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

SMALL BUSINESS ADMINISTRATION

13 CFR Part 126

RIN 3245–AG92

HUBZone and Puerto Rico Oversight, Management, and Economic Stability Act (PROMESA) Amendments

AGENCY: U.S. Small Business Administration.

ACTION: Direct final rule; request for comments.

SUMMARY: This direct final rule amends the definition of ''qualified census tract'' in the HUBZone program regulations. The U.S. Small Business Administration (SBA) is making this change to its regulations to implement section 412(a) of the Puerto Rico Oversight, Management, and Economic Stability Act (PROMESA). Section 412(a) of PROMESA amended the definition of ''qualified census tract'' contained in section 3(p)(4)(A) of the Small Business Act.

DATES: This rule is effective on December 22, 2017 without further action, unless significant adverse comment is received by November 22, 2017. If significant adverse comment is received, SBA will publish a timely withdrawal of the rule in the **Federal Register**.

ADDRESSES: You may submit comments, identified by RIN 3245–AG92 by any of the following methods:

- *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail or Hand Delivery/Courier:* Mariana Pardo, Director, HUBZone Program, 409 Third Street SW., Washington, DC 20416.

SBA will post all comments on *http://www.regulations.gov.* If you wish to submit confidential business information (CBI) as defined in the User Notice at *http://www.regulations.gov,* please submit the information to Mariana Pardo, Director, HUBZone Program, 409 Third Street SW., Washington, DC 20416 and highlight the information that you consider to be CBI and explain why you believe this information should be held confidential. SBA will review the information and make a final determination of whether the information will be published or not.

FOR FURTHER INFORMATION CONTACT: Mariana Pardo, Director, HUBZone Program, 409 Third Street SW., Washington, DC 20416, 202–205–2985, *hubzone@sba.gov.*

SUPPLEMENTARY INFORMATION: On June 30, 2016, the President signed into law the Puerto Rico Oversight, Management, and Economic Stability Act (PROMESA), Public Law 114–187, 130 Stat. 149. Section 412(a) of PROMESA amended the definition of ''qualified census tract'' (QCT) contained in section 3(p)(4)(A) of the Small Business Act, 15 U.S.C. 632(p)(4)(A), which is relevant to SBA's HUBZone program. Amended section 3(p)(4)(A) provides that a QCT is defined as set forth in section 42(d)(5)(B)(ii) of the Internal Revenue Code of 1986, except for areas in Puerto Rico, which for a limited time will use the Internal Revenue Code definition without regard to subclause (II) of that definition.

Section 42(d)(5)(B)(ii) of the Internal Revenue Code of 1986 provides that a QCT is a tract in which either 50 percent or more of the households have an income which is less than 60 percent of the area's median gross income, or which has a poverty rate of at least 25 percent. However, subclause (II) of section 42(d)(5)(B)(ii) sets forth a population cap that limits the portion of a metropolitan statistical area (MSA) which may be designated as a QCT to an area having 20 percent of the population of such MSA. If more than 20 percent of the population in an MSA would otherwise qualify, the U.S. Department of Housing and Urban Development (HUD) ranks the tracts in that area from highest percentage of eligible households to lowest, and then designates as QCTs those tracts with the highest percentages of eligible households until the 20 percent population cap is reached.

Since PROMESA's passage, the amended definition of QCT in the Small Business Act provides that the definition of QCT contained in section 42(d)(5)(B)(ii) of the Internal Revenue Code shall apply to the HUBZone program—with one enumerated exception. The exception states that the 20 percent population cap shall not apply to census tracts located in Puerto Rico, for a period of 10 years after the date the Administrator implements this clause (or until the Financial Oversight and Management Board for the Commonwealth of Puerto Rico ceases to exist), whichever event occurs first. This change will result in approximately 516 new HUBZones in Puerto Rico.

This direct final rule merely adopts the statutory change that is specific to Puerto Rico as a conforming amendment. The statutory language is specific, limited and requires no interpretation. As such, SBA expects no significant adverse comments. Based on that fact, SBA has decided to proceed with a direct final rule but giving the public 30 days to comment. If SBA receives a significant adverse comment during the comment period, SBA will withdraw the rule, and proceed with a proposed rule.

In order to implement the change made by section 412(a) of PROMESA, SBA is amending § 126.103 of its regulations by revising the definition of the term ''Qualified census tract''. This rules adopts the definition of this term provided in amended section 3(p)(4)(A) of the Small Business Act, 15 U.S.C. 632(p)(4)(A).

Compliance With Executive Orders 12866, 12988, 13132, and 13771, the Paperwork Reduction Act (44 U.S.C. Ch. 35) and the Regulatory Flexibility Act (5 U.S.C. 601–612)

Executive Order 12866

The Office of Management and Budget (OMB) has determined that this direct final rule does not constitute a significant regulatory action under Executive Order 12866. This rule is also not a major rule under the Congressional Review Act, 5 U.S.C. 800.

Executive Order 12988

This action meets applicable standards set forth in Sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden. The action does not have retroactive or preemptive effect.

Executive Order 13132

For the purposes of Executive Order 13132, SBA has determined that this direct final rule will not have substantial, direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, for the purpose of Executive Order 13132, Federalism, SBA has determined that this direct final rule has no federalism implications warranting preparation of a federalism assessment.

Executive Order 13771

This final rule is not an E.O. 13771 regulatory action because it is not significant under E.O. 12866.

Paperwork Reduction Act, 44 U.S.C., Ch. 35

SBA has determined that this direct final rule does not impose additional reporting or recordkeeping requirements under the Paperwork Reduction Act, 44 U.S.C., Chapter 35.

Regulatory Flexibility Act, 5 U.S.C. 601–612

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601, requires administrative agencies to consider the effect of their actions on small entities, small non-profit enterprises, and small local governments. Pursuant to the RFA, when an agency issues a rulemaking, the agency must prepare a regulatory flexibility analysis which describes the impact of the rule on small entities. However, section 605 of the RFA allows an agency to certify a rule, in lieu of preparing an analysis, if the rulemaking is not expected to have a significant economic impact on a substantial number of small entities. Within the meaning of RFA, SBA certifies that this direct final rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 13 CFR Part 126

Administrative practice and procedure, Government procurement, Small businesses.

Accordingly, for the reasons stated in the **SUPPLEMENTARY INFORMATION**, SBA amends 13 CFR part 126 as follows:

PART 126—HUBZONE PROGRAM

■ 1. The authority for part 126 is revised to read as follows:

Authority: 15 U.S.C. 632(a), 632(j), 632(p), 644 and 657a.

■ 2. Amend § 126.103 by revising the definition of ''Qualified census tract'', to read as follows:

§ 126.103 What definitions are important in the HUBZone program?

* * * * *

Qualified census tract has the meaning given that term in section 42(d)(5)(B)(ii) of the Internal Revenue Code of 1986. However, for any metropolitan statistical area in the Commonwealth of Puerto Rico, the term ''qualified census tract'' has the meaning given that term in section 42(d)(5)(B)(ii) of the Internal Revenue Code of 1986 as applied without regard to subclause (II) of such section, except that this clause shall apply only until December 22, 2027, or the date on which the Financial Oversight and Management Board for the Commonwealth of Puerto Rico created by the Puerto Rico Oversight, Management, and Economic Stability Act ceases to exist, whichever event occurs first.

* * * * *

Dated: October 10, 2017.

Linda E. McMahon,

Administrator.

[FR Doc. 2017–22935 Filed 10–20–17; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0628; Product Identifier 2016–NM–207–AD; Amendment 39–19079; AD 2017–21–08]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all Airbus Model A310 series airplanes. This AD was prompted by a revision of certain airworthiness limitation items (ALI) documents, which require more restrictive maintenance requirements and airworthiness limitations. This AD requires revising the maintenance or inspection program to incorporate the maintenance requirements and airworthiness limitations. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective November 27, 2017.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of November 27, 2017.

ADDRESSES: For service information identified in this final rule, contact Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0628.

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–2017–0628; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–2125; fax 425–227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Airbus Model A310 series airplanes. The NPRM published in the **Federal Register** on June 30, 2017 (82 FR 29789) (''the NPRM'').

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2016–0217, dated November 2, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus Model A310 series airplanes. The MCAI states:

The airworthiness limitations for Airbus A310 aeroplanes, which are approved by EASA, are currently defined and published in the Airbus A310 Airworthiness Limitations Section (ALS) document(s). These instructions have been identified as mandatory actions for continued airworthiness.

Failure to accomplish these instructions could result in an unsafe condition.

EASA previously issued [EASA] AD 2014–0124 (later revised) [which includes actions for Airbus A310 series airplanes; those actions are included in FAA AD 2013–13–13, Amendment 39–17501 (79 FR 48957, August 19, 2014) (''AD 2013–13–13'')], to require the actions as specified in Airbus A310 Airworthiness Limitation Item (ALI) Document at issue 08.

Since EASA AD 2014–0124R1 was issued, Airbus replaced ALI Document issue 08 with A310 ALS Part 2 Revision 01 and then published the A310 ALS Part 2 Variation 1.1 and Variation 1.2, to introduce more restrictive maintenance requirements and/or airworthiness limitations.

For the reason described above, this [EASA] AD retains part of the requirements of EASA AD 2014–0124R1, which will be superseded, and requires accomplishment of the actions specified in Airbus A310 ALS Part 2 Revision 01, ALS Part 2 Variation 1.1 and ALS Part 2 Variation 1.2 (hereafter collectively referred to as 'the ALS' in this [EASA] AD). The remaining requirements of EASA AD 2014–0124R1 are retained in [EASA] AD 2016–0218, applicable to A300–600 aeroplanes, published at the same time as this [EASA] AD.

This AD does not supersede AD 2013–13–13. Rather, we have determined that a stand-alone AD is more appropriate to address the changes in the MCAI. This AD requires revising the maintenance or inspection program to incorporate the maintenance requirements and airworthiness limitations. Accomplishment of the proposed actions would then terminate all requirements of AD 2013–13–13.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0628.

Comments

We gave the public the opportunity to participate in developing this AD. We considered the comment received. The commenter supported the NPRM.

Conclusion

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

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

Related Service Information Under 1 CFR Part 51

Airbus has issued the following service information:

- Airbus A310 Airworthiness Limitations Section (ALS), Part 2, ''Damage Tolerant Airworthiness Limitation Items (DT–ALI),'' Revision 01, dated August 7, 2015.
- Airbus A310 Airworthiness Limitations Section (ALS), Part 2, ''Damage Tolerant Airworthiness Limitation Items (DT–ALI),'' Variation 1.1, dated January 25, 2016.
- Airbus A310 Airworthiness Limitations Section (ALS), Part 2, ''Damage Tolerant Airworthiness Limitation Items (DT–ALI),'' Variation 1.2, dated July 22, 2016.

This service information describes airworthiness limitations applicable to the DT–ALIs. These documents are distinct because they contain different tasks at different revision levels. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 8 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
Maintenance or Inspection Program Revision ..	1 work-hour × $85 per hour = $85	None	$85	$680

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2017–21–08 Airbus: Amendment 39–19079; Docket No. FAA–2017–0628; Product Identifier 2016–NM–207–AD.

(a) Effective Date

This AD is effective November 27, 2017.

(b) Affected ADs

This AD affects AD 2013–13–13, Amendment 39–17501 (79 FR 48957, August 19, 2014) (''AD 2013–13–13'').

(c) Applicability

This AD applies to all Airbus Model A310–203, –204, –221, –222, –304, –322, –324, and –325 airplanes, certificated in any category, all manufacturer serial numbers.

(d) Subject

Air Transport Association (ATA) of America Code 05.

(e) Reason

This AD was prompted by a revision of certain airworthiness limitation items (ALI) documents, which require more restrictive maintenance requirements and airworthiness limitations. We are issuing this AD to prevent fatigue cracking, damage, or corrosion in principal structural elements, which could result in reduced structural integrity of the airplane.

(f) Compliance

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

(g) Revision of Maintenance or Inspection Program

Within 3 months after the effective date of this AD, revise the maintenance or inspection program, as applicable, to incorporate the information specified in paragraphs (g)(1), (g)(2), and (g)(3) of this AD. The initial compliance times for doing the tasks is at the time specified in the service information identified in paragraphs (g)(1), (g)(2), and (g)(3) of this AD, or within 3 months after the effective date of this AD, whichever occurs later.

(1) Airbus A310 Airworthiness Limitations Section (ALS), Part 2, ''Damage Tolerant Airworthiness Limitation Items (DT–ALI),'' Revision 01, dated August 7, 2015.

(2) Airbus A310 Airworthiness Limitations Section (ALS), Part 2, ''Damage Tolerant Airworthiness Limitation Items (DT–ALI),'' Variation 1.1, dated January 25, 2016.

(3) Airbus A310 Airworthiness Limitations Section (ALS), Part 2, ''Damage Tolerant Airworthiness Limitation Items (DT–ALI),'' Variation 1.2, dated July 22, 2016.

(h) No Alternative Actions or Intervals

After the maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections) or intervals may be used unless the actions and/or intervals are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (j)(1) of this AD.

(i) Terminating Action for AD 2013–13–13

Accomplishing the actions required by this AD terminates all requirements of AD 2013–13–13 for that airplane only.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

(k) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2016–0217, dated November 2, 2016, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0628.

(2) For more information about this AD, contact Dan Rodina, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–2125; fax 425–227–1149.

(l) Material Incorporated by Reference

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

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

(i) Airbus A310 Airworthiness Limitations Section (ALS), Part 2, ''Damage Tolerant Airworthiness Limitation Items (DT–ALI),'' Revision 01, dated August 7, 2015.

(ii) Airbus A310 Airworthiness Limitations Section (ALS), Part 2, ''Damage Tolerant Airworthiness Limitation Items (DT–ALI),'' Variation 1.1, dated January 25, 2016.

(iii) Airbus A310 Airworthiness Limitations Section (ALS), Part 2, ''Damage Tolerant Airworthiness Limitation Items (DT–ALI),'' Variation 1.2, dated July 22, 2016.

(3) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.*

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

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

Issued in Renton, Washington, on October 11, 2017.

Jeffrey E. Duven,

Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2017–22710 Filed 10–20–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0497; Product Identifier 2016–NM–209–AD; Amendment 39–19078; AD 2017–21–07]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all Airbus Model A300 series airplanes. This AD was prompted by a report of reduction of the de-icing performance of the pitot probe over time that could remain hidden to the flight crew. This

AD requires repetitive detailed inspections of the pitot probe heater insulation resistance, and replacement of the pitot probe heater if necessary. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective November 27, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of November 27, 2017.

ADDRESSES: For service information identified in this final rule, contact Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone: +33 5 61 93 36 96; fax: +33 5 61 93 44 51; email: *account.airworth-eas@airbus.com;* Internet: *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0497.

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–2017–0497; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone: 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone: 425–227–2125; fax: 425–227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Airbus Model A300 series airplanes. The NPRM published in the **Federal Register** on May 30, 2017 (82 FR 24601) (''the NPRM''). The NPRM was prompted by a report of reduction of the de-icing performance of the pitot probe over time that could remain hidden to the flight crew. The NPRM proposed to require repetitive detailed inspections of the pitot probe heater insulation resistance, and replacement of the pitot probe heater if necessary. We are issuing this AD to ensure nominal de-icing performance of the pitot probe in order to prevent unreliable airspeed indications, which could result in reduced control of the airplane.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2016–0248, dated December 15, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus Model A300 series airplanes. The MCAI states:

> An operator reported a reduction of the deicing performance of the pitot probe over the time. Pitot probes are heated to prevent ice accretion. De-icing performances of the Pitot probe might be reduced if Pitot probe heater degrades over time. Investigation results highlighted that the magnitude of de-icing performance reduction depended on how much the [pitot probe] heater is degraded. This degradation could remain hidden to the crew.
>
> Pitot probes heater degradation, if not detected and corrected, could lead to unreliable airspeed indications, possibly resulting in reduced control of the aeroplane.
>
> To ensure nominal de-icing performances of the Pitot probe, Airbus developed an inspection process to check the pitot [probe] heater performance, and published Service Bulletin (SB) A300–34–0185 to provide the necessary instructions to operators.
>
> For the reasons described above, this [EASA] AD requires repetitive detailed inspections (DET) of the pitot [probe] heater, and, depending on findings, replacement with a serviceable one.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0497.

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 Reduce the Maximum Possible Initial Compliance Time

The Air Line Pilots Association, International (ALPA) expressed its partial support for the NPRM. ALPA requested that we change the introductory text of paragraph (h) of the proposed AD from ''. . . whichever occurs later . . .'' to ''. . . whichever occurs first . . .'' ALPA is concerned that a possible duration of 30 months to comply with the initial inspection requirement of the NPRM is too long and could adversely affect safety. ALPA also mentioned that they preferred that no more than 24 months pass between inspections.

We do not agree with the commenter's request to shorten the compliance time. After considering the available information, we have determined that the compliance time, as proposed, represents an appropriate interval of time in which the required actions can be performed in a timely manner within the affected fleet, while still maintaining an adequate level of safety. In developing an appropriate compliance time, we considered the safety implications, parts availability, and normal maintenance schedules for timely accomplishment of the detailed inspections. The proposed compliance time corresponds with the compliance times specified in the MCAI. Additionally, the affected airplanes are currently in storage. To reduce the compliance time of the proposed AD would necessitate (under the provisions of the Administrative Procedure Act) reissuing the notice, reopening the period for public comment, considering additional comments subsequently received, and eventually issuing a final rule. That process would delay issuance of the final rule. In light of this, and in consideration of the amount of time that has already elapsed since issuance of the original notice, we have determined that further delay of this AD is not appropriate. We have not changed this AD in this regard.

Request To Reduce Compliance Time for Reporting

Airbus recommended that we reduce the compliance time for reporting from 30 days to 10 days (after the effective date of this AD) for inspections with findings. No further justification was provided.

We do not agree with the commenter's request to reduce the compliance time for reporting. After considering the available information, we have determined that the compliance time for reporting findings, as proposed, represents an appropriate interval of time in which the required actions can be performed in a timely manner within the affected fleet, while still maintaining an adequate level of safety. To reduce the reporting compliance time of this AD would, as mentioned previouly, necessitate reissuing the notice, reopening the period for public comment, considering additional comments subsequently received, and

eventually issuing a final rule. In light of this, we have determined that the 30-day compliance time for reporting is appropriate. We have not changed this AD in this regard.

Conclusion

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

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

Related Service Information Under 1 CFR Part 51

Airbus has issued Airbus Service Bulletin A300–34–0185, Revision 00, dated August 29, 2016. The service information describes procedures for repetitive detailed inspections of the pitot probe heater insulation resistance and replacement of the pitot probe heater. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 5 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
Repetitive inspection	5 work-hours × $85 per hour = $425 per inspection cycle.	$0	$425 per inspection cycle.	$2,125 per inspection cycle.
Reporting	1 work hour × $85 per hour = $85 per inspection cycle.	$0	$85 per inspection cycle.	$425 per inspection cycle.

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

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement	3 work-hours × $85 per hour = $255	$9,015	$9,270

Paperwork Reduction Act

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

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator,

the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2017–21–07 Airbus: Amendment 39–19078; Docket No. FAA–2017–0497; Product Identifier 2016–NM–209–AD.

(a) Effective Date

This AD is effective November 27, 2017.

(b) Effective Date

None.

(c) Applicability

This AD applies to Airbus Model A300 B2–1A, B2–1C, B2K–3C, B2–203, B4–2C, B4–103, and B4–203 airplanes, certificated in any category, all manufacturer serial numbers.

(d) Subject

Air Transport Association (ATA) of America Code 34, Navigation.

(e) Reason

This AD was prompted by a report of reduction of the de-icing performance of the pitot probe over time that could remain hidden to the flight crew. We are issuing this AD to ensure nominal de-icing performance of the pitot probe in order to prevent unreliable airspeed indications, which could result in reduced control of the airplane.

(f) Compliance

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

(g) Definition of Pitot Probes

For the purpose of this AD, affected pitot probes are the First Officer's Pitot Probe 40DA, Captain's Pitot Probe 41DA, and Standby Pitot Probe 42DA.

(h) Repetitive Inspections

At the time specified in paragraph (h)(1) or (h)(2) of this AD, whichever occurs later, do a detailed inspection of the pitot probe heater insulation resistance on each affected pitot probe, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300–34–0185, Revision 00, dated August 29, 2016. Repeat the inspection thereafter at intervals not to exceed 24 months.

(1) Within 24 months since the last detailed inspection of the pitot probe heater insulation resistance, as specified in Airbus A300 Aircraft Maintenance Manual (AMM), Task 30–31–00, Insulation Test of Pitot Heater Resistance.

(2) Within 6 months after the effective date of this AD.

(i) Corrective Action

If, during any detailed inspection as required by paragraph (h) of this AD, any pitot probe fails the test, as specified in the Accomplishment Instructions of Airbus Service Bulletin A300–34–0185, Revision 00, dated August 29, 2016, before further flight, replace the affected pitot probe with a serviceable (new or inspected as required by this AD) pitot probe, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300–34–0185, Revision 00, dated August 29, 2016. Replacement of pitot probes, as required by this paragraph, does not constitute terminating action for the repetitive inspections required by paragraph (h) of this AD.

(j) Reporting

At the applicable times required by paragraph (j)(1) or (j)(2) of this AD: Submit a report of the findings (both positive and negative) of each inspection required by paragraph (h) of this AD, as specified in the Accomplishment Instructions of Airbus Service Bulletin A300–34–0185, Revision 00, dated August 29, 2016, to Airbus Service Bulletin Reporting Online Application on Airbus World (*https://w3.airbus.com/*).

(1) For inspections done before the effective date of this AD: Within 30 days after the effective date of this AD.

(2) For inspections done on or after the effective date of this AD: Within 30 days after accomplishing each inspection required by paragraph (h) of this AD.

(k) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

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

(4) *Required for Compliance (RC):* Except as required by paragraph (j) of this AD: If any service information contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(l) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2016–0248, dated December 15, 2016, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0497.

(2) For more information about this AD, contact Dan Rodina, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone: 425–227–2125; fax: 425–227–1149.

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

(m) Material Incorporated by Reference

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

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

(i) Airbus Service Bulletin A300–34–0185, Revision 00, dated August 29, 2016.

(ii) Reserved.

(3) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone: +33 5 61 93 36 96; fax: +33 5 61 93 44 51; email: *account.airworth-eas@airbus.com;* Internet: *http://www.airbus.com.*

(4) You may view this service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW., Renton, WA. For

information on the availability of this material at the FAA, call 425–227–1221.

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

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

Jeffrey E. Duven,

Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2017–22709 Filed 10–20–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0480; Product Identifier 2016–NM–204–AD; Amendment 39–19073; AD 2017–21–02]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Airbus Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes); and Model A310 series airplanes. This AD was prompted by a report of cracking in the door sill area of the aft cargo door. This AD requires repetitive inspections of the aft cargo door lower torsion box area, and corrective actions if necessary. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective November 27, 2017.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of November 27, 2017.

ADDRESSES: For service information identified in this final rule, contact Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0480.

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–2017–0480; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–2125; fax 425–227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Airbus Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes); and Model A310 series airplanes. The NPRM published in the **Federal Register** on May 22, 2017 (82 FR 23166) (''the NPRM'').

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2016–0241, dated December 6, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Airbus Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes); and Model A310 series airplanes. The MCAI states:

> Cracks were found on in-service aeroplane post mod 5438 in the door sill area, from frame (FR) 60 to FR63, including the sill beam flag, lock fitting, door sill web and torsion door panel. Two previous cases with less crack extent were also reported.
>
> This condition, if not detected and corrected, could lead to reduced structural integrity of the aeroplane.
>
> To address this unsafe condition, Airbus published Inspection Service Bulletin (SB) A310–53–2139 and SB A300–53–6179 to provide inspection instructions for the affected areas. Airbus published also Airbus SB A310–53–2141 and SB A300–53–6181 to provide modification instructions.
>
> Further analysis showed that aeroplanes pre-mod 5438, for which one or several lock fittings have been replaced by post mod 10319 lock fittings, could also be affected. Airbus published SB A310–53–2143 and SB A300–53–6185 to provide inspection instructions.
>
> For the reason described above, this [EASA] AD requires repetitive Special Detailed Inspections (SDI) of the aft cargo door lower torsion box area and, depending on findings, accomplishment of applicable corrective action(s).

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0480.

Comment

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

Request To Clarify Terminating Action

United Parcel Service (UPS) requested that the terminating action specified in paragraph (i) of the proposed AD be clarified to specify that the repair of a damaged fitting is terminating action for the repetitive inspections specified in paragraph (g) of the proposed AD for the repaired fitting location only. The commenter stated that this clarification would mitigate premature termination of repetitive inspections of the aft cargo door lower torsion box area.

We agree with the commenter's request for the reasons provided by the commenter. We have revised paragraph (i) of this AD to specify that repair of a lock fitting as required by paragraph (h) of this AD constitutes terminating action for the repetitive inspections required by paragraph (g) of this AD for the repaired fitting location only.

Conclusion

We reviewed the relevant data, considered the comment received, and determined that air safety and the public interest require adopting this AD with the change 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 AD.

Related Service Information Under 1 CFR Part 51

We reviewed Airbus Service Bulletin A300–53–6185, dated February 11, 2016; and Service Bulletin A310–53–2143, dated February 11, 2016; which describe, among other actions, repetitive inspections of the aft cargo door sill area for cracking. These documents are distinct since they apply to different airplane models. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 18 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	12 work-hours × $85 per hour = $1,020 per inspection cycle.	$0	$1,020 per inspection cycle	$18,360 per inspection cycle.

We have received no definitive data that will enable us to provide a cost estimate for the on-condition corrective actions specified in this AD.

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2017–21–02 Airbus: Amendment 39–19073; Docket No. FAA–2017–0480; Product Identifier 2016–NM–204–AD.

(a) Effective Date

This AD is effective November 27, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the Airbus airplanes identified in paragraphs (c)(1), (c)(2), (c)(3), (c)(4), and (c)(5) of this AD; certificated in any category; except those on which Airbus Modification 5438 was embodied in production.

(1) Model A300 B4–601, B4–603, B4–620, and B4–622 airplanes.

(2) Model A300 B4–605R and B4–622R airplanes.

(3) Model A300 F4–605R and F4–622R airplanes.

(4) Model A300 C4–605R Variant F airplanes.

(5) Model A310–203, –204, –221, –222, –304, –322, –324, and –325 airplanes.

(d) Subject

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

(e) Reason

This AD was prompted by a report of cracking in the door sill area of the aft cargo door. We are issuing this AD to detect and correct cracking of the door sill area of the aft cargo; such cracking could adversely affect the structural integrity of the airplane.

(f) Compliance

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

(g) Repetitive Inspections

Within the applicable compliance time specified in table 1 to paragraph (g) of this AD: Do a high frequency eddy current (HFEC) inspection for cracking of the door sill area (including the sill beam flag, lock fitting, door sill web, and torsion door panel) of the aft cargo door lower torsion box area, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300–53–6185, dated February 11, 2016; or Service Bulletin A310–53–2143, dated February 11, 2016; as applicable. Repeat the HFEC inspection thereafter at intervals not to exceed 15,100 flight cycles.

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

Airplane configuration	Compliance time
Repaired (date known), post-Airbus Modification 10319 lock fittings installed using Airbus Structural Repair Manual (SRM) Task 51–72–00.	Before exceeding 25,800 flight cycles since the lock fitting replacement.
Repaired (no record, date unknown), post-Airbus Modification 10319 lock fittings installed using Airbus SRM Task 51–72–00.	Before exceeding 25,800 flight cycles from November 1, 1996.
Non-repaired airplane, or airplane repaired with pre-Airbus Modification 10319 lock fittings using Airbus SRM Task 51–72–00.	No inspection required.

(h) Corrective Action

If any crack is found during any inspection required by paragraph (g) of this AD: Before further flight, repair in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300–53–6185, dated February 11, 2016; or Service Bulletin A310–53–2143, dated February 11, 2016; as applicable; except, where Airbus Service Bulletin A300–53–6185, dated February 11, 2016; or Service Bulletin A310–53–2143, dated February 11, 2016; specifies to contact Airbus for appropriate action, and specifies that action as ''RC'' (Required for Compliance), before further flight, accomplish corrective actions in accordance with the procedures specified in paragraph (j)(2) of this AD.

(i) Terminating Action

Repair of a lock fitting as required by paragraph (h) of this AD constitutes terminating action for the repetitive inspections required by paragraph (g) of this AD for the repaired fitting location only. All other post-Airbus Modification 10319 installed fittings are to be inspected as required by paragraph (g) of this AD.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

(3) *Required for Compliance (RC):* Except as required by paragraph (h) of this AD: If any service information contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(k) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2016–0241, dated December 6, 2016, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0480.

(2) For more information about this AD, contact Dan Rodina, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–2125; fax 425–227–1149.

(l) Material Incorporated by Reference

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

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

(i) Airbus Service Bulletin A300–53–6185, dated February 11, 2016.

(ii) Airbus Service Bulletin A310–53–2143, dated February 11, 2016.

