collecting royalties from lessees who produce minerals from leased Federal and Indian lands and the Outer Continental Shelf (OCS). Under various laws, the Secretary's responsibility is to manage mineral resource production on Federal and Indian lands and the OCS, collect the royalties and other mineral revenues due, and distribute the funds collected. ONRR performs the royalty management functions and assists the Secretary in carrying out the Department's responsibility. We have posted those laws pertaining to mineral leases on Federal and Indian lands and the OCS at *http://www.onrr.gov/Laws_R_D/PubLaws/default.htm.*

I. General Information

ONRR collects and uses this information to determine all allowable direct and allocable joint costs and credits under § 1220.011 incurred during the lease term, appropriate overhead allowance permitted on these costs under § 1220.012, and allowances for capital recovery calculated under § 1220.020. ONRR also collects this information to ensure that royalties or net profit share payments are accurately valued and appropriately paid. This ICR affects only oil and gas leases on submerged Federal lands on the OCS.

II. Information Collections

Title 30 CFR part 1220 covers the net profit share lease (NPSL) program and establishes reporting requirements for determining the net profit share base under § 1220.021 and calculating the net profit share payments due to the Federal government for the production of oil and gas from leases under § 1220.022.

A. NPSL Bidding System

To encourage exploration and development of oil and gas leases on submerged Federal lands on the OCS, the Bureau of Ocean Energy Management (BOEM) promulgated regulations at 30 CFR part 560—Outer Continental Shelf Oil and Gas Leasing. BOEM also promulgated specific implementing regulations for the NPSL bidding system at § 560.202(d). BOEM established the NPSL bidding system to balance a fair market return to the Federal government for the lease of its public lands with a fair profit to companies risking their investment capital. The system provides an incentive for early and expeditious exploration and development and provides for sharing the risks by the lessee and the Federal government. The NPSL bidding system incorporates a fixed capital recovery system as a means through which the lessee recovers costs of exploration and development from production revenues, along with a reasonable return on investment.

B. NPSL Capital Account

The Federal government does not receive a profit share payment from an NPSL until the lessee shows a credit balance in its capital account; that is, cumulative revenues and other credits exceed cumulative costs. Lessees multiply the credit balance by the net profit share rate (30 to 50 percent), resulting in the amount of net profit share payment due to the Federal government.

ONRR requires lessees to maintain an NPSL capital account for each lease under § 1220.010, which transfers to a new owner when sold. Following the cessation of production, lessees are also required to provide either an annual or a monthly report to the Federal government, using data from the capital account until the lease is terminated, expired, or relinquished.

C. NPSL Inventories

The NPSL lessees must notify BOEM of their intent to perform an inventory and file a report after each inventory of controllable materiel under §§ 1220.032 and 1220.031, respectively.

D. NPSL Audits

When non-operators of an NPSL call for an audit, they must notify ONRR. When ONRR calls for an audit, the lessee must notify all non-operators on the lease. These requirements are located at § 1220.033.

III. OMB Approval

The information we collect under this ICR is essential in order to determine when net profit share payments are due and to ensure that lessees properly value and pay royalties or net profit share payments.

We are requesting OMB approval to continue to collect this information. Not collecting this information would limit the Secretary's ability to discharge

fiduciary duties and may also result in the inability to confirm the accurate royalty value. ONRR protects the proprietary information received and does not collect items of a sensitive nature.

IV. Data

Title: OCS Net Profit Share Payment Reporting, 30 CFR part 1220.

OMB Control Number: 1012–0009.

Bureau Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Businesses.

Total Estimated Number of Annual Respondents: 14 lessees.

Total Estimated Number of Annual Responses: 267.

Estimated Completion Time per Response: 9 hours.

Total Estimated Number of Annual Burden Hours: 2,451 hours.

Respondent's Obligation: Mandatory.

Frequency of Collection: Annually, monthly, and on occasion.

Total Estimated Annual Nonhour Burden Cost: None.

All fourteen lessees report monthly because all current NPSLs are in producing status. Because the requirements for establishment of capital accounts at § 1220.010(a) and capital account annual reporting at § 1220.031(a) are necessary only during the non-producing status of a lease, ONRR included only one response annually for these requirements, in case a new NPSL is established. We have not included in our estimates certain requirements performed in the normal course of business that are considered usual and customary. The following table shows the estimated annual burden hours by CFR section and paragraph.

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS

Citation 30 CFR Part 1220	Reporting & recordkeeping requirement	Hour burden	Number of annual responses	Annual burden hours
Part 1220—Accounting Procedures for Determining Net Profit Share Payment for Outer Continental Shelf Oil and Gas Leases				
§ 1220.010 NPSL capital account				
1220.010(a)	(a) For each NPSL tract, an NPSL capital account shall be established and maintained by the lessee for NPSL operations . . .	1	1	1
§ 1220.030 Maintenance of records				
1220.030(a) and (b)	(a) Each lessee . . . shall establish and maintain such records as are necessary . . .	1	14	14
§ 1220.031 Reporting and payment requirements				
1220.031(a)	(a) Each lessee subject to this part shall file an annual report during the period from issuance of the NPSL until the first month in which production revenues are credited to the NPSL capital account . . .	1	14	14
1220.031(b)	(b) Beginning with the first month in which production revenues are credited to the NPSL capital account, each lessee . . . shall file a report for each NPSL, not later than 60 days following the end of each month . . .	13	[1] 168	2,184
1220.031(c)	(c) Each lessee subject to this Part 1220 shall submit, together with the report required . . . any net profit share payment due . . .	Burden hours covered under § 1220.031(b).		
1220.031(d)	(d) Each lessee . . . shall file a report not later than 90 days after each inventory is taken . . .	8	14	112
1220.031(e)	(e) Each lessee . . . shall file a final report, not later than 60 days following the cessation of production . . .	4	14	56
§ 1220.032 Inventories				
1220.032(b)	(b) At reasonable intervals, but at least once every three years, inventories of controllable materiel shall be taken by the lessee. Written notice of intention to take inventory shall be given by the lessee at least 30 days before any inventory is to be taken so that the Director may be represented at the taking of inventory . . .	1	14	14
§ 1220.033 Audits				
1220.033(b)(1)	(b)(1) When nonoperators of an NPSL lease call an audit in accordance with the terms of their operating agreement, the Director shall be notified of the audit call . . .	2	14	28
1220.033(b)(2)	(b)(2) If DOI determines to call for an audit, DOI shall notify the lessee of its audit call and set a time and place for the audit . . . The lessee shall send copies of the notice to the nonoperators on the lease . . .	2	14	28

RESPONDENTS' ESTIMATED ANNUAL BURDEN HOURS—Continued

Citation 30 CFR Part 1220	Reporting & recordkeeping requirement	Hour burden	Number of annual responses	Annual burden hours
1220.033(e)	(e) Records required to be kept under § 1220.030(a) shall be made available for inspection by any authorized agent of DOI . . .	The Office of Regulatory Affairs determined that the audit process is exempt from the Paperwork Reduction Act of 1995 because ONRR staff asks non-standard questions to resolve exceptions.		
Total Burden			267	2,451

[1] (14 NPSL reports × 12 months = 168 reports).

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.

ONRR Information Collection Clearance Officer: Armand Southall (303) 231–3221.

Authority

The authorities for this action are the Outer Continental Shelf Lands Act Amendments of 1978 (43 U.S.C. 1337) and the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et. seq.*).

Gregory J. Gould,

Director for Office of Natural Resources Revenue.

[FR Doc. 2017–22011 Filed 10–11–17; 8:45 am]

BILLING CODE 4335–30–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[MMAA104000; OMB Control Number 1010–0082; Docket ID: BOEM–2018–0016]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; 30 CFR 581, Leasing of Minerals Other Than Oil, Gas, Sulphur in the Outer Continental Shelf

AGENCY: Bureau of Ocean Energy Management, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Bureau of Ocean Energy Management (BOEM) is proposing to renew an information collection with revisions.

DATES: Interested persons are invited to submit comments on or before November 13, 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 Information Collection Clearance Officer, Anna Atkinson, Bureau of Ocean Energy Management, 45600 Woodland Road, VAM–DIR, Sterling, Virginia 20166; or by email to *anna.atkinson@boem.gov.* Please reference OMB Control Number 1010–0082 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Anna Atkinson, Office of Policy, Regulations, and Analysis by email, or by telephone at 703–787–1025. 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 April 14, 2017 (82 FR 18008). 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 BOEM; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might BOEM enhance the quality, utility, and clarity of the information to be collected; and (5) how might BOEM minimize the burden of this collection on the respondents, including through the use of information technology?

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The Outer Continental Shelf Lands Act (Act), as amended (43 U.S.C. 1334 and 43 U.S.C. 1337(k)), authorizes the Secretary of the Interior to administer the provisions relating to the leasing of the Outer Continental Shelf (OCS), and to prescribe such rules and regulations as may be necessary to carry out such provisions. Additionally, the Act authorizes the Secretary to implement regulations to grant to qualified persons, offering the highest cash bonuses on the basis of competitive bidding, leases of any mineral other than oil, gas, and sulphur. This applies to any area of the OCS not then under lease for such mineral upon such royalty, rental, and other terms and conditions as the Secretary may prescribe at the time of offering the area for lease.

Regulations at 30 CFR part 581 implement these statutory requirements. There has been no leasing activity on the OCS for minerals other than oil, gas, or sulphur under these regulations for several years, and BOEM has not received information under this Part of its regulation. However, there is potential for a person, entity, or company to request that minerals other than oil, gas, or sulfur be offered for lease. Therefore, we are renewing OMB approval for this information collection.

BOEM will use the information required by 30 CFR part 581 to determine if statutory and regulatory

requirements are met prior to the issuance of a lease. Among other things, BOEM will use the information to:

- Evaluate the area and minerals requested by the lessee to assess the viability of offering leases for sale;
- Request the state(s) to initiate the establishment of a joint group to assess the proposed action;
- Ensure excessive overriding royalty interests are not created that would put economic constraints on all parties involved;
- Document that a leasehold or geographical subdivision has been surrendered by the record title holder; and
- Determine if activities on the proposed lease area(s) will have a significant impact on the environment.

We protect proprietary information in accordance with the provisions of the Freedom of Information Act (5 U.S.C. 552), the Department of the Interior's implementing regulations (43 CFR part 2), and BOEM's regulation at 30 CFR 581.7.

Title of Collection: 30 CFR 581, Leasing of Minerals Other than Oil, Gas, and Sulphur in the Outer Continental Shelf.

OMB Control Number: 1010–0082.

Form Number: None.

Type of Review: Revision of a currently approved collection.

Respondents/Affected Public: As there are no active respondents, we estimated the potential annual number of respondents to be one. Potential respondents are potential OCS lessees, state governments, and OCS lessees.

Total Estimated Number of Annual Responses: 10 responses.

Total Estimated Number of Annual Burden Hours: 984 hours.

Respondent's Obligation: Mandatory.

Frequency of Collection: Annually.

Total Estimated Annual Nonhour Burden Cost: We have identified one non-hour cost burden for this collection, a $50 required or non-required filing document fee under 30 CFR 581.41.

Estimated Reporting and Recordkeeping Hour Burden: We expect the burden estimate for the renewal will be 984 hours, which reflects a decrease of 280 hour burdens.

In calculating the burdens, responses to requests for information and interest or proposed notices of sale pursuant to 30 CFR 581.12 and 581.16 do not constitute information collection under 5 CFR 1320.3(h)(4). These inquiries are general solicitations of public comment, so BOEM has removed the burden hours associated with them, reflecting a decrease of 280 hour burdens.

The following table details the individual BOEM components and respective hour burden estimates of this ICR. We assumed that respondents perform certain requirements in the normal course of their activities. We consider these to be usual and customary and took that into account in estimating the burden.

BURDEN TABLE

Citation 30 CFR Part 581	Reporting and/or recordkeeping requirements *	Hour burden	Average number of annual reponses	Annual burden hours
		Non-hour cost burden(s) *		
Subpart A—General				
6	Appeal decisions	Exempt under 5 CFR 1320.4(a)(2), (c).		0
9	Governor of affected States initiates negotiations on jurisdictional controversy, etc., and enters agreement with BOEM.	16	1 request	16
Subtotal			1	16
Subpart B—Leasing Procedures				
11(a), (c)	Submit request for approval for mineral lease with required information.	60	1 request	60
12	Submit response to Call for Information and Interest on areas for leasing of minerals (other than oil, gas, sulphur) in accordance with approved lease program, including information from States/local governments, industry, Federal agencies.	Not considered IC as defined in 5 CFR 1320.3(h)(4).		0
13	States or local governments establish task force; submit comments/recommendations on planning, coordination, consultation, and other issues that may arise in the leasing process.	200	1 taskforce	200
16	Submit suggestions and relevant information in response to request for comments on the proposed leasing notice, including information from States/local governments.	Not considered IC as defined in 5 CFR 1320.3(h)(4).		0
18; 20(e), (f); 26(a), (b)	Submit bids (oral or sealed) and required information.	250	1 response	250
18(b)(3), (c); 20 (e), (f)	Tie bids—submit oral bids for highest bidder	20	1 response	20

BURDEN TABLE

Citation 30 CFR Part 581	Reporting and/or recordkeeping requirements *	Hour burden	Average number of annual reponses	Annual burden hours
		Non-hour cost burden(s) *		
20(a), (b), (c); 41(a)	Establish a company file for qualification, submit updated information, submit qualifications for lessee/bidder and required information.	58	1 response	58
21(a); 47(c)	Request for reconsideration of bid rejection/cancellation.	Not considered IC per 5 CFR 1320.3(h)(9).		0
21(b), (e); 23; 26(e), (i); 40(b).	Execute lease (includes submission of evidence of authorized agent and request for dating of leases); maintain auditable records related to 30 CFR Chapter XII, Subchapter A—[burden under ONRR requirements].	100	1 lease	100
Subtotal			6	688
Subpart C—Financial Considerations				
31(b); 41	File application and required information for approval of assignment or transfer.	160	1 application	160
32(b), (c)	File application for waiver, suspension, or reduction and required documentation.	80	1 application	80
33; 41(c)	Submit surety or personal bond	Burden covered under 1010–0081.		0
Subtotal			2	240
Subpart D—Assignments and Lease Extensions				
41	Transfer application filing fee	$50 required or non-required filing document fee × 1 = $50.		
Subpart E—Termination of Leases				
46	File written request for relinquishment	40	1	40
Total Burden			10	984
			$50 Non-Hour Cost Burden	

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: October 5, 2017.

Deanna Meyer-Pietruszka,

Chief, Office of Policy, Regulation and Analysis.

[FR Doc. 2017–22015 Filed 10–11–17; 8:45 am]

BILLING CODE 4310–MR–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–589 and 731–TA–1394–1396 (Preliminary)]

Forged Steel Fittings From China, Italy, and Taiwan; Institution of Countervailing Duty and Antidumping Duty Investigations and Scheduling of Preliminary Phase Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the institution of investigations and commencement of preliminary phase countervailing duty and antidumping duty investigation Nos. 701–TA–589 and 731–TA–1394–1396 (Preliminary) pursuant to the Tariff Act of 1930 (''the Act'') to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of forged steel fittings from China, Italy, and Taiwan, provided for in subheading 7307.99 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value and alleged to be subsidized by the Government of China. Unless the Department of Commerce extends the time for initiation, the Commission must reach a preliminary determination in countervailing duty and antidumping duty investigations in 45 days, or in this case by November 20, 2017. The Commission's views must be transmitted to Commerce within five business days thereafter, or by November 28, 2017.

DATES: October 5, 2017.

FOR FURTHER INFORMATION CONTACT: Amelia Shister (202–205–2047), Office of Investigations, U.S. International Trade Commission, 500 E Street SW.,

Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background—These investigations are being instituted, pursuant to sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 1673b(a)), in response to a petition filed on October 5, 2017, by Bonney Forge Corporation, Mount Union, Pennsylvania, and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, Pittsburgh, Pennsylvania.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

Participation in the investigations and public service list—Persons (other than petitioners) wishing to participate in the investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in sections 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission antidumping duty and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these investigations available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigations under the APO issued in the investigations, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference—The Commission's Director of Investigations has scheduled a conference in connection with these investigations for 9:30 a.m. on Thursday, October 26, 2017, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Requests to appear at the conference should be emailed to *William.bishop@usitc.gov* and *Sharon.bellamy@usitc.gov* (DO NOT FILE ON EDIS) on or before October 24, 2017. Parties in support of the imposition of countervailing and antidumping duties in these investigations and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the conference.

Written submissions—As provided in sections 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before October 31, 2017, a written brief containing information and arguments pertinent to the subject matter of the investigations. Parties may file written testimony in connection with their presentation at the conference. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's Handbook on E-Filing, available on the Commission's Web site at *https://www.usitc.gov/secretary/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's rules with respect to electronic filing.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Certification—Pursuant to section 207.3 of the Commission's rules, any person submitting information to the Commission in connection with these investigations must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that any information that it submits to the Commission during these investigations 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 these or related investigations or reviews, 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, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.12 of the Commission's rules.

By order of the Commission.

Issued: October 6, 2017.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2017–22039 Filed 10–11–17; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1110–0051]

Agency Information Collection Activities; Proposed eCollection eComments Requested Revision of a Currently Approved Collection; Final Disposition Report (R–84), With Supplemental Questions R–84(a), R–84(b), R–84(c), R–84(d), R–84(e), R–84(f), R–84(g), R–84(h), R–84(i), and R–84(j)

AGENCY: Criminal Justice Information Services Division, Federal Bureau of Investigation, Department of Justice.

ACTION: 30-day notice.

SUMMARY: The Department of Justice (DOJ), Federal Bureau of Investigation (FBI), Criminal Justice Information Services (CJIS) Division 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 proposed information collection was previously published in the **Federal Register** on Month xx, 2017, allowing for a 60 day comment period.

DATES: Comments are encourages and will be accepted for an additional 30 day until November 13, 2017.

FOR FURTHER INFORMATION CONTACT: If you have 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 Gerry Lynn Brovey, Supervisory Information Liaison Specialist, FBI, CJIS, Resources Management Section, Administrative Unit, Module C–2, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306 (facsimile: 304–625–5093). Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503. Additionally, comments may be submitted via email to *OIRA_submission@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; 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:* Revision of a currently approved collection.

(2) *Title of the Form/Collection:* Final Disposition Report.

(3) *Agency form number, if any, and the applicable component of the Department sponsoring the collection:* Agency form number: R–84, with supplemental questions R–84(a), R–84(b), R–84(c), R–84(d), R–84(e), R–84(f), R–84(g), R–84(h), R–84(i), and R–84(j).

Sponsoring component: Department of Justice, Criminal Justice Information Services Division.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: City, county, state, federal and tribal law enforcement agencies. This collection is needed to report completion of an arrest event. Acceptable data is stored as part of the Next Generation Identification (NGI) system of the FBI.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that 330,000 respondents will complete each form within approximately 5 minutes.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 27,500 total annual burden hours associated with this collection.

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., Suite 3E.405B, Washington, DC 20530.

Dated: October 5, 2017.

Melody Braswell,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2017–21967 Filed 10–11–17; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1117–0003]

Agency Information Collection Activities; Proposed eCollection, eComments Requested; Extension Without Change of a Previously Approved Collection; ARCOS Transaction Reporting, DEA Form 333

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Drug Enforcement Administration (DEA), 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 proposed information collection was previously published in the **Federal Register**, on August 11, 2017, allowing for a 60 day comment period.

DATES: Comments are encouraged and will be accepted for 30 days until November 13, 2017.

FOR FURTHER INFORMATION CONTACT: If you have comments 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 Michael J. Lewis, Diversion Control Division, Drug Enforcement Administration; Mailing Address: 8701 Morrissette Drive, Springfield, Virginia 22152; Telephone: (202) 598–6812. Written comments and/or suggestions can also be sent to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to *OIRA_submission@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information proposed 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 forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a currently approved collection.

2. *Title of the Form/Collection:* ARCOS Transaction Reporting.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* DEA Form 333. The applicable component within the Department of Justice is the Drug Enforcement Administration, Diversion Control Division.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Affected public: Business or other for-profit.

Abstract: Section 307 of the Controlled Substances Act (21 U.S.C. 827) requires controlled substance manufacturers and distributors to make periodic reports to the DEA regarding the sale, delivery, and other disposal of certain controlled substances. These reports help ensure a closed system of distribution for controlled substances, and are used to comply with international treaty obligations.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The below table presents information regarding the number of respondents, responses and associated burden hours.

	Number of annual respondents	Number of annual responses	Average time per response (hours)	Total annual hours
DEA–333 (paper)	70	379	1	379
DEA–333 (electronic)	1,552	11,777	*0.1667	1,963
Total	1,622	12,156		2,342

*10 Minutes.

6. *An estimate of the total public burden (in hours) associated with the proposed collection:* The DEA estimates that this collection takes 2,342 annual burden hours.

If additional information is required please 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., Suite 3E.405B, Washington, DC 20530.

Dated: October 5, 2017.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2017–21966 Filed 10–11–17; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

Proposed Extension of Information Collection Requests Submitted for Public Comment

AGENCY: Employee Benefits Security Administration, Department of Labor.

ACTION: Notice.

SUMMARY: The Department of Labor (the Department), in accordance with the Paperwork Reduction Act of 1995 (PRA 95), provides the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. The Employee Benefits Security Administration (EBSA) is soliciting comments on the proposed extension of the information collection requests (ICRs) contained in the documents described below. A copy of the ICRs may be obtained by contacting the office listed in the **ADDRESSES** section of this notice. ICRs also are available at *reginfo.gov* (*http://www.reginfo.gov/public/do/PRAMain*).

DATES: Written comments must be submitted to the office shown in the **ADDRESSES** section on or before December 11, 2017.

ADDRESSES: G. Christopher Cosby, Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue NW., Room N–5718, Washington, DC 20210, *ebsa.opr@dol.gov,* (202) 693–8410, FAX (202) 693–4745 (these are not toll-free numbers).

SUPPLEMENTARY INFORMATION: This notice requests public comment on the Department's request for extension of the Office of Management and Budget's (OMB) approval of ICRs contained in the rules and prohibited transaction exemptions described below. The Department is not proposing any changes to the existing ICRs at this time. An agency may not conduct or sponsor, and a person is not required to respond to, an information collection unless it displays a valid OMB control number. A summary of the ICRs and the current burden estimates follows:

Agency: Employee Benefits Security Administration, Department of Labor.

Title: Consent to Receive Employee Benefit Plan Disclosures Electronically.

Type of Review: Extension of a currently approved information collection.

OMB Number: 1210–0121.

Affected Public: Businesses or other for-profits.

Respondents: 35,000.

Responses: 4,305,000.

Estimated Total Burden Hours: 15,000.

Estimated Total Burden Cost (Operating and Maintenance): $215,000.

Description: The Department established a safe harbor pursuant to which all pension and welfare benefit plans covered by Title I of ERISA may use electronic media to satisfy disclosure obligations under Title I of ERISA (29 CFR 2520.104b–1). Employee benefit plan administrators will be deemed to satisfy their disclosure obligations when furnishing documents electronically only if a participant who does not have access to the employer's electronic information system in the normal course of his duties, or a beneficiary or other person entitled to documents, has affirmatively consented to receive disclosure documents. Prior to consenting, the participant or beneficiary must also be provided with a clear and conspicuous statement indicating the types of documents to which the consent would apply, that consent may be withdrawn at any time, procedures for withdrawing consent and updating necessary information, the right to obtain a paper copy, and any hardware and software requirements. In the event of a hardware or software change that creates a material risk that the individual will be unable to access or retain documents that were the subject of the initial consent, the individual must be provided with information concerning the revised hardware or software, and an opportunity to withdraw a prior consent. The ICR was approved by OMB under OMB Control Number 1210–0121, which is scheduled to expire on March 31, 2018.

Agency: Employee Benefits Security Administration, Department of Labor.

Title: Furnishing Documents to the Secretary of Labor on Request Under ERISA 104(a)(6).

Type of Review: Extension of a currently approved collection of information.

OMB Number: 1210–0112.

Affected Public: Businesses or other for-profits; Not-for-profit institutions.

Respondents: 558.

Responses: 558.

Estimated Total Burden Hours: 41.

Estimated Total Burden Cost (Operating and Maintenance): $2,732.

Description: As a result of the Taxpayer Relief Act of 1997 (TRA 97), the plan administrators of ERISA-covered employee benefit plans no longer need to file copies of the summary plan descriptions and summaries of material modifications that are publicly available. TRA 97 added paragraph (6) to section 104(a) of ERISA. Prior to the TRA 97 amendments, ERISA required certain documents be filed with the Department so that plan participants and beneficiaries could obtain the documents without having to turn to the plan administrator. The new section 104(a)(6) authorizes the Department to request these documents on behalf of plan participants and beneficiaries. The Department issued a final implementing guidance on this matter on January 7, 2002 (67 FR 772). The ICR was approved by OMB under OMB Control Number 1210–0112, which is scheduled to expire on April 30, 2018.

Agency: Employee Benefits Security Administration, Department of Labor.

Title: Annual Funding Notice for Defined Benefit Pension Plans.

Type of Review: Extension of a currently approved collection of information.

OMB Number: 1210–0126.

Affected Public: Businesses or other for-profits, Not-for-profit institutions.

Respondents: 39,061.

Responses: 77,100,000.

Estimated Total Burden Hours: 576,000.

Estimated Total Burden Cost (Operating and Maintenance): $29,600,000.

Description: Section 101(f) of the Employee Retirement Income Security Act of 1974 (ERISA) sets forth requirements applicable to furnishing annual funding notices. Before the enactment of the Pension Protection Act of 2006 (PPA), section 101(f) applied only to multiemployer defined benefit plans. The Department has issued multiple final regulations with regard to this provision, most recently on February 2, 2015 (80 FR 5625).

Section 501(a) of the PPA amended section 101(f) of ERISA and made significant changes to the annual funding notice requirements. These amendments require administrators of all defined benefit plans that are subject to title IV of ERISA, not only multiemployer plans, to provide an annual funding notice to the Pension Benefit Guaranty Corporation (PBGC), to each plan participant and beneficiary, to each labor organization representing such participants or beneficiaries, and, in the case of a multiemployer plan, to each employer that has an obligation to contribute to the plan. An annual funding notice must include, among other things, the plan's funding percentage, a statement of the value of the plan's assets and liabilities and a description of how the plan's assets are invested as of specific dates, and a description of the benefits under the plan that are eligible to be guaranteed by the PBGC.

The ICR was approved by OMB under OMB Control Number 1210–0126, which is scheduled to expire on April 30, 2018.

Agency: Employee Benefits Security Administration, Department of Labor.

Title: ERISA Section 408(b)(2) Regulation.

Type of Review: Extension of a currently approved collection of information.

OMB Number: 1210–0133.

Affected Public: Businesses or other for-profits.

Respondents: 51,000.

Responses: 1,472,000.

Estimated Total Burden Hours: 1,040,000.

Estimated Total Burden Cost (Operating and Maintenance): $1,336,000.

Description: On February 3, 2012, the Department published a final regulation under ERISA section 408(b)(2) (the ''408(b)(2) regulation''), requiring that certain service providers to pension plans disclose information about the service providers' compensation and potential conflicts of interest. The disclosed information is intended to assist plan fiduciaries in assessing the reasonableness of contracts or arrangements, including the reasonableness of the service providers' compensation and potential conflicts of interest that may affect the service providers' performance. These disclosure requirements were established to provide guidance for compliance with a statutory exemption from ERISA's prohibited transaction provisions. If the disclosure requirements of the 408(b)(2) regulation are not satisfied, a prohibited provision of services under ERISA section 406(a)(1)(C) will occur, with consequences for both the responsible plan fiduciary and the covered service provider. The ICR was approved by OMB under OMB Control Number 1210–0133, which is scheduled to expire on May 31, 2018.

Focus of Comments

The Department is particularly interested in comments that:

- Evaluate whether the collections of information are necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the collections of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; 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.,* by permitting electronic submissions of responses.

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

Joseph S. Piacentini,

Director, Office of Policy and Research, Employee Benefits Security Administration.

[FR Doc. 2017–22043 Filed 10–11–17; 8:45 am]

BILLING CODE 4510–29–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (17–074)]

Applied Sciences Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, as amended, the National Aeronautics and Space Administration (NASA) announces a meeting of the Applied Sciences Advisory Committee (ASAC). This Committee functions in an advisory capacity to the Director, Earth Science Division, in the NASA Science Mission Directorate. The meeting will be held for the purpose of soliciting, from the applied sciences community and other persons, scientific and

technical information relevant to program planning.

DATES: Monday, October 30, 2017, 1:15 p.m. to 3:00 p.m., Eastern Daylight Time (EDT).

FOR FURTHER INFORMATION CONTACT: Ms. KarShelia Henderson, Science Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358–2355, or *khenderson@nasa.gov*.

SUPPLEMENTARY INFORMATION: This meeting will be open to the public telephonically and by WebEx. You must use a touch-tone phone to participate in this meeting. Any interested person may dial the USA toll free conference call number (888) 677–3055, passcode 4301862, followed by the # sign, to participate in this meeting by telephone. The WebEx link is *https://nasa.webex.com/;* the meeting number is 999 796 469 and the password is y7hj4Xj* .

The agenda for the meeting will be focused on the following topic:

- Continuity Study

It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.

Patricia D. Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2017–21969 Filed 10–11–17; 8:45 am]

BILLING CODE 7510–13–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 change in the scheduling of a teleconference for the transaction of National Science Board business.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: The original notice for this meeting was published at 82 FR 47029, October 10, 2017.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: Friday, October 13, 2017 at 5:00–7:00 p.m. EDT.

CHANGES IN MEETING: The teleconference meeting will be held on October 14, 2017 from 4:00–6:00 p.m. EDT.

CONTACT PERSON FOR MORE INFORMATION: Point of contact for this meeting is: Brad Gutierrez, *bgutierr@nsf.gov,* 703–292–7000.

Chris Blair,

Executive Assistant to the NSB Office.

[FR Doc. 2017–22261 Filed 10–10–17; 4:15 pm]

BILLING CODE 7555–01–P

NATIONAL TRANSPORTATION SAFETY BOARD

SES Performance Review Board

AGENCY: National Transportation Safety Board.

ACTION: Notice.

SUMMARY: Notice is hereby given of the appointment of members of the National Transportation Safety Board, Performance Review Board (PRB).

FOR FURTHER INFORMATION CONTACT: Emily T. Carroll, Chief, Human Resources Division, Office of Administration, National Transportation Safety Board, 490 L'Enfant Plaza SW., Washington, DC 20594–0001, (202) 314–6233.

SUPPLEMENTARY INFORMATION: Section 4314(c)(1) through (5) of Title 5, United States Code requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more SES Performance Review Boards. The board reviews and evaluates the initial appraisal of a senior executive's performance by the supervisor and considers recommendations to the appointing authority regarding the performance of the senior executive.

The following have been designated as members of the 2017 Performance Review Board of the National Transportation Safety Board (NTSB):

The Honorable Earl F. Weener; Member, National Transportation Safety Board, PRB Chair.

The Honorable T. Bella Dinh-Zarr, Member, National Transportation Safety Board.

Mr. Edward Benthall, Chief Financial Officer, National Transportation Safety Board.

Ms. Florence A.P. Carr, Director, Bureau of Trade Analysis, Federal Maritime Commission.

Ms. Susan A. Kantrowitz, Director, Office of Administration, National Transportation Safety Board (will review Edward Benthall's appraisal).

Ms. Jerold Gidner, Principal Deputy Special Trustee, Office of the Special Trustee for American Indians Department of the Interior.

Ms. Claudia J. Postell, Deputy Associate Commissioner, Office of Civil Rights and Equal Opportunity, Social Security Administration, PRB Alternate Member.

Dated: October 5, 2017.

Candi R. Bing,

Federal Register Liaison.

[FR Doc. 2017–21985 Filed 10–11–17; 8:45 am]

BILLING CODE P

POSTAL REGULATORY COMMISSION

[Docket No. CP2018–5]

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 16, 2017.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505

(Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's Web site (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.40.