(3) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com*.

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

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

Issued in Renton, Washington, on October 11, 2017.

Dionne Palermo,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2017–22563 Filed 10–20–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–9500; Product Identifier 2016–NM–140–AD; Amendment 39–19072; AD 2017–21–01]

RIN 2120–AA64

Airworthiness Directives; Dassault Aviation Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for all Dassault Aviation Model FAN JET FALCON, FAN JET FALCON SERIES C, D, E, F, and G; and Model MYSTERE–FALCON 20–C5, 20–D5, 20–E5, and 20–F5 airplanes. This AD was prompted by reports of defective fire extinguisher tubes. This AD requires replacement of the affected fire extinguisher tubes with improved fire extinguisher tubes. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective November 27, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of November 27, 2017.

ADDRESSES: For service information identified in this final rule, contact Dassault Falcon Jet Corporation, Teterboro Airport, P.O. Box 2000, South Hackensack, NJ 07606; telephone 201–440–6700; Internet *http://www.dassaultfalcon.com*. You may view this referenced service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW., Renton, WA. For information on the availability

of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9500.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9500; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

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

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Dassault Aviation Model FAN JET FALCON, and Model MYSTERE–FALCON 20–C5, 20–D5, 20–E5, and 20–F5 airplanes. The NPRM published in the **Federal Register** on December 20, 2016 (81 FR 92747) (''the NPRM''). The NPRM was prompted by reports of defective fire extinguisher tubes. The NPRM proposed to require replacement of the affected fire extinguisher tubes with improved fire extinguisher tubes. We are issuing this AD to prevent fire extinguisher failure. Such a failure could result in the inability to extinguish a fire in the rear compartment, and possible damage to the airplane and injury to the occupants.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2016–0154, dated July 28, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Dassault Aviation Model FAN JET FALCON, FAN JET FALCON SERIES C, D, E, F, and G; and Model MYSTERE–FALCON 20–C5, 20–D5, 20–E5, and 20–F5 airplanes. The MCAI states:

> Several defective extinguisher tubes have been found on certain Dassault Aviation Fan Jet Falcon aeroplanes. The results of the investigations concluded that these occurrences were caused by corrosion.
>
> This condition, if not corrected, could impact the capability to extinguish a fire in the rear compartment of the aeroplane, possibly resulting in damage to the aeroplane and injury to the occupants.
>
> For the reason described above, this [EASA] AD requires the replacement of the affected tubes with improved fire extinguisher tube. In addition, this [EASA] AD prohibits (re)installation of the affected fire extinguisher tubes on an aeroplane.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9500.

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 Change Compliance Time From Flight Cycles to Flight Hours

Dassault Aviation noted that paragraph (g) of the proposed AD specified a compliance time of 450 flight cycles but the MCAI specified a compliance time of 450 flight hours. Dassault Aviation requested that we change the compliance time in the proposed AD to specify flight hours.

We acknowledge the commenter's request and agree that we inadvertently referred to ''flight cycles'' instead of ''flight hours'' in paragraph (g) of the proposed AD. Using flight cycles gives operators approximately 3 additional months to comply with the proposed action based on the average fleet utilization of these airplanes. However, to reduce the compliance time of the proposed AD would necessitate (under the provisions of the Administrative Procedure Act) reissuing the notice, reopening the period for public comment, and eventually issuing a final rule. Those actions would add even more time to the rulemaking process and further delay mitigation of the unsafe condition. We find that delaying issuance of this final rule is inappropriate in light of the identified unsafe condition. Most ADs, including this one, permit operators to accomplish the requirements of an AD at a time earlier than the specified compliance time. To more closely match the EASA specified compliance time without compromising safety, we have changed the compliance time in paragraph (g) of this AD to ''within 450 flight cycles or 450 flight hours, whichever occurs later after the effective date of this AD.''

Request To Change the Compliance Method

One commenter, Robert Bowers, requested that we change the compliance method in the proposed AD to match that specified in AD 2015–20–08, Amendment 39–18287 (80 FR 60795, October 8, 2015) (''AD 2015–20–08''). AD 2015–20–08 requires that certain other fire extinguisher tubes be inspected every 13 months, until they need to be replaced by a new tube. The commenter added that he has inspected two Falcon airplanes and finds no reason to replace these fire extinguisher tubes at this time.

We disagree with the commenter's request. The location of the fire extinguisher tubes addressed by this AD is more critical from a design perspective than that of the fire extinguisher tubes addressed by AD 2015–20–08. The applicable fire extinguisher tubes must be replaced with tubes having an improved design to address the unsafe condition. We have not changed this AD in this regard.

Explanation of Change to NPRM

In the proposed AD, we stated the applicability included ''Dassault Aviation Model FAN JET FALCON'' airplanes and inadvertently left out ''SERIES C, D, E, F, and G'' from the description. For clarity, we have revised the applicability to read ''Dassault Aviation Model FAN JET FALCON, FAN JET FALCON SERIES C, D, E, F, and G airplanes . . .'' in this final rule. This change does not expand the scope of the final rule or add airplanes to the applicability.

Conclusion

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

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

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

Related Service Information Under 1 CFR Part 51

Dassault Aviation has issued Service Bulletin F20–790, dated September 14,

2016. This service information describes procedures for the replacement of affected fire extinguisher tubes with improved fire extinguisher tubes. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 133 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
Fire extinguisher tube replacement	3 work-hours × $85 per hour = $255	$3,100	$3,355	$446,215

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2017–21–01 Dassault Aviation: Amendment 39–19072; Docket No. FAA–2016–9500; Product Identifier 2016–NM–140–AD.

(a) Effective Date

This AD is effective November 27, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the airplanes identified in paragraphs (c)(1) and (c)(2) of this AD, certificated in any category.

(1) Dassault Aviation Model FAN JET FALCON, FAN JET FALCON SERIES C, D, E, F, and G airplanes, all manufacturer serial numbers.

(2) Dassault Aviation Model MYSTERE–FALCON 20–C5, 20–D5, 20–E5, and 20–F5 airplanes, all manufacturer serial numbers.

(d) Subject

Air Transport Association (ATA) of America Code 26, Fire protection.

(e) Reason

This AD was prompted by reports of defective fire extinguisher tubes. We are issuing this AD to prevent fire extinguisher failure. Such a failure could result in the inability to extinguish a fire in the rear compartment, and possible damage to the airplane and injury to the occupants.

(f) Compliance

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

(g) Fire Extinguisher Tubes Replacement

Within 450 flight cycles or 450 flight hours, whichever occurs later after the effective date of this AD, replace each affected fire extinguisher tube, part number (P/N) MY20791–121 and P/N MY20791–122, with a serviceable fire extinguisher tube, P/N MY20791–121–1 or P/N MY20791–122–1, as applicable, in accordance with the Accomplishment Instructions of Dassault Service Bulletin F20–790, dated September 14, 2016.

(h) Parts Installation Prohibition

No person may install a fire extinguisher tube, P/N MY20791–121 or P/N MY20791–122, on any airplane, as of the applicable time specified in paragraph (h)(1) or (h)(2) of this AD.

(1) For an airplane equipped with an affected fire extinguisher tube as of the effective date of this AD: After modification of that airplane as required by paragraph (g) of this AD.

(2) For an airplane that is not equipped with an affected fire extinguisher tube as of the effective date of this AD: As of the effective date of this AD.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

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

principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

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

(j) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2016–0154, dated July 28, 2016, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9500.

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

(k) Material Incorporated by Reference

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

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

(i) Dassault Service Bulletin F20–790, dated September 14, 2016.

(ii) Reserved.

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

(4) 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 October 11, 2017.

Dionne Palermo,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2017–22564 Filed 10–20–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0692; Product Identifier 2017–NM–043–AD; Amendment 39–19075; AD 2017–21–04]

RIN 2120–AA64

Airworthiness Directives; Gulfstream Aerospace LP (Type Certificate Previously Held by Israel Aircraft Industries, Ltd.) Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Gulfstream Aerospace LP Model Gulfstream G150 airplanes. This AD was prompted by a report indicating that the main entrance door (MED) opened during flight, and by the determination that the ''CABIN DOOR UNLOCK'' crew alerting system (CAS) message may extinguish before the handle latch pin is fully engaged. This AD requires accomplishing an updated rigging procedure for the adjustment of the MED microswitch. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective November 27, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of November 27, 2017.

ADDRESSES: For service information identified in this final rule, contact Gulfstream Aerospace Corporation, P.O. Box 2206, Mail Station D–25, Savannah, GA 31402–2206; telephone 800–810–4853; fax 912–965–3520; email *pubs@gulfstream.com;* Internet *http://www.gulfstream.com/product_support/technical_pubs/pubs/index.htm.* You may view this referenced service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0692.

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–2017–0692; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

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

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Gulfstream Aerospace LP Model Gulfstream G150 airplanes. The NPRM published in the **Federal Register** on July 17, 2017 (82 FR 32656) (''the NPRM'').

The Civil Aviation Authority of Israel (CAAI), which is the aviation authority for Israel, has issued Israeli Airworthiness Directive ISR–I–52–2017–03–28, dated January 3, 2017 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Gulfstream Aerospace LP Model Gulfstream G150 airplanes. The MCAI states:

> [The purpose of the Israeli AD is] to improve the Main Entrance Door (MED) microswitch adjustment procedure so that the locking indication will be extinguished when the door handle is locked.

The required actions include accomplishing an updated rigging procedure for the adjustment of the MED microswitch. The unsafe condition is the in-flight opening of the MED, which could lead to structural damage and loss of control of the airplane. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0692.

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

Gulfstream Aerospace LP has issued Gulfstream G150 Service Bulletin 150–52–188, dated January 15, 2016. The service information describes an updated rigging procedure for the adjustment of the MED microswitch. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 65 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
MED microswitch adjustment	6 work-hours × $85 per hour = $510	$3	$513	$33,345

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2017–21–04 Gulfstream Aerospace LP (Type Certificate Previously Held by Israel Aircraft Industries, Ltd.): Amendment 39–19075; Docket No. FAA–2017–0692; Product Identifier 2017–NM–043–AD.

(a) Effective Date

This AD is effective November 27, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Gulfstream Aerospace LP Model Gulfstream G150 airplanes, certificated in any category, serial numbers 201 through 318 inclusive.

(d) Subject

Air Transport Association (ATA) of America Code 52, Doors.

(e) Reason

This AD was prompted by a report indicating that the main entrance door (MED) opened during flight, and by the determination that the ''CABIN DOOR UNLOCK'' crew alerting system (CAS) message may extinguish before the handle latch pin is fully engaged. We are issuing this AD to prevent the MED from opening during flight, which could lead to structural damage and loss of control of the airplane.

(f) Compliance

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

(g) Rigging Procedure

Within 12 months after the effective date of this AD: Do an updated rigging procedure for adjustment of the MED microswitch, in accordance with the Accomplishment Instructions of Gulfstream G150 Service Bulletin 150–52–188, dated January 15, 2016.

(h) Other FAA AD Provisions

The following provisions also apply to this AD:

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

inspector, the manager of the local flight standards district office/certificate holding district office.

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

(i) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) CAAI Airworthiness Directive ISR–I–52–2017–03–28, dated January 3, 2017, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0692.

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

(j) 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) Gulfstream G150 Service Bulletin 150–52–188, dated January 15, 2016.

(ii) Reserved.

(3) For service information identified in this AD, contact Gulfstream Aerospace Corporation, P.O. Box 2206, Mail Station D–25, Savannah, GA 31402–2206; telephone 800–810–4853; fax 912–965–3520; email *pubs@gulfstream.com;* Internet *http://www.gulfstream.com/product_support/technical_pubs/pubs/index.htm.*

(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 October 11, 2017.

Jeffrey E. Duven,

Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2017–22559 Filed 10–20–17; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0563; Product Identifier 2017–NM–021–AD; Amendment 39–19076; AD 2017–21–05]

RIN 2120–AA64

Airworthiness Directives; Saab AB, Saab Aeronautics (Formerly Known as Saab AB, Saab Aerosystems) Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Saab AB, Saab Aeronautics Model 340A (SAAB/SF340A) and SAAB 340B airplanes. This AD was prompted by the determination that new inspection tasks for the drag brace support fitting of the main landing gear (MLG) and corrosion prevention and control program (CPCP) related tasks are necessary. This AD requires revising the maintenance or inspection program, as applicable, to incorporate airworthiness limitations, including new inspection tasks for the drag brace support fitting of the MLG and to implement CPCP related tasks. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective November 27, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of November 27, 2017.

ADDRESSES: For service information identified in this final rule, contact Saab AB, Saab Aeronautics, SE–581 88, Linköping, Sweden; telephone +46 13 18 5591; fax +46 13 18 4874; email *saab340techsupport@saabgroup.com;* Internet *http://www.saabgroup.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0563.

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–2017–0563; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

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

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Saab AB, Saab Aeronautics Model 340A (SAAB/SF340A) and SAAB 340B airplanes. The NPRM published in the **Federal Register** on June 21, 2017 (82 FR 28271) (''the NPRM'').

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2017–0033, dated February 17, 2017 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Saab AB, Saab Aeronautics Model 340A (SAAB/SF340A) and SAAB 340B airplanes. The MCAI states:

> The airworthiness limitations and/or certification maintenance instructions for SAAB SF340A and 340B, which are approved by EASA, are currently defined and published in the SAAB SF340A and 340B Airworthiness Limitation Manual (ALM). These instructions have been identified as mandatory for continued airworthiness.
>
> Failure to accomplish these instructions could result in an unsafe condition [reduced structural integrity of the airplane].
>
> Recently, Saab AB, Aeronautics issued SAAB SF340A and 340B ALM Revision 1, mainly to add new inspection tasks for the Main Landing Gear drag brace support fitting, and to implement Corrosion Prevention and Control Program related tasks.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0563.

Comments

We gave the public the opportunity to participate in developing this AD. The

following presents the comment received on the NPRM and the FAA's response.

Request To Clarify the Reason for the NPRM

Silver Airways requested clarification of the need for an AD. Silver Airways stated that the proposed requirements are already covered by the airworthiness limitation manual.

We agree that clarification is necessary. Once an aircraft is produced under a type certificate, the type design of that particular aircraft is fixed in time. Under 14 CFR 21.31(c), the airworthiness limitation section (ALS) is part of a product's type design. In order to require a revision to an ALS for in-service aircraft, the FAA issues an AD under notice and comment rulemaking procedures in accordance with the Administrative Procedure Act (APA). Therefore, an AD is necessary to mandate the airworthiness limitations in SAAB 340 Airworthiness Limitation Manual, Revision 1, dated December 1, 2016, including inspection tasks for the drag brace support fitting of the MLG and CPCP related tasks. We have not changed this AD in this regard.

Conclusion

We reviewed the relevant data, considered the comment received, and determined that air safety and the public interest require adopting this AD as proposed. 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

Saab AB, Saab Aeronautics has issued SAAB 340 Airworthiness Limitation Manual, Revision 1, dated December 1, 2016. This service information describes airworthiness limitations, including inspection tasks for the drag brace support fitting of the MLG and CPCP related tasks. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 87 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 the airplane maintenance or inspection program.	1 work-hour × $85 per hour = $85	$0	$85	$7,395

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2017–21–05 Saab AB, Saab Aeronautics (Formerly Known as Saab AB, Saab Aerosystems): Amendment 39–19076; Docket No. FAA–2017–0563; Product Identifier 2017–NM–021–AD.

(a) Effective Date

This AD is effective November 27, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Saab AB, Saab Aeronautics (formerly known as Saab AB, Saab Aerosystems) Model 340A (SAAB/SF340A) and SAAB 340B airplanes, certificated in any category, with an original certificate of airworthiness or original export certificate of airworthiness that was issued on or before December 1, 2016.

(d) Subject

Air Transport Association (ATA) of America Code 05, Time Limits/Maintenance Checks.

(e) Reason

This AD was prompted by the determination that new inspection tasks for the drag brace support fitting of the main landing gear (MLG) and corrosion prevention and control program (CPCP) related tasks are necessary. We are issuing this AD to prevent reduced structural integrity of the airplane.

(f) Compliance

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

(g) Maintenance or Inspection Program Revision

Within 30 days after the effective date of this AD: Revise the maintenance or inspection program, as applicable, to incorporate airworthiness limitations, including inspection tasks for the drag brace support fitting of the MLG and CPCP related tasks, specified in SAAB 340 Airworthiness Limitation Manual, Revision 1, dated December 1, 2016. The compliance time for the initial airworthiness limitation tasks is at the applicable compliance time specified in SAAB 340 Airworthiness Limitation Manual, Revision 1, dated December 1, 2016, or within 30 days after the effective date of this AD, whichever occurs later.

(h) No Alternative Actions, Intervals, Critical Design Configuration Control Limitations (CDCCLs)

After the maintenance or inspection program, as applicable, has been revised as required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections), intervals, and/or CDCCLs may be used unless the actions, intervals, and/or CDCCLs are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (i)(1) of this AD.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

(j) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2017–0033, dated February 17, 2017, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0563.

(2) For more information about this AD, contact Shahram Daneshmandi, Aerospace Engineer, International Section, ANM–116, Transport Standards Branch, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone: 425–227–1112; fax: 425–227–1149.

(k) Material Incorporated by Reference

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

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

(i) SAAB 340 Airworthiness Limitation Manual, Revision 1, dated December 1, 2016.

(ii) Reserved.

(3) For service information identified in this AD, contact Saab AB, Saab Aeronautics, SE–581 88, Linköping, Sweden; telephone +46 13 18 5591; fax +46 13 18 4874; email *saab340techsupport@saabgroup.com;* Internet *http://www.saabgroup.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 October 11, 2017.

Dionne Palermo,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2017–22562 Filed 10–20–17; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0693; Product Identifier 2017–NM–044–AD; Amendment 39–19074; AD 2017–21–03]

RIN 2120–AA64

Airworthiness Directives; Gulfstream Aerospace LP (Type Certificate Previously Held by Israel Aircraft Industries, Ltd.) Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Gulfstream Aerospace LP Model Gulfstream 100, Astra SPX, and 1125 Westwind Astra airplanes. This AD was prompted by a report indicating that the main entrance door (MED) opened during flight, and by the determination that the ''CABIN DOOR UNLOCK'' crew alerting system (CAS) message may extinguish before the handle latch pin is fully engaged. This AD requires accomplishing an updated rigging procedure for the adjustment of the MED microswitch. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective November 27, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of November 27, 2017.

ADDRESSES: For service information identified in this final rule, contact Gulfstream Aerospace Corporation, P.O. Box 2206, Mail Station D–25, Savannah, GA 31402–2206; telephone 800–810–4853; fax 912–965–3520; email *pubs@gulfstream.com;* Internet *http://www.gulfstream.com/product_support/technical_pubs/pubs/index.htm.* You may view this referenced service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0693.

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–

0693; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

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

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Gulfstream Aerospace LP Model Gulfstream 100, Astra SPX, and 1125 Westwind Astra airplanes. The NPRM published in the **Federal Register** on July 17, 2017 (82 FR 35654) (''the NPRM'').

The Civil Aviation Authority of Israel (CAAI), which is the aviation authority for Israel, has issued Israeli Airworthiness Directive ISR–I–52–2017–03–29, dated January 3, 2017 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Gulfstream Aerospace LP Model Gulfstream 100, Astra SPX, and 1125 Westwind Astra airplanes. The MCAI states:

> [The purpose of the Israeli AD is] to improve the Main Entrance Door (MED) microswitch adjustment procedure so that the locking indication will be extinguished when the door handle is locked.

The required actions include accomplishing an updated rigging procedure for the adjustment of the MED microswitch. The unsafe condition is the in-flight opening of the MED, which could lead to structural damage and loss of control of the airplane. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0693.

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

Gulfstream Aerospace LP has issued G100 Service Bulletin 100–52–312, dated January 15, 2016. The service information describes an updated rigging procedure for the adjustment of the MED microswitch. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 110 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
MED microswitch adjustment	6 work-hours × $85 per hour = $510	$3	$513	$56,430

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2017–21–03 Gulfstream Aerospace LP (Type Certificate Previously Held by Israel Aircraft Industries, Ltd.): Amendment 39–19074; Docket No. FAA–2017–0693; Product Identifier 2017–NM–044–AD.

(a) Effective Date

This AD is effective November 27, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Gulfstream Aerospace LP Model Gulfstream 100, Astra SPX, and 1125 Westwind Astra airplanes, certificated in any category, serial numbers 004, and 011 through 158 inclusive.

(d) Subject

Air Transport Association (ATA) of America Code 52, Doors.

(e) Reason

This AD was prompted by a report indicating that the main entrance door (MED) opened during flight, and by the determination that the ''CABIN DOOR UNLOCK'' crew alerting system (CAS) message may extinguish before the handle latch pin is fully engaged. We are issuing this AD to prevent the MED from opening during flight, which could lead to structural damage and loss of control of the airplane.

(f) Compliance

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

(g) Rigging Procedure

Within 12 months after the effective date of this AD: Do an updated rigging procedure for the adjustment of the MED microswitch, in accordance with the Accomplishment Instructions of Gulfstream G100 Service Bulletin 100–52–312, dated January 15, 2016.

(h) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

(i) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) CAAI Airworthiness Directive ISR–I–52–2017–03–29, dated January 3, 2017, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0693.

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

(j) 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) Gulfstream G100 Service Bulletin 100–52–312, dated January 15, 2016.

(ii) Reserved.

(3) For service information identified in this AD, contact Gulfstream Aerospace Corporation, P.O. Box 2206, Mail Station D–25, Savannah, GA 31402–2206; telephone 800–810–4853; fax 912–965–3520; email *pubs@gulfstream.com;* Internet *http://www.gulfstream.com/product_support/technical_pubs/pubs/index.htm.*

(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 October 11, 2017.

Jeffrey E. Duven,

Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2017–22560 Filed 10–20–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0697; Product Identifier 2017–NM–041–AD; Amendment 39–19080; AD 2017–21–09]

RIN 2120–AA64

Airworthiness Directives; Embraer S.A. Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Embraer S.A. Model ERJ 170 airplanes and Model ERJ 190–100 STD, –100 LR, –100 IGW, –200 STD, –200 LR, and –200 IGW airplanes. This AD was prompted by an evaluation by the design approval holder indicating that the forward pressure bulkhead is subject to widespread fatigue damage. This AD requires repetitive detailed inspections of the web aft face of the forward pressure bulkhead for any cracking and discrepancy, and repair if necessary. This AD also requires modification of the forward pressure bulkhead, which would terminate the inspections. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective November 27, 2017.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of November 27, 2017.

ADDRESSES: For service information identified in this final rule, contact Embraer S.A., Technical Publications Section (PC 060), Av. Brigadeiro Faria Lima, 2170—Putim—12227–901 São Jose dos Campos—SP—Brazil; telephone +55 12 3927–5852 or +55 12 3309–0732; fax +55 12 3927–7546; email *distrib@embraer.com.br;* Internet *http://www.flyembraer.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0697.

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–

0697; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Ana Martinez Hueto, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1622; fax 425–227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Embraer S.A. Model ERJ 170 airplanes and Model ERJ 190–100 STD, –100 LR, –100 IGW, –200 STD, –200 LR, and –200 IGW airplanes. The NPRM published in the **Federal Register** on July 17, 2017 (82 FR 32658) (''the NPRM'').

The Agência Nacional de Aviação Civil (ANAC), which is the aviation authority for Brazil, has issued Brazilian Airworthiness Directive 2017–03–01, effective March 24, 2017 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Embraer S.A. Model ERJ 170 airplanes and Model ERJ 190–100 STD, –100 LR, –100 IGW, –200 STD, –200 LR, and –200 IGW airplanes. The MCAI states:

> This [Brazilian] AD was prompted by an evaluation by the design approval holder indicating that the forward pressure bulkhead is subject to widespread fatigue damage. The modification required by this [Brazilian] AD is intended to support the airplane reaching its limit of validity (LOV) of the engineering data that support the established structural maintenance program. We are issuing this [Brazilian] AD to prevent fatigue cracking of the forward pressure bulkhead, which could result in reduced structural integrity of the airplane.

Required actions include repetitive detailed inspections of the web aft face of the forward pressure bulkhead for any cracking and discrepancy (*i.e.,* corrosion, dents, gauge marks, fastener anomalies); repair if necessary; and modification of the forward pressure bulkhead, which would terminate the repetitive inspections. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0697.

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

Embraer S.A. has issued the following service information, which describes Task 53–10–001–0005, an airworthiness limitation task for a detailed inspection of the web aft face of the forward pressure bulkhead for any cracking and discrepancies. These documents are distinct since they apply to different airplane models.

- Embraer 170/175 MRB—Temporary Revision 12–3, dated September 19, 2016, to the Embraer 170/175 Maintenance Review Board Report, MRB–1621.
- Embraer 190/195 MRB—Temporary Revision 10–4, dated September 19, 2016, to the Embraer 190/195 Maintenance Review Board Report, MRB–1928.

Embraer S.A. has issued the following service information, which describes procedures for modifying the forward pressure bulkhead. These documents are distinct since they apply to different airplane models.

- Embraer Service Bulletin 170–53–0051, Revision 03, dated August 21, 2013.
- Embraer Service Bulletin 190–53–0019, Revision 03, dated August 21, 2013.

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

Costs of Compliance

We estimate that this AD affects 482 airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	1 work-hour × $85 per hour = $85 per inspection cycle.	$0	$85 per inspection cycle.	$40,970 per inspection cycle.
Modification	158 work-hours × $85 per hour = $13,430.	Up to $13,409	Up to $26,839	Up to $12,936,398.

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

Authority for This Rulemaking

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

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

This AD is issued in accordance with authority delegated by the Executive Director, Aircraft Certification Service, as authorized by FAA Order 8000.51C.

In accordance with that order, issuance of ADs is normally a function of the Compliance and Airworthiness Division, but during this transition period, the Executive Director has delegated the authority to issue ADs applicable to transport category airplanes to the Director of the System Oversight Division.

Regulatory Findings

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

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

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2017–21–09 Embraer S.A.: Amendment 39–19080; Docket No. FAA–2017–0697; Product Identifier 2017–NM–041–AD.

(a) Effective Date

This AD is effective November 27, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the airplanes specified in paragraphs (c)(1) and (c)(2) of this AD, certificated in any category.

(1) Embraer S.A. Model ERJ 170–100 LR, –100 STD, –100 SE., and –100 SU airplanes; and Model ERJ 170–200 LR, –200 SU, and –200 STD airplanes; as identified in Embraer Service Bulletin 170–53–0051, Revision 03, dated August 21, 2013.

(2) Embraer S.A. Model ERJ 190–100 STD, –100 LR, and –100 IGW airplanes; and Model ERJ 190–200 STD, –200 LR, and –200 IGW airplanes; as identified in Embraer Service Bulletin 190–53–0019, Revision 03, dated August 21, 2013.

(d) Subject

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

(e) Reason

This AD was prompted by an evaluation by the design approval holder indicating that the forward pressure bulkhead is subject to widespread fatigue damage. We are issuing this AD to prevent fatigue cracking of the forward pressure bulkhead, which could result in reduced structural integrity of the airplane.

(f) Compliance

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

(g) Repetitive Inspections and Repairs

Before the accumulation of 25,954 total flight cycles, or within 3,600 flight cycles after the effective date of this AD, whichever occurs later: Do a detailed inspection of the web aft face of the forward pressure bulkhead for any cracking and discrepancy (*i.e.,* corrosion, dents, gauge marks, fastener anomalies), in accordance with Task 53–10–001–0005 specified in Embraer 170/175 MRB—Temporary Revision 12–3, dated September 19, 2016, to the Embraer 170/175 Maintenance Review Board Report, MRB–1621; or Task 53–10–001–0005 specified in Embraer 190/195 MRB—Temporary Revision 10–4, dated September 19, 2016, to the Embraer 190/195 Maintenance Review Board Report, MRB–1928; as applicable. Repeat the inspection thereafter at intervals not to exceed 6,489 flight cycles. If any cracking or discrepancy is found during any inspection required by this paragraph, before further flight, repair the forward pressure bulkhead using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or the Agência Nacional de Aviação Civil (ANAC); or ANAC's authorized Designee. If approved by the ANAC Designee, the approval must include the Designee's authorized signature.

(h) Modification of the Forward Pressure Bulkhead

Before the accumulation of 38,931 total flight cycles: Modify the forward pressure bulkhead, in accordance with the Accomplishment Instructions of Embraer Service Bulletin 170–53–0051, Revision 03, dated August 21, 2013; or Embraer Service Bulletin 190–53–0019, Revision 03, dated August 21, 2013; as applicable. Accomplishing the modification required by this paragraph terminates the requirements of paragraph (g) of this AD.

(i) Credit for Previous Actions

(1) This paragraph provides credit for the actions applicable to Model ERJ 170 airplanes required by paragraph (h) of this AD, if those actions were performed before the effective date of this AD, using the service information specified in paragraph (i)(1)(i), (i)(1)(ii), or (i)(1)(iii) of this AD.

(i) Embraer Service Bulletin 170–53–0051, dated February 26, 2010.