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* CP2018–5; *Filing Title:* Notice of United States Postal Service of Filing a Functionally Equivalent Global Expedited Package Services 7 Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal; *Filing Acceptance Date:* October 5, 2017; *Filing Authority:* 39 CFR 3015.5; *Public Representative:* Kenneth R. Moeller; *Comments Due:* October 16, 2017.

This notice will be published in the **Federal Register**.

Stacy L. Ruble,

Secretary.

[FR Doc. 2017–22048 Filed 10–11–17; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

[Docket No. CP2018–4]

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 13, 2017.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's Web site (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.40.

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* CP2018–4; *Filing Title:* Notice of the United States Postal Service of Filing a Functionally Equivalent Global Plus 1D Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal; *Filing Acceptance Date:* October 4, 2017; *Filing Authority:* 39 CFR 3015.5; *Public Representative:* Kenneth R. Moeller; *Comments Due:* October 13, 2017.

This notice will be published in the **Federal Register**.

Stacy L. Ruble,

Secretary.

[FR Doc. 2017–21961 Filed 10–11–17; 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 12, 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 6, 2017, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Priority Mail Contract 367 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2018–4, CP2018–6.

Elizabeth A. Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2017–22037 Filed 10–11–17; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81826; File No. SR–Phlx–2017–67]

Self-Regulatory Organizations; NASDAQ PHLX LLC; Order Approving a Proposed Rule Change Relating to Quarterly Trading Requirements

October 5, 2017.

I. Introduction

On August 3, 2017, NASDAQ PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (''Act''),[2] and Rule 19b–4 thereunder,[3] a proposed rule change regarding quarterly trading requirements applicable to Registered Options Traders (''ROTs''). The proposed rule change was published for comment in the **Federal Register** on August 22, 2017.[4] The Commission received no comments on the proposal. This order approves the proposed rule change.

II. Description of the Proposal

The Exchange proposes two amendments to a quarterly trading requirement applicable to certain ROTs. ROTs can be either Streaming Quote Traders [5] (''SQTs''), Remote SQTs [6] (''RSQTs'') or non-SQT ROTs.[7] Currently, Phlx Rule 1014, Commentary .01 requires SQTs and non-SQT ROTs, but not RSQTs, to trade 1,000 contracts and 300 transactions on the Exchange each quarter (excluding transactions executed in the trading crowd where the contra-side is an ROT). The Exchange proposes to: (1) Apply the quarterly trading requirement only to non-SQT ROTs (and no longer to SQTs); and (2) add a new alternative standard to meet this requirement. Specifically, the Exchange proposes to amend Phlx Rule 1014, Commentary .01 to require only a non-SQT ROT to trade *either* (a) 1,000 contracts and 300 transactions (the ''1000/300 Alternative,'' which is the current requirement) or (b) 10,000 contracts and 100 transactions (the ''New Alternative''), on the Exchange each quarter.[8] The Exchange notes that, similar to the current 1000/300 Alternative, the New Alternative is a pure trading requirement, not limited, like other trading requirements, to assigned options [9] and in person trading.[10] Accordingly, the Exchange proposes that the New Alternative requirement can be fulfilled with trades and contracts that are not in assigned options and not executed in person, although the existing trading requirements respecting ''in assigned'' options and ''in person'' trading must still be met.[11] In addition, the Exchange proposes that limit orders can continue to be counted toward either minimum trading requirement.[12]

III. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of Section 6 of the Act [13] and the rules and regulations thereunder applicable to the Exchange.[14] Specifically, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[15] which requires, among other things, that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, 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, and not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Commission believes that the Exchange's proposal to apply the quarterly trading requirement only to non-SQT ROTs is consistent with the Act. The Exchange has noted that SQTs are subject to continuous quoting requirements when trading electronically in their assigned series.[16] In contrast, the Exchange represents that non-SQT ROTs are not similarly subject to continuous quoting obligations as they do not electronically stream quotes into the Exchange and may only quote verbally in response to Floor Brokers representing orders in the trading crowd or submit limit orders electronically.[17] Accordingly, the Exchange believes that, because SQTs are already subject to continuous quoting obligations, it is appropriate to exclude them from the quarterly trading requirement and to impose obligations in a manner consistent with their business model.[18] The Commission therefore believes that this aspect of the proposal is reasonably designed to preserve the market making function performed by ROTs and to ensure that ROTs continue to provide adequate liquidity to the Exchange, while applying standards that reflect the differing operating models of SQTs and non-SQT ROTs. Accordingly, the Commission believes that the Exchange's proposal to amend Phlx Rule 1014, Commentary .01 to apply the quarterly trading requirement only to non-SQT ROTs is consistent with Section 6(b)(5) of the Act in that it is reasonably designed to help promote just and equitable principles of trade, and to protect investors and the public interest, and is not designed to permit unfair discrimination.

The Commission also believes that the Exchange's proposed amendment to create the New Alternative quarterly trading requirement is consistent with the Act. The Exchange represents that in recent years it has observed lower trading volumes on its floor, as well as increased use of mechanisms such as the Qualified Contingent Cross (''QCC'') mechanism for larger orders, in which non-SQT ROTs may not submit responses.[19] The Exchange notes that it has also become difficult for non-SQT ROTs to meet the 1000/300 Alternative because non-SQT ROTs do not stream quotes electronically, but instead quote verbally in response to Floor Brokers representing orders in the trading

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 81409 (August 16, 2017), 82 FR 39925 (''Notice'').

[5] An SQT is an ROT who has received permission from the Exchange to generate and submit option quotations electronically in options to which such SQT is assigned. An SQT may only submit such quotations while such SQT is physically present on the floor of the Exchange. An SQT may only trade in a market making capacity in classes of options in which the SQT is assigned. *See* Phlx Rule 1014(b)(ii)(A).

[6] An RSQT is an ROT that is a member or member organization with no physical trading floor presence who has received permission from the Exchange to generate and submit option quotations electronically in options to which such RSQT has been assigned. A qualified RSQT may function as a Remote Specialist upon Exchange approval. *See* Phlx Rule 1014(b)(ii)(B).

[7] A non-SQT ROT is an ROT who is neither an SQT nor an RSQT. *See* Phlx Rule 1014(b)(ii)(C). The Exchange notes that by definition, non-SQT ROTs do not ''stream'' quotes, meaning send quotes electronically to the Exchange; instead, pursuant to Commentary .18 of Phlx Rule 1014, they submit limit orders electronically and respond to Floor Brokers verbally. *See* Notice, *supra* note 4, at 39926.

[8] Transactions executed in the trading crowd where the contra-side is an ROT would continue to be ineligible to satisfy this quarterly trading requirement. *See* Notice, *supra* note 4, at 39927.

[9] *See* Phlx Rule 1014.03.

[10] *See* Phlx Rule 1014.01.

[11] *See* Notice, *supra* note 4, at 39927.

[12] *See id.* The Exchange states that it is not seeking to burden these market participants by limiting the type of qualifying transactions eligible to meet the requirement. *See id.*

[13] 15 U.S.C. 78f(b).

[14] In approving these proposed rule changes, the Commission has considered the proposed rules' impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[15] 15 U.S.C. 78f(b)(5).

[16] *See* Notice, *supra* note 4, at 39927.

[17] *See id.* at 39926 and 39928.

[18] *See id.* at 39928.

[19] *See id.* at 39927 and 39928.

crowd, where they cannot control the size or frequency of trading interest.[20] The Exchange asserts that the New Alternative serves as a reasonable standard by which to assess the level of liquidity provided by non-SQT ROTs, albeit with a focus on an additional liquidity metric of fewer trades that are larger in size.[21] The Exchange states that, since 100 transactions is only 33% of the current requirement, it proposes to increase the total number of executed contracts requirement in the New Alternative by 900 percent to 10,000 contracts, so as not to dilute the overall trading requirement.[22] The Commission therefore believes that the Exchange's proposal should continue to encourage active market making and thereby promote the provision of liquidity to the market. The Commission also notes that non-SQT ROTs continue to have the option of complying with the current requirement (*i.e.,* the 1000/300 Alternative) if they so choose. Accordingly, the Commission believes that the Exchange's proposed amendments to create the New Alternative standard to satisfy the quarterly trading requirement is reasonably designed to preserve the market making function performed by non-SQT ROTs and thereby serves to maintain a fair and orderly market and should remove impediments to and perfect the mechanism of a free and open market and a national market system and help protect investors and the public interest, consistent with Section 6(b)(5) of the Act.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act [23] that the proposed rule change (SR–Phlx–2017–67), be, and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[24]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–21996 Filed 10–11–17; 8:45 am]

BILLING CODE 8011–01–P

[20] *See id.* at 39928.

[21] *See id.* at 39927 and 39928.

[22] *See id.* at 39927.

[23] 15 U.S.C. 78s(b)(2).

[24] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81824; File No. SR–FINRA–2017–031]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend FINRA Rule 6121 To Reflect Recent Amendments to the Regulation NMS Plan To Address Extraordinary Market Volatility

October 5, 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 29, 2017, Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by FINRA. FINRA has designated the proposed rule change as constituting a ''non-controversial'' rule change under paragraph (f)(6) of Rule 19b–4 under the Act,[3] which renders the proposal effective upon receipt of this filing by the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

FINRA is proposing to amend FINRA Rule 6121 (Trading Halts Due to Extraordinary Market Volatility) to reflect recent amendments to the Regulation NMS Plan to Address Extraordinary Volatility (''Plan'') regarding the resumption of trading in a security subject to the Plan.[4]

The text of the proposed rule change is available on FINRA's Web site at *http://www.finra.org,* at the principal office of FINRA 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, FINRA included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. FINRA has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

FINRA Rule 6121.01 (Resumption of Trading in Securities Subject to the Regulation NMS Plan to Address Extraordinary Market Volatility) (''Rule'') addresses the circumstances under which a member may resume trading otherwise than on an exchange following a Trading Pause or Regulatory Halt in an NMS Stock that is subject to the Plan.

The Rule currently provides that, following a Trading Pause or Regulatory Halt in an NMS Stock that is subject to the Plan, a member may resume trading otherwise than on an exchange if trading has commenced on the Primary Listing Exchange (or on another national securities exchange in the case of the resumption of trading following a ten-minute Trading Pause) and either: (1) The member has received the Price Bands from the Processor; or (2) if immediately following a Trading Pause or Regulatory Halt the member has not yet received the Price Bands from the Processor, the member has calculated an upper price band and lower price band consistent with the methodology provided for in Section V of the Plan and ensures that any transactions prior to the receipt of the Price Bands from the Processor are within the ranges provided for pursuant to the Plan. In addition, the Rule provides that, where the Primary Listing Exchange does not reopen for trading at the end of a ten-minute Trading Pause (and has issued notice that it cannot resume trading for a reason other than a significant imbalance), a member may resume trading otherwise than on an exchange if trading has commenced in such NMS Stock on at least one other national securities exchange.

On January 19, 2017, the Commission approved the Twelfth Amendment to the Plan, which provides, among other things, that a Trading Pause will continue until the Primary Listing Exchange has reopened trading using its established reopening procedures, even if such reopening is more than 10 minutes after the beginning of a Trading

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b–4(f)(6).

[4] Unless otherwise specified, the capitalized terms used herein have the same meanings as set forth in the Plan.

Pause.[5] The Twelfth Amendment generally provides that the only time trading may resume in the absence of a Reopening Price from the Primary Listing Exchange is if the Primary Listing Exchange notifies the Processor that it is unable to reopen due to a systems or technology issue.

To conform to this change, FINRA is amending Rule 6121.01 to provide that a member may not resume trading otherwise than on an exchange following a Trading Pause or Regulatory Halt in an NMS Stock that is subject to the Plan unless trading has commenced on the Primary Listing Exchange and either: (1) The member has received the Price Bands from the Processor; or (2) if the Processor hasn't yet disseminated Price Bands, but a Reference Price is available, the member calculates and applies Price Bands based on the same Reference Price that the Processor would use for calculating such Price Bands until such member receives Price Bands from the Processor, consistent with Section V(A)(1)[6] of the Plan (*i.e.,* ''Synthetic Price Bands''). Thus, consistent with the Twelfth Amendment, the proposed amendments provide that a member may only use Synthetic Price Bands in the limited circumstance where a Reference Price is available but Price Bands have not yet been disseminated by the Processor.[7]

Finally, the proposed amendments provide that a member may, nonetheless, resume trading otherwise than on an exchange in an NMS Stock that is subject to the Plan if the Primary Listing Exchange notifies the Processor that it is unable to reopen the security due to a systems or technology issue, or if the Primary Listing Exchange reopens trading with a quotation that has a zero bid or zero offer, or both, and: (1) The member has received the Price Bands from the Processor; and (2) trading has commenced on at least one other national securities exchange. In these limited circumstances, trading may resume otherwise than on an exchange in the absence of a Reopening Price from the Primary Listing Exchange, but only where the member has received the Price Bands from the Processor and at least one other national security exchange has already resumed trading. FINRA believes that requiring trading to first commence on at least one other national securities exchange prior to the resumption of trading over the counter continues to be appropriate and is consistent with existing FINRA rules and guidance regarding the resumption of over-the-counter trading in a paused security.[8]

FINRA has filed the proposed rule change for immediate effectiveness. The operative date of the proposed rule change will be the same as the implementation date of the Twelfth Amendment to the Plan.[9]

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[10] which requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest.

The proposed rule change is designed to conform to the Twelfth Amendment to the Plan, which was approved by the Commission as being consistent with Section 11A of the Act[11] and Rule 608 thereunder[12] because it is appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, and that it removes impediments to, and perfects the mechanism of, a national market system.[13] The proposed rule change seeks to help ensure that the goals of the Plan are met; thus, FINRA believes that the proposed rule change will further the goals of investor protection and fair and orderly markets.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change seeks to conform the requirements applicable to member trading otherwise than on an exchange under the Rule to the Twelfth Amendment to the Plan.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[14] and Rule 19b–4(f)(6) thereunder.[15]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–FINRA–2017–031 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.

[5] *See* Securities Exchange Act Release No. 79410 (November 28, 2016), 81 FR 87114 (December 2, 2016) (Notice of Filing of the Twelfth Amendment to the National Market System Plan to Address Extraordinary Market Volatility) (''Twelfth Amendment''); *see also* Securities Exchange Act Release No. 79845 (January 19, 2017), 82 FR 8551 (January 26, 2017) (Order Approving the Twelfth Amendment to the National Market System Plan to Address Extraordinary Market Volatility) (''Approval Order'').

[6] FINRA is correcting a reference to the Plan in the existing rule text by replacing ''Section VI(A)(1)'' with ''Section V(A)(1).''

[7] *See supra* note 5.

[8] *See* FAQ #6 (When can trading in a paused security resume?) in *Regulatory Notice* 10–30 (June 2010); *see also Regulatory Notice* 13–12 (March 2013).

[9] *See* Securities Exchange Act Release No. 81720 (September 26, 2017), *https://www.sec.gov/rules/sro/nms/2017/34-81720.pdf* (Notice of Filing and Immediate Effectiveness of the Fifteenth Amendment to the National Market System Plan to Address Extraordinary Market Volatility) (providing that the implementation date for the changes to the Plan set forth in the Twelfth and Thirteenth Amendment would be changed to no later than November 30, 2017).

[10] 15 U.S.C. 78*o*–3(b)(6).

[11] 15 U.S.C. 78k–1.

[12] 17 CFR 242.608.

[13] *See* Approval Order at 8552.

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f)(6).

All submissions should refer to File Number SR–FINRA–2017–031. 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 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of FINRA. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–FINRA–2017–031 and should be submitted on or before November 2, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–21994 Filed 10–11–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81828; File No. SR–NYSEAMER–2017–22]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of Proposed Change To Modify the NYSE American Options Fee Schedule

October 5, 2017.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on October 4, 2017, NYSE American LLC (the ''Exchange'' or ''NYSE American'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to modify the NYSE American Options Fee Schedule (''Fee Schedule''). The Exchange proposes to implement the fee change effective October 4, 2017.[4] The proposed change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to modify the Fee Schedule, effective October 4, 2017. Specifically, the Exchange proposes to (i) modify the monthly rates for certain American Trading Permits (each an ''ATP''); and (ii) reduce the Messages to Contracts Traded Ratio Fees.

Monthly ATP Fees

NYSE American Market Makers (each, an ''MM'') must have a certain number of ATPs each month in order to submit electronic quotations in option issues in their appointment.[5] The Exchange currently employs a sliding scale for the cost to each MM per ATP, with the amount decreasing as the number of ATPs utilized increases, as follows:[6]

ATP type	Monthly fee per ATP	Number of issues permitted in a market makers quoting assignment
MM 1st ATP	$8,000	60 plus the Bottom 45%.
MM 2nd ATP	6,000	150 plus the Bottom 45%.
MM 3rd ATP	5,000	500 plus the Bottom 45%.
MM 4th ATP	4,000	1,100 plus the Bottom 45%.
MM 5th ATP	3,000	All issues traded on the Exchange.
MM 6th or more ATPs	2,000	All issues traded on the Exchange.

Thus, an MM that would like the privilege of quoting in all issues traded on the Exchange must have at least five ATPs. And, if an MM firm sponsors multiple individual MMs, the MM firm must pay for the requisite number of ATPs for each individual MM to submit quotes on the Exchange. For example, assume an MM firm has three individual MMs and that each MM needs to be able to submit quotes in all issues traded on the Exchange. In this example, the MM firm would have to pay for 15 ATPs (five for each individual MM).

[16] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] The Exchange originally filed to amend the Fee Schedule on September 29, 2017 (SR–NYSEAmer–2017–20) and withdrew such filing on October 4, 2017.

[5] *See* Fee Schedule, Section III.A. (Monthly ATP Fees), *available here, https://www.nyse.com/publicdocs/nyse/markets/american-options/NYSE_American_Options_Fee_Schedule.pdf.*

[6] *See id.* (providing, in relevant part, that ''[e]ach calendar quarter, with a one-month lag, the Exchange will publish on its Web site a list of the Bottom 45% of issues traded'').

The Exchanges proposes to modify its monthly ATP rates such that it will charge $2,000 for the 6th, 7th, 8th, and 9th ATP and would charge $500 per month for the tenth or additional ATPs. The Exchange believes that this proposed reduction in ATP fees would encourage MM firms to have more individual MMs to quote on the Exchange, which will in turn encourage liquidity and depth of markets.

Messages to Contracts Traded Ratio Fees

The Exchange proposes to modify the Messages to Contracts Traded Ratio Fees (''Messages Fee''), which are assessed as part of the Monthly Excessive Bandwidth Utilization Fees.[7] Currently, the Exchange charges $0.01 per 1,000 messages (including orders or quotes) in excess of 1.5 billion messages in a calendar month if the ATP Holder does not execute at least 1 contract for every 1,500–5,000 messages entered, as determined by the Exchange.[8] The Exchange proposes to reduce this rate from $0.01 to $0.005. The Exchange believes this reduced rate would still encourage market participants to be rational and efficient in the use of the Exchange's system capacity.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[9] in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,[10] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes that the proposed change to ATP fees is reasonable and not unfairly discriminatory because the fees are within the general range of similar fees assessed for trading permits on other exchanges.[11] In addition, the proposed change relates to the cost of ATPs for MMs and are therefore are not unfairly discriminatory to non-MMs because only MMs are required to submit quotations as part of their obligations to operate on the Exchange (resulting in the need for multiple ATPs). To the extent that the proposed fee encourages MM firms to have more individual MMs quoting on the Exchange, all market participant would benefit from competitive quoting that would increase opportunities to trade and enhance price discovery.

The Exchange also believes that the proposed reduction in the Messages Fees is reasonable, equitable, and not unfairly discriminatory because it should still encourage market participants to be rational and efficient in the use of the Exchange's system capacity, which benefits all market participants. The proposed reduced fee is reasonable because it would apply to all market participants that are subject to the Messages Fee.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[12] the Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes the proposed changes to the ATP fees are pro-competitive because the changes are consistent with similar fees on other options exchanges.[13] The proposed change does not impose an undue burden on non-MMs as only MMs require multiple ATPs to satisfy quoting obligations on the Exchange. To the extent that the proposed change results in more competitive quoting, the proposed change is pro-competitive and should result in increased opportunities to trade as well as enhanced price discovery to the benefit of all market participants.

Similarly, the changes to the Messages Fees would not place an unfair burden on competition as it would continue to encourage efficient use of Exchange bandwidth and would apply to all market participants that are subject to the Messages Fee.

To the extent that these purposes are achieved, the Exchange believes that the proposed changes would enhance the quality of the Exchange's markets and increase the volume of orders directed to the Exchange. In turn, all the Exchange's market participants would benefit from the improved market liquidity. If the proposed changes make the Exchange a more attractive marketplace for market participants at other exchanges, such market participants are welcome to become ATP Holders.

The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues. In such an environment, the Exchange must continually review, and consider adjusting, its fees and credits to remain competitive with other exchanges. For the reasons described above, the Exchange believes that the proposed rule change reflects this competitive environment.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A)[14] of the Act and subparagraph (f)(2) of Rule 19b–4[15] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)[16] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act.

[7] *See* Fee Schedule, Section II (Monthly Excessive Bandwidth Utilization Fees) (''EBUF'') (describing both the Messages to Contracts Traded Ratio Fee and the Order to Trade Ratio Fee, which comprises the EBUF, and noting that if an ATP Holder is liable for either or both fees in a given month, that firm would only be charged the greater of the two fees). The Exchange is not modifying the Order to Trade Ratio Fees.

[8] Currently, the Exchange has set the ratio at 1 contract for every 5,000 messages.

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(4) and (5).

[11] *See* Chicago Board of Options Exchange (''CBOE'') fee schedule, Market-Maker Trading Permit Sliding Scale, p. 7, *available here, http://www.cboe.com/publish/feeschedule/CBOEFee Schedule.pdf* (charging $5,000 per trading permit for the first ten permits); NYSE Arca Options Fee Schedule, NYSE Arca GENERAL OPTIONS and TRADING PERMIT (OTP) FEES, *available here, https://www.nyse.com/publicdocs/nyse/markets/arca-options/NYSE_Arca_Options_Fee_Schedule.pdf* (imposing a sliding scale of fees, starting at $6,000 per month for the first trading permit down to $1,000 per month for the fifth and additional permits).

[12] 15 U.S.C. 78f(b)(8).

[13] *See supra* note 11.

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f)(2).

[16] 15 U.S.C. 78s(b)(2)(B).

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NYSEAMER–2017–22 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–NYSEAMER–2017–22. 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–NYSEAMER–2017–22, and should be submitted on or before November 2, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Brent J. Fields,

Secretary.

[FR Doc. 2017–21998 Filed 10–11–17; 8:45 am]

BILLING CODE 8011–01–P

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81827; File No. SR–CBOE–2017–063]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to the Fees Schedule

October 5, 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 29, 2017, Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the 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 seeks to amend the Fees Schedule.

The text of the proposed rule change is available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fees Schedule, effective October 2, 2017. Specifically, the Exchange proposes to amend its marketing fee program to assess the fee in Russell 2000 Index (''RUT'') options at a rate of $0.30 per contract. The Exchange currently assess its marketing fee for penny classes at a rate of $0.25 and non-penny classes at the rate of $0.70 per contract. CBOE believes assessing the marketing fee in RUT options will allow CBOE Market-Makers (including DPMs, PMMs, and LMMs) to compete better for order flow in RUT options. Footnote 6 of the Fees Schedule currently exempts Underlying Symbol List A symbols from the marketing fee. Footnote 34 of the Fees Schedule identifies RUT as an Underlying Symbol List A symbol. Thus, the Exchange is amending footnote 6 of the Fees Schedule to provide that the marketing fee will apply to RUT. RUT will remain an Underlying Symbol List A symbol in all other respects.

The Exchange also proposes to make a non-substantive amendment to the term 'binaries' in footnote 6 of the Fees Schedule.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[3] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[4] requirements that the rules of an 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, 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. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[5] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes applying the marketing fee to RUT options is equitable, reasonable, and not unfairly discriminatory as the marketing fee to be applied to RUT options is similar to the marketing fee currently

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78f(b).

[4] 15 U.S.C. 78f(b)(5).

[5] *Id.*

applicable to penny and non-penny classes.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because, while different fees are assessed to different market participants in some circumstances, these different market participants have different obligations and different circumstances as discussed above. For example, Market-Makers have quoting obligations that other market participants do not have. The Exchange does not believe that the proposed rule changes will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because RUT is exclusively listed on CBOE and C2. To the extent that the proposed changes make CBOE a more attractive marketplace for market participants at other exchanges, such market participants are welcome to become CBOE market participants.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [6] and paragraph (f) of Rule 19b–4 [7] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

[6] 15 U.S.C. 78s(b)(3)(A).

[7] 17 CFR 240.19b–4(f).

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–CBOE–2017–063 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–CBOE–2017–063. 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–CBOE–2017–063 and should be submitted on or before November 2, 2017.[8]

[8] 17 CFR 200.30–3(a)(12).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–21997 Filed 10–11–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81825; File No. SR–BatsBYX–2017–25]

Self-Regulatory Organizations; Bats BYX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Related to Transaction Fees

October 5, 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 29, 2017, Bats BYX Exchange, Inc. (the ''Exchange'' or ''BYX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Exchange has designated the proposed rule change as one establishing or changing a member due, fee, or other charge imposed by the Exchange under Section 19(b)(3)(A)(ii) of the Act [3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposed rule change 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 amend the fee schedule applicable to Members [5] and non-Members of the Exchange pursuant to BYX Rules 15.1(a) and (c).

The text of the proposed rule change is available at the Exchange's Web site at *www.bats.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] The term ''Member'' is defined as ''any registered broker or dealer that has been admitted to membership in the Exchange.'' *See* Exchange Rule 1.5(n).

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 amend its fee schedule to add a new tier under footnote 1, Add/Remove Volume Tiers. The Exchange currently offers seven tiers under footnote 1 that offer reduced fees for displayed orders that yield fee codes B,[6] V[7] and Y,[8] and an enhanced rebate for orders that remove liquidity yielding fee codes BB,[9] N[10] and W.[11] The Exchange proposes to add a new tier under footnote 1, to be known as Tier 6,[12] under which a Member would be charged a reduced fee of $0.0017 per share on orders that yield fee codes B, V and Y, where that Member's Market Participant Identifier (''MPID'') has an ADAV[13] equal to or greater than 0.10% of the TCV[14] and a Step-Up ADAV equal to or greater than 0.05% of the TCV from a September 2017 baseline.[15] The Exchange proposes to implement the above changes to its fee schedule on October 2, 2017.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,[16] in general, and furthers the objectives of Section 6(b)(4),[17] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities. The Exchange believes that the proposed tier under footnote 1 is equitable and reasonable because such pricing programs reward a Member's growth pattern on the Exchange and such increased volume will allow the Exchange to continue to provide and potentially expand the its incentive programs. The Exchange believes that providing the reduced rate to Members under proposed Tiers 6 is reasonable compared to the more stringent requirements under other tiers in footnote 1 that provide a further reduced rate. The Exchange further believes that the proposed tier is reasonable, fair and equitable because the liquidity from the proposed changes would benefit all investors by deepening the Exchange's liquidity pool, offering additional flexibility for all investors to enjoy cost savings, supporting the quality of price discovery, promoting market transparency and improving investor protection. These pricing programs are also not unfairly discriminatory in that it is available to all Members.

In addition, volume-based fees such as that proposed herein have been widely adopted by exchanges and are equitable because they are open to all Members on an equal basis and provide additional benefits or discounts that are reasonably related to: (i) The value to an exchange's market quality; (ii) associated higher levels of market activity, such as higher levels of liquidity provision and/or growth patterns; and (iii) the introduction of higher volumes of orders into the price and volume discovery processes. The Exchange believes that the proposed tier is a reasonable, fair and equitable, and not an unfairly discriminatory allocation of fees and rebates, because it will provide Members with an additional incentive to reach certain thresholds on the Exchange.

(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 Exchange does not believe that this change represents a significant departure from previous pricing offered by the Exchange or from pricing offered by the Exchange's competitors. The proposed rates would apply uniformly to all Members, and Members may opt to disfavor the Exchange's pricing if they believe that alternatives offer them better value. Accordingly, the Exchange does not believe that the proposed changes will impair the ability of Members or competing venues to maintain their competitive standing in the financial markets. Further, excessive fees would serve to impair an exchange's ability to compete for order flow and members rather than burdening competition. The Exchange believes that its proposal would not burden intramarket competition because the proposed rate would apply uniformly to all Members.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from Members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[18] and paragraph (f) of Rule 19b–4 thereunder.[19] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

[6] Fee code B is appended to displayed orders that add liquidity to BYX (Tape B) and is assessed a fee of $0.0018 per share. *See* the Exchange's fee schedule *available at http://www.bats.com/us/equities/membership/fee_schedule/byx/.*

[7] Fee code V is appended to displayed orders that add liquidity to BYX (Tape A) and is assessed a fee of $0.0018 per share. *Id.*

[8] Fee code Y is appended to displayed orders that add liquidity to BYX (Tape C) and is assessed a fee of $0.0018 per share. *Id.*

[9] Fee code BB is appended to orders that remove liquidity from BYX (Tape B) and is assessed a rebate of $0.0010 [sic] per share. *Id.*

[10] Fee code N is appended to orders that remove liquidity from BYX (Tape C) and is assessed a rebate of $0.0010 [sic] per share. *Id.*

[11] Fee code W is appended to orders that remove liquidity from BYX (Tape A) and is assessed a rebate of $0.0010 [sic] per share. *See* the Exchange's fee schedule *available at http://www.bats.com/us/equities/membership/fee_schedule/byx/.*

[12] With the addition of proposed Tier 6 under footnote 1, the Exchange proposes to renumber current Tier 6 as Tier 7 and Tier 7 as Tier 8.

[13] ADAV is defined as the average daily volume calculated as the number of shares added per day and ''ADV'' means average daily volume calculated as the number of shares added or removed, combined, per day. *See* the Exchange fee schedule *available at http://www.bats.com/us/equities/membership/fee_schedule/byx/.*

[14] TCV is defined as the total consolidated volume calculated as the volume reported by all exchanges and trade reporting facilities to a consolidated transaction reporting plan for the month for which the fees apply. *Id.*

[15] Step-Up ADAV is defined as the ADAV in the relevant baseline month subtracted from current ADAV. *Id.*

[16] 15 U.S.C. 78f.

[17] 15 U.S.C. 78f(b)(4).

[18] 15 U.S.C. 78s(b)(3)(A).

[19] 17 CFR 240.19b–4(f).

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–2017–25 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–BatsBYX–2017–25. 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–2017–25 and should be submitted on or before November 2, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–21995 Filed 10–11–17; 8:45 am]

BILLING CODE 8011–01–P

[20] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Senior Executive Service and Senior Level: Performance Review Board Members

AGENCY: U.S. Small Business Administration.

ACTION: Notice of Members for the FY 2017 Performance Review Board.

Title 5 U.S.C. 4314(c) (4) requires each agency to publish notification of the appointment of individuals who may serve as members of that Agency's Performance Review Board (PRB). The following individuals have been designated to serve on the FY 2017 Performance Review Board for the U.S. Small Business Administration.

Members:

1. Joseph Loddo (Chair), Chief Operating Officer, Office of the Chief Operating Officer.

2. Pradeep Belur, Senior Advisor to the Deputy Administrator, Office of the Administrator.

3. Barbara Carson, Associate Administrator, Office of Veterans Business Development.

4. Eugene Cornelius Jr., Deputy Associate Administrator, Office of International Trade.

5. Allen Gutierrez, Associate Administrator, Office of Entrepreneurial Development.

6. Holly Schick, Director, Mentor Protégé Program, Office of Government Contracting and Business Development.

7. Robert Steiner, District Director (Illinois District Office), Office of Field Operations.

8. William Manger, Associate Administrator, Office of Capital Access.

Linda E. McMahon,

Administrator.