(ii) Embraer Service Bulletin 170–53–0051, Revision 01, dated May 25, 2011.

(iii) Embraer Service Bulletin 170–53–0051, Revision 02, May 28, 2012.

(2) This paragraph provides credit for actions applicable to Model ERJ 190 airplanes required by paragraph (h) of this AD, if those actions were performed before the effective date of this AD, using the service information specified in paragraph (i)(2)(i), (i)(2)(ii), or (i)(2)(iii) of this AD.

(i) Embraer Service Bulletin 190–53–0019, dated February 26, 2010.

(ii) Embraer Service Bulletin 190–53–0019, Revision 01, dated May 25, 2011.

(iii) Embraer Service Bulletin 190–53–0019, Revision 02, dated May 28, 2012.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

(k) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Brazilian AD 2017–03–01, dated March 24, 2017, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0697.

(2) For more information about this AD, contact Ana Martinez Hueto, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1622; fax 425–227–1149.

(3) Service information identified in this AD that is not incorporated by reference is

available at the addresses specified in paragraphs (l)(3) and (l)(4) of this AD.

(l) Material Incorporated by Reference

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

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

(i) Embraer 170/175 MRB—Temporary Revision 12–3, dated September 19, 2016, to the Embraer 170/175 Maintenance Review Board Report, MRB–1621.

(ii) Embraer 190/195 MRB—Temporary Revision 10–4, dated September 19, 2016, to the Embraer 190/195 Maintenance Review Board Report, MRB–1928.

(iii) Embraer Service Bulletin 170–53–0051, Revision 03, dated August 21, 2013.

(iv) Embraer Service Bulletin 190–53–0019, Revision 03, dated August 21, 2013.

(3) For service information identified in this AD, contact Embraer S.A., Technical Publications Section (PC 060), Av. Brigadeiro Faria Lima, 2170—Putim—12227–901 São Jose dos Campos—SP—Brasil; telephone +55 12 3927–5852 or +55 12 3309–0732; fax +55 12 3927–7546; email *distrib@embraer.com.br;* Internet *http://www.flyembraer.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 October 12, 2017.

Dionne Palermo,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2017–22779 Filed 10–20–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2016–9545; Airspace Docket No. 16–AGL–33]

Establishment of Class E Airspace; Rosebud, SD

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Rosebud, SD. Controlled airspace is necessary to accommodate new special instrument approach procedures developed at Rosebud Sioux Tribal Airport, for the safety and management of instrument flight rules (IFR) operations at the airport.

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

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

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

FOR FURTHER INFORMATION CONTACT: Rebecca Shelby, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5857.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes controlled airspace extending upward from 700 feet above the surface at Rosebud Sioux Tribal Airport, Rosebud, SD, to support standard instrument approach procedures for IFR operations at the airport.

History

The FAA published in the **Federal Register** (82 FR 39549, August 21, 2017) Docket No. FAA–2016–9545 a notice of proposed rulemaking to establish Class E airspace extending upward from 700 feet above the surface at Rosebud Sioux Tribal Airport, Rosebud, SD. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

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

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

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

Regulatory Notices and Analyses

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

economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

AGL SD E5 Rosebud, SD [New]

Rosebud Sioux Tribal Airport, SD
(Lat. 43°15′31″ N., long. 100°51′34″ W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Rosebud Sioux Tribal Airport.

Issued in Fort Worth, TX, on October 12, 2017.

Wayne Eckenrode,

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

[FR Doc. 2017–22688 Filed 10–20–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Part 748

[Docket No. 170721693–7693–01]

RIN 0694–AH40

Amendments to Existing Validated End-User Authorization in the People's Republic of China: Lam Research Service Co., Ltd.

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: In this rule, the Bureau of Industry and Security (BIS) amends the Export Administration Regulations (EAR) to revise the existing Validated End-User (VEU) list for the People's Republic of China (PRC) by updating the list of eligible destinations (facilities) and eligible items in Supplement No. 7 to part 748 for Lam Research Service Co., Ltd. (Lam). The End-User Review Committee (ERC) reviewed and authorized the amendments to the eligible facilities in response to a request made by Lam and in accordance with established procedures. Changes to the list of eligible items are technical corrections intended to improve clarity. As a consequence of these amendments, the EAR will include an updated and accurate list of eligible items (items that may be exported, reexported and transferred (in-country)), and eligible Lam facilities in the PRC. Publication of this rule supports the VEU program by providing information that assists the exporting public.

DATES: This rule is effective October 23, 2017.

FOR FURTHER INFORMATION CONTACT: Chair, End-User Review Committee, Office of the Assistant Secretary, Export Administration, Bureau of Industry and Security, U.S. Department of Commerce, Phone: 202–482–5991; Email: *ERC@bis.doc.gov.*

SUPPLEMENTARY INFORMATION:

Background

Authorization Validated End-User

Validated End-Users (VEUs) are designated entities located in eligible destinations to which eligible items may be exported, reexported, or transferred (in-country) under a general authorization instead of a license. The names of the VEUs, as well as the dates they were so designated, and the associated eligible destinations (facilities) and items are identified in Supplement No. 7 to part 748 of the EAR. Pursuant to section 748.15 (Authorization Validated End-User (VEU)), eligible destinations of VEUs may obtain eligible items without the need for the VEUs' supplier to obtain an export or reexport license from BIS. Eligible items vary among VEUs and may include commodities, software, and/or technology, except items controlled for missile technology or crime control reasons on the Commerce Control List (CCL) (Supp. No. 1 to part 774 of the EAR).

VEUs are reviewed and approved by the U.S. Government in accordance with the provisions of § 748.15 and Supplement Nos. 8 and 9 to part 748 of the EAR. The ERC, composed of representatives from the Departments of State, Defense, Energy and Commerce, and other agencies as appropriate, is responsible for administering the VEU program. BIS amended the EAR in a final rule published on June 19, 2007 (72 FR 33646), to create Authorization VEU.

Amendments to Existing VEU Authorization for Lam Research Service Co., Ltd. (Lam) in the People's Republic of China (PRC)

Revision to the List of ''Eligible Destinations'' (Facilities) and ''Eligible Items'' for Lam

In this rule, BIS amends Supplement No. 7 to part 748 to revise the eligible facilities in the PRC and the items that may be exported, reexported or transferred (in-country) to those facilities under VEU authorization for Lam. Specifically, the amendments to Lam's eligible facilities, including modifications to the name and/or address, addition of new facilities, and a facility removal, are being made in response to a request from Lam. The End-User Review Committee reviewed and authorized the amendments in accordance with established procedures.

BIS also makes a technical update to the list of Lam's eligible items to increase clarity and transparency, as described further below.

Facilities

Revisions to Lam's Eligible Facilities

Prior to this rule, Lam's VEU authorization included 18 facilities in the PRC. Of those facilities, 13 remain substantially unchanged in Supplement No. 7 to part 748 apart from minor edits made by BIS to punctuation and display (*e.g.,* adding a space after asterisks and removing unnecessary commas) of addresses for the 13 facilities, as set forth below. BIS also updated the address for one facility, updated the names of two facilities, updated both

the name and address of one facility, and removed one facility. In this rule, BIS also adds six facilities to Lam's VEU authorization. With the publication of this rule, Lam's total number of facilities in the PRC is 23. Specific revisions to the list of Lam facilities are as follows:

Punctuation and Display of Addresses for 13 Existing Facilities

Before:
* Lam Research International Sarl (Lam Beijing Warehouse),
c/o Beijing Lam Electronics Tech Center,
1 Building, No. 28, Jinghai Second Road, BDA,
Beijing, China 100176.

After:
* Lam Research International Sarl (Lam Beijing Warehouse)
c/o Beijing Lam Electronics Tech Center
1 Building, No. 28, Jinghai Second Road, BDA
Beijing, China 100176

Before:
* Lam Research International Sarl (Lam Beijing Warehouse),
c/o Beijing STE International Logistics Co., Ltd.,
Building 3, No. 9 Ke Chuang Er Street,
Beijing Economic & Technological Development Area,
Beijing, China 100176.

After:
* Lam Research International Sarl (Lam Beijing Warehouse)
c/o Beijing STE International Logistics Co., Ltd.
Building 3, No. 9 Ke Chuang Er Street
Beijing Economic & Technological Development Area
Beijing, China 100176

Before:
* Lam Research International Sarl (Lam Beijing Warehouse),
c/o China International Electronic Service Company,
1 Building, No. 28, Jinghai Second Road, BDA,
Beijing, China 100176.

After:
* Lam Research International Sarl (Lam Beijing Warehouse)
c/o China International Electronic Service Company
1 Building, No. 28, Jinghai Second Road, BDA
Beijing, China 100176

Before:
* Lam Research International Sarl (Lam Beijing Warehouse)
c/o HMG Hi-tech Logistics (Beijing) Co., Ltd.
Building 3, No. 9 Ke Chuang Er Street
Beijing Economic Technological Development Area
Beijing, China 100176.

After:
* Lam Research International Sarl (Lam Beijing Warehouse)
c/o HMG Hi-Tech Logistics (Beijing) Co., Ltd.
Building 3, No. 9 Ke Chuang Er Street
Beijing Economic & Technological Development Area
Beijing, China 100176

Before:
* Lam Research International Sarl (Lam Shanghai Warehouse Operator),
c/o Shanghai Well-win Logistics Co., Ltd.,
No. 2667 Zuchongzhi Road,
Pudong New District, Shanghai, China.

After:
* Lam Research International Sarl (Lam Shanghai Warehouse Operator)
c/o Shanghai Well-Win Logistics Co., Ltd.
No. 2667 Zuchongzhi Road
Pudong New District
Shanghai, China

Before:
* Lam Research International Sarl (Lam Shanghai Warehouse; WGQ Bonded Warehouse)
c/o HMG Supply Chain (Shanghai) Co., Ltd.
No. 55, Fei la Road, Waigaoqiao Free Trade Zone
Pudong New Area
Shanghai, China 200131.

After:
* Lam Research International Sarl (Lam Shanghai Warehouse; WGQ Bonded Warehouse)
c/o HMG Supply Chain (Shanghai) Co., Ltd.
No. 55, Fei La Road
Waigaoqiao Free Trade Zone
Pudong New Area
Shanghai, China 200131

Before:
* Lam Research International Sarl (Lam Xi'an Warehouse),
c/o VR International Logistics (Xi'an) Co., Ltd.,
No. 28 Information Road, EPZ B Zone,
Xian New District, Xian, China 710119.

After:
* Lam Research International Sarl (Lam Xi'an Warehouse)
c/o VR International Logistics (Xi'an) Co., Ltd.
No. 28 Information Road
EPZ B Zone, Xi'an New District
Xi'an, China 710119

Before:
* Lam Research International Sarl (Wuxi EPZ Bonded Warehouse)
c/o HMG WHL Logistic (Wuxi) Co., Ltd.
1st Fl, Area 4, No. 1, Plot J3
No. 5 Gaolang East Road
Export Processing Zone
Wuxi, China 214028.

After:
* Lam Research International Sarl (Wuxi EPZ Bonded Warehouse)
c/o HMG WHL Logistics (Wuxi) Co., Ltd.
1st Floor, Area 4, No. 1, Plot J3
No. 5 Gaolang East Road
Export Processing Zone
Wuxi, Jiangsu, China 214028

Before:
** Lam Research Service Co., Ltd.
1st Floor, Area C
Hua Hong Science & Technology Park
177 Bi Bo Road
Zhangjiang Hi-Tech Park
Pudong, Shanghai, China 201203.

After:
** Lam Research Service Co., Ltd. (Shanghai)
1st Floor, Area C
Hua Hong Science & Technology Park
177 Bi Bo Road
Zhangjiang Hi-Tech Park, Pudong New District
Shanghai, China 201203

Before:
** Lam Research Service Co., Ltd.,
Beijing Branch, 6th Floor, Building 52,
No. 2, Jingyuan North Street,
Beijing Economic & Technological Development Area,
Beijing, China 100176.

After:
** Lam Research Service Co., Ltd. (Beijing Branch)
6th Floor, Building 52
No. 2, Jingyuan North Street
Beijing Economic & Technological Development Area
Beijing, China 100176

Before:
** Lam Research Service Co., Ltd.
(Lam Dalian Representative Office),
c/o Intel Semiconductor (Dalian) Ltd.,
No. 109 Huaihe Road East,
Dalian Economic & Technical Development Area,
Dalian, China 116600.

After:
** Lam Research Service Co., Ltd. (Lam Dalian Representative Office)
c/o Intel Semiconductor (Dalian) Ltd.
No. 109 Huaihe Road East
Dalian Economic & Technical Development Area
Dalian, China 116600

Before:
** Lam Research Service Co., Ltd.
Wuhan Representative Office
Room 302, Guanggu Software Park Building E4
No. 1 Guanshan Road
Donghu Development Zone
Wuhan, Hubei Province, China 430074.

After:
** Lam Research Service Co., Ltd. (Wuhan Representative Office)
Room 302, Guanggu Software Park Building E4
No. 1 Guanshan Road
Wuhan, Hubei Province, China 430074

Before:
** Lam Research Service (Shanghai) Co., Ltd.
Xi'an Branch, Room 602,
Building G, Wangzuo Xiandai City,
35 Tangyan Road, Gaoxin District, Xi'an,
China 710065.

After:
** Lam Research Service (Shanghai) Co., Ltd. (Xi'an Branch)
Room 602, Building G, Wangzuo Xiandai City
35 Tangyan Road, Gaoxin District
Xi'an, China 710065

Change of Address for 1 Existing Facility

Before:
* Lam Research International Sarl (Lam Shanghai Warehouse)
c/o HMG Supply Chain (Shanghai) Co., Ltd.
No. 3869, Longdong Avenue
Pudong New District
Shanghai, China 201203.

After:
* Lam Research International Sarl (Lam Shanghai Warehouse)

c/o HMG Supply Chain (Shanghai) Co., Ltd.
No. 633, Shangfeng Road
Pudong New District
Shanghai, China 201201

Name Change for 2 Facilities

Before:
* Lam Research International Sarl (Lam Dalian Warehouse),
c/o JD Logistics Dalian bonded Logistic Co., Ltd.,
No. 1 Public Warehouse, Dalian Bonded Logistics Zone,
Dalian, China 116600.

After:
* Lam Research International Sarl (Lam Dalian Warehouse)
c/o Liaoning JD Logistics International Co., Ltd.
Dalian Bonded Logistics Zone
No. 1 Public Warehouse
Dalian, China 116600

Before:
** Lam Research Service Co., Ltd.
Wuxi Representative Office
Room 302, Building 6, Singapore International Park
No. 89 Xing Chuang Si Road
Wuxi New District
Wuxi, Jiangsu, China 214028.

After:
** Lam Research Service Co., Ltd. (Wuxi Branch)
Room 302, Building 6, Singapore International Park
No. 89 Xing Chuang Si Road
Wuxi New District
Wuxi, Jiangsu, China 214028

Change of Address and Name for 1 Existing Facility

Before:
* Lam Research International Sarl (Wuhan TSS)
c/o HMG Wuhan Logistic Co., Ltd.
1st-2nd Floor, Area B, No. 5 Building
Hua Shi Yuan Er Road
East-lake Hi-Tech Development Zone
Wuhan, Hubei Province, China 430223.

After:
* Lam Research International Sarl (Lam Wuhan Warehouse)
c/o Wuhan HMG Logistics Co., Ltd.
Factory C101/201, 1–2F Building 1
Central China Normal University Park Road
Wuhan, China 430223

Removal of 1 Facility

* Lam Research International Sarl (Wuxi Bonded Warehouse for CIQ inspection)
c/o SinoTrans Jiangsu Fuchang Logistics Co., Ltd.
No.1 Xiqin Road,
Area A, Export Processing Zone, New District
Wuxi, China 214028

Addition of 6 Facilities

* Lam Research International Sarl (Lam Dalian Warehouse)
c/o Liaoning JD Logistics International Co., Ltd.
Dalian Bonded Logistics Port
W5–B8, No. 6, Road #3
Dalian, China 116600

* Lam Research International Sarl (Lam Shanghai Warehouse)
c/o Regal Harmony Logistics Co., Ltd.
No.799, Yihua Road
Pudong New District
Shanghai, China 201299

* Lam Research International Sarl (Lam Wuxi Warehouse)
c/o HMG WHL Logistics (Wuxi) Co., Ltd.
Plot J3–4, No. 5 Gaolang East Road
CBZ, New District Wuxi
Wuxi, China 214208

* Lam Research International Sarl (Lam Xiamen Warehouse)
c/o VR Int'l Logistics (Xiamen) Co., Ltd.
C3 Area No. 3 Warehouse
No. 1007 West Fangshan Road
Bonded Logistics Center (Type B) Xiang'an District
Xiamen, China 361101

** Lam Research Service Co., Ltd. (Xiamen)
Room 705A, Qiangye Building
Xiang'an Industrial Park, Xiamen Torch Hi-tech Zone
Xiamen, China 361115

** Lam Research Service Co., Ltd. (Dalian Branch)
Units 01, 02, 13, 10th Floor, Jinma International Building
No. 1 Yongde Street
Dalian, China 116620

Items

Revisions to Lam's Eligible Items

For all Lam's facilities, this rule limits the authorization for ECCNs 2B230, 2B350.c, 2B350.d, 2B350.g, 2B350.h, 2B350.i and 3B001.e to items for the installation, warranty maintenance/repair, or maintenance/repair service of semiconductor manufacturing equipment manufactured by Lam. These end-use limits for eligible items are not new. Previously, these limitations were imposed as a condition to the authorization given to Lam, rather than specified in the description of eligible items set forth in Supplement No. 7 to Part 748.

This rule also limits the authorization for 3D001 software (excluding source code) for all facilities to allow only such software that is specially designed for the ''development'' or ''production'' of equipment controlled by paragraph .e of ECCN 3B001. A similar limitation is made for 3D002 software (excluding source code) for all facilities, so that only such software that is specially designed for the ''use'' of equipment controlled by paragraph .e of ECCN 3B001 qualifies as an eligible item. These changes are consistent with the fact that 3B001.c no longer appears under Lam's list of Eligible items. As a result of a foreign availability determination, BIS removed the items under paragraph .c from the CCL with the publication of the Wassenaar Arrangement Regime 2015 Implementation Rule on September 20, 2016 (81 FR 64656). Paragraph .c to 3B001 is now reserved in the CCL. The changes made by this rule recognize that paragraph .c of 3B001 no longer exists by now limiting the authorization for all Lam facilities to certain software related to paragraph .e of 3B001, rather than software that relates to all paragraphs of 3B001.

Lastly, for Lam's ''Warehouse Facilities,'' identified by a single asterisk in Supplement No. 7 to part 748, this rule further limits the scope of the authorization for items under ECCN 3E001 to ''development'' ''technology'' according to the General Technology Note of a type of equipment classified under paragraph .e of ECCN 3B001. For Lam's ''Sales Offices,'' identified by a set of double asterisks in Supplement No. 7 to part 748, this rule narrows the scope of eligible ECCN 3E001 items to ''development'' ''technology'' or ''production'' ''technology'' according to the General Technology Note of a type to support integration, assembly (mounting), inspection, testing, and quality assurance of equipment classified under paragraph .e of ECCN 3B001. Although the wording of the eligible 3E001 items changed slightly in an attempt to improve clarity, this change also reflects the removal of paragraph .c of ECCN 3B001 from the Lam list of eligible items, consistent with change to the CCL, as described above, by limiting the eligible technology to items only associated with paragraph .e of ECCN 3B001.

In summary, Eligible Items both for Lam's ''Warehouse Facilities'' and for ''Sales Offices'' will include items classified under ECCNs 2B230, 2B350.c, 2B350.d, 2B350.g, 2B350.h, 2B350.i, 3B001.e, 3D001, 3D002, and 3E001, subject to certain very specific limits. The difference between what is eligible for export to ''Warehouse Facilities,'' identified by a single asterisk in Supplement No. 7 to part 748, and what is eligible for export to ''Sales Offices,'' identified by two asterisks in Supplement No. 7 part 748, is in the limitations placed on eligible ECCN 3E001 technology. As explained above, and in the rule text, eligible 3E001 technology for ''Warehouse Facilities'' will only include certain ''development'' technology, while eligible 3E001 technology for ''Sales Offices'' will include certain ''development'' technology and certain ''production'' technology.

Export Administration Act of 1979

Although the Export Administration Act of 1979 expired on August 20, 2001, the President, through Executive Order 13222 of August 17, 2001, 3 CFR, 2001

Comp., p. 783 (2002), as amended by Executive Order 13637 of March 8, 2013, 78 FR 16129 (March 13, 2013) and as extended by the Notice of August 15, 2017, 82 FR 39005 (August 16, 2017), has continued the Export Administration Regulations in effect under the International Emergency Economic Powers Act. BIS continues to carry out the provisions of the Export Administration Act of 1979, as appropriate and to the extent permitted by law, pursuant to Executive Order 13222 as amended by Executive Order 13637.

Rulemaking Requirements

1. Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. This rule has been determined to be not significant for purposes of Executive Order 12866. This rule is not an Executive Order 13771 regulatory action because this rule is not significant under Executive Order 12866.

2. Notwithstanding any other provision of law, no person is required to respond to nor be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This rule involves collections previously approved by the Office of Management and Budget (OMB) under Control Number 0694–0088, ''Multi-Purpose Application,'' which carries a burden hour estimate of 43.8 minutes to prepare and submit form BIS–748; and for recordkeeping, reporting and review requirements in connection with Authorization VEU, which carries an estimated burden of 30 minutes per submission. This rule is expected to result in a decrease in license applications submitted to BIS. Total burden hours associated with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA) and OMB Control Number 0694–0088 are not expected to increase significantly as a result of this rule.

3. This rule does not contain policies with Federalism implications as that term is defined under Executive Order 13132.

4. Pursuant to the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(B), BIS finds good cause to waive the otherwise applicable requirements that this rule be subject to notice and the opportunity for public comment because it is unnecessary. In determining whether to grant VEU designations, a committee of U.S. Government agencies evaluates information about and commitments made by candidate companies, the nature and terms of which are set forth in 15 CFR part 748, Supplement No. 8. The criteria for evaluation by the committee are set forth in 15 CFR 748.15(a)(2). The information, commitments, and criteria for this extensive review were all established through the notice of proposed rulemaking (71 FR 38313, July 6, 2006), the public comment process, and issuance of the final rule establishing Authorization VEU (72 FR 33646, June 19, 2007). The publication of this rule does not establish new policy. In publishing this final rule, BIS amends the authorization for an existing eligible VEU in order to update eligible destinations (facilities) and eligible items. This change has been made within the established regulatory framework of the VEU program. Because the criteria and process for authorizing and administering VEUs were developed with public comments, allowing additional public comment on this amendment to an existing individual VEU authorization, which was determined according to those criteria, is unnecessary.

Publication of this rule in other than final form is unnecessary because the amendments made by this rule are consistent with the authorizations granted to exporters for individual export licenses (and amendments or revisions thereof), which do not undergo public review. As with license applications, VEU authorization applications contain confidential business information, which is necessary for the extensive review conducted by the U.S. Government in assessing such applications. This information is extensively reviewed according to the criteria for VEU authorizations, as set out in 15 CFR 748.15(a)(2). Just as license applications are reviewed through an interagency review process, the authorizations granted under the VEU program involve interagency deliberation and result from review of public and non-public sources, including licensing data, and the measurement of such information against the VEU authorization criteria. Given the nature of the review, and in light of the parallels between the VEU application review process and the review of license applications, public comment on the underlying authorization and any subsequent amendments that update the authorization prior to publication is unnecessary. Moreover, because, as noted above, the criteria and process for authorizing and administering VEUs were developed with public comments, allowing additional public comment on this amendment to an individual VEU authorization, which was determined according to those criteria, is unnecessary.

Section 553(d) of the APA provides that rules generally may not take effect earlier than thirty (30) days after they are published in the **Federal Register**. However, BIS finds good cause to waive the 30-day delay in effectiveness for this rule pursuant to 5 U.S.C. 553(d)(3) because the delay would be contrary to the public interest. With this rule, BIS is simply amending the authorization of an existing VEU to update the eligible destinations (facilities) and eligible items. The amendments to the EAR in this rule are consistent with established objectives and parameters administered and enforced by the responsible designated departmental representatives to the End-User Review Committee. Delaying this action's effectiveness would likely cause confusion for the public regarding which items are authorized by the U.S. Government to be shipped to which eligible destination (facility), thereby undermining the efficacy of the VEU Program. Accordingly, it is contrary to the public interest to delay this rule's effectiveness.

No other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this final rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required under the APA or by any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable. As a result, no final regulatory flexibility analysis is required and none has been prepared.

List of Subjects in 15 CFR Part 748

Administrative practice and procedure, Exports, Reporting and recordkeeping requirements.

Accordingly, part 748 of the Export Administration Regulations (15 CFR parts 730–774) is amended as follows:

PART 748—[AMENDED]

■ 1. The authority citation for part 748 continues to read as follows:

Authority: 50 U.S.C. 4601 *et seq.;* 50 U.S.C. 1701 *et seq.;* 22 U.S.C. 3201 *et seq.;* 42 U.S.C. 2139a; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; Sec. 1503, Pub. L. 108–11, 117 Stat. 559; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Presidential Determination 2003–23, 68 FR 26459, 3 CFR, 2004 Comp., p. 320; Notice of November 8, 2016, 81 FR 79379 (November 10, 2016); Notice of August 15, 2017, 82 FR 39005 (August 16, 2017).

■ 2. Amend Supplement No. 7 to part 748 by revising the entry for ''Lam Research Service Co. Ltd.'' in ''China (People's Republic of)'' to read as follows:

SUPPLEMENT NO. 7 TO PART 748—AUTHORIZATION VALIDATED END-USER (VEU): LIST OF VALIDATED END-USERS, RESPECTIVE ITEMS ELIGIBLE FOR EXPORT, REEXPORT AND TRANSFER, AND ELIGIBLE DESTINATIONS

Country	Validated end-user	Eligible items (by ECCN)	Eligible destination	**Federal Register** citation
Nothing in this Supplement shall be deemed to supersede other provisions in the EAR, including but not limited to § 748.15(c).				
*	*	*	*	*	*	*
	Lam Research Service Co., Ltd.	*These Items Authorized for those Lam's Destinations Identified by a single asterisk (*):*. 2B230, 2B350.c, 2B350.d, 2B350.g, 2B350.h, 2B350.i, and 3B001.e (limited to installation, warranty maintenance/repair, or maintenance/repair service of semiconductor manufacturing equipment manufactured by Lam, and items classified under ECCN 3B001.e are limited to specially designed components and accessories), 3D001 (limited to ''software'' (excluding source code) specially designed for the ''development'' or ''production'' of equipment controlled by ECCN 3B001.e)), 3D002 (limited to ''software'' (excluding source code) specially designed for the ''use'' of equipment controlled by ECCN 3B001.e)), and 3E001 (limited to ''development'' ''technology'' according to the General Technology Note of a type of equipment classified under ECCN 3B001.e).	* Lam Research International Sarl (Lam Beijing Warehouse), c/o Beijing Lam Electronics Tech Center, 1 Building, No. 28, Jinghai Second Road, BDA, Beijing, China 100176. * Lam Research International Sarl (Lam Beijing Warehouse), c/o Beijing STE International Logistics Co., Ltd., Building 3, No. 9 Ke Chuang Er Street Beijing Economic & Technological Development Area, Beijing, China 100176. * Lam Research International Sarl (Lam Beijing Warehouse), c/o China International Electronic Service Company, 1 Building, No. 28, Jinghai Second Road, BDA, Beijing, China 100176. * Lam Research International Sarl (Lam Beijing Warehouse), c/o HMG Hi-Tech Logistics (Beijing) Co., Ltd., Building 3, No. 9 Ke Chuang Er Street, Beijing Economic & Technological Development Area, Beijing, China 100176. * Lam Research International Sarl (Lam Dalian Warehouse), c/o Liaoning JD Logistics International Co., Ltd., Dalian Bonded Logistics Port, W5–B8, No. 6, Road #3, Dalian, China 116600. * Lam Research International Sarl (Lam Dalian Warehouse), c/o Liaoning JD Logistics International Co., Ltd., Dalian Bonded Logistics Zone No. 1 Public Warehouse Dalian, China 116600. * Lam Research International Sarl (Lam Shanghai Warehouse), c/o HMG Supply Chain (Shanghai) Co., Ltd., No. 633, Shangfeng Road, Pudong New District, Shanghai, China 201201. * Lam Research International Sarl (Lam Shanghai Warehouse), c/o Regal Harmony Logistics Co., Ltd., No. 799, Yihua Road, Pudong New District, Shanghai, China 201299. * Lam Research International Sarl (Lam Shanghai Warehouse Operator), c/o Shanghai Well-Win Logistics Co., Ltd., No. 2667 Zuchongzhi Road, Pudong New District, Shanghai, China.	72 FR 59164, 10/19/07, 74 FR 19382, 4/29/09. 77 FR 10953, 2/24/12. 77 FR 40258, 7/9/12. 82 FR [INSERT PAGE NUMBER], [INSERT DATE OF PUBLICATION].