[FR Doc. 2017–21926 Filed 10–11–17; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Release Certain Properties From All Terms, Conditions, Reservations and Restrictions of a Quitclaim Deed Agreement Between Sarasota Manatee Airport Authority and the Federal Aviation Administration for the Sarasota-Bradenton International Airport, Sarasota, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for public comment.

SUMMARY: The FAA hereby provides notice of intent to release certain airport properties 6.49 acres at the Sarasota-Bradenton International Airport, Sarasota, FL from the conditions, reservations, and restrictions as contained in a Quitclaim Deed agreement between the FAA and the Sarasota Manatee Airport Authority, dated December 16, 1947. The release of property will allow Sarasota Manatee Airport Authority to dispose of the property for other than aeronautical purposes. The property is located 1361 West University Parkway in Manatee County. The parcel is currently designated as commercial/industrial land. The property will be released of its federal obligations for commercial development. The fair market value of this parcel has been determined to be $1,265,000.

Documents reflecting the Sponsor's request are available, by appointment only, for inspection at the Sarasota-Bradenton International Airport and the FAA Airports District Office.

DATES: Comments are due on or before November 13, 2017.

ADDRESSES: Documents are available for review at Sarasota-Bradenton International Airport, and the FAA Airports District Office, 5950 Hazeltine National Drive, Suite 400, Orlando, FL 32822. Written comments on the Sponsor's request must be delivered or mailed to: Pedro Blanco, Community Planner, Orlando Airports District Office, 5950 Hazeltine National Drive, Suite 400, Orlando, FL 32822–5024.

FOR FURTHER INFORMATION CONTACT: Pedro Blanco, Community Planner, Orlando Airports District Office, 5950 Hazeltine National Drive, Suite 400, Orlando, FL 32822–5024.

SUPPLEMENTARY INFORMATION: Section 125 of The Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR–21) requires the FAA to provide an opportunity for public notice and comment prior to the ''waiver'' or

''modification'' of a sponsor's Federal obligation to use certain airport land for non-aeronautical purposes.

Bart Vernace,

Manager, Orlando Airports District Office, Southern Region.

[FR Doc. 2017–22121 Filed 10–11–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2017–0040]

Agency Information Collection Activities: Notice of Request for Extension of Currently Approved Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that FHWA will submit the collection of information described below to the Office of Management and Budget (OMB) for review and comment. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on August 1, 2017. The PRA submission describes the nature of the information collection and its expected cost and burden.

DATES: Please submit comments by November 13, 2017.

ADDRESSES: You may submit comments identified by DOT Docket ID 2017–0040 by any of the following methods:

Web site: For access to the docket to read background documents or comments received go to the Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Fax: 1–202–493–2251.

Mail: Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

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

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Petty, (202) 366–6654, Office of Planning, Environment, and Realty, Federal Highway Administration, Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Planning and Research Program Administration.

OMB Control #: 2125–0039.

Background: Under the provisions of Title 23, United States Code, Section 505, 2 percent of Federal-aid highway funds in certain categories that are apportioned to the States are set aside to be used only for State Planning and Research (SPR). At least 25 percent of the SPR funds apportioned annually must be used for research, development, and technology transfer activities. In accordance with government-wide grant management procedures, a grant application must be submitted for these funds. In addition, recipients must submit periodic progress and financial reports. In lieu of Standard Form 424, Application for Federal Assistance, the FHWA uses a work program as the grant application. The information contained in the work program includes task descriptions, assignments of responsibility for conducting the work effort, and estimated costs for the tasks. This information is necessary to determine how FHWA planning and research funds will be utilized by the State Transportation Departments and if the proposed work is eligible for Federal participation. The content and frequency of submission of progress and financial reports specified in 23 CFR part 420 are specified in OMB Circular A–102 and the companion common grant management regulations.

Respondents: 52 State Transportation Departments, including the District of Columbia and Puerto Rico.

Frequency: Annual.

Estimated Average Annual Burden per Response: 560 hours per respondent.

Estimated Total Annual Burden Hours: 29,120 hours.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued On: October 5, 2017.

Michael Howell,

Information Collection Officer.

[FR Doc. 2017–22055 Filed 10–11–17; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2017–0039]

Agency Information Collection Activities: Notice of Request for Extension of Currently Approved Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that FHWA will submit the collection of information described below to the Office of Management and Budget (OMB) for review and comment. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on August 1, 2017. The PRA submission describes the nature of the information collection and its expected cost and burden.

DATES: Please submit comments by November 13, 2017.

ADDRESSES: You may submit comments identified by DOT Docket ID 2014–0039 by any of the following methods:

Web site: For access to the docket to read background documents or comments received go to the Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Fax: 1–202–493–2251.

Mail: Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

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

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Petty, (202) 366 6654, Office of Planning, Environment, and Realty, Federal Highway Administration, Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5p.m. ET, Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Assessment of Transportation Planning Agency Needs, Capabilities, and Capacity.

Background: FHWA will collect information on the current state of the

practice, data, methods, and systems used by state, metropolitan, regional, local, and tribal transportation planning entities to support their required planning process in accordance with Title 23 United States Code 134 and 135. This includes, but is not limited to, information to support transportation research, capacity building, data collection, planning, travel modeling, and performance management. This also includes information about how data is shared between planning agencies and how it is processed and used in the planning context. Questionnaires will be sent to State DOT headquarters and districts, Metropolitan Planning, Organizations, Regional Planning Organizations, and Tribal Governments. FHWA anticipates that one representative from each agency will take approximately 30 minutes to complete up to 4 questionnaires each year. The questionnaires will be administered via the Internet and invitations to participate in the questionnaire will be distributed via email.

This information, once compiled, will allow the FHWA to better understand the existing capabilities that agencies across the country have in support of the planning process and the readiness they possess to handle new and ongoing challenges. As a result of the collected information, FHWA will focus its efforts and resources on providing targeted and meaningful support for planning and readiness nationwide. Additionally, FHWA will ensure that excellent planning practices are identified will be shared broadly across the country.

Respondents: Respondents are representatives of State DOT headquarters and districts, Metropolitan Planning, Organizations, Regional Planning Organizations, and Tribal Governments.

Respondents: 950 respondents annually.

Frequency: 4 per year for 3 years.

Estimated Average Burden per Response: Approximately 30 minutes.

Estimated Total Annual Burden Hours: Up to 1,900 hours annually.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burden; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of computer technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued on: October 5, 2017.

Michael Howell,

Information Collection Officer.

[FR Doc. 2017–22054 Filed 10–11–17; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2017–0002–N–23]

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration (FRA), U.S. Department of Transportation.

ACTION: Notice and request for comments.

SUMMARY: Under the Paperwork Reduction Act of 1995 (PRA) and its implementing regulations, FRA seeks renewed approval of the proposed information collection activities listed below. Before submitting these information collection requests (ICRs) to the Office of Management and Budget (OMB) for approval, FRA is soliciting public comment on specific aspects of the activities, which are identified in this notice.

DATES: Comments must be received no later than December 11, 2017.

ADDRESSES: Submit written comments on any or all of the following proposed activities by mail to either: Mr. Robert Brogan, Information Collection Clearance Officer, Office of Railroad Safety, Regulatory Analysis Division, RRS–21, Federal Railroad Administration, 1200 New Jersey Avenue SE., Mail Stop 25, Washington, DC 20590; or Ms. Kim Toone, Information Collection Clearance Officer, Office of Information Technology, RAD–20, Federal Railroad Administration, 1200 New Jersey Avenue SE., Mail Stop 35, Washington, DC 20590. Commenters requesting FRA to acknowledge receipt of their respective comments must include a self-addressed stamped postcard stating, ''Comments on OMB Control Number 2130–0571'' or ''Comments on OMB Control Number 2130–0596,'' and should also include the title of the collection of information. Alternatively, comments may be faxed to (202) 493–6216 or (202) 493–6497, or emailed to Mr. Brogan at *Robert.Brogan@dot.gov,* or Ms. Toone at *Kim.Toone@dot.gov*. Please refer to the assigned OMB control number in any correspondence submitted. FRA will summarize comments received in response to this notice in a subsequent notice and include them in its information collection submission to OMB for approval.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Brogan, Information Collection Clearance Officer, Office of Railroad Safety, Safety Regulatory Analysis Division, RRS–21, Federal Railroad Administration, 1200 New Jersey Avenue SE., Mail Stop 25, Washington, DC 20590 (telephone: (202) 493–6292) or Ms. Kim Toone, Information Collection Clearance Officer, Office of Information Technology, RAD–20, Federal Railroad Administration, 1200 New Jersey Avenue SE., Mail Stop 35, Washington, DC 20590 (telephone: (202) 493–6132).

SUPPLEMENTARY INFORMATION: The PRA, 44 U.S.C. 3501–3520, and its implementing regulations, 5 CFR part 1320, require Federal agencies to provide 60-days' notice to the public to allow comment on information collection activities before seeking OMB approval to implement them. *See* 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1), 1320.10(e)(1), 1320.12(a). FRA invites interested respondents to comment on the following summary of proposed information collection activities regarding: (1) Whether the information collection activities are necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (2) the accuracy of FRA's estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (3) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (4) ways for FRA to minimize the burden of information collection activities on the public by automated, electronic, mechanical, or other technological collection techniques and other forms of information technology (*e.g.,* permitting electronic submission of responses). *See* 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1).

FRA believes that soliciting public comment will promote its efforts to reduce the administrative and paperwork burdens associated with the collection of information that Federal regulations mandate. In summary, FRA reasons that comments received will advance three objectives: (1) Reduce

reporting burdens; (2) ensure that it organizes information collection requirements in a ''user-friendly'' format to improve the use of such information; and (3) accurately assess the resources expended to retrieve and produce information requested. *See* 44 U.S.C. 3501.

Below is a brief summary of currently approved information collection activities that FRA will submit for renewed clearance by OMB as required under the PRA:

Title: Occupational Noise Exposure for Railroad Operating Employees.

OMB Control Number: 2130–0571.

Abstract: FRA uses the collection of information to ensure railroads covered by this rule establish and implement noise monitoring, hearing conservation, and audiometric testing programs. This collection also includes hearing conservation training programs that protect railroad employees from the damaging and potentially dangerous effects of excessive noise in the everyday rail environment.

Form Number(s): N/A.

Affected Public: Businesses.

Respondent Universe: 755 railroads.

Frequency of Submission: On occasion.

Affected Public: Businesses (Railroads, railroads equipment manufacturers).

Reporting Burden:

CFR section	Respondent universe	Total annual responses	Average time per response	Total annual burden hours
227.13—Waivers	502 railroads	2 petitions	60 minutes	2 hours.
227.103—Noise monitoring program: development and implementation.	502 railroads	5 programs	30 hours	150 hours.
—Notification of employee of monitoring	502 railroads	5 lists	30 minutes	3 hours.
227.107—Hearing Conservation Program (HCP)—Development of programs.	502 railroads	5 HCPs	31 hours	155 hours.
—Revised hearing conservation programs (HCPs).	502 railroads	5 HCPs	1.75 hours	9 hours.
227.109—Audiometric Testing Program—Existing employees—baseline audiograms.	85,600 employees	7,704 tests	25 minutes	3,210 hours.
—Periodic audiograms	85,600 employees	28,530 tests	10 minutes	4,755 hours.
—Evaluation of audiograms	85,600 employees	2,330 ratings + 93 retests.	6 min./+ 30 min.	280 hours.
—Problem audiograms/& provision of required documents to medical professional.	8,000 employees	45 documents	10 minutes	8 hours.
—Follow-up procedures—notifications	8,000 employees	93 notices	5 minutes	8 hours.
—Fitting/training of employees: hearing protectors.	240 employees	240 tr. session	5 minutes	20 hours.
—Referrals for clinical/otological exam	240 employees	20 referrals	2 hours	40 hours.
—Notification to employee of need for otological examination.	240 employees	20 notices	5 minutes	2 hours.
—New audiometric interpretation	240 employees	20 notices	5 minutes	2 hours.
227.111—Audiometric test requirements	1,000 mobile vans	1,000 tests	45 minutes	750 hours.
227.117—Hearing protection attenuation—evaluation.	502 railroads	50 evaluations	30 minutes	25 hours.
—Re-evaluations of adequacy of hearing protection attenuation when employee noise exposure increases.	502 railroads	10 re-evaluations	30 minutes	5 hours.
227.119—Hearing Conservation Training Program—development.	502 railroads	5 programs	60 minutes	5 hours.
—Employee HCP Training	502 railroads	26,000 tr. employees	30 minutes	13,000 hours.
—Periodic Training	502 railroads	7,704 tr. employees	30 minutes	3,852 hours.
227.121—Recordkeeping—authorization: records.	502 railroads	30 requests + 30 responses.	10 minutes + 15 minutes.	13 hours.
—Request for copies of reports	502 railroads	150 requests + 150 responses.	21 minutes + 45 minutes.	166 hours.
—Records transfer when carrier becomes defunct.	502 railroads	10 records	24 minutes	4 hours.
—Railroad audiometric test records	502 railroads	26,000 records	2 minutes	867 hours.
—Hearing Conservation Program (HCP): Records.	502 railroads	54,000 records	45 seconds	675 hours.
229.121—Locomotive Cab Noise—tests/records and certification.	3 equipment manufacturers.	610 records + 90 certs	5 minutes + 40 minutes.	111 hours.
—Equipment maintenance: excessive noise reports.	484 railroads	3,000 reports + 3,000 record.	1 minute + 1 minute	100 hours.
—Maintenance records	484 railroads	3,750 records	1 minute	63 hours.
—Internal auditable monitoring systems	484 railroads	22 systems + 2 systems.	36 min. + 8.25 hours	30 hours.
Appendix H—Static test protocols/records	700 locomotives	2 retests + 2 records	10 minutes + 5 minutes.	1 hour.

Total Estimated Annual Responses: 164,734.

Total Estimated Annual Burden: 28,311 hours.

Type of Request: Extension of a Currently Approved Collection.

Title: Conductor Certification.

OMB Control Number: 2130–0596.

Abstract: FRA's conductor certification regulation (49 CFR part 242) requires railroads to have a formal program for certifying conductors. As part of that program, railroads are required to have a formal process for training prospective conductors and determining that all persons are competent before permitting them to serve as a conductor. FRA intended the regulation to ensure that only those persons who meet minimum Federal safety standards serve as conductors. FRA collects information to ensure that railroads and their employees fully comply with all the requirements of part 242, including a conductor certification/recertification program, fitness requirements, initial and periodic testing of conductors, territorial qualifications, etc.

Form Number(s): N/A.

Affected Public: Businesses.

Respondent Universe: 704 railroads.

Frequency of Submission: On occasion; annually.

Reporting Burden:

CFR section/subject	Respondent universe	Total annual responses	Average time per response	Total annual burden hours
242.9—Waivers—Petitions	704 railroads	3 petitions	3 hours	9 hours.
242.101/103—Certification programs for new railroads.	704 railroads	5 new programs	15.5 hours	78 hours.
—Conductor certification submission: Copies to rail labor organizations—RLO.	704 railroads	40 copies	15 minutes	10 hours.
—Affirmative statements that copies of submissions were sent to RLOs.	704 railroads	40 avowals	15 minutes	10 hours.
—Certified comments on submissions	704 railroads	15 comments	4 hours	60 hours.
—Certification programs disapproved by FRA and then revised.	704 railroads	10 programs	3 hours	30 hours.
—Revised certification programs still not conforming and then resubmitted.	704 railroads	3 programs	2 hours	6 hours.
—Certification programs materially modified after initial FRA approval.	704 railroads	15 programs	2 hours	30 hours.
—Materially modified programs disapproved by FRA & then revised.	704 railroads	3 programs	2 hours	6 hours.
—Revised programs disapproved and then re-submitted.	704 railroads	1 program	2 hours	2 hours.
242.105—Implementation Schedule				
—Issued certificates (⅓ each year)	704 railroads	16,200 certif	30 minutes	8,100 hours.
—Issued certificates (⅓ each year)	704 railroads	1,800 certif.	30 minutes	900 hours.
—Requests for delayed certification	704 railroads	200 requests	30 minutes	100 hours.
—Testing/evaluation to certify persons	704 railroads	1,000 tests	560 hours	560,000 hours.
—Testing/evaluation to certify conductors (Class III).	704 railroads	100 tests	400 hours	40,000 hours.
242.107—Types of service				
—Reclassification to diff. type of cert	704 railroads	25 conductor tests/ratings.	8 hours	200 hours.
242.109—Opportunity by RRs for certification candidates to review and comment on prior safety record.	704 Railroads	200 records + 200 comment.	30 minutes + 10 minutes.	133 hours.
242.111—Prior Safety Conduct as Motor Vehicle Operator				
—Eligibility determinations	704 Railroads	1,100 ratings	10 minutes	183 hours.
—Initial certification for 60 days	704 Railroads	75 certif	10 minutes	13 hours.
—Recertification for 60 days	704 Railroads	125 re-certif	10 minutes	21 hours.
—Driver info. not provided and request for waiver by persons/railroad.	704 Railroads	5 requests	2 hours	10 hours.
—Request to obtain driver's license information from licensing agency.	54,000 Conductors/Persons.	18,000 requests	15 minutes	4,500 hours.
—Requests for additional information from licensing agency.	54,000 Conductors/Persons.	25 requests	10 minutes	4 hours.
—Notification to RR by persons of never having a license.	54,000 Conductors/Persons.	25 notices	10 minutes	4 hours.
—Report of Motor Vehicle Incidents	54,000 Conductors	200 reports	10 minutes	33 hours.
—Evaluation of driving record	54,000 Conductors	18,000 rating	15 minutes	4,500 hours.
—DAC referral by RR after report of driving drug/alcohol incident.	704 Railroads	180 referrals	5 minutes	15 hours.
—DAC request and supply by persons of prior counseling or treatment.	704 Railroads	5 requests/records	30 minutes	3 hours.
—Conditional certifications recommended by DAC.	704 Railroads	50 certificate endorsements.	4 hours	200 hours.
242.113—Prior safety conduct as employee of a different railroad.	54,000 conductors	360 requests/360 records.	15 minutes + 30 minutes.	270 hours.
242.115—Determination that person meets eligibility requirements.	54,000 conductors	18,000 determination	2 minutes	600 hours.
—Written documents from DAC that person is not affected by a disorder.	54,000 conductors	400 docs	30 minutes	200 hours.
—Self-referral by conductors for substance abuse counseling.	704 railroads	30 self-referrals	10 minutes	5 hours.

CFR section/subject	Respondent universe	Total annual responses	Average time per response	Total annual burden hours
—Certification reviews for occurrence/documentation of prior alcohol/drug conduct by persons/conductors.	704 railroads	18,000 cert. reviews	10 minutes	3,000 hours.
—Written determination that most recent incident has occurred.	704 railroads	150 decision.	60 minutes	150 hours.
—Notification to person that recertification has been denied.	704 railroads	300 notices	10 minutes	50 hours.
—Persons/conductors waiving investigation/de-certifications.	54,000 conductors	300 waivers/de-certs	10 minutes	50 hours.
242.117—Vision and Hearing Acuity				
—Determination vision standards met	704 railroads	18,000 deter	20 minutes	6,000 hours.
—Determination hearing standards met	704 railroads	18,000 deter	20 minutes	6,000 hours.
—Additional gap hearing tests	704 railroads	200 deter	20 minutes	67 hours.
—Medical examiner certificate that person has been examined/passed test.	704 railroads	18,000 certif	2 hours	36,000 hours.
—Document standards met with conditions.	704 railroads	100 docs	30 minutes	50 hours.
—Document standards not met	704 railroads	100 docs	30 minutes	50 hours.
—Notation person needs corrective device (glasses/hearing aid).	704 railroads	10,000 notes	10 minutes	1,667 hours.
—Request for further medical evaluation for new determination.	704 railroads	100 requests + 100 ratings.	60 minutes + 2 hours	300 hours.
—Request for second retest and another medical evaluation.	704 railroads	25 requests + 25 ratings.	60 minutes + 2 hours	75 hours.
—Consultations by medical examiners with railroad officer and issue of conditional certification.	704 railroads	100 consults + 100 certif.	2 hours + 10 minutes	217 hours.
—Notification by certified conductor of deterioration of vision/hearing.	704 railroads	10 notices	10 minutes	2 hours.
242.119—Training				
—New RRs—Training program	5 railroads	5 programs	3 hours	15 hours.
—Modification to training program	704 railroads	5 program	30 minutes	3 hours.
—Completion of training program by conductors/persons—documents.	704 railroads	100 docs	60 minutes	100 hours.
—Conductor refresher training	704 railroads	100 retrained conductors.	2 hours	200 hours.
—Modified training programs due to new laws, regulations, orders, technologies, procedures, or equipment.	704 railroads	24 modified programs	4 hours	96 hours.
—Employee consultation with qualified supervisory employee if given written test to demonstrate knowledge of physical characteristics of any assigned territory.	704 railroads	1,000 consult	15 minutes	250 hours.
—Familiarization training for conductor of acquiring railroad from selling company/railroad prior to commencement of new operation.	704 railroads	10 trained conductors	8 hours	80 hours.
—RR Continuous education/training of conductors.	704 railroads	18,000 tr. Conductors	8 hours	144,000 hours.
242.121—Knowledge Testing				
—Determining eligibility	704 railroads	18,000 deter	30 minutes	9,000 hours.
—Retests/re-examinations	704 railroads	500 re-tests	8 hours	4,000 hours.
242.123—Monitoring Operational Performance				
—Unannounced compliance tests and records.	704 railroads	18,000 tests + 18,000 records.	10 minutes + 5 minutes.	4,500 hours.
—Return to service that requires unannounced compliance test/record.	704 railroads	1,000 tests + 1,000 records.	10 minutes + 5 minutes.	250 hours.
242.125/127—Determination made by RR relying on another railroad's certification.	704 railroads	100 decisions	30 minutes	50 hours.
—Determination by Another Country	704 railroads	100 decisions	30 minutes	50 hours.
242.203—Retaining information supporting determination: Records.	704 railroads	18,000 records	15 minutes	4,500 hours.
—Amended electronic records	704 railroads	20 records	60 minutes	20 hours.
242.209—Maintenance of Certificates				
—Request to display certificate	704 railroads	2,000 request/displays	2 minutes	67 hours.
—Notification by conductors that RR request to serve exceeds certification.	704 railroads	1,000 notices	10 minutes	167 hours.
242.211—Replacement of certificates	704 railroads	500 replaced certifications.	5 minutes	42 hours.
242.213—Multiple Certificates				

CFR section/subject	Respondent universe	Total annual responses	Average time per response	Total annual burden hours
—Notification to engineer that no conductor is on train.	704 railroads	5 notifications	10 minutes	1 hour.
—Notification of denial of certification by individuals holding multiple certifications.	704 railroads	10 notices	10 minutes	2 hours.
242.215—RR Oversight Responsibility				
—RR review and analysis of administration of certification program.	704 railroads	44 reviews/analyses	40 hours	1,760 hours.
—Report of findings by RR to FRA	704 railroads	36 reports	4 hours	144 hours.
242.301—Determinations—Territorial qualification and joint operations.	320 railroads	1,080 deter	15 minutes	270 hours.
—Notification by persons who do not meet territorial qualification.	320 railroads	500 notices	10 minutes	83 hours.
242.401—Notification to candidate of information that forms basis for denying certification and candidate response.	704 railroads	40 notices + 40 responses.	60 minutes/60 minutes	80 hours.
—Written notification of denial of certification.	704 railroads	80 notices	60 minutes	80 hours.
242.403/405—Criteria for revoking certification; periods of ineligibility				
—Review of compliance conduct	704 railroads	950 reviews	10 minutes	158 hours.
—Written determination that the most recent incident has occurred.	704 railroads	950 written determination.	60 minutes	950 hours.
242.407—Process for Revoking Certification				
—Revocation for violations of section 242.115(e).	704 railroads	950 revoked certificates.	8 hours	7,600 hours.
—Immediate suspension of certificate	704 railroads	950 suspend certificates.	1 hour	950 hours.
—Determinations based on RR hearing record.	704 railroads	950 decisions	15 minutes	238 hours.
—Hearing record	704 railroads	950 records	30 minutes	475 hours.
—Written decisions by RR official	704 railroads	950 decisions	2 hours	1,900 hours.
—Service of written decision on employee by RR + RR service proof.	704 railroads	950 decisions + 950 proofs.	10 minutes + 5 minutes.	238 hours.
—Written waiver of right to hearing	54,000 Conductors	425 waivers	10 minutes	71 hours.
—Revocation of certification based on information that another railroad has done so.	704 railroads	15 revoked certifications.	10 minutes	3 hours.
—Placing relevant information in record prior to suspending certification/convening hearing.	704 railroads	100 updated Records	1 hour	100 hours.

Total Estimated Responses: 268,799.

Total Estimated Total Annual Burden: 856,406 hours.

Type of Request: Extension of a Currently Approved Collection.

Under 44 U.S.C. 3507(a) and 5 CFR 1320.5(b) and 1320.8(b)(3)(vi), FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to a collection of information unless it displays a currently valid OMB control number.

Authority: 44 U.S.C. 3501–3520.

Brett Jortland,

Acting Deputy Chief Counsel.

[FR Doc. 2017–22044 Filed 10–11–17; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2016–0137; Notice 2]

Arconic Wheel and Transportation Products, Grant of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Grant of petition.

SUMMARY: Arconic Wheel and Transportation Products, a business division of Arconic, Inc., formerly known as Alcoa, Inc. (Arconic), has determined that certain Alcoa aluminum wheels do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 120, *Tire Selection and Rims and Motor Home/Recreation Vehicle Trailer Load Carrying Capacity Information for Motor Vehicles with a GVWR of more than 4,536 kilograms (10,000 pounds).* Alcoa, Inc. filed a noncompliance information report dated November 21, 2016. Arconic then petitioned NHTSA on December 5, 2016, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety.

ADDRESSES: For further information on this decision please contact Kerrin Bressant, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), telephone (202) 366–1110.

SUPPLEMENTARY INFORMATION:

I. Overview: Arconic Wheel and Transportation Products (Arconic), has determined that certain Alcoa aluminum wheels do not fully comply with paragraph S5.2(b) of Federal Motor Vehicle Safety Standard (FMVSS) No. 120, *Tire Selection and Rims and Motor Home/Recreation Vehicle Trailer Load Carrying Capacity Information for Motor*

Vehicles with a GVWR of more than 4,536 kilograms (10,000 pounds). Alcoa, Inc. filed a noncompliance information report dated November 21, 2016, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.* Arconic then petitioned NHTSA on December 5, 2016, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety.

The notice of receipt of Arconic's petition was published, with a 30-day public comment period, on June 5, 2017 in the **Federal Register** (82 FR 25908). No comments were received. To view the petition and all supporting documents log onto the Federal Docket Management System (FDMS) Web site at: *http://www.regulations.gov/.* Then follow the online search instructions to locate docket number ''NHTSA–2016–0137.''

II. Equipment Involved: Approximately 1,975 Alcoa model 88367X aluminum wheels, size 22.5″ Dia. × 8.25″, produced for the heavy duty truck wheel market, manufactured between August 1, 2016, and November 7, 2016, are potentially involved.

III. Noncompliance: Arconic explains that the noncompliance is that the wheel diameter was incorrectly marked on the subject wheels as 24.5″ × 8.25″, when it should have been marked as 22.5″ × 8.25″. This marking error overstates the wheel diameter by 2″. Therefore, the subject wheels do not meet the requirements of paragraph S5.2(b) of FMVSS No. 120.

IV. Rule Text: Paragraph S5.2(b) of FMVSS No. 120 states in pertinent part:

> S5.2 Rim marking. Each rim or, at the option of the manufacturer in the case of a single-piece wheel, wheel disc shall be marked with the information listed in paragraphs (a) through (e) of this paragraph, in lettering not less than 3 millimeters high, impressed to a depth or, at the option of the manufacturer, embossed to a height of not less than 0.125 millimeters . . .
>
> (b) The rim size designation, and in case of multipiece rims, the rim type designation. For example: 20 × 5.50, or 20 × 5.5.

V. Summary of Arconic's Petition: Arconic 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, Arconic submitted the following reasoning:

1. If the mounting technician relied solely on the incorrectly stated 24.5″ diameter stamped on the rim and tried to mount a 24.5″ × 8.25″ tire, the tire will not inflate. Therefore, it would be obvious to the mounting technician that there is a tire/rim mismatch, because the air will immediately escape during inflation and no tire/rim seal will ever be achieved. Heavy-duty truck rim diameter sizes in the U.S. market are in increments 19.5″, 22.5″ and 24.5″, so any tire diameter other than 22.5″ will simply not mount and/or inflate on the mismarked 24.5″ rim.

2. All product literature that accompanies the mislabeled 24.5″ × 8.25″ aluminum wheels correctly identifies the wheel as having a 22.5″ diameter. The part number stamped on the wheels correctly associates the wheels in catalogs (hard copy and electronic) as having a 22.5″ diameter. The vast majority of the affected wheels were sold for assembly on new heavy-duty semi-tractors and it is believed the certification label, tire pressure placard and all other literature accompanying the vehicle correctly states the required wheel diameter as 22.5″.

3. The vast majority of the affected wheels were sold for assembly on new heavy-duty semi-tractors, which means the selection of tires and wheels during assembly does not require reliance on the actual size markings on the wheel. Rather, this selection is based upon part number matching during the tire/wheel subassembly process, and the part number descriptions correctly reflect the actual wheel size of 22.5″ × 8.25″. Only one manufacturer, a trailer manufacturer, actually noticed the mismarking of the rim diameter. The remaining manufacturers that undertook tire and rim assembly were unaffected by rim mismarking.

4. If a vehicle owner or operator must replace one of the affected rims they would most likely go to a facility that is familiar with tire/wheel replacements for heavy-duty trucks. Pursuant to 29 CFR 1910.177(c) (Employee Training), federal regulations require that only trained technicians are permitted to mount tires and wheels on heavy-duty vehicles and it should be obvious to the technician when a wheel marking is overstated by 2″.

5. For rims that have an obvious incorrect size marking stamped into the wheel, the technician will have to rely on another source for the correct rim size including, when applicable, the certification label, tire pressure placard or any other literature to determine the correct wheel and tire size for the replacement.

6. Because a tire/rim seal cannot be achieved with an overstated 2″ rim diameter, there is no risk to the technician during attempted tire mounting operations.

7. All other roll stamp rim marking information on the subject rims required by S5.2 of FMVSS No. 120 is correct. The rim is marked with the correct rim width, manufacturer, date of manufacture, and DOT.

8. The agency has previously found to be inconsequential a noncompliance with the rim marking requirements of FMVSS No. 110 *Tire selection and rims and motor home/recreation vehicle trailer load carrying capacity information for motor vehicles with a GVWR of 4,536 kilograms (10,000 pounds) or less* (citing Docket No. NHTSA–1999–6685, July 5, 2000).

9. Arconic is not aware of any crashes or injuries associated with this roll stamp rim marking issue.

Arconic states that they have corrected the roll stamp for all future production.

Arconic concluded by expressing the belief that the subject noncompliance is inconsequential as it relates to motor vehicle safety, and that its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

NHTSA'S Decision

NHTSA's Analysis: The intent of FMVSS No. 120 is to ensure that vehicles are equipped with tires of adequate size and load rating and with rims of appropriate size and type designation to handle vehicle loads and prevent overloading.

As discussed by Arconic, in the event a technician actually used the incorrect rim diameter marking as a size determinant for the tire size to mount on the rim, the technician would inevitably determine that the tire diameter is much larger than the actual rim diameter. In this case, the tire could never be properly mounted to the rim and could not be inflated to hold any air pressure.

Arconic also mentioned that product literature provided with the rims, and correct part number stamped on the rims, can be used to correctly identify the rim diameter. NHTSA agrees that during the mounting process, if a technician were to encounter the mismatch issue as discussed above, the part number labeled on the rim and the product literature could be referenced to aid in the determination of the correct rim size.

Consequently, the subject noncompliance should not cause any unsafe conditions associated with the incorrect rim diameter size stamped on the wheel. Therefore, NHTSA agrees with Arconic that the incorrect rim diameter size listed on the wheel does

not have any adverse safety implications.