SUPPLEMENT NO. 7 TO PART 748—AUTHORIZATION VALIDATED END-USER (VEU): LIST OF VALIDATED END-USERS, RESPECTIVE ITEMS ELIGIBLE FOR EXPORT, REEXPORT AND TRANSFER, AND ELIGIBLE DESTINATIONS—Continued

Country	Validated end-user	Eligible items (by ECCN)	Eligible destination	**Federal Register** citation
			* Lam Research International Sarl (Lam Shanghai Warehouse; WGQ Bonded Warehouse), c/o HMG Supply Chain (Shanghai) Co., Ltd., No. 55, Fei La Road, Waigaoqiao Free Trade Zone Pudong New Area, Shanghai, China 200131.	
			* Lam Research International Sarl (Lam Wuhan Warehouse), c/o Wuhan HMG Logistics Co., Ltd., Factory C101/201, 1–2F Building 1, Central China Normal, University Park Road, Wuhan, China 430223.	
			* Lam Research International Sarl (Lam Wuxi Warehouse), c/o HMG WHL Logistics (Wuxi) Co., Ltd., Plot J3–4, No. 5 Gaolang East Road, CBZ, New District Wuxi, Wuxi, China 214208.	
			* Lam Research International Sarl (Lam Xiamen Warehouse), c/o VR Int'l Logistics (Xiamen) Co., Ltd., C3 Area No. 3 Warehouse, No. 1007 West Fangshan Road, Bonded Logistics Center (Type B) Xiang'an District, Xiamen, China 361101.	
			* Lam Research International Sarl (Lam Xi'an Warehouse), c/o VR International Logistics (Xi'an) Co., Ltd., No. 28 Information Road, EPZ B Zone, Xi'an New District, Xi'an, China 710119.	
			* Lam Research International Sarl (Wuxi EPZ Bonded Warehouse), c/o HMG WHL Logistics (Wuxi) Co., Ltd., 1st Floor, Area 4, No. 1, Plot J3, No. 5 Gaolang East Road, Export Processing Zone, Wuxi, Jiangsu, China 214028.	
		These Items Authorized for those Lam's Destinations Identified by double asterisks (**): 2B230, 2B350.c, 2B350.d, 2B350.g, 2B350.h, 2B350.i, and 3B001.e (limited to installation, warranty maintenance/repair, or maintenance/repair service of semiconductor manufacturing equipment manufactured by Lam, and items classified under ECCN 3B001.e are limited to specially designed components and accessories), 3D001 (limited to ''software'' (excluding source code) specially designed for the ''development'' or ''production'' of equipment controlled by ECCN 3B001.e)), 3D002 (limited to ''software'' (excluding source code) specially designed for the ''use'' of equipment controlled by ECCN 3B001.e)), and 3E001 (limited to ''development'' ''technology'' or ''production'' ''technology'' according to the General Technology Note of a type to support integration, assembly (mounting), inspection, testing, and quality assurance of equipment classified under ECCN 3B001.e)).	** Lam Research Service Co., Ltd. (Shanghai), 1st Floor, Area C, Hua Hong Science & Technology Park, 177 Bi Bo Road, Zhangjiang Hi-Tech Park, Pudong New District, Shanghai, China 201203.	
			** Lam Research Service Co., Ltd. (Xiamen), Room 705A, Qiangye Building, Xiang'an Industrial Park, Xiamen Torch Hi-tech Zone, Xiamen, China 361115.	
			** Lam Research Service Co., Ltd. (Beijing Branch), 6th Floor, Building 52, No. 2, Jingyuan North Street, Beijing Economic & Technological Development Area, Beijing, China 100176.	
			** Lam Research Service Co., Ltd. (Dalian Branch), Units 01, 02, 13, 10th Floor, Jinma International Building, No. 1 Yongde Street, Dalian, China 116620.	
			** Lam Research Service Co., Ltd. (Lam Dalian Representative Office), c/o Intel Semiconductor (Dalian) Ltd., No. 109 Huaihe Road East, Dalian Economic & Technical Development Area, Dalian, China 116600.	

SUPPLEMENT NO. 7 TO PART 748—AUTHORIZATION VALIDATED END-USER (VEU): LIST OF VALIDATED END-USERS, RESPECTIVE ITEMS ELIGIBLE FOR EXPORT, REEXPORT AND TRANSFER, AND ELIGIBLE DESTINATIONS—Continued

Country	Validated end-user	Eligible items (by ECCN)	Eligible destination	Federal Register citation
			** Lam Research Service Co., Ltd. (Wuhan Representative Office), Room 302, Guanggu Software Park Building E4, No. 1 Guanshan Road, Wuhan, Hubei Province, China 430074. ** Lam Research Service Co., Ltd. (Wuxi Branch), Room 302, Building 6, Singapore International Park, No. 89 Xing Chuang Si Road, Wuxi New District, Wuxi, Jiangsu, China 214028. ** Lam Research Service (Shanghai) Co., Ltd. (Xi'an Branch), Room 602, Building G, Wangzuo Xiandai City, 35 Tangyan Road, Gaoxin District, Xi'an, China 710065.	

* * * * *

Dated: October 11, 2017.

Richard E. Ashooh,

Assistant Secretary for Export Administration.

[FR Doc. 2017–22649 Filed 10–20–17; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2017–0923]

RIN 1625–AA00

Safety Zone; Light the Night Leukemia and Lymphoma Society Fireworks, Maumee River, Toledo, OH

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone in the Captain of the Port Detroit Zone on the Maumee River, Toledo, Ohio. This zone is intended to restrict vessels from portions of the Maumee River for the Light the Night Leukemia and Lymphoma Society Fireworks Display. Persons and vessels are prohibited from entering into, transiting through, or anchoring within this safety zone unless authorized by the Captain of the Port or his designated representative. This temporary safety zone is necessary to protect spectators and vessels from the hazards associated with fireworks displays.

DATES: This regulation is effective from 8 p.m. through 9 p.m. on October 22, 2017.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG–2017–0923]. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary rule, call or email MST1 Ryan Erpelding, Waterways Department, Marine Safety Unit Toledo, Coast Guard; telephone (419) 418–6037, email *Ryan.G.Erpelding@uscg.mil.*

SUPPLEMENTARY INFORMATION:

Table of Acronyms

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

I. Background Information and Regulatory History

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule. The event sponsor notified the Coast Guard with insufficient time to accommodate the comment period. Thus, delaying the effective date of this rule to wait for the comment period to run would be impracticable and contrary to the public interest because it would prevent the Captain of the Port Detroit from keeping the public safe from the hazards associated with a maritime fireworks displays.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Waiting for a 30-day effective period to run is impracticable and contrary to the public interest for the reasons discussed in the preceding paragraph.

II. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The Captain of the Port Detroit (COTP) has determined that potential hazards associated with fireworks displays starting after 8 p.m. on October 22, 2017 will be a safety concern for anyone within a 725-foot radius of the launch site. The likely combination of recreational vessels, darkness punctuated by bright flashes of light, and fireworks debris falling into the water presents risks of collisions which could result in serious injuries or fatalities. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone during the fireworks display.

III. Discussion of the Rule

This rule establishes a safety zone from 8 p.m. through 9 p.m. on October 22, 2017. The safety zone will encompass all U.S. navigable waters of

the Sandusky bay within a 725-foot radius of the fireworks launch site located at position 41°38′07.9″ N., 083°31′24.4″ W. All geographic coordinates are North American Datum of 1983 (NAD 83).

The duration of the zone is intended to protect personnel, vessels, and the marine environment in these navigable waters during the fireworks display. All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port, Sector Detroit or the designated patrol personnel. Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port, Sector Detroit or his designated representative. The Captain of the Port, Sector Detroit or his designated representative may be contacted via VHF Channel 16.

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

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

This regulatory action determination is based on the size, location, and duration of the safety zone. The majority of vessel traffic will be able to safely transit around the safety zone, which will impact only a portion of the Maumee River in Toledo, OH for a short period time. Under certain conditions, moreover, vessels may still transit through the safety zone when permitted by the Captain of the Port.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The 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. Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered the impact of this temporary rule on small entities. While some owners or operators of vessels intending to transit the safety zone may be small entities, for the reasons stated in section V.A above, this rule will not have a significant economic impact on any vessel owner or operator.

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

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

C. Collection of Information

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

D. Federalism

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 lasting one hour that will prohibit entry within a 350-yard radius from where a fireworks display will be

conducted. It is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T09–0632 to read as follows:

§ 165.T09–0632 Safety Zone; Light the Night Leukemia and Lymphoma Society, Maumee River, Toledo, OH.

(a) *Location.* The following area is a temporary safety zone: All U.S. navigable waters of the Maumee River, Toledo, OH within a 725-foot radius of the fireworks launch site located at position 41°38′07.9″ N., 083°31′24.4″ W. All geographic coordinates are North American Datum of 1983 (NAD 83).

(b) *Effective period.* This regulation is effective from 8 p.m. through 9 p.m. on October 22, 2017. The Captain of the Port Detroit, or a designated representative may suspend enforcement of the safety zone at any time.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into, transiting or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port Detroit, or his designated representative.

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port Detroit or his designated representative.

(3) The ''designated representative'' of the Captain of the Port Detroit is any Coast Guard commissioned, warrant, or petty officer who has been designated by the Captain of the Port Detroit to act on his behalf. The designated representative of the Captain of the Port Detroit will be aboard either a Coast Guard or Coast Guard Auxiliary vessel. The Captain of the Port Detroit or his designated representative may be contacted via VHF Channel 16.

(4) Vessel operators desiring to enter or operate within the safety zone shall contact the Captain of the Port Detroit or his designated representative to obtain permission to do so. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port Detroit or his designated representative.

Dated: October 18, 2017.

Kevin D. Floyd,

Commander, U.S. Coast Guard, Acting, Captain of the Port Detroit.

[FR Doc. 2017–22948 Filed 10–20–17; 8:45 am]

BILLING CODE 9110–04–P

POSTAL SERVICE

39 CFR Part 20

International Competitive Services Product and Price Changes

AGENCY: Postal Service™.

ACTION: Final rule.

SUMMARY: The Postal Service is revising *Mailing Standards of the United States Postal Service,* International Mail Manual (IMM®), to reflect the prices, product features, and classification changes to Competitive Services, as established by the Governors of the Postal Service.

DATES: Effective: January 21, 2018.

FOR FURTHER INFORMATION CONTACT: Paula Rabkin at 202–268–2537.

SUPPLEMENTARY INFORMATION: New prices will be posted under Docket Number CP2018–8 on the Postal Regulatory Commission's Web site at *http://www.prc.gov.*

This final rule describes the international price and classification changes and the corresponding mailing standards changes for the following Competitive Services:

- Global Express Guaranteed® (GXG®).
- Priority Mail Express International®.
- Priority Mail International®.
- First-Class Package International Service® (FCPIS®).
- International Priority Airmail® (IPA®).
- International Surface Air Lift® (ISAL®).
- Direct Sacks of Printed Matter to One Addressee (Airmail M-bag® services).
- The following international extra services and fees:
  - International Insurance.
  - International Certificate of Mailing.
  - International Registered Mail.
  - International Return Receipt.
  - International Postal Money Orders.
  - International Money Order Inquiry Fee.
  - International Money Transfer Service.
  - Customs Clearance and Delivery Fee.

New prices will be located on the Postal Explorer® Web site at *http://pe.usps.com.*

Global Express Guaranteed

Global Express Guaranteed (GXG) service provides fast international shipping and date-certain delivery with a money-back guarantee, with international transportation and delivery provided through an alliance with FedEx Express®. The price increase for GXG service averages 3.9 percent.

The Postal Service provides Commercial Base pricing to online customers who prepare and pay for GXG shipments via USPS-approved payment methods (other than Click-N-Ship® service), with a 5 percent discount off the published retail prices for GXG service. Customers who prepare GXG shipments via Click-N-Ship service will continue to pay retail prices. Commercial Plus prices are set to match the Commercial Base prices.

Priority Mail Express International

Priority Mail Express International service provides fast service to approximately 180 countries in 3–5 business days, for many major markets, although the actual number of days may vary based upon origin, destination and customs delays. Priority Mail Express International with Money-Back Guarantee service is available for certain destinations. The price increase for Priority Mail Express International service averages 3.9 percent. The Commercial Base price for customers who prepare and pay for Priority Mail Express International shipments via permit imprint, online at USPS.com®, or as registered end-users using an authorized PC Postage vendor (with the exception of Click-N-Ship service) will

be 5 percent below the retail price. Customers who prepare Priority Mail Express International shipments via Click-N-Ship service pay retail prices. Commercial Plus prices are set to match the Commercial Base prices.

The Postal Service will also continue to include Priority Mail Express International service in customized Global Expedited Package Services (GEPS) contracts offered to customers who meet certain revenue thresholds and are willing to commit a larger amount of revenue to the USPS® for Priority Mail Express International service and Priority Mail International service.

Priority Mail International

Priority Mail International (PMI) is an economical way to send merchandise and documents to approximately 180 countries in 6–10 business days, for many major markets, although the actual number of days may vary based upon origin, destination and customs delays. The price increase for Priority Mail International service averages 3.9 percent. The Commercial Base price for customers who prepare and pay for PMI items via permit imprint, online at USPS.com, or as registered end-users using an authorized PC Postage vendor (with the exception of Click-N-Ship) will be 5 percent below the retail price. Customers who prepare Priority Mail International shipments via Click-N-Ship pay retail prices. Commercial Plus prices are set to match Commercial Base prices. The Postal Service will continue to include Priority Mail International service in customized GEPS contracts offered to customers who meet certain revenue thresholds and are willing to commit to a larger amount of revenue to the USPS for Priority Mail Express International and Priority Mail International.

Priority Mail International flat rate pricing continues to be available for Flat Rate Envelopes, Small Flat Rate Priced Boxes, and Medium and Large Flat Rate Boxes.

First-Class Package International Service

First-Class Package International Service (FCPIS) is an economical international service for small packages weighing less than 4 pounds and not exceeding $400 in value. The price increase for FCPIS averages 3.9 percent. The Commercial Base price for customers who prepare and pay for FCPIS items via permit imprint or by USPS-approved online payment methods will be 5 percent below the retail price. Customers who prepare FCPIS shipments via Click-N-Ship service pay retail prices. Commercial Plus prices are set to match the Commercial Base prices.

Electronic USPS Delivery Confirmation International service—abbreviated E–USPS DELCON INTL—is available for First-Class Package International Service items to select destination countries at no charge.

International Priority Airmail (IPA) and International Surface Air Lift (ISAL)

International Priority Airmail (IPA) service, including IPA M-bags, is an economical commercial service designed for volume mailings of all First-Class Mail International postcards, letters, and large envelopes (flats), and for volume mailings of First-Class Package International Service packages (small packets) weighing up to a maximum of 4.4 pounds. IPA shipments are typically flown to foreign destinations (exceptions apply to Canada and Mexico) and are then entered into that country's air or surface priority mail system for delivery. The price increase for IPA and IPA M-Bags is 3.9 percent. International Surface Airlift (ISAL) is similar to IPA except that once flown to the foreign destination, it is entered into that country's air or surface nonpriority mail system for delivery. The price increase for International Priority Airmail (IPA), as well as IPA M-Bags, is 3.9 percent.

In this filing we are proposing a structural change. As stated in the notice concerning International Mailing Services: Proposed Product and Price Changes—CPI Proposed Rule with a Request for Comments, concerning new proposed prices posted under Docket R2018–1 on the Postal Regulatory Commission's Web site, published contemporaneously with this filing, the Postal Service is limiting the contents of First-Class Mail International postcard, letter, and large envelope (flats) mail to personal correspondence and non-dutiable documents. Because IPA service, including IPA M-bags, and ISAL service, including ISAL M-bags, are commercial services designed for volume mailings of all First-Class Mail International postcards, letters, and large envelopes (flats) and First-Class Package International Service packages (small packets), the limiting of the contents of First-Class Mail International postcard, letter, and large envelope (flat) mail discussed above will also apply to IPA postcard, letter, and large envelope (flat) mail and ISAL postcard, letter, and large envelope (flat) mail.

Direct Sacks of Printed Matter to One Addressee (Airmail M-Bags)

An airmail M-bag is a direct sack of printed matter sent to a single foreign addressee at a single address. Prices are based on the weight of the sack. The price increase for Airmail M-bag service averages 3.9 percent.

International Extra Services and Fees

Depending on country destination and mail type, customers may add a variety of extra services to their outbound shipments and pay a variety of fees. Prices for these fees and services increase an average 3.9 percent.

The Postal Service hereby adopts the following changes to *Mailing Standards of the United States Postal Service,* International Mail Manual (IMM), which is incorporated by reference in the *Code of Federal Regulations.* See 39 CFR 20.1.

List of Subjects in 39 CFR Part 20

Foreign relations, International postal services.

Accordingly, 39 CFR part 20 is amended as follows:

PART 20—[AMENDED]

■ 1. The authority citation for 39 CFR part 20 continues to read as follows:

Authority: 5 U.S.C. 552(a); 13 U.S.C. 301–307; 18 U.S.C. 1692–1737; 39 U.S.C. 101, 401, 403, 404, 407, 414, 416, 3001–3011, 3201–3219, 3403–3406, 3621, 3622, 3626, 3632, 3633, and 5001.

■ 2. Revise the following sections of *Mailing Standards of the United States Postal Service,* International Mail Manual (IMM), as follows:

* * * * *

Mailing Standards of the United States Postal Service, International Mail Manual (IMM)

1 International Mail Services

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120 Preparation for Mailing

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123 Customs Forms and Online Shipping Labels

123.6 Required Usage

123.61 Conditions

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Exhibit 123.61

Customs Declaration Form Usage by Mail Category

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[Revise the heading and text for the First-Class Package International Service section to read as follows:]

Type of item	Declared value, weight, or physical characteristic	Required PS form	Comment (if applicable)
*	*	*	*
First-Class Package International Service Packages (Small Packets), as well as IPA Packages (Small Packets) and ISAL Packages (Small Packets)			
All First-Class Package International Service packages (small packets), as defined in 251.2, regardless of contents, and, for commercial mailers, IPA packages (small packets) and ISAL packages (small packets), regardless of contents.	$400 or less	2976	Merchandise is permitted unless prohibited by the destination country.
	Over $400	Prohibited	Items over $400 must be mailed using Global Express Guaranteed service, Priority Mail Express International service, or Priority Mail International service.
All package-size items, as defined in 251.2, that are entered by a known mailer as defined in 123.62 and items that qualify under 123.63.	$400 or less	None	Not applicable.
*	*	*	*

* * * * *

123.62 Known Mailers

A ''known mailer'' must meet one of the definitions in 123.622 and must meet the conditions in 123.623.

123.621 Overview

[Revise text to indicate that the known mailer exemption only applies to package-size mailpieces, to read as follows:]

A ''known mailer'' may be exempt from the customs form requirement that would otherwise apply to package-size mailpieces as defined in 251.2. A ''known mailer'' must meet one of the definitions in 123.622 and must meet the conditions in 123.623.

123.622 Definition

A ''known mailer'' must meet one of the following definitions:

[Revise c(1) to remove First-Class Mail International and add First-Class Package International Service to read as follows:]

a. A federal, state, or local government agency whose mail is regarded as Official Mail.

b. A contractor who sends out prepaid mail on behalf of a military service, provided the mail is endorsed ''Contents for Official Use—Exempt from Customs Requirements.''

c. A business mailer who enters volume mailings through a business mail entry unit (BMEU) or other bulk mail acceptance location, completes a postage statement at the time of entry, pays postage through an advance deposit account, and uses a permit imprint for postage payment. For this purpose, the categories of mail that qualify are as follows:

(1) First-Class Package International Service.

(2) International Priority Airmail (IPA) service.

(3) International Surface Air Lift (ISAL) service.

123.623 Conditions

[Revise b and c to specify FCPIS packages or IPA and ISAL packages (small packets), to read as follows:]

The following conditions apply to ''known mailers'':

a. The mailpieces must contain no merchandise or goods, except as provided in 123.623b and 123.623c.

b. Merchandise may only be mailed as First-Class Package International Service packages (small packets) (or as IPA packages (small packets) and ISAL packages (small packets) for commercial mailers).The mailpieces may contain hard copy printed matter or recorded media (*e.g.,* CDs, DVDs, flash drives, video and cassette tapes), for which no customs form is required in the destination country. Authorization to mail items under this subsection without a customs form is subject to the following conditions:

(1) The mailpiece must not require an export license as described in 510, 520, 530, or 540.

(2) Any packaging used for package-sized items under this subsection must be transparent, such as shrinkwrap or polywrap material, so that the contents are fully visible for inspection.

c. First-Class Package International Service packages (and IPA packages (small packages) and ISAL packages (small packets) for commercial mailers) may contain goods of nominal value (less than $1.00) in conjunction with communications or informational materials for which no customs form is required in the destination country. In addition, authorization to mail items under this standard is subject to the following conditions:

(1) The mailpieces must not require an export license as described in 510, 520, 530, or 540.

(2) The mailpieces must not contain dangerous or prohibited items under IMM 135 or 136, or be otherwise prohibited by the destination country.

(3) The mailpieces cannot be destined to an E:1 country listed in 15 CFR 740, Supp. 2.

(4) The mailpieces cannot contain any items listed in the Commerce Control List (15 CFR 774) or the U.S. Munitions List (22 CFR 121).

d. If the mailpieces are mailed with a postage statement, the mailer must certify on the postage statement that the mailpieces contain no dangerous materials that are prohibited by postal regulations.

e. The import regulations of the destination country must allow individual mailpieces without a customs form affixed.

f. For IPA and ISAL mailings, the mailer must pay with a permit imprint or with a combination postage method (meter postage affixed to the piece and additional postage by permit imprint). IPA and ISAL mailpieces that are paid for by postage solely with a meter do not qualify for the ''known mailer'' exemption.

g. Failure to comply with the conditions in this section, or with any other applicable regulations or policies of the Postal Service or other relevant governmental authorities, may result in the suspension or revocation of eligibility to mail items without a customs form affixed pursuant to this section. For example, a suspension or revocation may result when the mailer fails to ensure his or her compliance with 510, 520, 530, or 540, such as ensuring that no mailings are sent to persons blocked from transacting in such items by the federal agencies described in those IMM sections.

* * * * *

2 Conditions for Mailing

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290 Commercial Services

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292 International Priority Airmail (IPA) Service

292. 1 Description

292.11 General

[Revise the second sentence to read as follows (including content-based requirements):]

International Priority Airmail (IPA) service, including IPA M-bags, is a commercial service designed for volume mailings of all First-Class Mail International postcards, letters, and large envelopes (flats), and for volume mailings of First-Class Package International Service packages (small packets). The sender must prepare mailpieces in accordance with the requirements of this subchapter and with the content-based and shape-based requirements of the applicable service—see 240 for First-Class Mail International items, and see 250 for First-Class Package International Service items.* * *

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292.2 Eligibility

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292.25 Dutiable Items

[Revise the first sentence to read as follows (referring only to First-Class Package International Service and removing an outdated reference to ordinary or insured Priority Mail International items):]

Dutiable items may be sent in accordance with the applicable rules in this subchapter for First-Class Package International Service only. Priority Mail International items may not be mailed with IPA service.

* * * * *

293 International Surface Air Lift (ISAL) Service

293.1 Description

293.11 General

[Revise the second sentence to include content-based requirements, to read as follows:]

International Surface Air Lift (ISAL) service, including ISAL M-bags, is a commercial service designed for volume mailings of all First-Class Mail International postcards, letters, and large envelopes (flats), and for volume mailings of First-Class Package International Service packages (small packets). The sender must prepare mailpieces in accordance with the requirements of this subchapter and with the content-based and shape-based requirements of the applicable service—see 240 for First-Class Mail International items, and see 250 for First-Class Package International Service items.* * *

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293.2 Eligibility

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293.25 Dutiable Items

[Revise the first sentence to read as follows (referring only to First-Class Package International Service and removing an outdated reference to ordinary or insured Priority Mail International items):]

Dutiable items may be sent in accordance with the applicable rules in this subchapter for First-Class Package International Service only. Priority Mail International items may not be mailed with ISAL service.

* * * * *

We will publish an appropriate amendment to 39 CFR part 20 to reflect these changes.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2017–22748 Filed 10–20–17; 8:45 am]

BILLING CODE 7710–12–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 151215999–6960–02]

RIN 0648–XF774

Fisheries of the Northeastern United States; Atlantic Herring Fishery; Adjustment to the Atlantic Herring Management Area 1A Annual Catch Limit

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

ACTION: Temporary rule; inseason adjustment.

SUMMARY: NMFS is adjusting the 2017 fishing year annual catch limit for Atlantic Herring Management Area 1A due to an underharvest in the New Brunswick weir fishery. This action is necessary to comply with the 2016–2018 specifications and management measures for the Atlantic Herring Fishery Management.

DATES: Effective October 24, 2017, through December 31, 2017.

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

SUPPLEMENTARY INFORMATION: Regulations governing the Atlantic herring fishery are found at 50 CFR part 648. The regulations require annual specification of the overfishing limit, acceptable biological catch (ABC), annual catch limit (ACL), optimum yield (OY), domestic harvest and processing, U.S. at-sea processing, border transfer, and sub-annual catch limits (sub-ACL) for each management area. The 2017 Domestic Annual Harvest was set as 104,800 metric tons (mt); an additional 9,384 mt was added to the sub-ACLs for the four herring management areas collectively from an underharvest during the 2015 fishing year, and 3 percent of herring catch was set aside for research in the 2016–2018 specifications (81 FR 75731, November 1, 2016). The ACL for the 2017 fishing

year was 101,656 mt, and the adjusted ACL allocated to Area 1A was 31,115 mt.

Due to the variability of Canadian catch in the New Brunswick weir fishery, a 1,000-mt portion of the 4,000-mt buffer between ABC and OY (the buffer to account for Canadian catch) is allocated to Area 1A, provided New Brunswick weir landings are lower than the amount specified in the buffer.

The NMFS Regional Administrator is required to monitor the fishery landings in the New Brunswick weir fishery each year. If New Brunswick weir fishery herring catch through October 1 is less than 4,000 mt, then 1,000 mt will be subtracted from the management uncertainty buffer and allocated to the ACL and Area 1A sub-ACL. When such a determination is made, NMFS is required to publish a notification in the **Federal Register** to adjust the ACL and the Area 1A sub-ACL upward for the remainder of the fishing year.

The Regional Administrator has determined, based on the best available information, that the New Brunswick weir fishery catch for fishing year 2017 through October 1, 2017, was 1,732 mt. Therefore, effective October 24, 2017, through December 31, 2017, 1,000 mt will be allocated to the Area 1A sub-ACL, thereby increasing the fishing year 2017 Area 1A sub-ACL from 31,115 mt to 32,115 mt. Because this increase to a sub-ACL also increases the stock-wide ACL, this allocation increases the 2017 stock-wide ACL from 101,656 mt to 102,656 mt.

Classification

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

The Assistant Administrator for Fisheries, NOAA (AA), finds good cause pursuant to 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment because it is impracticable and contrary to the public interest. This action increases the sub-ACL for Area 1A by 1,000 mt (31,115 mt to 32,115 mt) through December 31, 2017, thereby relieving a more restrictive catch limit. The regulations at 50 CFR 648.201(f) require such action to help mitigate some of the negative economic effects associated with the reduction in the Area 1A sub-ACL in the 2016–2018 specifications process. The herring fishery extends from January 1 to December 31. Data indicating the New Brunswick weir fishery landed less than 4,000 mt through October 1, 2017, only recently became available. Allowing for prior notice and public comment on this adjustment is impracticable because regulations require this allocation to occur as quickly as is practicable and for the remainder of the fishing year. Because the Management Area 1A fishery is generally fully prosecuted and closed between mid-October and mid-November, a delay in implementation of this action may result in the 1,000-mt allocation occurring after closure of Area 1A. If this occurred, it is unlikely that the additional 1,000 mt would be enough to warrant reopening the 1A fishery, and would thus result in incomplete harvest of the 1A sub-ACL. Further, this is a nondiscretionary action required by provisions in the 2016–2018 Atlantic Herring Specifications and Management Measures (herring specifications), which previously provided notice to the public that this 1,000 mt allocation would occur if the Canadian catch level was sufficiently low, and offered full opportunity to comment on this. The adjustment required by the regulation is formulaic. It does not change existing regulations, but simply puts the predetermined adjustment into effect. NMFS further finds, pursuant to 5 U.S.C. 553(d)(3), good cause to waive the 30-day delayed effectiveness period for the reasons stated above.

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

Dated: October 17, 2017.

Emily H. Menashes,

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

[FR Doc. 2017–22861 Filed 10–20–17; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 82, No. 203
Monday, October 23, 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 AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Parts 1 and 2

[Docket No. APHIS–2017–0062]

RIN 0579–AE35

Animal Welfare; Procedures for Applying for Licenses and Renewals

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Advance notice of proposed rulemaking; extension of comment period.

SUMMARY: We are extending the comment period for our advance notice of proposed rulemaking regarding potential revisions to the licensing requirements under our Animal Welfare Act regulations. This action will allow interested persons additional time to prepare and submit comments.

DATES: The comment period for the advanced notice of proposed rulemaking published on August 24, 2017 (82 FR 40077), is extended. We will consider all comments that we receive on or before November 2, 2017.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2017-0062.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2017–0062, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2017-0062* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: Dr. Kay Carter-Corker, Director, National Policy Staff, Animal Care, APHIS, USDA, 4700 River Road Unit 84, Riverdale, MD 20737; (301) 851–3748.

SUPPLEMENTARY INFORMATION: On August 24, 2017, we published in the **Federal Register** (82 FR 40077–40078, Docket No. APHIS–2017–0062) an advance notice of proposed rulemaking (ANPR) on potential revisions to the licensing requirements under our Animal Welfare Act regulations. The revisions under consideration would promote compliance with the Act, reduce licensing fees, and strengthen existing safeguards that prevent any individual whose license has been suspended or revoked, or who has a history of noncompliance, from obtaining a license or working with regulated animals.

Comments on the ANPR were required to be received on or before October 23, 2017. We are extending the comment period on Docket No. APHIS–2017–0062 for an additional 10 days. This action will allow interested persons additional time to prepare and submit comments.

Authority: 7 U.S.C. 2131–2159; 7 CFR 2.22, 2.80, and 371.7.

Done in Washington, DC, this 18th day of October 2017.

Michael C. Gregoire,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2017–22940 Filed 10–20–17; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

[Docket ID: DOD–2017–HA–0060]

Defense Health Agency (DHA); Subgroup to the DoD Regulatory Reform Task Force, Review of the Existing TRICARE Regulation

AGENCY: Office of the Assistance Secretary of Defense for Health Affairs, Department of Defense.

ACTION: Request for comment.

SUMMARY: In accordance with Executive Order 13777, ''Enforcing the Regulatory Reform Agenda,'' the DHA Subgroup to the DoD Regulatory Reform Task Force is seeking input on the sections of the existing TRICARE regulation that may be appropriate for repeal, replacement, or modification. See the **SUPPLEMENTARY INFORMATION** section in this document for additional guidance.

DATES: Interested parties should submit written comments to the address shown in this document on or before January 22, 2018, to be considered.

ADDRESSES: Submit comments identified by ''DOD–2017–HA–0060'' using any of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by entering ''DOD–2017–HA–0060'' under the heading ''Enter keyword or ID'' and selecting ''Search.'' Select the link ''Submit a Comment'' that corresponds with ''DOD–2017–HA–0060.'' Follow the instructions provided at the ''Submit a Comment'' screen.
- *Mail:* Department of Defense, Office of the Deputy Chief Management Officer, Directorate of Oversight and Compliance, 4800 Mark Center Drive, Mailbox #24, Suite 08D09B, Alexandria, VA 22350–1700.

Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal information provided. To confirm receipt of your comment(s), please check *http://www.regulations.gov,* approximately three days after submission to verify posting (allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Mr. Matthew Minnier, telephone 703–275–6304.

SUPPLEMENTARY INFORMATION: On February 24, 2017, the President signed Executive Order (E.O.) 13777, ''Enforcing the Regulatory Reform Agenda,'' which established a Federal policy ''to alleviate unnecessary regulatory burdens'' on the American people.

Section 3(a) of the E.O. directs Federal agencies to establish a Regulatory Reform Task Force (Task Force). One of the duties of the Task Force is to evaluate existing regulations and ''make recommendations to the agency head regarding their repeal, replacement, or

modification.'' The E.O. further asks that each Task Force ''attempt to identify regulations that:

(i) Eliminate jobs, or inhibit job creation; (ii) are outdated, unnecessary, or ineffective; (iii) impose costs that exceed benefits; (iv) create a serious inconsistency or otherwise interfere with regulatory reform initiatives and policies; (v) are inconsistent with the requirements of section 515 of the Treasury and General Government Appropriation Act, 2001 (44 U.S.C. 3516 note), or the guidance issued pursuant to that provision in particular those regulations that rely in whole or in part on data, information, or methods that are not publicly available or that are insufficiently transparent to meet the standard of reproducibility; or (vi) derive from or implement Executive Orders or other Presidential directives that have been subsequently rescinded or substantially modified.''

Section 3(e) of the E.O. 13777 calls on the Task Force to ''seek input and other assistance, as permitted by law, from entities significantly affected by Federal regulations, including State, local, and tribal governments, small businesses, consumers, non-governmental organizations, trade associations'' on regulations that meet some or all of the criteria as described in this notice. Through this request for comments, DHA is soliciting such input from the public to inform evaluation of the sections of the TRICARE regulation at 32 CFR part 199 by the Task Force's DHA Subgroup. Although DHA will not respond to each individual comment, DHA may follow-up with respondents to clarify comments. DHA values public feedback and will consider all input that it receives.

Dated: October 17, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2017–22877 Filed 10–20–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Chapters I, V, VI, and VII

[Docket ID: DOD–2017–OS–0059]

DoD Regulatory Reform Task Force, Review of Existing DoD Regulations

AGENCY: Department of Defense.

ACTION: Request for comment.

SUMMARY: In accordance with Executive Order 13777, ''Enforcing the Regulatory Reform Agenda,'' the primary DoD Regulatory Reform Task Force is seeking input on existing DoD regulations that may be appropriate for repeal, replacement, or modification. See the **SUPPLEMENTARY INFORMATION** section in this notice for additional guidance.

DATES: Interested parties should submit written comments to the address shown in this document on or before January 22, 2018, to be considered.

ADDRESSES: Submit comments identified by ''DOD–2017–OS–0059'' using any of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by entering ''DOD–2017–OS–0059'' under the heading ''Enter keyword or ID'' and selecting ''Search.'' Select the link ''Submit a Comment'' that corresponds with ''DOD–2017–OS–0059.'' Follow the instructions provided at the ''Submit a Comment'' screen.
- *Mail:* Department of Defense, Office of the Deputy Chief Management Officer, Directorate of Oversight and Compliance, 4800 Mark Center Drive, Mailbox #24, Suite 08D09B, Alexandria, VA 22350–1700.

Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately three days after submission to verify posting (allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Ms. Patricia Toppings, telephone 571–372–0485; or Ms. Morgan Park, telephone 571–372–0489.

SUPPLEMENTARY INFORMATION: On February 24, 2017, the President signed Executive Order (E.O.) 13777, ''Enforcing the Regulatory Reform Agenda,'' which established a Federal policy ''to alleviate unnecessary regulatory burdens'' on the American people.

Section 3(a) of the E.O. directs Federal agencies to establish a Regulatory Reform Task Force (Task Force). One of the duties of the Task Force is to evaluate existing regulations and ''make recommendations to the agency head regarding their repeal, replacement, or modification.'' The E.O. further asks that each Task Force ''attempt to identify regulations that:

(i) Eliminate jobs, or inhibit job creation; (ii) are outdated, unnecessary, or ineffective; (iii) impose costs that exceed benefits; (iv) create a serious inconsistency or otherwise interfere with regulatory reform initiatives and policies; (v) are inconsistent with the requirements of section 515 of the Treasury and General Government Appropriation Act, 2001 (44 U.S.C. 3516 note), or the guidance issued pursuant to that provision in particular those regulations that rely in whole or in part on data, information, or methods that are not publicly available or that are insufficiently transparent to meet the standard of reproducibility; or (vi) derive from or implement Executive Orders or other Presidential directives that have been subsequently rescinded or substantially modified.''

Section 3(e) of the E.O. 13777 calls on the Task Force to ''seek input and other assistance, as permitted by law, from entities significantly affected by Federal regulations, including State, local, and tribal governments, small businesses, consumers, non-governmental organizations, trade associations'' on regulations that meet some or all of the criteria as described in this document. Through this request for comments, DoD is soliciting such input from the public to inform evaluation of its existing regulations by the primary DoD Regulatory Reform Task Force. Please do not provide comments in response to this document on the Defense Federal Acquisition Regulation Supplement, the Army Corps of Engineers regulations, or the Defense Health Agency TRICARE regulation as separate documents have been published to solicit comments on the regulations being reviewed by the DoD Regulatory Reform Task Force Subgroups. Although DoD will not respond to each individual comment, DoD may follow-up with respondents to clarify comments. DoD values public feedback and will consider all input that it receives.

Dated: October 17, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2017–22878 Filed 10–20–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2017–0060]

RIN 1625–AA09

Drawbridge Operation Regulation; Banana River, Indian Harbour Beach, FL

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking; reopening comment period.

SUMMARY: The Coast Guard is re-opening the comment period to solicit additional comments concerning its Notice of Proposed Rulemaking, published in April 2017 that proposes to change the regulation governing Mathers Bridge across the Banana River, mile 0.5, in Indian Harbour Beach, FL. The Coast Guard District Seven Bridge Office received a request from the City of Indian Harbour Beach, Florida requesting to re-open the comment period in order to allow members of the public to comment that did not have awareness of the initial notice and comment period.

DATES: Comments and relate material must reach the Coast Guard on or before November 22, 2017.

ADDRESSES: You may submit comments identified by docket number USCG–2017–0060 using Federal eRulemaking Portal at *http://www.regulations.gov*.

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

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or email LT Allen Storm with Coast Guard Sector Jacksonville Waterways; telephone 904–714–7616, email *Allan.H.Storm@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

On April 24, 2017, we published a notice of proposed rulemaking (NPRM) entitled, ''Banana River, Indian Harbour Beach, FL'' in the **Federal Register** (82 FR 18877). The original comment period closed on June 23, 2017. The NPRM proposed the initial change to the regulation governing the Mathers Bridge across the Banana River, mile 0.5, in Indian Harbour Beach, FL and contains useful background and analysis related to the initial proposed change. The public is encouraged to review the NPRM.

The City of Indian Harbour Beach notified the Seventh Coast Guard District Bridge Office they were unaware of the proposed regulation change as it impacts their residents. Reopening the comment period and providing notification of this action to the local media should accomplish the goal intended, which is to reach a broader range of waterway and highway users.

II. Public Participation and Request for Comments

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

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

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

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

This notice, re-opening the comment period, ensures notice and opportunity to comment on the NPRM before making the proposed changes final. This notice is issued under authority of 33 U.S.C. 1223 and 5 U.S.C. 552.

Dated: October 17, 2017.

Peter J. Brown,

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

[FR Doc. 2017–22937 Filed 10–20–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2017–0161]

RIN 1625–AA09

Drawbridge Operation Regulation; Canaveral Barge Canal, Canaveral, FL

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to modify the operating schedule that governs the SR 401 Drawbridge, mile 5.5 at Port Canaveral, Florida. This modified regulation is necessary to reduce vehicular traffic congestion and to ensure the safety of the roadways while passengers are transiting to and from Cruise Terminal 10, which is used by Norwegian Cruise Line at Port Canaveral. Since the homeporting of the cruise ship Norwegian Epic in the Port of Canaveral, traffic back-ups have been caused by the drawbridge openings. This modified regulation allows the bridge not to open to navigation during typical cruise-ship passenger loading and unloading times on Saturdays and Sundays.

DATES: Comments and related material must reach the Coast Guard on or before November 22, 2017.

ADDRESSES: You may submit comments identified by docket number USCG–2017–0161 using Federal eRulemaking Portal at *http://www.regulations.gov*.

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

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

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background, Purpose and Legal Basis

On April 25, 2017, the Coast Guard published a notice of deviation from drawbridge regulation with request for comments in the **Federal Register** (82 FR 18989). One comment was received.

The existing regulation as published at 33 CFR 117.273 states: (b) The drawspan of the SR401 Drawbridge, mile 5.5 at Port Canaveral, must open on signal; except that, from 6:30 a.m. to 8 a.m. and 3:30 p.m. to 5:15 p.m. Monday through Friday except Federal holidays, the drawspan need not be opened for the passage of vessels. From 10 p.m. to 6 a.m. the drawspan must open on signal if at least three hours notice is

given. The drawspan must open as soon as possible for the passage of public vessels of the United States and tugs with tows.

Under the current temporary deviation, the bridge remains in the closed-to-navigation position from 11 a.m. to 2 p.m. on Saturdays and Sundays. The Canaveral Port Authority has requested this deviation. The bridge logs from November 2016 indicate that, at most, an average of nine vessels per month may be affected by establishing this three hour bridge closure on Saturdays and Sundays. The majority of the opening requests were either at the beginning or end of this closure period; therefore, if these mariners adjust their transits slightly there should be a negligible overall effect.

The comment that was received stated that allowing this bridge to be closed for three hours during the weekends is unreasonable to vessel traffic as it limits the times the bridge will be available for use by the maritime community. The commenter also stated that the bridge should be allowed to open at least once an hour and that there was very little vehicle traffic during the third hour. The Coast Guard agrees. For this reason, the Coast Guard will continue to evaluate the impact to mariners navigating this area during the closure periods and has pubished this NPRM to allow for additional comments.

III. Discussion of Proposed Rule

This modified regulation is necessary to reduce vehicular traffic congestion and to ensure the safety of the roadways while passengers are transiting to and from Cruise Terminal 10, which is used by Norwegian Cruise Line at Port Canaveral. Since the arrival of the cruise ship Norwegian Epic to the Port of Canaveral, massive traffic back-ups have been caused by the drawbridge openings.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the ability that vessels can still transit the bridge before and after the proposed periods. Vessels that can pass under the bridge in the closed position may continue to do so.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Government

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

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

review, under figure 2–1, paragraph (32)(e), of the Instruction.

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

G. Protest Activities

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

V. Public Participation and Request for Comments

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

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

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

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

List of Subjects in 33 CFR Part 117

Bridges.

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

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

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

■ 2. In § 117.273, revise paragraph (b) to read as follows:

§ 117.273 Canaveral Barge Canal, Canaveral, FL.

* * * * *

(b) The drawspan of the SR401 Drawbridge, mile 5.5 at Port Canaveral, must open on signal; except that, from 6:30 a.m. to 8 a.m. and 3:30 p.m. to 5:15 p.m. Monday through Friday except Federal holidays, the drawspan need not be opened for the passage of vessels. On Saturday and Sunday, this bridge will be allowed to remain closed to navigation from 11 a.m. to 2 p.m. each day. From 10 p.m. to 6 a.m. the drawspan must open on signal if at least three hours notice is given. The drawspan must open as soon as possible for the passage of public vessels of the United States and tugs with tows.

Dated: October 17, 2017.

Peter J. Brown,

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

[FR Doc. 2017–22939 Filed 10–20–17; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R02–OAR–2017–0340; FRL–9969–72–Region 2]

Approval and Revision of Air Quality Implementation Plans; State of New York; Regional Haze State and Federal Implementation Plans

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) proposes to approve a source-specific revision to the New York State Implementation Plan (SIP). The SIP revision establishes Best Available Retrofit Technology (BART) emission limits for sulfur dioxide that are identical to those set by the EPA's Federal Implementation Plan (FIP) for the Roseton Generating Station, Units 1 and 2, which was promulgated in an action taken on August 28, 2012. The EPA proposes to find that the SIP revision fulfills the requirements of the Clean Air Act and the EPA's Regional Haze Rule for the Roseton Generating Station, Units 1 and 2. In conjunction with this proposed approval, we propose to withdraw those portions of the FIP that address BART for the Roseton Generating Station, Units 1 and 2.

DATES: Comment must be received on or before November 22, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R02–OAR–2017–0340), to *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Irene B. Nielson, Environmental Protection Agency, Air Programs Branch, 290 Broadway, New York, New York 10007–1866 at 212–637–3586 or by email at *nielson.irene@epa.gov.*

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Throughout this document whenever ''Agency,'' ''we,'' ''us,'' or ''our'' is used, we mean the EPA.

I. What action is the EPA proposing?

The EPA is proposing to approve a source-specific State Implementation Plan (SIP) revision for Units 1 and 2 at the Roseton Generating Station submitted by the New York State Department of Environmental Conservation (NYSDEC) on April 18, 2017. The EPA is proposing to approve emission limits for sulfur dioxide (SO_2) for Units 1 and 2 at the Roseton Generating Station that are equivalent to the emission limits established by the EPA's Federal Implementation Plan (FIP), as promulgated on August 28, 2012 (77 FR 51915).

II. What is the background information for this proposal?

This section provides a brief overview of the requirements of the Clean Air Act (CAA) and Regional Haze Rule, as they apply to this particular action. Please refer to our previous rulemakings on the New York Regional Haze SIP for additional background regarding the visibility protection provisions of the CAA and the Regional Haze Rule.[1]

A. SIP and FIP Background

The CAA requires each state to develop plans to meet various air quality requirements, including protection of visibility. (CAA sections 110(a), 169A, and 169B). The plans developed by a state are referred to as SIPs. A state must submit its SIPs and SIP revisions to EPA for approval. Once approved, a SIP is federally enforceable, that is enforceable by the EPA and subject to citizen suits under the CAA. If a state fails to make a required SIP submittal, or if we find that a state's required submittal is incomplete, or if we disapprove the submittal, then EPA must promulgate a FIP to fill this regulatory gap. (CAA section 110(c)(1)).

B. Regional Haze Background

In the 1977 Amendments to the CAA, Congress initiated a program for protecting visibility in the nation's national parks and wilderness areas. Section 169A(a)(1) of the CAA establishes as a national goal the ''prevention of any future, and the remedying of any existing, impairment of visibility in mandatory Class I Federal areas which impairment results from manmade air pollution.'' In 1990 Congress added section 169B to the CAA to address regional haze issues. On July 1, 1999, the EPA promulgated the Regional Haze Rule (RHR) (64 FR 35714). The requirement to submit a Regional Haze SIP applies to New York and all 50 states, the District of Columbia and the Virgin Islands. The RHR required states to submit the first implementation plan addressing regional haze visibility impairment no later than December 17, 2007. 40 CFR 51.308(b).

C. EPA Action on New York's Regional Haze Submittals

The EPA's final action on New York's Regional Haze SIP included approving 17 source-specific SIP revisions containing permits for Best Available Retrofit Technology (BART) and promulgating a FIP to address two sources where EPA disapproved New York's BART determinations. These two sources are the Roseton Generating Station (Units 1 and 2) and the Danskammer Generating Station (Unit 4). 77 FR 51915 (August 28, 2012).

In the 2012 FIP, the EPA ''encourage[d] New York at any time to submit a SIP revision to incorporate provisions that match the terms of our FIP, or relevant portion thereof,'' explaining that if EPA approved the SIP revision, it would replace the FIP provisions (77 FR 51915). On April 18, 2017, NYSDEC responded to this by submitting a request for a source-specific SIP revision for the Roseton Generating Station, Units 1 and 2, that matches the terms of EPA's FIP. Because NYSDEC was not required to update its BART determinations beyond incorporating the BART emission limits from the 2012 FIP, the EPA has no basis to disapprove the SIP revision and supplant it with another FIP. Therefore, in this action, the EPA proposes to approve the SIP revision and remove the Roseton Generating Station, Units 1 and 2, from the FIP. This action follows EPA's proposed action to remove the Danskammer Generation Station Unit 4 from the FIP. See 82 FR 21749 (May 10, 2017).

III. What is included in the NYSDEC SIP submittal?

On April 18, 2017, NYSDEC submitted a request for a source-specific SIP Revision for Roseton Generating Station, Units 1 and 2, intended to replace the EPA's FIP BART emission limits and related requirements that were promulgated on August 28, 2012 (77 FR 51915).

NYSDEC submitted to the EPA the Title V permit conditions 32.1 and 32.2 (pages 30–31) of the permit renewed on December 5, 2016 for the Roseton Generating Station, Units 1 and 2, and a copy of the NYSDEC ENB notice of February 15, 2017 for the proposed Roseton Generating Station SIP revision.[2]

IV. What is the EPA analysis of NYSDEC's submittal?

NYSDEC's submittal includes BART emission limits for the Roseton Generating Station, Units 1 and 2, that are identical to those contained in the EPA FIP: 0.55 pounds of SO_2 per million British thermal unit (lb SO_2/MMBtu) calculated on a 24 hour average for each unit (Units 1 and 2).

The EPA has evaluated and is proposing to approve NYSDEC's SIP submittal for the Roseton Generating Station, Units 1 and 2, which consists of emission limits for SO_2 and other administrative requirements (*i.e.,* monitoring, recordkeeping and reporting requirements). The SIP requirements are identical to those in the EPA's FIP promulgated on August 28, 2012. Consequently, the EPA proposes to withdraw those portions of the FIP that address BART for the Roseton Generating Station, Units 1 and 2. The EPA will fully consider all significant comments on this proposed revision to the NYSDEC SIP with regard to Roseton Generating Station.

V. Incorporation by Reference

In this rule, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference a source-specific SIP revision dated April 18, 2017, which includes BART emission limits for SO_2. The summary of emission limits and other enforceable requirements are included in section IV of this rulemaking. The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and/or at the EPA Region 2 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VI. Statutory and Executive Order Reviews

In reviewing NYSDEC's SIP submittal, the EPA's role is to approve state choices if they meet the requirements of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not

[1] 77 FR 24794 (April 25, 2012) (proposed rule); 77 FR 27162 (May 9, 2012) (Notice of Data Availability); 77 FR 51915 (Aug. 28, 2012) (final rule).

[2] In the SIP submittal and in subsequent correspondence with the EPA, NYSDEC notes the NO_X and PM limits for Roseton Generating Station Units 1 and 2, which were not subject to the FIP and are not part of this SIP action, are consistent with BART limits approved by EPA in in its August 28, 2012 Final Action on New York's Regional Haze SIP (77 FR 51915).

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)) and 13563 (76 FR 3821, January 21, 2011);
- is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866
- 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 (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 is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 52

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

Dated: September 29, 2017.

Catherine R. McCabe,

Acting Regional Administrator, Region 2.

[FR Doc. 2017–22365 Filed 10–20–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2017–0580; FRL–9969–81–Region 9]

Contingency Measures for the 1997 $PM_{2.5}$ Standards; California; San Joaquin Valley; Correction of Deficiency

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to determine that the deficiency that formed the basis for a disapproval of the contingency measures submitted for the San Joaquin Valley nonattainment area for the 1997 fine particulate matter ($PM_{2.5}$) national ambient air quality standards has been corrected. The proposed determination is based on the Agency's approval of revisions to the California State Implementation Plan that include regulations establishing standards and other requirements relating to the control of emissions from new on-road and new and in-use off-road vehicles and engines and a finding that the purposes of the contingency measure requirement, as applicable to the San Joaquin Valley based on its initial designation as a nonattainment area for the 1997 $PM_{2.5}$ standards, have been fulfilled. If finalized as proposed, the sanctions clocks triggered by the disapproval will be permanently stopped.

DATES: Any comments must arrive by November 22, 2017.

ADDRESSES: Submit your comments, identified by docket number EPA–R09–OAR–2017–0580 at *https://www.regulations.gov,* or via email to Rory Mays at *mays.rory@epa.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. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Rory Mays, EPA Region IX, (415) 972–3227, *mays.rory@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, whenever ''we,'' ''us,'' or ''our'' is used, we mean the EPA.

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I. Background
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I. Background

Under sections 108 and 109 of the Clean Air Act (CAA or ''Act''), the EPA establishes national ambient air quality standards (NAAQS). Over the years, the EPA has established NAAQS for particulate matter, ozone, carbon monoxide, lead, nitrogen dioxide, and sulfur dioxide. Under CAA section 110, each state must adopt and submit state implementation plans (SIPs) to implement, maintain, and enforce the NAAQS within such state. Under CAA section 107, the EPA designates areas of the country as ''nonattainment'' if the area does not meet a particular NAAQS or if the area contributes to ambient air quality in a nearby area that does not meet the NAAQS. In response to a nonattainment designation, states must revise their SIPs to provide for, among other things, reasonable further progress (RFP), attainment by the most expeditious date practicable but no later than the applicable attainment date, and contingency measures in the event the area fails to meet RFP or attainment by the applicable attainment date. *See,* generally, part D of title I of the CAA. Under CAA section 110(k), the EPA is charged with review of each SIP and SIP revision submitted by each state for compliance with applicable CAA requirements and for approval or disapproval (in whole or in part) through notice-and-comment

rulemaking published in the **Federal Register**.

Under CAA section 179(a), disapproval of a required SIP or SIP revision (in whole or in part) triggers a sanctions clock that runs from the effective date of the final action. Under 40 CFR 52.31, the offset sanctions in CAA section 179(b)(2) apply in the nonattainment area 18 months after the effective date of the disapproval action, and the highway sanctions in CAA section 179(b)(1) apply in the area six months thereafter, unless the state submits, and the EPA approves, prior to the implementation of the sanctions, a SIP submission that corrects the deficiencies identified in the disapproval action.[1]

On July 18, 1997, the EPA established new NAAQS for particles less than or equal to 2.5 micrometers in diameter ($PM_{2.5}$), including an annual standard of 15.0 micrograms per cubic meter (μg/m^3) based on a 3-year average of annual mean $PM_{2.5}$ concentrations and a 24-hour (daily) standard of 65 μg/m^3 based on a 3-year average of 98th percentile 24-hour $PM_{2.5}$ concentrations.[2] $PM_{2.5}$ can be emitted directly into the atmosphere as a solid or liquid particle (primary $PM_{2.5}$ or direct $PM_{2.5}$) or can be formed in the atmosphere as a result of various chemical reactions from precursor emissions of nitrogen oxides (NO_X), sulfur oxides (SO_X), volatile organic compounds, and ammonia (secondary $PM_{2.5}$).[3]

Effective April 5, 2005, the EPA designated the San Joaquin Valley in California as nonattainment for the 1997 $PM_{2.5}$ NAAQS.[4] The San Joaquin Valley $PM_{2.5}$ nonattainment area is located in the southern half of California's central valley and includes all of San Joaquin, Stanislaus, Merced, Madera, Fresno, Tulare, and Kings counties, and the valley portion of Kern County.[5] The local air district with primary responsibility for developing SIPs to attain the NAAQS in this area is the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD or District). Once the District adopts the regional plan, the District submits the plan to the California Air Resources Board (CARB) for adoption as part of the California SIP. CARB is the state agency responsible for adopting and revising the California SIP and for submitting the SIP and SIP revisions to the EPA.

Between 2007 and 2011, CARB made six SIP submittals to address nonattainment area planning requirements for the 1997 $PM_{2.5}$ NAAQS in the San Joaquin Valley.[6] We refer to these submittals collectively as the ''2008 $PM_{2.5}$ Plan.'' On November 9, 2011, the EPA approved all elements of the 2008 $PM_{2.5}$ Plan except for the contingency measures, which the EPA disapproved for failure to satisfy the requirements of CAA section 172(c)(9).[7] In approving the 2008 $PM_{2.5}$ Plan (*i.e.,* excluding the contingency measures), we approved an attainment date of April 5, 2015, but the plan provided a demonstration of attainment in 2014 (*i.e.,* the calendar year prior to the attainment date), and thus we refer to 2014 as the attainment year.[8]

Section 172(c)(9) requires states with nonattainment areas to revise the SIP to provide for the implementation of specific measures to be undertaken if the area fails to meet RFP or fails to attain the NAAQS by the applicable attainment date. As the EPA has explained in guidance to the states regarding the contingency measure requirements in section 172(c)(9), contingency measures should, at a minimum, ensure that an appropriate level of emission reduction progress continues to be made if attainment or RFP is not achieved and additional planning by the state is needed.[9] The purpose of such measures is to provide a cushion of emissions reductions while the plan is being revised to meet the missed milestone.[10] The contingency measures are to be implemented in the event that the area does not meet RFP or attain the NAAQS by the attainment date, and should represent a portion of the actual emission reductions necessary to bring about attainment in the area.[11] Accordingly, the EPA has recommended that the emission reductions anticipated by the contingency measures should be equal to approximately one year's worth of emission reductions needed to achieve RFP for the area.[12]

The contingency measure element of the 2008 $PM_{2.5}$ Plan included several different types of measures including a new commitment to an action by the District, surplus reductions in the RFP demonstration, post-2014 emissions reductions, contingency provisions in an adopted rule, reductions from incentive funds, and reductions from specifically-identified implemented rules that were not otherwise relied on in the attainment and RFP demonstrations.[13]

We disapproved the contingency measure element of the 2008 $PM_{2.5}$ Plan because the submittal failed to meet the requirements of section 172(c)(9) because, while some of the individual measures appeared to have merit for contingency measure purposes, the plan failed to provide sufficient information for the EPA to determine whether the emissions reductions from those individual measures that were creditable for contingency measure purposes provided for roughly one year's worth of RFP in excess of the 2012 RFP milestone target or in the year following the 2014 attainment year.[14] More specifically, based on the emissions estimates in the 2008 $PM_{2.5}$ Plan, one year's worth of RFP was calculated to be 31.6 tons per day (tpd) of NO_X, 2.5 tpd of direct $PM_{2.5}$, and 0.2 tpd of SO_X. While the plan provided sufficient information with respect to SO_X, the plan did not provide sufficient

[1] The offset sanction applies to New Source Review (NSR) permits for new major stationary sources or major modifications proposed in a nonattainment area, and it increases the ratio of emissions reductions (*i.e.,* offsets) to increased emissions from the new or modified source, which must be obtained to receive an NSR permit, to 2 to 1. The highway sanction prohibits, with certain exceptions, the U.S. Department of Transportation from approving or funding transportation projects in a nonattainment area.