NHTSA'S Decision: In consideration of the foregoing, NHTSA finds that Arconic has met its burden of persuasion that the subject FMVSS No. 120 noncompliance on the affected wheels is inconsequential to motor vehicle safety. Accordingly, Arconic's petition is hereby granted and Arconic is consequently exempted from the obligation of providing notification of, and a free remedy for, that noncompliance under 49 U.S.C. 30118 and 30120.

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, this decision only applies to the subject wheels that Arconic no longer controlled at the time it determined that the noncompliance existed. However, the granting of this petition does not relieve equipment distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant wheels under their control after Arconic 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. 2017–22110 Filed 10–11–17; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2017–0016; Notice 2]

Mack Trucks, Inc., Grant of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Grant of petition.

SUMMARY: Mack Trucks, Inc. (MTI), has determined that certain model year (MY) 2017 Mack heavy duty trucks do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 120, *Tire selection and rims and motor home/recreation vehicle trailer load carrying capacity information for motor vehicles with a GVWR of more than 4,536 kilograms (10,000 pounds).* MTI filed a noncompliance information report dated February 9, 2017. MTI also petitioned NHTSA on February 28, 2017, and revised its petition on April 29, 2017, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety.

ADDRESSES: For further information on this decision contact Kerrin Bressant, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), telephone (202) 366–1110, facsimile (202) 366–5930.

SUPPLEMENTARY INFORMATION:

I. Overview: Mack Trucks, Inc. (MTI), has determined that certain model year (MY) 2017 Mack heavy duty trucks do not fully comply with paragraph S5.2(b) of Federal Motor Vehicle Safety Standard (FMVSS) No. 120, *Tire selection and rims and motor home/recreation vehicle trailer load carrying capacity information for motor vehicles with a GVWR of more than 4,536 kilograms (10,000 pounds).* MTI filed a noncompliance report dated February 9, 2017, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.* MTI also petitioned NHTSA on February 28, 2017, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, and revised its petition on April 29, 2017, to obtain 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.

Notice of receipt of the petition was published with a 30-day public comment period, on July 20, 2017, in the **Federal Register** (82 FR 33546). No comments were received. To view the petition and all supporting documents log onto the Federal Docket Management System (FDMS) Web site at: *https://www.regulations.gov/.* Then follow the online search instructions to locate docket number ''NHTSA–2017–0016.''

II. Vehicles Involved: Approximately 226 MY 2017 Mack Pinnacle, Granite, TerraPro and LR heavy duty trucks, manufactured between August 15, 2016, and December 12, 2016, are potentially involved.

III. Noncompliance: MTI explains that the noncompliance is that the wheels on the subject vehicles incorrectly identify the rim size as 24.5″ × 8.25″ instead of 22.5″ × 8.25″, and therefore do not meet the requirements of paragraph S5.2(b) of FMVSS No. 120. Specifically, the marking error overstates the wheel diameter by 2″.

IV. Rule Text: paragraph S5.2 of FMVSS No. 120 states:

S5.2 *Rim marking.* Each rim or, at the option of the manufacturer in the case of a single-piece wheel, wheel disc shall be marked with the information listed in paragraphs (a) through (e) of this paragraph, in lettering not less than 3 millimeters high, impressed to a depth or, at the option of the manufacturer, embossed to a height of not less than 0.125 millimeters . . .

(b) The rim size designation, and in case of multipiece rims, the rim type designation. For example: 20 × 5.50, or 20 × 5.5.

V. Summary of MTI's Petition: MTI 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, MTI referenced a letter to NHTSA, dated December 5, 2016, from Arconic Wheel and Transportation Products (Arconic), which is the rim manufacturer, and provided the following reasoning:

1. A 24.5″ inch tire will not seat on the rim; therefore, if someone tries to mount a 24.5″ tire to the rim, it will not hold air and therefore cannot be inflated.

2. When tires are replaced, the technician will select the tire based on the size and rating of the tire being replaced. When Mack manufactured the vehicle, the tire used was a 22.5″ (*i.e.*, the correct size for the rim). Therefore, the tires installed by Mack have the correct size on the sidewall of the tire.

3. Mack is required to list the tires size and inflation pressures on the certification label as required by 49 CFR 567. The information printed on the label is the correct size, a 22.5″ inch tire and reflects the tires that were installed when manufactured. The certification label is located inside the driver's door and can be easily accessed by the tire installer.

MTI concluded by expressing the belief that the subject noncompliance is inconsequential as it relates to motor vehicle safety, and that its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

To view MTI's petition analyses in its entirety you can visit *https://www.regulations.gov* by following the online instructions for accessing the dockets and by using the docket ID number for this petition shown in the heading of this notice.

NHTSA Decision

NHTSA Analysis: MTI explains that the noncompliance is that the wheels on the subject vehicles incorrectly identify the rim size as 24.5″ x 8.25″ instead of 22.5″ x 8.25″, and therefore do not meet the requirements of paragraph S5.2(b) of FMVSS No. 120. Specifically, the marking error overstates the wheel diameter by 2″.

NHTSA has reviewed MTI's analyses that the subject noncompliance is inconsequential to motor vehicle safety and provides the following analysis:

When it comes to mating a tire and rim combination, it becomes very apparent very quickly that either an oversized tire on a rim or an undersized tire on the same sized rim will not properly seat to that rim. In this particular case (the former) as MTI has mentioned in its petition, if someone tries to mount a 24.5″ inch tire on an undersized rim (22.5″), it will not hold air and therefore cannot be inflated. The inability to mount the incorrect tire on the rim precludes one's ability to actually drive with an incorrect tire-rim combination on public roadways. Furthermore, FMVSS No. 120 paragraph S5.3 requires vehicles be labeled with proper tire/rim size combinations. This additional information is available to provide the vehicle operator or technician with the correct tire/rim size information.

NHTSA's Decision: In consideration of the foregoing, NHTSA finds that MTI has met its burden of persuasion that the FMVSS No. 120 noncompliance is inconsequential as it relates to motor vehicle safety. Accordingly, MTI's petition is hereby granted and MTI is consequently exempted from the obligation to provide notification of, and remedy for, the subject noncompliance in the affected vehicles under 49 U.S.C. 30118 and 30120.

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, this decision only applies to the subject vehicles that MTI no longer controlled at the time it determined that the noncompliance existed. However, the granting of this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after MTI 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. 2017–22111 Filed 10–11–17; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

[Docket ID OCC–2017–0019]

Rescission of Guidance on Supervisory Concerns and Expectations Regarding Deposit Advance Products

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Rescission of guidance.

SUMMARY: The OCC is rescinding its supervisory guidance entitled ''Guidance on Supervisory Concerns and Expectations Regarding Deposit Advance Products'' and OCC Bulletin 2013–40 (collectively, Guidance), which address the OCC's expectations regarding the offering of deposit advance products by national banks and federal savings associations (collectively, banks). The OCC is rescinding the Guidance in light of the adoption of a final rule on payday, vehicle title, and certain high-cost installment loans by the Consumer Financial Protection Bureau (CFPB), which overlaps with the Guidance, resulting in potentially inconsistent regulatory guidance for banks.

DATES: This Guidance is rescinded effective October 5, 2017.

FOR FURTHER INFORMATION CONTACT: Paul Reymann, Director, Consumer Compliance Policy, (202) 649–5470; Steven Jones, Director, Retail Credit Risk, (202) 649–6220; Kenneth Lennon, Director, Community and Consumer Law, (202) 649–6350; Office of the Comptroller of the Currency, 400 7th Street SW., Washington, DC 20219 or, for persons who are deaf or hard of hearing, TTY, (202) 649–5597.

SUPPLEMENTARY INFORMATION:

In 2013, the OCC issued the Guidance to set forth the agency's expectations regarding deposit advance products offered by banks.[1] A deposit advance product is a small-dollar, short-term loan or line of credit that a bank makes available to a customer whose deposit account reflects recurring direct deposits. The customer obtains a loan, which is to be repaid from the proceeds of the next direct deposit. The Guidance highlighted potential credit, reputation, operational, compliance, and other issues associated with deposit advance products and encouraged banks to be aware of these issues so that banks offering these products in response to their customers' short-term, small-dollar credit needs did not engage in practices that would increase these risks or result in the unfair treatment of bank customers.

Since adoption of the Guidance in 2013, the regulatory and marketplace landscapes have changed, and the OCC has gained supervisory experience with application of the Guidance to deposit advance products. Most recently, the CFPB adopted a rule entitled ''Payday, Vehicle Title, and Certain High-Cost Installment Loans'' (CFPB's Final Rule),[2] regarding short-term, small-dollar loans, which overlaps with the Guidance and will therefore apply to many of the loans addressed by the Guidance. For example, the CFPB's Final Rule includes underwriting requirements for covered loans that are inconsistent with certain aspects of the Guidance. In addition, the CFPB's Final Rule provides for cooling-off periods that differ from those set forth in the Guidance. Thus, the continuation of the Guidance would subject banks to potentially inconsistent regulatory direction and undue burden as banks prepare to implement the requirements of the CFPB's Final Rule.

In addition, based on the changed regulatory and marketplace landscape and our supervisory experience noted above, the OCC is concerned that banks are able to serve consumers' needs for short-term, small-dollar credit. As a practical matter, consumers who would prefer to rely on banks and thrifts for these products may be forced to rely on less regulated lenders and be exposed to the risk of consumer harm and expense.

Accordingly, the OCC is rescinding the Guidance. In rescinding the Guidance, the OCC considered that many other OCC guidance documents cover key elements of consumer lending, and these guidance documents

[1] 78 FR 70624 (November 26, 2013).

[2] Today the CFPB announced that it adopted and submitted the CFPB's Final Rule for publication in the **Federal Register**. *https://www.consumerfinance.gov/policy-compliance/rulemaking/final-rules/payday-vehicle-title-and-certain-high-cost-installment-loans/.* The CFPB issued its notice of proposed rulemaking on payday loans in 2016. 81 FR 47864 (July 22, 2016).

remain in effect and will continue to apply to deposit advance products.[3]

The OCC continues to support and encourage banks and savings associations to develop and use innovative products to meet customers' short-term, small-dollar credit needs and will continue to ensure that banks that choose to offer this type of product do so responsibly. In providing deposit advance products and other short-term, small-dollar loans, banks should be guided by basic principles of prudent underwriting and risk management as well as fair and inclusive treatment of customers. In particular, banks should consider the following core principles when offering innovative, short-term, small-dollar loan products:

- All bank products should be consistent with safe and sound banking, treat customers fairly, and comply with applicable laws and regulations.
- Banks should effectively manage the risks associated with the products they offer, including credit, operational, compliance, and reputation.
- All credit products should be underwritten based on reasonable policies and practices, including guidelines governing the amounts borrowed, frequency of borrowing, and repayment requirements.

OCC examiners will continue to assess how banks offer short-term, small-dollar loan products, including whether management oversight is appropriate, whether risks posed by third-party relationships are appropriately managed, and whether the product complies with applicable federal consumer protection statutes. The OCC will take appropriate action to address any unsafe or unsound banking practice or violations of law associated with these products.

Dated: October 5, 2017.

Keith A. Noreika,

Acting Comptroller of the Currency.

[FR Doc. 2017–22012 Filed 10–11–17; 8:45 am]

BILLING CODE 4810–33–P

[3] *See, e.g.,* Advisory Letter 2000–7, ''Abusive Lending Practices''; *Comptroller's Handbook,* ''Deposit-Related Credit'' (underwriting, credit administration, management oversight); OCC Bulletin 2010–16, ''Guidance for Evaluating Capital Planning and Adequacy'' (capital planning); OCC Bulletin 2001–37, ''ALLL Methodologies and Documentation'' (ALLL); OCC Bulletin 2013–29, ''Third-Party Relationships: Risk Management Guidance,'' as supplemented by OCC Bulletin 2017–21, ''Third-Party Relationships: Frequently Asked Questions to Supplement OCC Bulletin 2013–29.'' The ''Deposit-Related Credit'' booklet, which provides guidance to and procedures for examiners, will be revised to remove references to the Guidance.

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Sanctions Actions Pursuant to Executive Order 13581

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the name of a person whose property and interests in property have been unblocked pursuant to Executive Order 13581 of July 24, 2011, ''Blocking Property of Transnational Criminal Organizations.''

DATES: OFAC's actions described in this notice were effective on June 6, 2017.

FOR FURTHER INFORMATION CONTACT: The Department of the Treasury's Office of Foreign Assets Control: Assistant Director for Licensing, tel.: 202–622–2480, Assistant Director for Regulatory Affairs, tel.: 202–622–4855, Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490; or the Department of the Treasury's Office of the Chief Counsel (Foreign Assets Control), Office of the General Counsel, tel.: 202–622–2410.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The list of Specially Designated Nationals and Blocked Persons (SDN List) and additional information concerning OFAC sanctions programs are available from OFAC's Web site at *http://www.treasury.gov/ofac.*

Notice of OFAC Actions

On June 6, 2017, OFAC removed from the SDN List the person listed below, whose property and interests in property were blocked pursuant to Executive Order 13581.

Individual

1. BOTTCHER, Monica Elizabete (a.k.a. BOTTCHER, Monica Elizabeth), 45 Knock Rushen, Castletown, Isle of Man IM9 1TQ, United Kingdom; DOB 26 Feb 1973 (individual) [TCO] (Linked To: PACNET BRAZIL; Linked To: PACNET GROUP)

Dated: June 6, 2017.

Andrea Gacki,

Acting Director, Office of Foreign Assets Control.

Editorial Note: This document was received at the Office of the Federal Register on Friday, October 6, 2017.

[FR Doc. 2017–22096 Filed 10–11–17; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Sanctions Actions Pursuant to Executive Order 13581

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the name of a person whose property and interests in property have been unblocked pursuant to Executive Order 13581 of July 24, 2011, ''Blocking Property of Transnational Criminal Organizations.''

DATES: OFAC's actions described in this notice were effective on June 21, 2017.

FOR FURTHER INFORMATION CONTACT: The Department of the Treasury's Office of Foreign Assets Control: Assistant Director for Licensing, tel.: 202–622–2480, Assistant Director for Regulatory Affairs, tel.: 202–622–4855, Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490; or the Department of the Treasury's Office of the Chief Counsel (Foreign Assets Control), Office of the General Counsel, tel.: 202–622–2410.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The list of Specially Designated Nationals and Blocked Persons (SDN List) and additional information concerning OFAC sanctions programs are available from OFAC's Web site at *http://www.treasury.gov/ofac.*

Notice of OFAC Actions

On June 21, 2017, OFAC removed from the SDN List the person listed below, whose property and interests in property were blocked pursuant to Executive Order 13581.

Individual

1. DRISCOLL, Mary Ann, Vancouver, British Columbia, Canada; DOB 01 Jun 1950 to 30 Jun 1950; nationality Canada (individual) [TCO] (Linked To: CHEXX INC.; Linked To: INDIAN RIVER (UK) LTD.; Linked To: PACNET GROUP).

Dated: June 21, 2017.

Andrea Gacki

Acting Director, Office of Foreign Assets Control.

Editorial Note: This document was received at the Office of the Federal Register on Friday, October 6, 2017.

[FR Doc. 2017–22097 Filed 10–11–17; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Sanctions Actions Pursuant to Executive Order 13581

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the name of a person whose property and interests in property have been unblocked pursuant to Executive Order 13581 of July 24, 2011, ''Blocking Property of Transnational Criminal Organizations.''

DATES: OFAC's actions described in this notice were effective on May 16, 2017.

FOR FURTHER INFORMATION CONTACT: The Department of the Treasury's Office of Foreign Assets Control: Assistant Director for Licensing, tel.: 202–622–2480, Assistant Director for Regulatory Affairs, tel.: 202–622–4855, Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490; or the Department of the Treasury's Office of the Chief Counsel (Foreign Assets Control), Office of the General Counsel, tel.: 202–622–2410.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The list of Specially Designated Nationals and Blocked Persons (SDN List) and additional information concerning OFAC sanctions programs are available from OFAC's Web site at *http://www.treasury.gov/ofac.*

Notice of OFAC Actions

On May 16, 2017, OFAC removed from the SDN List the person listed below, whose property and interests in property were blocked pursuant to Executive Order 13581.