[2] 62 FR 36852 (July 18, 1997) and 40 CFR 50.7. Effective December 18, 2006, the EPA strengthened the 24-hour $PM_{2.5}$ NAAQS by lowering the level to 35 μg/m^3. 71 FR 61144 (October 17, 2006) and 40 CFR 50.13. Effective March 18, 2013, the EPA strengthened the primary annual $PM_{2.5}$ NAAQS by lowering the level to 12.0 μg/m^3. 78 FR 3086 (January 15, 2013) and 40 CFR 50.18. In this preamble, all references to the $PM_{2.5}$ NAAQS, unless otherwise specified, are to the 1997 24-hour standard (65 μg/m^3) and annual standard (15.0 μg/m^3) as codified in 40 CFR 50.7.

[3] *See* 72 FR 20586 at 20589 (April 25, 2007).

[4] 70 FR 944 (January 5, 2005), codified at 40 CFR 81.305.

[5] For a precise description of the geographic boundaries of the San Joaquin Valley nonattainment area, *see* 40 CFR 81.305.

[6] 76 FR 69896 at n.2 (November 9, 2011) (final action on 2008 $PM_{2.5}$ Plan).

[7] *Id.,* at 69924.

[8] In connection with the motor vehicle emissions budgets (MVEBs) developed for the plan, the EPA approved a trading ratio of 9 tons per day (tpd) of NO_X to 1 tpd of direct $PM_{2.5}$. *See* 76 FR 41338, at 41361 (July 13, 2011) (proposed rule); and 76 FR 69896, at 69924 (November 9, 2011) (final rule). Later in this document, we rely on the trading ratio to determine that post-2014 attainment year emissions reductions from mobile sources are equivalent to approximately one year's worth of RFP with respect to direct $PM_{2.5}$ emissions.

[9] 57 FR 13498, at 13511 (April 16, 1992).

[10] 72 FR 20586, at 20642–20643 (April 25, 2007).

[11] *Id.,* at 20643.

[12] *Id.,* and 59 FR 41998, at 42014–42015 (August 16, 1994).

[13] *See* section 9.2 (''Contingency Measures'') in the 2008 $PM_{2.5}$ Plan; EPA Region 9, Technical Support Document (TSD) and Responses to Comments, Final Rule on the San Joaquin Valley 2008 $PM_{2.5}$ State Implementation Plan, September 30, 2011, pages 126–136.

[14] One year's worth of RFP is the yardstick the EPA has cited historically as the approximate quantity of emissions reductions that contingency measures must provide to satisfy CAA section 172(c)(9). *See* the EPA's September 30, 2011 TSD, pages 133–134.

information with respect to NO_X and direct $PM_{2.5}$.[15]

Several environmental and community organizations filed a petition for review challenging the EPA's November 9, 2011 approval of the attainment demonstration and reasonable further progress (RFP) demonstrations in the 2008 $PM_{2.5}$ Plan, arguing, among other things, that the 2008 $PM_{2.5}$ Plan had calculated the necessary emissions reductions and forecasts in part based on state-adopted mobile source measures that were not themselves incorporated into the federally enforceable plan, in violation of the CAA. The court case is known as *Committee for a Better Arvin* v. *EPA,* Case No. 11–73924 (9th Cir.). At that time, the EPA's longstanding and consistent practice had been to allow California SIPs to rely on emission reduction credit for state mobile source rules waived or authorized by the EPA under section 209 of the Act (''waiver measures'') to meet certain SIP requirements, including RFP, attainment and contingency measures, without requiring approval of those control measures into the SIP under section 110 of the Act.

On July 3, 2013, CARB made a new submittal to meet the contingency measure requirements for the 1997 $PM_{2.5}$ NAAQS in the San Joaquin Valley (''2013 Contingency Measure SIP'') and to correct the deficiencies identified in the EPA's November 2011 action disapproving the contingency measure element of the 2008 $PM_{2.5}$ Plan.[16] The 2013 Contingency Measure SIP contained the District's demonstration that actual emission levels in the San Joaquin Valley in 2012 were below the milestone year targets identified in the 2008 $PM_{2.5}$ Plan that had been approved by the EPA for the 2012 RFP year, and identified contingency measures that provided 2015 (*i.e.,* post-2014 attainment year) emission reductions not relied on for RFP or attainment that were equivalent to one year's worth of RFP. The specific measures that were relied upon included CARB's mobile source measures, the District's residential wood burning control measure (District Rule 4901), the District's implementation of incentive programs, and substitution of surplus direct $PM_{2.5}$ reductions for NO_X reductions.[17] CARB's mobile source measures (and associated vehicle fleet turnover) were credited with providing 65 percent of the contingency-related emissions reductions in 2015 for NO_X. The District's residential wood burning control measure, implementation of incentive measures, and substitution ratio were credited as providing the rest of the emissions reductions needed for NO_X and the necessary quantity of reductions for direct $PM_{2.5}$.

On May 22, 2014, the EPA fully approved the 2013 Contingency Measure SIP based on the Agency's conclusion that the SIP submittal corrected the outstanding deficiencies in the CAA section 172(c)(9) contingency measures for the 1997 $PM_{2.5}$ NAAQS.[18] In its May 22, 2014 final action on the 2013 Contingency Measure SIP, the EPA determined that the requirement for contingency measures for failure to meet RFP requirements was moot because the District had already met the RFP requirements relevant to the 2008 $PM_{2.5}$ Plan by the time of EPA's May 22, 2014 action.[19] With respect to the requirement for contingency measures for failure to attain, the EPA determined that CARB's continuing implementation of the mobile source control measures in 2015, together with other fully-adopted measures implemented by the District in the same timeframe, would provide for an appropriate level of continued emission reduction progress should the San Joaquin Valley fail to attain the 1997 $PM_{2.5}$ NAAQS by the applicable attainment date, thereby meeting the requirement for contingency measures for failure to attain.[20]

At the time of the EPA's 2014 action, there was not yet a decision in the *Committee for a Better Arvin* v. *EPA* challenge to our 2011 approval. Environmental and community organizations filed a petition for review of the EPA's May 22, 2014 action on the 2013 Contingency Measure SIP. They again argued that the EPA violated the CAA by approving that submittal even though it did not include the waiver measures on which it relied to achieve the necessary emissions reductions to meet contingency measure requirements.[21]

On May 20, 2015, the U.S. Court of Appeals for the Ninth Circuit issued its decision in *Committee for a Better Arvin* v. *EPA.* The court held that the EPA violated the CAA by approving the 2008 $PM_{2.5}$ Plan even though the SIP did not include the waiver measures on which the plan relied to achieve its emission reduction goals.[22] The court rejected the EPA's arguments supporting the Agency's longstanding practice, finding that section 110(a)(2)(A) of the Act plainly mandates that all control measures on which states rely to attain the NAAQS must be ''included'' in the SIP and subject to enforcement by the EPA and citizens. The court remanded the EPA's November 9, 2011 action for further proceedings consistent with the decision.

On June 10, 2015, the EPA filed an unopposed motion for voluntary remand of the May 22, 2014 final rule without vacatur based, *inter alia,* on the Agency's substantial and legitimate need to reexamine this rulemaking in light of the Ninth Circuit's May 20, 2015 decision in *Committee for a Better Arvin.* On June 15, 2015, the Ninth Circuit granted the EPA's motion and remanded the final rule to the EPA.[23]

On remand, consistent with the court's ruling in *Committee for a Better Arvin,* we withdrew our May 22, 2014 approval of the 2013 Contingency Measure SIP because it was predicated on an interpretation of the CAA that the Court rejected as being inconsistent with the CAA.[24] In that same action, we disapproved the 2013 Contingency Measure SIP for failure to satisfy the requirements of section 179(c)(9) of the Act because of the reliance on California waiver measures that the EPA had not approved into the California SIP.[25] The disapproval action became effective on June 13, 2016 and started a sanctions clock for imposition of offset sanctions 18 months after June 13, 2016 and highway sanctions 6 months later, pursuant to CAA section 179 and our regulations at 40 CFR 52.31. As a result, offset sanctions would apply on December 13, 2017 and highway sanctions would apply on June 13, 2018, unless the EPA were to determine that the deficiency forming the basis of the disapproval has been corrected.

On August 14, 2015, CARB submitted a SIP revision consisting of certain state regulations establishing standards and other requirements relating to the control of emissions from new on-road and new and in-use off-road vehicles and engines. The regulations submitted on August 14, 2015 had previously been

[15] *See* Table 10 on page 41359 of the EPA's proposed action on the 2008 $PM_{2.5}$ Plan at 76 FR 41338 (July 13, 2011).

[16] 78 FR 53313 at 53115–53116 (August 28, 2013) (proposed action on the 2013 Contingency Measure SIP).

[17] SJVUAPCD, ''Quantification of Contingency Reductions for the 2008 $PM_{2.5}$ Plan,'' June 30, 2013.

[18] 79 FR 29327 (May 22, 2014) (final action on the 2013 Contingency Measure SIP).

[19] 79 FR 29327 at 29350.

[20] 78 FR 53113 at 53123 and 79 FR 29327 at 29350.

[21] *Medical Advocates for Healthy Air* v. *EPA,* Case No. 14–72219 (9th Cir.).

[22] *Committee for a Better Arvin* v. *EPA,* 786 F.3d 1169 (9th Cir. 2015) (''*Committee for a Better Arvin*'') (partially granting and partially denying petition for review).

[23] *Medical Advocates for Healthy Air* v. *EPA,* Case No. 14–72219 (9th Cir.), Order, Docket Entry 30.

[24] 81 FR 29498 (May 12, 2016).

[25] *Id.,* at 29500.

issued waivers or had been authorized by the EPA under CAA section 209, and constitute the ''waiver measures'' relied upon in California air quality plans to reduce emissions and meet various nonattainment area requirements, such as RFP, attainment, and contingency measures. The regulations cover a wide range of mobile sources, including on-road passenger cars, trucks, and motorcycles; in-use transport refrigeration units, off-road diesel-fueled fleets, and portable diesel-fueled engines; commercial harbor craft, auxiliary diesel engines on ocean-going vessels, and spark-ignition marine engines and boats; off-road large spark-ignition and compression-ignition engines; and mobile cargo handling equipment, small off-road engines, and off-highway recreational vehicles and engines.[26] On June 16, 2016, the EPA took final action to approve the mobile source regulations and incorporate them as part of the federally-enforceable California SIP.[27] Since the 2014 attainment year, the waiver measures and related vehicle fleet turnover have reduced emissions from mobile sources in the San Joaquin Valley by 44.5 tpd of NO_X and 1.5 tpd of direct $PM_{2.5}$.[28]

II. Proposed Determination and Termination of Sanctions

The EPA's approval into the SIP of the comprehensive set of California waiver measures on June 16, 2016 as described above addresses the specific deficiency that formed the basis of our May 12, 2016 disapproval of the 2013 Contingency Measure SIP. In addition, the emissions reductions from the SIP-approved waiver measures have achieved post-attainment year emission reductions equivalent to approximately one year's worth of RFP as calculated for the 2008 $PM_{2.5}$ Plan,[29] and are thereby providing for sufficient progress towards attainment of the 1997 $PM_{2.5}$ standards while a new attainment plan is being prepared.[30] Therefore, we find that the purpose of the contingency measure requirement, as applicable to the San Joaquin Valley based on the area's designation in 2005 for the 1997 $PM_{2.5}$ NAAQS, have been fulfilled. Accordingly, we are proposing to determine that the deficiency that formed the basis for the disapproval of the 2013 Contingency Measure SIP has been corrected. If finalized as proposed, the determination would permanently stop the sanctions clocks triggered by the disapproval. *See* CAA section 179(a) and 40 CFR 52.31(d)(5).

III. Request for Public Comment

For the next 30 days, we will accept comments from the public on this proposal to determine that the deficiency that formed the basis of our disapproval of the 2013 Contingency Measure SIP has been corrected by the approval of the waiver measures as a revision to the California SIP and the finding that the waiver measures have achieved post-2014 attainment year emissions reductions sufficient to fulfill the purposes of the contingency measure requirement in CAA section 172(c)(9). The deadline and instructions for submission of comments are provided in the **DATES** and **ADDRESSES** sections at the beginning of this preamble.

IV. Statutory and Executive Order Reviews

This proposed action makes a determination that a deficiency that is the basis for sanctions has been corrected and imposes no additional requirements. For that reason, this proposed 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);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- 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 the EPA with the discretionary authority to address disproportionate human health or environmental effects with practical, appropriate, and legally permissible methods under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this proposed action does not have Tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), 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).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Sulfur oxides, Particulate matter.

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

Dated: October 10, 2017.

Douglas Luehe,

Acting Regional Administrator, Region IX.

[FR Doc. 2017–22870 Filed 10–20–17; 8:45 am]

BILLING CODE 6560–50–P

[26] 81 FR 39424, at 39424–39428 (June 16, 2016).

[27] 81 FR 39424 (June 16, 2016). Later in 2016, CARB submitted a second set of mobile source regulations waived or authorized by the EPA under CAA section 209, including regulations establish new or revised standards and other requirements relating to the control of emissions from such sources as on-road heavy-duty trucks, off-road large spark-ignition and compression-ignition engines, and small off-road engines. The EPA recently took final action to approve CARB's second set of mobile source regulations as a revision to the California SIP. 82 FR 1446 (March 21, 2017).

[28] Emissions projections for the San Joaquin Valley were made using CARB's criteria emissions model, ''CEPAM: 2016 SIP—Standard Emission Tool,'' for years 2014 and 2017 using a base year of 2012, reflecting growth and control factors, and representing tpd on an annual average basis.

[29] Emissions reductions of NO_X exceed those necessary for NO_X for contingency measures purposes (44.5 tpd achieved − 31.6 tpd needed) and provide excess emissions reductions sufficient to cover the shortfall of 1.0 tpd of direct $PM_{2.5}$ (2.5 tpd needed − 1.5 tpd achieved) by applying the trading ratio of 9 tpd of NO_X to 1 tpd of direct $PM_{2.5}$ that the EPA approved for the MVEBs in the 2008 $PM_{2.5}$ Plan.

[30] In response to the EPA's determination of failure to attain the 1997 $PM_{2.5}$ NAAQS, 81 FR 84481 (November 23, 2016), the District and CARB are preparing a new attainment demonstration with new contingency measures for the 1997 $PM_{2.5}$ NAAQS for the San Joaquin Valley.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 223

[Docket No. 160614518–7999–02]

RIN 0648–XE685

12-Month Finding and Proposed Rule To List the Chambered Nautilus as Threatened Under the Endangered Species Act

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

ACTION: Proposed rule; 12-month petition finding; request for comments.

SUMMARY: We, NMFS, announce a 12-month finding on a petition to list the chambered nautilus (*Nautilus pompilius*) as a threatened species or an endangered species under the Endangered Species Act (ESA). We have completed a comprehensive status review of the species in response to this petition. Based on the best scientific and commercial information available, including the status review report (Miller 2017), and after taking into account efforts being made to protect the species, we have determined that the chambered nautilus is likely to become an endangered species within the foreseeable future throughout its range. Therefore, we propose to list the chambered nautilus as a threatened species under the ESA. Any protective regulations determined to be necessary and advisable for the conservation of the proposed threatened chambered nautilus under ESA section 4(d) will be proposed in a separate **Federal Register** announcement. Should the proposed listing be finalized, we would also designate critical habitat for the species, to the maximum extent prudent and determinable; however, we have determined that critical habitat is not determinable at this time. We solicit information to inform our final listing determination, the development of potential protective regulations, and potential designation of critical habitat in the event the proposed threatened listing for the chambered nautilus is finalized.

DATES: Comments on the proposed rule to list the chambered nautilus must be received by December 22, 2017. Public hearing requests must be made by December 7, 2017.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2016–0098, by either of the following methods:

- *Electronic Submissions:* Submit all electronic public comments via the Federal eRulemaking Portal. Go to *www.regulations.gov/#&!docketDetail;D=NOAA-NMFS-2016-0098.* Click the ''Comment Now'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Maggie Miller, NMFS Office of Protected Resources (F/PR3), 1315 East West Highway, Silver Spring, MD 20910, USA.

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 personally 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).

The petition, status review report, **Federal Register** notices, and the list of references can be accessed electronically online at: *http://www.fisheries.noaa.gov/pr/species/invertebrates/chambered-nautilus.html.*

FOR FURTHER INFORMATION CONTACT: Maggie Miller, NMFS, Office of Protected Resources, (301) 427–8403.

SUPPLEMENTARY INFORMATION:

Background

On May 31, 2016, we received a petition from the Center for Biological Diversity to list the chambered nautilus (*N. pompilius*) as a threatened species or an endangered species under the ESA. On August 26, 2016, we published a positive 90-day finding (81 FR 58895) announcing that the petition presented substantial scientific or commercial information indicating that the petitioned action may be warranted for the chambered nautilus. We also announced the initiation of a status review of the species, as required by section 4(b)(3)(a) of the ESA, and requested information to inform the agency's decision on whether this species warrants listing as endangered or threatened under the ESA.

Listing Species Under the Endangered Species Act

We are responsible for determining whether the chambered nautilus is threatened or endangered under the ESA (16 U.S.C. 1531 *et seq.*). To make this determination, we first consider whether a group of organisms constitutes a ''species'' under section 3 of the ESA, then whether the status of the species qualifies it for listing as either threatened or endangered. Section 3 of the ESA defines species to include subspecies and, for any vertebrate species, any distinct population segment (DPS) that interbreeds when mature (16 U.S.C. 1532(16)). Because the chambered nautilus is an invertebrate, the ESA does not permit us to consider listing individual populations as DPSs.

Section 3 of the ESA defines an endangered species as ''any species which is in danger of extinction throughout all or a significant portion of its range'' and a threatened species as one ''which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.'' Thus, in the context of the ESA, the Services interpret an ''endangered species'' to be one that is presently at risk of extinction. A ''threatened species'' is not currently at risk of extinction, but is likely to become so in the foreseeable future (that is, at a later time). The key statutory difference between a threatened and endangered species is the timing of when a species is or is likely to become in danger of extinction, either presently (endangered) or in the foreseeable future (threatened).

When we consider whether a species qualifies as threatened under the ESA, we must consider the meaning of the term ''foreseeable future.'' It is appropriate to interpret ''foreseeable future'' as the horizon over which predictions about the conservation status of the species can be reasonably relied upon. What constitutes the foreseeable future for a particular species depends on species-specific factors such as the life history of the species, habitat characteristics, availability of data, particular threats, ability to predict threats, and the reliability to forecast the effects of these threats and future events on the status of the species under consideration. Because a species may be susceptible to a variety of threats for which different data are available, or which operate across different time scales, the foreseeable future is not necessarily reducible to a particular number of years.

The statute requires us to determine whether any species is endangered or threatened throughout all or a significant portion of its range as a result of any one or a combination of

any of the following factors: The present or threatened destruction, modification, or curtailment of its habitat or range; overutilization for commercial, recreational, scientific, or educational purposes; disease or predation; the inadequacy of existing regulatory mechanisms; or other natural or manmade factors affecting its continued existence. 16 U.S.C. 1533(a)(1). We are also required to make listing determinations based solely on the best scientific and commercial data available, after conducting a review of the species' status and after taking into account efforts, if any, being made by any state or foreign nation (or subdivision thereof) to protect the species. 16 U.S.C. 1533(b)(1)(A).

Status Review

A NMFS biologist in the Office of Protected Resources conducted the status review for the chambered nautilus (Miller 2017). The status review is a compilation of the best available scientific and commercial information on the species' biology, ecology, life history, threats, and status from information contained in the petition, our files, a comprehensive literature search, and consultation with nautilus experts. We also considered information submitted by the public in response to our petition finding. In assessing the extinction risk of the chambered nautilus, we considered the demographic viability factors developed by McElhany et al. (2000). The approach of considering demographic risk factors to help frame the consideration of extinction risk is well accepted and has been used in many of our status reviews, including for Pacific salmonids, Pacific hake, walleye pollock, Pacific cod, Puget Sound rockfishes, Pacific herring, scalloped, great, and smooth hammerhead sharks, and black abalone (see *http://www.nmfs.noaa.gov/pr/species/* for links to these reviews). In this approach, the collective condition of individual populations is considered at the species level according to four viable population descriptors: abundance, growth rate/productivity, spatial structure/connectivity, and diversity. These viable population descriptors reflect concepts that are well-founded in conservation biology and that individually and collectively provide strong indicators of extinction risk (NMFS 2015).

The draft status review report was subjected to independent peer review as required by the Office of Management and Budget (OMB) Final Information Quality Bulletin for Peer Review (M–05–03; December 16, 2004). The draft status review report was peer reviewed by independent specialists selected from the academic and scientific community, with expertise in nautilus biology, conservation, and management. The peer reviewers were asked to evaluate the adequacy, appropriateness, and application of data used in the status review, including the extinction risk analysis. All peer reviewer comments were addressed prior to dissemination and finalization of the draft status review report and publication of this finding.

We subsequently reviewed the status review report, its cited references, and peer review comments, and believe the status review report, upon which this 12-month finding and proposed rule is based, provides the best available scientific and commercial information on the chambered nautilus. Much of the information discussed below on the species' biology, distribution, abundance, threats, and extinction risk is presented in the status review report. However, in making the 12-month finding determination and proposed rule, we have independently applied the statutory provisions of the ESA, including evaluation of the factors set forth in section 4(a)(1)(A)–(E) and our regulations regarding listing determinations at 50 CFR part 424. The status review report is available on our Web site (see **ADDRESSES** section) and the peer review report is available at *http://www.cio.noaa.gov/services_programs/prplans/PRsummaries.html.* Below is a summary of the information from the status review report and our analysis of the status of the chambered nautilus. Further details can be found in Miller (2017).

Description, Life History, and Ecology of the Petitioned Species

Species Taxonomy and Description

Nautilus taxonomy is controversial. Based on the Integrated Taxonomic Information System (ITIS), which has a disclaimer that states it ''is based on the latest scientific consensus available . . . [but] is not a legal authority for statutory or regulatory purposes,'' two genera are presently recognized within the family of Nautilidae: *Allonautilus* and *Nautilus.* The genus *Allonautilus* has two recognized species: *A. perforatus* and *A. scrobiculatus.* The genus *Nautilus* has five recognized species*: N. belauensis* (Saunders 1981), *N. macromphalus* (Sowerby 1849), *N. pompilius* (Linnaeus 1758), *N. repertus* (Iredale 1944), and *N. stenomphalus* (Sowerby 1849). However, a review and analysis of recent genetic and morphological data suggests that perhaps only two of these five species are valid: *N. pompilius* and *N. macromphalus,* with the other three species more appropriately placed within *N. pompilius* (Vandepas et al. 2016; Ward et al. 2016). Saunders et al. (2017) suggested that consensus may be trending towards treating *N. pompilius* as a ''superspecies'' taxonomically, with *N. stenomphalus, N. belauensis,* and *N. repertus* as subspecies.

However, because the taxonomy of the *Nautilus* genus is not fully resolved, with ongoing debate as to the number of species that exist, we follow the latest scientific consensus of the taxonomy of the *Nautilus* genus as acknowledged by the ITIS, with *N. pompilius* identified as one of five recognized species.

The chambered nautilus is an externally-shelled cephalopod with a distinctive coiled calcium-carbonate shell that is divided into chambers. The shell can range in color from white to orange, and even purple, with unique color patterns (Barord 2015). Its distinctive coiled shell is what makes the chambered nautilus a highly sought after commodity in international trade (Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) 2016). The body of the chambered nautilus is housed in the largest chamber within the shell, and when the animal is attacked, it can seal itself into this chamber, closing the opening with a large, fleshy hood (Jereb 2005). The chambered nautilus also has up to 90 tentacles, without suckers, which they use to dig in substrate and scavenge for food (Barord 2015) and to grab on to reef surfaces for rest (CITES 2016).

Range, Distribution and Habitat Use

The chambered nautilus is found in tropical, coastal reef, deep-water habitats of the Indo-Pacific. Its known range includes waters off American Samoa, Australia, Fiji, India, Indonesia, Malaysia, Papua New Guinea, Philippines, Solomon Islands, and Vanuatu, and it may also potentially occur in waters off China, Myanmar, Western Samoa, Thailand, and Vietnam (CITES 2016). Additionally, Saunders et al. (2017) notes that traps set at *Nautilus* depths in Yap (Caroline Islands), Pohnpei and Majuro (Marshall Islands), Kosrae (Gilbert Islands), Western Samoa, and Tonga failed to catch any chambered nautiluses, providing ''highly suggestive'' evidence that the geographic range of *N. pompilius* may not extend out to these sites.

Within its range, the chambered nautilus has a patchy distribution and is unpredictable in its area of occupancy. Based on multiple research studies, the

presence of suitable habitat on coral reefs does not necessarily indicate the likelihood of chambered nautilus occurrence (CITES 2016). Additionally, the chambered nautilus is limited in its horizontal and vertical distribution throughout its range due to physiological constraints. Physiologically, the chambered nautilus cannot tolerate temperatures above approximately 25°C or depths exceeding around 750–800 meters (m) (Ward et al. 1980; Carlson 2010). At depths greater than 800 m, the hydrostatic pressure will cause the shell of the nautilus to implode, thereby killing the animal (Ward et al. 1980). Based on these physiological constraints, the chambered nautilus is considered to be an extreme habitat specialist, found in association with steep-sloped forereefs with sandy, silty, or muddy-bottomed substrates. Within these habitats, the species ranges from around 100 m depths (which may vary depending on the water temperature) to around 500 m depths (CITES 2016). The chambered nautilus does not swim in the open water column (likely due to its vulnerability to predation), but rather remains near the reef slopes and bottom substrate, and thus can be best characterized as a nektobenthic or epibenthic species (Barord (Barord et al. 2014; CITES 2016).

Nautilus pompilius can travel distances of up to 6 kilometers (km) in a day facilitated by currents (Dunstan et al. 2011c). However, at the depths where these animals are generally active (>200 m), currents are weak and movements are primarily accomplished through self-propulsion, with observed *N. pompilius* distances of up to 3.2 km per day and maximum speeds of up to 1.18 km/hour for short periods of time (less than 6 hours) (Dunstan et al. 2011a).

Despite the apparent temperature and depth constraints of the species, larger-scale migrations, although rare, have occurred. For example, an *N. pompilius* specimen was captured off southern Japan in the 1970s and assumed to have drifted 2,000 km in the Kuroshio Current from the Philippines (Saunders 2010). Saunders (2010) notes that these movements across large stretches of either shallow, warm water (< 100 meters (m), > 25° C) or deep water (> 800m) would likely be accomplished only by drifting or rafting (*i.e.,* moving passively with ocean currents) through midwater or surface waters. However, the author notes that these movement events must have occurred ''with sufficient frequency'' to account for the species' distribution across the Indo-Pacific (Saunders 2010).

Diet and Feeding

Chambered nautiluses are described as deep-sea scavenging generalists and opportunistic predators. As previously mentioned, the chambered nautilus uses its 90 retractable tentacles to dig in the substrate and feed on a variety of organisms, including fish, crustaceans, echinoids, nematodes, cephalopods, other marine invertebrates, and detrital matter (Saunders and Ward 2010; Barord 2015). The chambered nautilus also has an acute sense of olfaction and can easily smell odors (such as prey) in turbulent waters from significant distances (of up to 10 m) (Basil et al. 2000).

Growth and Reproduction

The general life history characteristics of the chambered nautilus are that of a rare, long-lived, late-maturing, and slow-growing marine invertebrate species, with likely low reproductive output. Circumferential growth rate for the chambered nautilus is estimated to range from 0.053 mm/day to 0.23 mm/day and slows as the animal approaches maturity (Dunstan et al. 2010; Dunstan et al. 2011b). However, average size at maturity of *N. pompilius* appears to vary among regions, with smaller shell diameters noted around the Philippines, Fiji, and eastern Australia and larger diameters off Indonesia (see Table 1 in Miller 2017). Additionally, the species exhibits sexual dimorphism, with males consistently growing to larger sizes than females (Saunders and Ward 2010).

Chambered nautilus longevity is at least 20 years, with age to maturity between 10 and 17 years (Dunstan et al. 2011b; Ward et al. 2016). Very little is known regarding nautilus reproduction in the wild. Observations of captive animals suggest that nautiluses reproduce sexually and have multiple reproductive cycles over the course of their lifetime. Based on data from captive *N. belauensis* and *N. macromphalus* individuals, female nautiluses may lay up to 10 to 20 eggs per year, which hatch after a lengthy embryonic period of around 10 to 12 months (Uchiyama and Tanabe 1999; Barord and Basil 2014; Carlson 2014). There is no larval phase, with juveniles hatching at sizes of 22 to 23 millimeters (mm) in diameter, and potentially migrating to deeper and cooler waters (Barord and Basil 2014); however, live hatchlings have rarely been observed in the wild.