Individual

1. FERRARI, Raffaella, Parkshot House, 5 Kew Road, Richmond, Surrey TW9 2PR, United Kingdom; Kingston upon Thames, United Kingdom; 69 Buchanan Street, Glasgow, Scotland G1 3HL, United Kingdom; DOB 01 Nov 1972 to 30 Nov 1972; nationality Italy (individual) [TCO] (Linked To: PACNET SERVICES LTD.; Linked To: CHEXX ITALIA SRL; Linked To: THE PAYMENTS FACTORY LTD.; Linked To: COUNTING HOUSE SERVICES LTD.; Linked To: PACNET GROUP).

Dated: May 16, 2017.

Andrea Gacki,

Acting Director, Office of Foreign Assets Control.

Editorial note: *This document was received for publication by the Office of the Federal Register on October 6, 2017.*

[FR Doc. 2017–22095 Filed 10–11–17; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Revised: Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service (IRS), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning amortizable bond premium.

DATES: Written comments should be received on or before December 11, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to L. Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224. Requests for additional information or copies of the regulations should be directed to Martha R. Brinson, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at *Martha.R.Brinson@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Amortizable Bond Premium.

OMB Number: 1545–1491.

Regulation Project Number: T.D. 8746.

Abstract: This regulation addresses the tax treatment of bond premium. The regulation provides that a holder may make an election to amortize bond premium on a taxable bond by offsetting interest income with bond premium, and the holder must attach a statement to their tax return providing certain information. The information requested is necessary for the IRS to determine whether a holder has elected to amortize bond premium.

Current Actions: Under § 1.171–4(a)(1), a holder makes the election to amortize bond premium in the holder's timely filed income tax return for the first taxable year to which the holder desires the election to apply. This section also provides that the holder should attach to the return a statement that the holder is making the election under this section. We estimate 5,000 taxpayers will be affected by this requirement and that it will take approximately 0.5 hours to prepare this statement. The burden for the requirement is approximately 2,500 hours.

Type of Review: Revision of a currently approved collection.

Affected Public: Businesses or other for-profit organizations and individuals.

Estimated Number of Respondents: 5,000.

Estimated Time per Respondent: 0.5 hours

Estimated Total Annual Burden Hours: 2,500.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: October 3, 2017.

L. Brimmer,

Senior Tax Analyst.

[FR Doc. 2017–22079 Filed 10–11–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 2678

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning Form 2678, Employer/Payer Appointment of Agent.

DATES: Written comments should be received on or before December 11, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to L. Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224.

Requests for additional information or copies of the form and instructions should be directed to LaNita Van Dyke, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at *Lanita.VanDyke@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Employer/Payer Appointment of Agent.

OMB Number: 1545–0748.

Form Number: 2678.

Abstract: Internal Revenue Code section 3504 authorizes a fiduciary, agent or other person to perform acts of an employer for purposes of employment taxes. Form 2678 is used to empower an agent with the responsibility and liability of collecting and paying the employment taxes including backup withholding and filing the appropriate tax return.

Current Actions: There are no changes being made to the burden previously approved by OMB at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profit organizations, not-for-profit institutions, farms and the Federal Government.

Estimated Number of Respondents: 6,130,000.

Estimated Time per Respondent: 2.24 hours.

Estimated Total Annual Burden Hours: 13,731,200.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: October 4, 2017.

L. Brimmer,

Senior Tax Analyst.

[FR Doc. 2017–22085 Filed 10–11–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Advisory Committee to the Internal Revenue Service; Meeting

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: The Information Reporting Program Advisory Committee (IRPAC) will hold a public meeting on Wednesday, October 25, 2017.

FOR FURTHER INFORMATION CONTACT: Ms. Tonjua Menefee, National Public Liaison, CL:NPL: BSRM, Rm. 7559, 1111 Constitution Avenue NW., Washington, DC 20224.

Phone: 202–317–6851 (not a toll-free number). Email address: *PublicLiaison@irs.gov.*

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988), that a public meeting of the IRPAC will be held on Wednesday, October 25, 2017 from 9:00 a.m. to 1:00 p.m. at the Melrose Georgetown Hotel, 2430 Pennsylvania Ave. NW., Washington, DC 20037. Report recommendations on issues that may be discussed include: Improve the Penalties, Abatement Request and Levies Process; Business Master File Entity Addresses; Form W–9 Enhancements; Reporting by Insurance Companies and Applicable Large Employers under IRC § 6055 and § 6056; Electronic submission and verification of specific forms; Online Tax Professional Account; Form 1042 and 1042–S Matching and Penalty Assessments; Validity period of documentary evidence and treaty statement under the Qualified Intermediary (QI) Agreement.; Foreign Taxpayer Identification Number (FTIN) requirements.

Last minute agenda changes may preclude notice. Due to limited seating and security requirements, please call or email Tonjua Menefee to confirm your attendance. Ms. Menefee can be reached at 202–317–6851 or *PublicLiaison@irs.gov*. Should you wish the IRPAC to consider a written statement, please call 202–317–6851, or write to: Internal Revenue Service, Office of National Public Liaison, CL:NPL:SRM, Room 7559, 1111 Constitution Avenue NW., Washington, DC 20224 or email: *PublicLiaison@irs.gov.*

Dated: October 6, 2017.

Darlene Frank,

Designated Federal Official, Branch Chief, National Public Liaison.

[FR Doc. 2017–22084 Filed 10–11–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Forms 1040–PR and 1040–SS

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information

collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning Form 1040–PR, Planilla para la Declaración de la Contribución Federal sobre el Trabajo por Cuenta Propia (Incluyendo el Crédito Tributario Adicional por Hijos para Residentes Bona Fide de Puerto Rico) and Form 1040–SS, U.S. Self-Employment Tax Return (Including the Additional Child Tax Credit for Bona Fide Residents of Puerto Rico)

DATES: Written comments should be received on or before December 11, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to L. Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224.

Requests for additional information or copies of the form and instructions should be directed to LaNita Van Dyke, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at *Lanita.VanDyke@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Planilla para la Declaración de la Contribución Federal sobre el Trabajo por Cuenta Propia (Incluyendo el Crédito Tributario Adicional por Hijos para Residentes Bona Fide de Puerto Rico).

OMB Number: 1545–0090.

Form Number: Form 1040–PR.

Abstract: Form 1040–PR, is used by self-employed individuals to figure and report self-employment tax under IRC chapter 2 of Subtitle A, and provide credit to the taxpayer's social security account. Anejo H–PR is used to compute household employment taxes and the Form 1040–PR burden calculation includes this burden of 2,400 responses with 5,376 hours.

Current Actions: There are no changes being made to the form at this time.

This form is being submitted for renewal purposes.

Type of Review: Revision of a currently approved collection.

Affected Public: Individuals or households, Businesses and other for-profit organizations, Farms.

Estimated Number of Respondents: 154,860.

Estimated Time per Respondent: 11 hours, 34 minutes.

Estimated Total Annual Burden Hours: 1,792,208.

Title: U.S. Self-Employment Tax Return (Including the Additional Child Tax Credit for Bona Fide Residents of Puerto Rico)

OMB Number: 1545–0090.

Form Number: Form 1040–SS.

Abstract: Form 1040–SS, is used by self-employed individuals to figure and report self-employment tax under IRC chapter 2 of Subtitle A, and provide credit to the taxpayer's social security account. Both of these forms are also used by bona- fide residents of Puerto Rico to claim the additional child tax credit.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension without change of a currently approved collection.

Affected Public: Individuals or households, Businesses and other for-profit organizations, Farms.

Estimated Number of Respondents: 92,000.

Estimated Time per Respondent: 11 hours, 28 minutes.

Estimated Total Annual Burden Hours: 1,055,240.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: October 4, 2017.

L. Brimmer,

Senior Tax Analyst.

[FR Doc. 2017–22083 Filed 10–11–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning adjustments to basis of stock and indebtedness to shareholders of S corporations and treatment of distributions by S corporations to shareholders.

DATES: Written comments should be received on or before December 11, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to L. Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224.

Requests for additional information or copies of the regulations should be directed to L. Brimmer at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224, or or through the internet at *Lanita.VanDyke@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Adjustments to Basis of Stock and Indebtedness to Shareholders of S Corporations and Treatment of Distributions by S Corporations to Shareholders.

OMB Number: 1545–1139.

Regulation Project Number: TD 8852.

Abstract: This document contains final regulations relating to the passthrough of items of an S corporation to its shareholders, the adjustments to the basis of stock of the shareholders, and the treatment of distributions by an S corporation. Changes to the applicable law were made by the Subchapter S Revision Act of 1982, the Tax Reform Act of 1984, the Tax Reform Act of 1986, the Technical and Miscellaneous Revenue Act of 1988, and the Small Business Job Protection Act of 1996. These regulations provide the public with guidance needed to comply with the applicable law and will affect S corporations and their shareholders.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of currently approved collection.

Affected Public: Business or other for-profit organizations and individuals.

Estimated Number of Responses: 2,250.

Estimated Time per Respondent: 12 minutes.

Estimated Total Annual Burden Hours: 450.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: October 4, 2017.

L. Brimmer,

Senior Tax Analyst.

[FR Doc. 2017–22087 Filed 10–11–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[REG–125592–10]

RIN 1545–BJ63

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning the Interim Final Rules, Affordable Care Act Internal Claims and Appeals and External review Disclosures.

DATES: Written comments should be received on or before December 11, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to L. Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224.

Requests for additional information or copies of the regulations should be directed to LaNita Van Dyke,or at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington DC 20224, or through the internet, at *Lanita.VanDyke@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Affordable Care Act Internal Claims and Appeals and External Review Disclosures.

OMB Number: 1545–2182.

Regulation Project Number: REG–125592–10 (TD 9494).

Abstract: Section 2719 of the Public Health Service Act, incorporated into Code section 9815 by section 1563(f) of the Patient Protection and Affordable Care Act, Public Law 111–148, requires group health plans and issuers of group health insurance coverage, in connection with internal appeals of claims denials, to provide claimants free of charge with any evidence relied upon in deciding the appeal that was not relied on in making the initial denial of the claim. This is a third party disclosure requirement. Individuals appealing a denial of a claim should be able to respond to any new evidence the plan or issuer relies on in the appeal, and this disclosure requirement is essential so that the claimant knows of the new evidence.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 62,000.

Estimated Total Annual Burden Hours: 350 Hours.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: October 4, 2017.

L. Brimmer,

Senior Tax Analyst.

[FR Doc. 2017–22089 Filed 10–11–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting

comments concerning Electronic Filing of Form W–4.

DATES: Written comments should be received on or before December 11, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to L. Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224.

Requests for additional information or copies of the regulations should be directed to, LaNita Van Dyke, or at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet, at *LanitaVanDyke@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Electronic Filing of Form W–4.

OMB Number: 1545–1435.

Regulation Project Number: T.D. 8706

Abstract: Information is required by the Internal Revenue Service to verify compliance with regulation section 31.3402(f)(2)–1(g)(1), which requires submission to the Service of certain withholding exemption certificates. The affected respondents are employers that choose to make electronic filing of Forms W–4 available to their employees.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, not for-profit institutions, and Federal, state, local or tribal governments.

Estimated Number of Respondents: 2,000.

Estimated Time per Respondent: 20 hours.

Estimated Total Annual Burden Hours: 40,000.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: October 4, 2017.

L. Brimmer,

Senior Tax Analyst.

[FR Doc. 2017–22078 Filed 10–11–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

United States Mint

Notification of Citizens Coinage Advisory Committee October 18, 2017, Public Meeting

SUMMARY: Pursuant to United States Code, Title 31, section 5135(b)(8)(C), the United States Mint announces the Citizens Coinage Advisory Committee (CCAC) public meeting scheduled for October 18, 2017.

Date: October 18, 2017.

Time: 9:00 a.m. to 12:30 p.m.

Location: Second Floor Conference Room, United States Mint, 801 9th Street NW., Washington, DC 20220.

Subject: Review and discussion of candidate designs for the obverse of the Apollo 11 50th Anniversary Commemorative Coin Program, revised versions of the 2019 America the Beautiful Quarters Program candidate designs honoring American Memorial Park (Commonwealth of the Northern Mariana Islands), and concepts and themes for the 2020 and 2021 America the Beautiful Quarters Program.

Interested members of the public may either attend the meeting in person or dial in to listen to the meeting at (866) 564–9287/Access Code: 62956028.

Interested persons should call the CCAC HOTLINE at (202) 354–7502 for the latest update on meeting time and room location.

Any member of the public interested in submitting matters for the CCAC's consideration is invited to submit them by fax to the following number: 202–756–6525.

In accordance with 31 U.S.C. 5135, the CCAC:

□ Advises the Secretary of the Treasury on any theme or design proposals relating to circulating coinage, bullion coinage, Congressional Gold Medals, and national and other medals.

□ Advises the Secretary of the Treasury with regard to the events, persons, or places to be commemorated by the issuance of commemorative coins in each of the five calendar years succeeding the year in which a commemorative coin designation is made.

□ Makes recommendations with respect to the mintage level for any commemorative coin recommended.

Members of the public interested in attending the meeting in person will be admitted into the meeting room on a first-come, first-serve basis as space is limited. Conference Room A&B can accommodate up to 50 members of the public at any one time. In addition, all persons entering a United States Mint facility must adhere to building security protocol. This means they must consent to the search of their persons and objects in their possession while on government grounds and when they enter and leave the facility, and are prohibited from bringing into the facility weapons of any type, illegal drugs, drug paraphernalia, or contraband.

The United States Mint Police Officer conducting the screening will evaluate whether an item may enter into or exit from a facility based upon federal law, Treasury policy, United States Mint Policy, and local operating procedure; and all prohibited and unauthorized items will be subject to confiscation and disposal.

FOR FURTHER INFORMATION CONTACT: Betty Birdsong, Acting United States Mint Liaison to the CCAC; 801 9th Street NW.; Washington, DC 20220; or call 202–354–7200.

Authority: 31 U.S.C. 5135(b)(8)(C).

Dated: October 5, 2017.

Jean Gentry,

Chief Counsel, United States Mint.

[FR Doc. 2017–22013 Filed 10–11–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0545]

Agency Information Collection Activity: Report of Medical, Legal, and Other Expenses Incident to Recovery for Injury or Death

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. 2900–0545'' 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. 1503.

Title: Report of Medical, Legal, and Other Expenses Incident to Recovery for Injury or Death (VA Form 21P–8416b).

OMB Control Number: 2900–0545.

Type of Review: Extension of a currently approved collection.

Abstract: Information is requested by this form under the authority of 38 U.S.C. 1503. Regulatory authority is found in 38 CFR 3.262, 3.271, and 3.272. A claimant's eligibility for pension is determined, in part, by countable family income and certain deductible expenses.

VBA uses VA Form 21P–8416b to gather information that is necessary to determine eligibility for income-based benefits and the rate payable. When a claimant is awarded compensation by another entity or government agency based on personal injury or death, the compensation is usually countable income for VA purposes (38 CFR 3.262(i)). However, medical, legal or other expenses incident to the injury or death, or incident to the collection or recovery of the compensation, may be deducted from the amount of the award or settlement (38 CFR 3.271(g) and 3.272(g)).

Affected Public: Individuals and households.

Estimated Annual Burden: 1,125 hours.

Estimated Average Burden per Respondent: 45 minutes.

Frequency of Response: Once.

Estimated Number of Respondents: 1,500.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Quality, Privacy and Risk, Department of Veterans Affairs.

[FR Doc. 2017–22056 Filed 10–11–17; 8:45 am]

BILLING CODE 8320–01–P

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Fair Access to Investment Research Act of 2017 (Oct. 6, 2017; 131 Stat. 1196)

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To facilitate construction of a bridge on certain property in Christian County, Missouri, and for other purposes. (Oct. 6, 2017; 131 Stat. 1200)

S. 1141/P.L. 115–68

Women, Peace, and Security Act of 2017 (Oct. 6, 2017; 131 Stat. 1202)

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