Population Demographics and Structure

Isolated Populations

Most of the recent genetic data suggest that *N. pompilius* may actually be comprised of unrecognized sibling species that are genetically distinct and geographically isolated (CITES 2016). For example, in a recent examination of the genetic structure between an *N. pompilius* population off Western Australia and one off the Philippines, Williams et al. (2015) concluded that very little gene flow exists between these two populations. The authors note that the absence of migration between the Philippines and Western Australia indicates that recolonization would not be possible if the Philippines population were to be extirpated (Williams et al. 2015).

On a smaller geographic/population scale, Sinclair et al. (2007) analyzed DNA sequence information from *N. pompilius* collected from the Coral Sea and the outer edges of the Great Barrier Reef in northern Queensland (''Northern GBR'') and found population-specific genetic differentiation. Through use of Random Amplification of Polymorphic DNA (RAPD) analysis and partial sequencing of the *CoxI* gene region, the authors determined that there is genetic divergence between the geographic lineages of ''Northern GBR'' and ''Coral Sea,'' indicating distinct groups of populations and pointing to the potential for larger-scale geographic divergence of the species. In a follow-up study, Sinclair et al. (2011) found an even greater degree of genetic variation between populations on the east coast of Australia (using the ''Northern GBR'' and ''Coral Sea'' populations) and the west coast of Australia (Scott Reef), with phylogenetic analyses suggesting three genetically divergent populations.

In addition to genetics, other studies have looked at morphological differences to examine isolation between *N. pompilius* populations. For example, based on biometric analysis of *N. pompilius* from the Philippines and Fiji, Tanabe and Tsukahara (2010) concluded that the populations are morphologically differentiated, finding statistically significant differences in weight, size at maturity, and slopes of allometric relationships of morphological characters between the two populations.

While it is thought that deep water largely serves as a barrier to movement of *N. pompilius,* explaining the isolation of the above populations, results from Swan and Saunders (2010) suggest it is more likely a combination of both depth and geographic distance. In their study, Swan and Saunders (2010) examined the correlation between morphological differences and distances between populations in Papua New Guinea, including some that were separated by deep water (> 1000 m). Their findings

showed that adaptive equilibrium had not yet been attained, indicating that the populations are not completely genetically isolated (Swan and Saunders 2010). As such, the authors surmised that there is at least some degree of contact and gene flow between the Papua New Guinea populations, through potentially rafting or midwater movements, with the amount inversely related to the geographic distance between the populations (Swan and Saunders 2010).

Given the above information, it is reasonable to assume that populations separated by large geographic distances and deep water are genetically differentiated, with very little to no gene flow.

Diversity

In terms of genetic diversity, Williams et al. (2015) estimated large ancestral and current effective population sizes for the Philippines (current median size = 3,190,920) and Ashmore Reef (Western Australia) (current median size = 2,562,800) populations, indicating a low likelihood of the fixation of alleles and no evidence of significant genetic drift impacts in either population. Additionally, the authors found no significant difference in the allelic richness between the sampled locations in the Philippines and Western Australia. In other words, the data tend to suggest that the species may have high genetic diversity. However, Williams et al. (2015) caution that due to the low fecundity and long generation time of the species, genetic responses to current exploitation rates (such as decreases in genetic diversity) may not yet be detectable. In fact, using *CoxI* sequences from *N. pompilius* across its range and Tajima's *D* test to examine departures from population equilibrium, Vandepas et al. (2016) found significant negative Tajima's *D* values for the populations in Western Australia, New Caledonia and Papua New Guinea. These results indicate an excess of rare alleles or high-frequency polymorphisms within the populations, suggesting they may be currently recovering from possible bottleneck events. While not statistically significant, the Tajima's *D* values for the rest of the sampled populations, with the exception of Palau and Eastern Australia (*i.e.,* Fiji, Indonesia, Vanuatu, Philippines and American Samoa), were also negative, suggesting that the species potentially has low genetic diversity across its range.

Overall, given the available and somewhat conflicting information, the level of genetic diversity needed to maintain the survival of the species and the current level of genetic diversity across the entire range of the species remains highly uncertain. Further morphological and genetic tests examining differences within and among populations are needed.

Sex-Ratios and Population Structure

Regarding population structure, the available information indicates chambered nautilus populations are comprised mainly of male and mature individuals. Based on trapping data, including mark-recapture studies, male *N. pompilius* appear to dominate the chambered nautilus catch, with proportions of 75 to 80 percent (CITES 2016). In addition, a large proportion of those captured (around 75 percent) are mature, with juvenile *N. pompilius* individuals rarely caught (CITES 2016). Saunders et al. (2017) state that the male-female sex ratio and composition of mature individuals in nautilus populations provides clues to the current stability of the population. In the authors' study, they compared 16 nautilus populations from ''unfished'' areas (in Papua New Guinea, Australia, Indonesia, Fiji, Palau, American Samoa, New Caledonia, and Vanuatu) to two populations in the Philippines that have been subject to decades of uncontrolled exploitation and provided an estimate of quantitative measures to illustrate demographic disturbance, or ''disequilibrium,'' in a nautilus population. Specifically, Saunders et al. (2017) found that the mean percentage of mature animals in the unfished nautilus populations (n = 16) was 73.9 percent (standard deviation (SD): 21.8, standard error (SE): 5.1) and the mean percentage of males was 75.0 percent (SD: 16.4, SE: 4.1). The authors suggested that these proportions could be used as a baseline for determining whether a population (of n > 100 individuals) is at equilibrium (Saunders et al. 2017). In contrast, the intensely fished Philippine population from Tañon Straits (n = 353 individuals) had a male proportion of only 28 percent and mature individuals comprised only 26.6 percent of the population, which the authors suggest are levels that signal pending collapse of the local fishery (Saunders et al. 2017). Ultimately, the authors indicate that the ratios obtained by examining the sex and maturity composition of a nautilus population could be used as a basis for determining whether management and conservation measures are appropriate. However, a caveat to this method is that it is unclear if the male-biased sex ratio reflects the natural equilibrium for chambered nautilus populations. Because these population studies tend to use baited traps to capture chambered nautiluses, there may be an aspect of sampling bias in terms of the size and sex of individuals attracted to the traps. For example, laboratory studies by Basil (2014) suggest that female *N. pompilius* may repel each other. Potentially, this female avoidance of one another may explain why fewer females are found in the baited-trap field studies. In fact, in a study of *N. pompilius* drift shells that were collected between 1984 and 1987 in Papua New Guinea (n = 1,329), 54 percent were male, suggesting a much different sex ratio than those determined from baited studies (Saunders et al. 1991). Given the conflicting information, further research on sex ratios in the wild, as well as a better understanding of the population structure of the species, is needed before definitive conclusions can be drawn on this particular point.

Population Abundance and Trends

The global abundance of *N. pompilius* is unknown, with no available historical baseline population data. In fact, the first study to estimate baseline population size and density for the species in a given area was only recently conducted by Dunstan et al. (2011a). This study examined the *N. pompilius* population at Osprey Reef, an isolated coral seamount off Australia's northeastern coast with no history of nautilus exploitation. Based on data collected from 2000 to 2006, the authors estimated that the population at Osprey Reef consisted of between 844 and 4,467 individuals, with a density estimate of 14.6 to 77.4 individuals per square kilometer (km^2) (Dunstan et al. 2011a). Subsequent research, conducted by Barord et al. (2014), provided abundance estimates of nautiluses (species not identified) from four locations in the Indo-Pacific: The Panglao region of the Bohol Sea, Philippines, with 0.03 individuals per km^2, Taena Bank near Pago Pago Harbor, American Samoa, with 0.16 individuals per km^2, the Beqa Passage in Viti Levu, Fiji, with 0.21 individuals per km^2, and the Great Barrier Reef along a transect from Cairns to Lizard Island, Australia, with 0.34 individuals per km^2 (see Table 2 in Miller 2017). With the exception of the Bohol Sea, these populations are located in areas where fishing for nautiluses does not occur, suggesting that nautiluses may be naturally rare, or that other unknown factors, besides fishing, may be affecting their abundance. The authors also indicate that the population estimates from this study may, in fact, be overestimates as they used baited remote underwater video systems to

attract individuals to the observation area (Barord et al. 2014). In either case, these very low population estimates suggest that chambered nautiluses are especially vulnerable to exploitation, with limited capacity to recover from depletion. This theory is further supported by the comparison between the population density in the Panglao region of the Bohol Sea, where nautilus fishing is occurring, and the unfished sites in American Samoa, Fiji, and Australia, with the Bohol Sea density less than 20 percent of the smallest unfished population (Barord et al. 2014).

Recently, Williams et al. (2015) used genetic modelling to estimate median population sizes for *N. pompilius* from locations in Australia and the Philippines. Specifically, the authors examined genetic markers and used Bayesian clustering methods to estimate a median population size for the Australian Ashmore Reef population (which the authors note may possibly contain the entire Australian northwest shelf nautilus population) at 2,562,800 individuals (Williams et al. 2015). Using the same methods, Williams et al. (2015) estimated a median size for the Palawan region, Philippines, population at 3,190,920 individuals. The authors recognize that the use of different methods to generate population density estimates (such as those used by Barord et al. (2014)) will produce ''predictably dissimilar abundance data'' (Williams et al. 2015). Additionally, as mentioned previously, the authors suggest that the large estimates from the genetic methods (with no evidence of population reduction) may indicate that the genetic response to exploitation (*e.g.,* a decrease in allelic richness) has not had enough time to become detectable yet, unlike the trapping data from the above studies (Williams et al. 2015).

Overall, abundance information is extremely spotty and limited to only a select number of locations (see Table 3 in Miller 2017). Based on data from the 1980s, collected from sites off American Samoa, Fiji, Papua New Guinea, and Vanuatu, the average number of *N. pompilius* individuals caught per trap ranged from 1 to 30, depending on the site (see Table 3 in Miller 2017). From 1998 to 2008, an average of 5.7 to 7.9 *N. pompilius* individuals were caught per trap off Osprey Reef in Australia (Dunstan et al. 2011a). However, it is difficult to make comparisons between these locations using the available abundance and catch-per-unit-effort (CPUE) information (*e.g.,* number of individuals caught per trap) because the methods of collecting the data vary greatly by study. For example, most studies examining abundance of nautiluses are based on trapping data where multiple traps can be set and left over multiple nights, or one trap can be set for one night, and the particulars of the trapping methods are generally not available from the anecdotal or study descriptions. As such, the available reported data are hard to standardize across studies. It should also be noted that the majority of the data are over two decades old, with no available recent trapping estimates. Furthermore, although not yet confirmed by research, many nautilus experts hypothesize that chambered nautiluses likely occur in locations where they are not currently observed (NMFS 2014), suggesting abundance may be underestimated. However, these experts agree that current abundance estimates cannot be extrapolated across the species' range without considering suitable habitat and likelihood of nautilus presence (NMFS 2014), which has yet to be done.

Regarding current trends in abundance, *N. pompilius* populations are generally considered stable in areas where fisheries are absent (*e.g.,* Australia) and declining in areas where fisheries exist for the species; however, recent CPUE data from Fiji indicate a decline despite no active fishery (FAO 2016). In the unfished Australian Osprey Reef population discussed above, Dunstan et al. (2010) used mark-recapture methods to examine the trend in CPUE of individuals over a 12-year period. Analysis of the CPUE data showed a slight increase of 28 percent from 1997 to 2008, and while this increase was not statistically significant, the results indicate a stable *N. pompilius* population in this unexploited area (Dunstan et al. 2010).

In locations where fisheries have operated or currently operate, anecdotal declines and observed decreases in catches of nautilus species are reported (see Table 4 in Miller 2017). Citing multiple personal communications, the CITES (2016) proposal (to include all species of nautiluses in Appendix II of CITES) noted declines of *N. pompilius* in Indian waters, where commercial harvest occurred in the past for several decades, and in Indonesian waters, where harvest is suspected to be increasing. In fact, traders in Indonesia have observed a significant decrease (with estimates up to 97 percent) in the number of nautiluses collected over the past 10 years, which may be an indication of a declining and depleted population (Freitas and Krishnasamy 2016). In the Philippines, Dunstan et al. (2010) estimated that the CPUE of *Nautilus* from four main nautilus fishing locations in the Palawan region has decreased by an estimated average of 80 percent in less than 30 years. Anecdotal reports from fishermen that once fished for *N. pompilius* in the Sulu Sea note that the species is near commercial extinction, forcing fishermen to move to new areas in the South China Sea (Freitas and Krishnasamy 2016). Furthermore, in Tawi Tawi, Cayangacillo, and Tañon Strait/Cebu, Philippines, fisheries that once existed for chambered nautiluses have since been discontinued because of the rarity of the species, with Alcala and Russ (2002) noting the likely extirpation of *N. pompilius* from Tañon Strait in the late 1980s. The fact that the species has not yet recovered in the Tañon Strait, despite an absence of nautilus fishing in over two decades, further supports the susceptibility of the species to exploitation and its limited capability to repopulate an area after depletion.

Species Finding

Based on the best available scientific and commercial information described above, we find that the latest scientific consensus is that *N. pompilius* is considered a taxonomically-distinct species and, therefore, meets the definition of ''species'' pursuant to section 3 of the ESA. Below, we evaluate whether this species warrants listing as endangered or threatened under the ESA throughout all or a significant portion of its range.

Summary of Factors Affecting the Chambered Nautilus

As described previously, section 4(a)(1) of the ESA and NMFS' implementing regulations (50 CFR 424.11(c)) state that we must determine whether a species is endangered or threatened because of any one or a combination of the following factors: the present or threatened destruction, modification, or curtailment of its habitat or range; overutilization for commercial, recreational, scientific, or educational purposes; disease or predation; inadequacy of existing regulatory mechanisms; or other natural or man-made factors affecting its continued existence. We evaluated whether and the extent to which each of the foregoing factors contribute to the overall extinction risk of the chambered nautilus. We considered the impact of all factors for which information is available. For each relevant factor, we also considered whether a particular impact is having a minor or significant influence on the species' status. A ''significant'' contribution is defined, for purposes of this evaluation, as increasing the risk to such a degree that

the factor affects the species' demographics (*i.e.,* abundance, productivity, spatial structure, diversity) either to the point where the species is strongly influenced by stochastic or depensatory processes or is on a trajectory toward this point. Demographic stochasticity refers to the variability of annual population change arising from random events such as birth and death rates, sex ratios, and dispersal at the individual level. Depensatory processes refers to those density-dependent processes that result in increased mortality as density decreases. For example, decreases in the breeding population can lead to reduced production and survival of offspring. This section briefly summarizes our findings and conclusions regarding threats to the chambered nautilus and their impact on the overall extinction risk of the species. More details can be found in the status review report (Miller 2017).

The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

Chambered nautilus habitat, and in particular coral reefs, are impacted by a number of human activities. These activities include the harvest of coral reef species through use of destructive or unselective fishing practices, coastal development and deep-sea mining that can contribute to pollution and sedimentation of habitat, and changes in water temperature and pH caused by climate change. Below we briefly describe these various threats to the habitat of *N. pompilius* and evaluate the likely impact on the status of the species. More details can be found in the status review report (Miller 2017).

Harvest of Coral Reef Species and Destructive and Unselective Fishing Practices

Many coral reef species are harvested for the aquarium trade and to satisfy the high-end Asian food markets (CITES 2016). In addition to directly contributing to the loss of biodiversity on the reefs, some of the techniques used to obtain coral reef species for these industries can cause significant destruction to coral reef communities. For example, blast and poison fishing are two types of destructive and unselective fishing practices that are used to harvest coral reef species throughout much of the range of the chambered nautilus (WRI 2011). Figure 3 in Miller (2017) depicts the extent and severity of observed blast or poison fishing areas, which are primarily concentrated off the Philippines, Indonesia, and Malaysia.

Blast fishing is particularly destructive as it not only destroys coral reefs but also indiscriminately kills their marine inhabitants. A ''typical'' blast will shatter corals and turn them into rubble within a 1 to 1.5 m diameter of the blast site, and can kill marine organisms, including invertebrates, within a 20 m radius (Pet-Soede and Erdmann 1998; Njoroge 2014). Although blast fishing is largely illegal, the use of this destructive practice still continues in many areas. For example, in a September 2016 article in the Jakarta Post, Amnifu (2016) reports that blast fishing, a common occurrence in East Nusa Tenggara waters, and particularly around Sumba Island, has recently expanded to parts of the Sawu Sea National Park's conservation area.

Because blast fishing is generally conducted in shallow reef waters (*e.g.,* 5 to 10 m depths) (Fox and Caldwell 2006), *N. pompilius* is unlikely to experience direct mortality from these destructive practices given that they generally inhabit much deeper waters. However, the indirect impact, such as changes in coral reef community structure and loss of fish biomass (Raymundo et al. 2007), may decrease the availability of food resources for the scavenging chambered nautilus. Also, depending on the extent of the coral reef destruction, *N. pompilius,* because of its physiological constraints, may be incapable of finding and exploiting other suitable habitat with greater prey resources. Additional research is needed as to the potential effects of blast fishing on the deeper-water inhabitants of these impacted coral reefs before definitive conclusions can be drawn regarding this particular factor.

Another primarily illegal fishing practice that destroys coral reefs is the use of cyanide, which is primarily deployed to stun and capture live reef fish. When exposed to cyanide, coral respiration rates decrease and can cease altogether, with corals observed expelling their zooxanthellae, resulting in bleaching and mortality events (Rubec 1986; Jones 1997). The practice of using cyanide to harvest reef fish dates back to the 1960s, where it was developed and commonly used in the Philippines, before spreading to Indonesia (CITES 2016). Similar to blast fishing, cyanide fishing is unlikely to result in direct mortality of *N. pompilius,* given the species' preferred depth range; however, changes in coral reef community structure and loss of fish biomass (Raymundo et al. 2007) might decrease the availability of food resources for the chambered nautilus. Additional research is needed before definitive conclusions can be drawn as to the potential effects of cyanide on the deeper-water reef habitats and inhabitants.

Overall, given the speculative effects of blast and cyanide fishing on nautilus populations, and the patchy and largely unknown distribution of the species and its habitat preferences, the best available information does not indicate that habitat degradation from the harvest of coral reef species and destructive and unselective fishing practices are likely significant threats to the species. Further research is needed before definitive conclusions can be drawn regarding the extent of nautilus habitat degradation and the impacts on the status of the species.

Pollution and Sedimentation

Evidence of the impacts of pollution and sedimentation on chambered nautilus habitat and the effects to the species is speculative or largely unavailable. For example, in their review of the nautilus CITES (2016) proposal, the fifth Food and Agriculture Organization of the United Nations expert advisory panel (FAO panel) hypothesized that an observed 60 percent decline in a local *N. pompilius* population in Fiji was potentially because of pollution of its habitat (FAO 2016). This assumption was largely based on the fact that no known local utilization of the species and no commercial fishery exists in this area. Therefore, the FAO panel speculated that the decline was attributed to local habitat degradation, as they noted the population is in close proximity to a major port (Suva) and its potentially small and fragmented characteristics made it especially vulnerable to habitat destruction (FAO 2016).

Although deep sea mining may also contribute to the pollution of chambered nautilus habitat, it appears that the extent of this pollution, and its subsequent impacts on nautilus populations, may be largely site-specific. For example, in a study comparing bioaccumulation rates of trace elements between nautilus species located in a heavily mined location (*i.e., N. macromphalus* in New Caledonia) versus a location not subject to significant mining (*i.e., N. pompilius* in Vanuatu), Pernice et al. (2009) found no significant difference between the species for trace elements of Ag, Co, Mn, Ni, Pb, Se, V, and Zn. The authors concluded that the geographical origin of the nautilus species was not a major contributor to interspecific differences in trace element concentrations (Pernice et al. 2009). Additionally, the authors noted that, based on the study results, the heavy nickel mining conducted in

New Caledonia does not appear to be a significant source of contamination in the oceanic habitat of the nautilus, suggesting that the lagoons in New Caledonia likely trap the majority of the trace elements from the intense mining activities (Pernice et al. 2009).

The biological impact of potential toxin and heavy metal bioaccumulation in chambered nautilus populations is unknown. Many of the studies that have evaluated metal concentrations in cephalopods examined individuals outside of the range of the chambered nautilus, with results that show that metal concentrations vary greatly depending on geography (Rjeibi et al. 2014; Jereb et al. 2015). As such, to evaluate the degree of the potential threat of bioaccumulation of toxins in chambered nautilus, information on concentrations of these metals from *N. pompilius,* or similar species that share the same life history and inhabit the same depth and geographic range of *N. pompilius,* is necessary. For example, the study by Pernice et al. (2009), mentioned above, examined the bioaccumulation rates of trace elements between two nautilus species in similar depths and geographic ranges. However, the authors found no significant difference between those nautiluses located in areas of intensive mining (and, therefore, high heavy metal pollutants) compared to nautiluses in areas without significant mining (Pernice et al. 2009). With the exception of this one study, we found no other information on the bioaccumulation rates of metals in the chambered nautilus, including the lethal concentration limits of toxins or metals in *N. pompilius* or evidence to suggest that current concentrations of environmental pollutants are causing detrimental physiological effects to the point where the species may be at increased risk of extinction. As such, the best available information does not indicate that present bioaccumulation rates and concentrations of environmental pollutants in *N. pompilius* or their habitat are likely significant threats to the species.

Climate Change and Ocean Acidification

Given the narrow range of temperature tolerance of the chambered nautilus, warming surface water temperatures due to climate change may further restrict the distribution of the species, decreasing the amount of suitable habitat (particularly in shallower depths) available for the species. Perhaps more concerning may be the effects of ocean acidification. In terms of ocean acidification, which will cause a reduction of pH levels and concentration of carbonate ions in the ocean, it is thought that shelled mollusks are likely at elevated risk as they rely on the uptake of calcium and carbonate ions for shell growth and calcification. However, based on available studies, the effects of increased ocean acidification on juvenile and adult mollusk physiology and shell growth are highly variable (Gazeau et al. 2013). For example, after exposure to severe CO_2 levels (pCO_2 = 33,000 µatm) for 96 hours, the deep-sea clam, *Acesta excavata,* exhibited an initial drop in oxygen consumption and intracellular pH but recovered with both levels approaching control levels by the end of the exposure duration (Hammer et al. 2011). No mortality was observed over the course of the study, with the authors concluding that this species may have a higher tolerance to elevated CO2 levels compared to other deep-sea species (Hammer et al. 2011). This is in contrast to intertidal and subtidal mollusk species, such as *Ruditapes decussatus, Mytilus galloprovincialis,* and *M. edulis,* which exhibited reduced standard metabolic rates and protein degradation when exposed to decreases in pH levels (Gazeau et al. 2013).

Regarding the impact of ocean acidification on calcification rates, which is important for the growth of chambered nautiluses, one relevant study looked at cuttlebone development in the cephalopod *Sepia officinalis* (Gutowska et al. 2010). Similar to nautiluses, cuttlefish also have a chambered shell (cuttlebone) that is used for skeletal support and for buoyancy regulation. Results from the study showed that after exposure to 615 Pa CO_2 for 6 weeks, there was a seven-fold *increase* in cuttlebone mass (Gutowska et al. 2010). However, it should be noted that unlike *N. pompilius, Sepia officinalis* is not a deep-sea dwelling species but rather found in 100 m depths, and their cuttlebone is internal (not an external shell).

While the above were only a few examples of the variable impacts of ocean acidification on mollusk species, based on the available studies, such as those described in Gazeau et al. (2013), it is clear that the effects are largely species-dependent (with differences observed even *within* species). To date, we are unaware of any studies that have been conducted on *N. pompilius* and the potential effects of increased water temperatures or acidity on the health of the species. Therefore, given the species-specific sensitivities and responses to climate change impacts, and with no available information on chambered nautiluses, we cannot conclude that the impacts from climate change are currently or will in the foreseeable future be significant threats to the existence of the species in the future.

Overutilization for Commercial, Recreational, Scientific or Educational Purposes

Based on the best available information, the primary threat to the chambered nautilus is overutilization for commercial purposes—mainly, harvest for the international nautilus shell trade. Chambered nautilus shells, which have a distinctive coiled interior, are traded as souvenirs to tourists and shell collectors and also used in jewelry and home décor items (where either the whole shell is sold as a decorative object or parts are used to create shell-inlay designs) (CITES 2016). The trade in the species is largely driven by the international demand for their shells and shell products since fishing for nautiluses has been found to have no cultural or historical relevance (Dunstan et al. 2010; De Angelis 2012; CITES 2016; Freitas and Krishnasamy 2016). Nautilus meat is also not locally in demand (or used for subsistence) but rather sold or consumed as a by-product of fishing for the nautilus shells (De Angelis 2012; CITES 2016). While all nautilus species are found in international trade, *N. pompilius,* being the most widely distributed, is the species most commonly traded (CITES 2016).

Although most of the trade in chambered nautiluses originates from the range countries where fisheries exist or have existed for the species, particularly the Philippines and Indonesia, commodities also come from those areas with no known fisheries (such as Fiji and Solomon Islands). Other countries of origin for *N. pompilius* products include Australia, China, Chinese Taipei, India, Malaysia, New Caledonia, Papua New Guinea, Vanuatu, and Vietnam (Freitas and Krishnasamy 2016). Known consumer markets for chambered nautilus products include the Middle East (United Arab Emirates, Saudi Arabia), Australia, Singapore, Malaysia, Indonesia, Philippines, Hong Kong, Russia, Korea, Japan, China, Chinese Taipei and India, with major consumer markets noted in the European Union (Italy, France, Portugal), the United Kingdom, and the United States (Freitas and Krishnasamy 2016). In fact, between 2005 and 2014, the United States imported more than 900,000 chambered nautilus products (CITES 2016). The vast majority of these U.S. imports

originated from the Philippines (85 percent of the traded commodities), followed by Indonesia (12 percent), China (1.4 percent), and India (1.3 percent) (CITES 2016).

Because harvest of the chambered nautilus is primarily demand-driven for the international shell trade, the intensive nautilus fisheries that develop to meet this demand tend to follow a boom-bust cycle that lasts around a decade or two before becoming commercially nonviable (Dunstan et al. 2010; De Angelis 2012; CITES 2016). Fishing for nautiluses is fairly inexpensive and not labor-intensive, requiring a fish trap baited with locally-available meat (*e.g.,* cow, duck, goat, offal, chicken, pufferfish) (Freitas and Krishnasamy 2016). These traps are usually set at 150 to 300 m depths and retrieved after a few hours or left overnight (Freitas and Krishnasamy 2016). Given the fishing gear requirements, and the fact that the chambered nautilus exists as small, isolated populations, harvest of the species may continue for years within a region, with the fisheries serially depleting each population until the species is essentially extirpated from that region (CITES 2016).

Commercial harvest of the species is presently occurring or has occurred in the Philippines, Indonesia, India and Papua New Guinea, and also potentially in China, Thailand and Vanuatu (CITES 2016). However, based on the number of commodities entering the international trade, we find that the best available information supports the conclusion that the Philippines and Indonesia have the largest commercial fisheries for chambered nautilus, with multiple harvesting sites throughout these nations (CITES 2016). Although information on specific harvest levels and the status of chambered nautilus populations within this portion of its range is limited, the best available data, discussed below, provide significant evidence of the negative impact of these fisheries and resulting overutilization of the species.

Commercial Harvest

In the Philippines, the harvesting of chambered nautiluses appears to have no cultural or historical relevance other than as a source of local income for the shell trade, with meat either consumed by the fishermen or sold in local markets (del Norte-Campos 2005; Dunstan et al. 2010). Yet, anecdotal accounts of fishing for *N. pompilius* indicate that trapping of the species has occurred as early as 1900 (Saunders et al. 2017). Specifically, these accounts suggest trapping in 1900 and 1901 would yield anywhere from 4–5 nautiluses per trap to up to 20 animals (depending on the duration of the trap set) (Saunders et al. 2017). In 1971, Haven (1972, cited in Haven (1977)) found that Tañon Strait, Philippines, was still an abundant source of *N. pompilius.* From 1971 to 1972, around 3,200 individuals were captured for study (Haven 1977). Prior to this time, *N. pompilius* was, for the most part, caught as bycatch in fish traps by Filipino fishermen (Saunders et al. 2017). However, Haven (1977) notes that it was during this time when more fishermen began targeting Tañon Strait, specifically for nautilus shells, with the numbers of fishermen tripling during subsequent years. Trap yields in 1972 were similar to those from the early 1900s, with fishermen reporting catches of zero to 19 nautiluses, with an average of 5 animals per trap (Saunders et al. 2017). However, by 1975, the impact of this substantial increase in fishing pressure on the species was already evident (Haven 1977). Fishermen in 1975 reported having to move operations to deeper water as catches were now rare at shallower depths, and the number of individuals per trap had also decreased (Haven 1977). Additionally, although the number of fishermen had tripled in those 3 years, and therefore fishing effort for the species intensified, the catch did not see an associated increase, indicating a likely decrease in the abundance of the species within the area (Haven 1977). By 1979, trap yields had drastically fallen, to around 2 nautiluses per trap, and only a few fishermen remained engaged in the fishery (Saunders et al. 2017). CITES (2016) reports that around 5,000 chambered nautiluses were trapped per year in Tañon Strait in the early 1980s and, by 1987, the population was estimated to have declined by 97 percent from 1971 levels, with the species considered commercially extinct and potentially extirpated from the area (Alcala and Russ 2002). Based on 2014 data from baited remote underwater video station footage in the region, nautilus activity remains low, and the population density still has yet to recover to pre-1970 levels (Saunders et al. 2017).

Similarly, other nautilus fishing sites that were established in the late 1980s, including at Tawi Tawi (an island province in southwestern Philippines), Cagayancillo (an island in the Palawan province) and Cebu Strait (east of Tañon Strait), have also seen harvest crash in recent decades (Dunstan et al. 2010). More recently, in the Central Luzon region, Bulacan and Pampanga Provinces were formerly collection and trade sites for nautilus species; however, collectors and traders noted that the last shipments from these areas were in 2003 and 2007, respectively, indicating they are likely no longer viable harvesting sites (Freitas and Krishnasamy 2016).

The level of historical harvest (5,000 chambered nautilus individuals/year) that appeared to lead to local extirpations in Tañon Strait is being greatly exceeded in a number of other areas throughout the chambered nautilus' range in the Philippines. In Tibiao, Antique Province, in northwestern Panay Island, del Norte-Campos (2005) estimated annual yield of the chambered nautilus at around 12,200 individuals for the entire fishery (data from 2001 to 2002). In the Palawan nautilus fishery, 9,091 nautiluses were harvested in 2013 and 37,341 in 2014 (personal communication cited in CITES (2016)). This level of harvest is particularly concerning given the significant declines already observed in these fisheries. In fact, in four of the five main nautilus fishing areas in this province, Dunstan et al. (2010) estimated a decline in CPUE of the species ranging from 70 percent to 90 percent (depending on the fishing site) over the course of only 6 to 24 years. The one main fishing region in Palawan that did not show a decline was the municipality of Balabac; however, the authors note that this fishery is relatively new (active for less than 8 years), with fewer fishermen, and, as such, may not yet have reached the point where the population crashes or declines become evident in catch rates (Dunstan et al. 2010). Given that the estimated annual catches in the Balabac municipality ranged from 4,000 to 42,000 individuals in 2008 (Dunstan et al. 2010), this level of annual harvest, based on the trends from the other Palawan fishing sites (Dunstan et al. 2010), will likely lead to similar population declines and potential extirpations of chambered nautiluses in the near future.

In addition to the declines in harvest and CPUE of the species from observed fishing sites throughout the Philippines, the overutilization of *N. pompilius* in this area is also evident in the available trade data. In a personal communication cited in CITES (2016), it was stated that over the past 5 years, shell traders in Palawan Province have seen a decline in the number of shells being offered to them by local harvesters. Similarly, harvesters and traders in the Visayan regions have noted increasing difficulty in obtaining shells, with this trend beginning in 2003 (CITES (2016) citing

Schroeder (2003)). Based on U.S. trade data from the last decade, Philippine export and re-export of nautilus commodities to the United States has decreased by 92 percent since 2005 (see Figure 4 in Miller (2017)) (CITES 2016). Despite the extensive evidence of overutilization of the species throughout the Philippines, including the serial depletion and potential extirpation of local populations, harvest and trade in *N. pompilius* continues, with the Philippines still the number one supplier of nautilus commodities to the United States (based on figures from 2014).

Off Indonesia, signs of decline and overutilization of chambered nautilus populations are also apparent. In fact, based on the increasing number of chambered nautilus commodities originating from Indonesia, it is suggested that nautilus fishing has potentially shifted to Indonesian waters because of depletion of the species in the Philippines (CITES 2016). According to trade data reported in De Angelis (2012), the Philippines accounted for 87 percent of the nautilus commodities in U.S. trade from 2005 to 2010, whereas Indonesia accounted for only 9 percent. However, with the significant decline of nautilus exports coming out of the Philippines in recent years (2010 to 2014), Indonesia has become a larger component of the trade, accounting for 42 percent of the nautilus commodities in 2014, while the Philippines has seen a decrease in their proportion, down to 52 percent (CITES 2016).

Similar to the trend observed in the Philippines, a pattern of serial depletion of nautiluses because of harvesting is emerging in Indonesia. Both fishermen and traders note a significant decline in the numbers of chambered nautiluses over the last 10 years, despite a prohibition on the harvest and trade of *N. pompilius* that has been in place since 1999 (CITES 2016; Freitas and Krishnasamy 2016). For example, fishermen in North Lombok note that they historically trapped around 10 to 15 nautiluses in one night, but currently catch only 1 to 3 per night (Freitas and Krishnasamy 2016). Similarly, in Bali, fishermen reported nightly catches of around 10 to 20 nautiluses until 2005, after which yields have been much less (Freitas and Krishnasamy 2016). While fishing for chambered nautiluses has essentially decreased in western Indonesia (likely due to a depletion of the local populations), the main trade centers for nautilus commodities are still located here (*i.e.,* Java, Bali, Sulawesi and Lombok). The sources of nautilus shells for these centers now appear to originate from eastern Indonesian waters (including northeastern Central Java, East Java, and West Nusa Tengarra eastward) where it is thought that nautilus populations may still be abundant enough to support economically viable fisheries, and where enforcement of the current *N. pompilius* prohibition appears weaker (Nijman et al. 2015; Freitas and Krishnasamy 2016). For example, data collected from two large open markets in Indonesia (Pangandaran and Pasir Putih) indicate that chambered nautiluses were still being offered for sale as of 2013. Over the course of three different weekends, Nijman et al. (2015) observed 168 *N. pompilius* shells for sale from 50 different stalls in the markets (average price was $17 USD/shell). In addition to catering to tourists, a wholesaler with a shop in Pangandaran noted that he also exports merchandise to Malaysia and Saudi Arabia on a bimonthly basis (Nijman et al. 2015). In total, Nijman et al. (2015) found evidence of six Indonesian wholesale companies that offered protected marine mollusks (and mostly nautilus shells) for sale on their respective Web sites (with two based in East Java, two in Bali, and one in Sulawesi). The company in Sulawesi even had a minimum order for merchandise of 1 metric ton, and a company in Java noted that they could ship more than one container per month, indicating access to a relatively large supply of nautilus shells (Nijman et al. 2015).

The available U.S. trade data provide additional evidence of the overutilization and potential serial depletion of populations within Indonesia, although not yet as severe as what has been observed in the Philippines. Overall, based on data from the last decade, Indonesian export and re-export of nautilus commodities to the United States has decreased by 23 percent since 2005 (see Figure 5 in Miller (2017)) (CITES 2016); however, large declines were seen between 2006 and 2009 before smaller increases in the following years. As noted above, these trends likely reflect the depletion of nautilus populations in western Indonesian waters and a subsequent shift of fishing effort to eastern Indonesian waters in recent years to support the nautilus trade industry.

In India, CITES (2016) states that the chambered nautilus has been exploited for decades and is also caught as bycatch by deep sea trawlers. A 2007 survey aimed at assessing the status of protected species in the curio trade in Tamil Nadu confirmed the presence of *N. pompilius* shells and found them highly valued in the retail domestic markets (John et al. 2012). Out of 13 major coastal tourist curio markets surveyed, *N. pompilius* shells were found in 20 percent of the markets (n = 40 shops) (John et al. 2012). Based on estimated sales from these markets, *N. pompilius* was the fourth highest valued species (n = 25 total species), accounting for 7 percent of the annual profit from the protected species curio trade (John et al. 2012). During the survey, chambered nautilus shells sold, on average, for approximately 275 INR each (7 USD in 2007 dollars) (John et al. 2012).

Interviews with the curio traders indicate that the Gulf of Mannar and Palk Bay, the island territories of Andaman and Lakshadweep, and Kerala are the main collection areas for the protected species sold in the curio trade (John et al. 2012). While the extent of harvest of *N. pompilius* is unknown, the fact that the nautilus shells sold in markets are nearly half the size of the reported common wild size (90 mm vs 170 mm) (John et al. 2012) suggests that this curio trade may be contributing to overfishing of the population, causing a shift in the local population structure. Compared to observed mature shell sizes elsewhere throughout the range of *N. pompilius* (average mature shell length range: 114 to 200 mm; see Table 1 in Miller (2017)), the Indian market nautilus shells are likely entirely from immature individuals. The removal of these nautilus individuals before they have time to reproduce, particularly for this long-lived and low fecundity species, could have devastating impacts on the viability of the local populations. While the authors note that curio vendors may strategically stock a larger number of undersized shells rather than fewer larger shells to meet the demand of the tourists, given the relative rarity of chambered nautilus shells in Indian waters (with only 9 shells sold during the 2007 survey) and the fact that larger shells generally obtain higher prices, we conclude it is at least equally likely that curio vendors are stocking whatever is available.

Although trend data are not available, the popularity of the species in the curio trade as well as information suggesting that the marketed shells are significantly smaller than wild-caught and, hence, likely belong to immature individuals, indicate that this level of utilization may have already negatively impacted the local populations within India. The continued and essentially unregulated fishing and selling of *N. pompilius* within southern Indian waters will lead to overutilization of the species in the future, as has been observed in other

parts of its range, and potential extirpation of these small and isolated populations.

In Papua New Guinea, most of the available information indicates that trade of chambered nautilus shells is primarily supplied from incidental collection of drift shells. CITES (2016) states that the species may be caught as bycatch in some deep-sea fisheries and also notes that new nautilus fishing sites may have recently become established in 2008. The extent of harvest of the species in these waters, however, is unknown.

Possible commercial harvest of the species has also been identified in East Asia (China, Hong Kong, and Chinese Taipei), Thailand, Vanuatu, and Vietnam. In East Asia, minimal numbers of nautilus shells are sold in art markets, home décor shops, small stores, and airport gift shops, with meat found in seafood markets (particularly in the south of China on Hainan Island, the large coastal cities of Fujian and Guangdong Provinces, and Chinese Taipei) (Freitas and Krishnasamy 2016). There is also evidence of a small trade in live specimens for aquaria in Hong Kong; however, the origin of these live specimens is unclear (Freitas and Krishnasamy 2016). While the CITES (2016) proposal suggests that nautilus harvest may occur on Hainan Island, we are aware of no information to confirm that a fishery exists.

In Thailand, nautilus experts note that targeted chambered nautilus fisheries have occurred and are still operating (NMFS 2014), with past observations of shells found in gift shops (CITES 2016); however, we are aware of no published information on the current intensity or duration of such harvest (or confirmation that the fishery is still occurring). Nautilus experts also note that targeted chambered nautilus fisheries have occurred and are occurring in Vanuatu (NMFS 2014), with shells sold to tourists and collectors (Amos 2007). While we are aware of no published information regarding the current intensity or duration of such harvest (or confirmation that the fishery is still occurring), available information suggests the fishery may have begun in the late 1980s. From March to June 1987, the Vanuatu Fisheries Department conducted a deep sea fishing trial, aimed at testing commercial fishing traps on the outer-reef slope of north Efate Island, Vanuatu (Blanc 1988). Results showed the successful capture of *N. pompilius,* with a CPUE of around 2.6 nautilus per trap per day, taken at depths greater than 300 m (Blanc 1988). In total, 94 traps were set and 114 *N. pompilius* were captured (Blanc 1988). Those shells that were in good condition (approximately two-thirds of the total) were sold locally for around 300 to 500 VUV each ($2.89 to $4.81 U.S. dollars based on the 1987 conversion rate) (Blanc 1988). It was noted in the report that the capture of nautiluses can be a good supplementary source of income (Blanc 1988).

In Vietnam, some of the nautilus shells observed for sale may be sourced from local harvest of the animal. For example, an interview with a Vietnamese seller revealed that his nautilus shells come from islands in Vietnam and that 1,000 shells a month are able to be acquired (of 5 to 7 inches in size; 127 to 178 mm) (Freitas and Krishnasamy 2016). However, the species was not identified, nor was it clear whether the origin of the shells was from Vietnam (indicating potential harvest) or if the islands simply serve as transit points for the trade.

In our review of the available information, we also found no evidence of known local utilization or commercial harvest of the chambered nautilus in the following portions of the species' range: American Samoa, Australia, Fiji, or the Solomon Islands. While products that incorporate nautilus shells, such as jewelry and wood inlays, are sold to tourists in these locations, the nautilus parts appear to be obtained solely from the incidental collection of drift shells. In these areas, where the species is not subject to commercial harvest, populations appear stable (with the exception of Fiji; however, the threat in this case was not identified as overutilization—see *Present or Threatened Destruction, Modification, or Curtailment of Habitat or Range* section). Given that the species exists as geographically isolated populations, we conclude it is unlikely that these local, unfished populations will see significant declines as a result of overutilization in other portions of its range.

Overall, out of the 10 nations in which *N. pompilius* is known to occur, potentially half historically or currently have targeted nautilus fisheries. Given that this harvest is largely unregulated, and has led to the serial depletion and extirpation of local *N. pompilius* populations, with no evidence of a decline in fishing effort or demand for the species, the best available information indicates that overutilization of *N. pompilius* is the most significant threat to the species throughout its range.

Trade

As mentioned previously, the commercial harvest of the chambered nautilus is primarily demand-driven for the international shell trade. The Philippines and Indonesia appear to supply the majority of the nautilus products in the trade. In Indonesia, most of the networks that aid in the illegal trade of marine mollusks originate in Java and Bali, with the United States, China, and New Caledonia as main destinations (Nijman et al. 2015). While the extent of export from the Philippines and Indonesia is unknown, data collected from Indonesia over the past 10 years suggest the amounts are likely substantial. For example, based on seizure data from 2005 to 2013, over 42,000 marine mollusk shells protected under Indonesian law, including over 3,000 chambered nautiluses, were confiscated by Indonesian authorities (Nijman et al. 2015). At least two-thirds of the shells were meant to enter the international trade, with the largest volumes destined for China and the United States (Nijman et al. 2015). Between 2007 and 2010, De Angelis (2012), citing a personal communication, estimated that around 25,000 nautilus specimens were exported from Indonesia to China for the Asian meat market.

In addition to the United States and China, other major consumer destinations for nautilus commodities include Europe, the Middle East, and Australia, with suspected markets in South Africa, South America (Argentina), and Israel (Freitas and Krishnasamy 2016). Freitas and Krishnasamy (2016) indicate that, in Europe, the trade and sale of nautiluses occur at fairly low levels and mainly involve whole nautilus shells. Their internet research and consultations indicate that the majority of Web sites selling nautilus products are located in France, Germany and the United Kingdom; however, details regarding the product, including species and origin of the nautilus, are often not provided (Freitas and Krishnasamy 2016). Based on interviews with trade experts and online sellers, it appears that the Philippines is the main source of nautilus shells for the European trade (Freitas and Krishnasamy 2016). Some German online sellers indicate that the wholesalers also receive imports from Thailand (Freitas and Krishnasamy 2016).

In the United States, the most recent 5 years of available trade data (2010 to 2014) reveal that around 6 percent of the imported commodities were whole shells (n = 9,076) and less than 1

percent were live animals, with the remaining products primarily comprised of jewelry, shell products, and trim pieces (CITES 2016). Based on trade data from 2010–2013 and using rough approximations of individual nautilus counts for different commodity labels, Freitas and Krishnasamy (2016) estimated that between 20,000 and 100,000 nautilus individuals comprised the commodities being imported into the United States, representing between 6,000 and 33,000 individuals annually. However, it is important to note that even these figures likely underestimate the actual trade volumes in the United States, as additional nautilus imports could have also been lumped under a more general category, such as ''mollusks'' (De Angelis 2012). This is likely true for other countries as well, because specific custom codes are lacking for nautilus products (with nautilus commodities frequently lumped as ''coral and similar materials'' and worked or unworked shell products) (Freitas and Krishnasamy 2016). Therefore, estimating the number of nautilus individuals traded annually around the globe remains extremely challenging. Despite these unknowns, based on the available trade data from the United States, and data garnered from seizures and research, it is clear that nautilus commodities are in high demand and nautilus products are globally traded likely in the hundreds of thousands (De Angelis 2012). This market demand is a significant threat driving the commercial harvest and overutilization of *N. pompilius* throughout most of its range.

Disease or Predation

We are aware of no information to indicate that disease is a factor that is significantly and negatively affecting the status of the chambered nautilus. Diseases in nautiluses are not well known, nor is there information to indicate that disease is contributing to population declines of the species. However, shells of *N. pompilius,* like other mollusks, are subject to marine fouling from a variety of epizoans and may also be hosts to parasites. In an examination of 631 *N. pompilius* shells from the Philippines and Papua New Guinea, Landman et al. (2010) found the incidence of encrustation by epizoans varied by site. In the *N. pompilius* shells from the Philippines, 12 percent were encrusted whereas 49 percent of the shells from the Papua New Guinea sample showed signs of encrustation. However, the encrusted area only averaged around 0.5 percent of the shell surface, with the maximum encrustation at 2.2 percent (Landman et al. 2010). Additionally, the authors note that the encrusted surface comprised less than 1 percent of the total shell weight in air, which they deemed ''a negligible factor in the overall buoyancy of the animal'' (Landman et al. 2010). As such, it is likely that the species has some other defense against epizoan settlement, with encrustation not a significant threat to the survival of *N. pompilius* individuals.

Regarding parasites, Carlson (2010) notes that newly collected nautilus individuals are usually heavily infested with the copepod *Anchicaligus nautili;* however, no information on the effect of these infestations on the nautilus animal is available. Therefore, based on the available data, marine fouling and parasitism do not appear to be significant threats to the species.

Chambered nautiluses may serve as prey to a number of teleost fish (such as triggerfish), octopuses, and sharks; however, predation rates appear to vary across the species' range (CITES 2016). For example, octopod predation rates on live nautiluses have been estimated at 1.1 percent in the Philippines, 4.5 to 11 percent in Indonesia, 2 to 8 percent in Papua New Guinea, 5 percent in American Samoa, and 3.2 percent on Australia's Great Barrier Reef, indicating that predation by octopuses likely occurs throughout the entire species' range (Saunders et al. 1991).

Recently, Ward (2014) analyzed the prevalence of shell breaks in nautiluses as an indicator of predation and found that those nautilus populations subject to fishing had a statistically significant higher number of major shell breaks compared to unfished populations. Specifically, Ward (2014) found that over 80 percent of mature *N. pompilius* shells had major shell breaks in the fished Bohol, Philippines population (in 2012 and 2013) and calculated an over 40 percent rate in the fished New Caledonia *N. macromphalus* population in 1984. In contrast, only 30 percent of mature shells had major shell breaks in the unfished nautilus populations on the Great Barrier Reef (based on 2012 data) (Ward 2014). In the unfished Osprey Reef population, this rate was around 20 percent (based on 2002 to 2006 data), and in Papua New Guinea and Vanuatu in the 1980s, this rate was less than 20 percent (Ward 2014).

Predation is clearly evident in all sampled nautilus populations. It appears that predation rates may be substantially higher in those populations compromised from other threats (such as overutilization). This, in turn, exacerbates the risk that predation poses to those already vulnerable chambered nautilus populations, contributing significantly to their likelihood of decline and to the species' overall risk of extinction.

The Inadequacy of Existing Regulatory Mechanisms

Based on the available data, *N. pompilius* appears most at risk from overutilization in those range states supplying the large majority of nautilus shells for the international trade. Substantial commercial harvest of the species in Indonesia, Philippines, and India has led to observed declines in the local *N. pompilius* populations. As we discuss below, although there are some national and international legal protections, including a recent listing under CITES, poor enforcement of these laws and continued illegal fishing demonstrate that the existing regulatory mechanisms are inadequate to achieve their purpose of protecting the chambered nautilus from harvest and trade. It is too early to conclude that the CITES listing will be effective at ameliorating the threat of overutilization.

In Indonesia, *N. pompilius* was provided full protection in the nation's waters in 1999 (Government Regulation 7/1999). While the species was first added to Indonesia's protected species list in 1987 (SK MenHut No 12 Kptd/II/1987), the implementing legislation in 1999 made it illegal to harvest, transport, kill, or trade live or dead specimens of *N. pompilius* (CITES 2016). Despite this prohibition, the commercial harvest and trade in the species continues (see *Overutilization for commercial, recreational, scientific, or educational purposes*). For example, in a survey of 343 shops within 6 Provinces in Indonesia, Freitas and Krishnasamy (2016) found that 10 percent were selling nautilus products, with the majority located in East Java. Interviews with local suppliers of nautilus shells revealed that many are aware of the prohibition and therefore have found ways to conduct business covertly, such as selling more products online and purposely mislabeling *N. pompilius* shells as *A. perforatus* (which are not protected) (Freitas and Krishnasamy 2016). Nijman et al. (2015) observed the sale of chambered nautilus shells in two of Indonesia's largest open markets (Pangandaran and Pasir Putih, both on Java) and remarked that the shells were prominently displayed. In interviews with the traders, none mentioned the protected status of the species (Nijman et al. 2015). Additionally, nautilus shells and products (such as furniture) are often on display by government officials and offered for sale in airports (Freitas and

Krishnasamy 2016), indicating that enforcement of the Indonesian regulation protecting the species is very weak. Therefore, given the apparent disregard of the prohibition, with substantial evidence of illegal harvest and trade in the species, and issues with enforcement, we conclude that existing regulatory mechanisms are inadequate to protect the species from further declines in Indonesia from overutilization.

In the Philippines, shelled mollusks are protected from collection without a permit under Fisheries Administrative Order no. 168; however, it is unclear how this is implemented or enforced for particular species (CITES 2016). In Palawan Province, a permit is also required to harvest or trade the chambered nautilus, as it is listed as ''Vulnerable'' under Palawan Council for Sustainable Development Resolution No. 15–521 (CITES 2016). Freitas and Krishnasamy (2016) report that some municipalities in Cebu Province and the Panay Islands have local ordinances that prohibit the harvest of *N. pompilius;* however, even in these Provinces, there is evidence of harvest and trade in the species. For example, in a survey of 66 shops in Cebu, the Western Visayas region, and Palawan, 83 percent of the shops sold nautilus products. For the most part, the harvest and trade of nautilus is largely allowed and essentially unregulated throughout the Philippines (Freitas and Krishnasamy 2016). Given the significant declines in the *N. pompilius* populations throughout this portion of the species' range, existing regulations to protect *N. pompilius* from overutilization throughout the Philippines are clearly inadequate.

In India, *N. pompilius* has been protected from harvest and trade since 2000 when it was listed under Schedule I of the Indian Wildlife (Protection) Act of 1972 (John et al. 2012). However, as noted in the *Overutilization for commercial, recreational, scientific, or educational purposes* section, *N. pompilius* shells were being collected in Indian waters and sold in major coastal tourist curio markets as recently as 2007. Interviews with retail vendors (n = 180) indicated that a large majority were aware of the Indian Wildlife Protection Act and legal ramifications of selling protected species yet continued to sell large quantities of protected marine mollusks and corals in the curio shops (John et al. 2012). Because there is no official licensing system for these shops, the annual quantities sold remain largely unrecorded and unknown (John et al. 2012). The high demand for nautilus shells and profits from this illegal curio trade, coupled with the lack of enforcement of existing laws, indicates that overutilization of *N. pompilius* will continue to threaten populations within Indian waters.

In China, *N. pompilius* is listed as a ''Class I'' species under the national Law of the People's Republic of China on the Protection of Wildlife, which means that harvest is allowed (under Article 16) but only with special permission (*i.e.,* for purposes of scientific research, ranching, breeding, exhibition, or ''other''). Unfortunately, enforcement of this law has proven difficult, as many nautilus products for sale have unknown origin or claim origin from the Philippines (Freitas and Krishnasamy 2016). While the extent of harvest in East Asia remains unclear based on the available data, the fact that trade is allowed, and the difficulties associated with enforcement and identifying *N. pompilius* products and origin in the trade, indicate that existing regulatory measures are likely inadequate to prevent the harvest of the species within Chinese waters.

In areas where trade of *N. pompilius* is prohibited, available data suggest smugglers are using other locations as transit points for the trafficking and trade of the species to circumvent prohibitions and evade customs (Freitas and Krishnasamy 2016). For example, New Caledonia, where only *N. macromphalus* is protected, has become a stop-over destination for smuggling nautilus shells to Europe (CITES 2016; Freitas and Krishnasamy 2016). In 2008, officials confiscated at least 213 *N. pompilius* shells that were being smuggled into New Caledonia from Bali, Indonesia (Freitas and Krishnasamy 2016). At this time, the extent of the illegal trade, including transit points for smugglers, remains largely unknown; however, the impact of this illegal trade on the species only contributes further to its overutilization.

Overall, given the ongoing demand for chambered nautilus products, the apparent disregard of current prohibition regulations by collectors and traders, lack of enforcement, and the observed declining trends in *N. pompilius* populations and crashing of associated fisheries, the best available information strongly suggests that existing regulatory mechanisms are inadequate to control the harvest and overutilization of *N. pompilius* throughout most of its range, significantly contributing to the species' risk of extinction.

Recognizing that the international trade is the clear driving force of the intense exploitation of nautiluses, in October 2016, the member nations to CITES agreed to add all nautilus species to Appendix II of CITES (effective January 2017). This listing means increased protection for *N. pompilius* and the other nautilus species, but still allows legal and sustainable trade. Export of nautilus products now requires CITES permits or re-export certificates that ensure the products were legally acquired and that the Scientific Authority of the State of export has advised that such export will not be detrimental to the survival of that species in the wild (*i.e.,* a ''non-detriment finding''). Given that the international trade is the main driver of the threat to the species (*i.e.,* overutilization), the CITES listing should provide *N. pompilius* with some safeguards against future depletion of populations and potential extinction of the species. However, given the limited information on the present abundance of the species throughout its range, it may prove difficult for State Authorities to determine what level of trade is sustainable. As the FAO panel notes, based on previous cases for species listed under Appendix II with similar circumstances where the State Authorities' abilities to make non-detriment findings are limited due to an absence of information, the following outcomes are likely to occur: (1) International trade in products from that country ceases; (2) international trade continues but without proper CITES documentation (''illegal trade''); and/or (3) international trade continues with inadequate non-detriment findings (FAO 2016). Because this listing only recently went into effect (January 2017), it is too soon to know which outcome(s) will dominate in the various nautilus-exporting countries. There is thus not yet a body of information on which to evaluate the adequacy of the CITES listing to reduce the threat of overutilization.

Other Natural or Man-Made Factors Affecting Its Continued Existence

Ecotourism

While the status review (Miller 2017) discusses ecotourism operations as a possible threat to nautilus species, the examples of these activities come entirely from Palau, where *N. pompilius* does not occur. These ecotourism activities tend to involve bringing nautiluses to the surface for photographic opportunities with customers and subsequently releasing them into shallow waters (CITES 2016). In the daytime, nautiluses are especially vulnerable to predation in shallow waters, and observations of triggerfish feeding on nautiluses as they are

released suggest that consistent release of these animals in a certain location may create feeding stations for nautilus predators (Carlson 2015). Additionally, nautiluses may suffer negative physiological effects if released into shallow water, including overheating and the development of air bubbles that can inhibit quick escape movements (CITES 2016). We acknowledge the potential risks that these ecotourism operations may pose to nautilus species; however, at this time, there is no substantial evidence to indicate that there are dive tour operators within the *N. pompilius* range who practice this same behavior (*i.e.,* taking photographs and releasing the species in shallow waters). As such, the best available information does not indicate that ecotourism is presently a significant threat to the species.

Natural Behavior

Because of their keen sense of smell (Basil et al. 2000), chambered nautiluses are easily attracted to baited traps. Additionally, field studies indicate that nautiluses may also habituate to baited sites. For example, in a tag and release study conducted in Palau, the proportion of previously tagged animals over the trapping period increased in the baited traps, reaching around 58 percent in the last trap deployed (Saunders et al. in press). Given this behavior, nautilus populations, including *N. pompilius,* are likely highly susceptible to being caught by fisheries. For isolated and small populations, this could result in rapid depletions of these populations in a short amount of time, potentially just months (Saunders et al. in press). However, Saunders et al. (in press) note that this vulnerability to depletion from overfishing is likely lower in those populations where barriers to movement do not exist, such as Papua New Guinea and Indonesia. These sites both have large swaths of habitat (thousands of km) within the optimal nautilus depth range that are parallel to coastal areas and could serve as natural refugia but also allow for the restocking of depleted populations (Saunders et al. in press). Therefore, the best available information suggests that these aspects of the species' natural behavior (*i.e.,* attraction and habituation to baited trap sites) are likely significant threats to those *N. pompilius* populations that are already subject to other threats (*e.g.,* overutilization) or demographic risks (*e.g.,* spatially isolated, small populations).

Assessment of Extinction Risk

The ESA (section 3) defines an endangered species as ''any species which is in danger of extinction throughout all or a significant portion of its range.'' A threatened species is defined as ''any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.'' We define ''foreseeable future'' generally as the time frame over which identified threats can be reliably predicted to impact the biological status of the species. As mentioned previously, because a species may be susceptible to a variety of threats for which different data are available, or which operate across different time scales, the foreseeable future is not necessarily reducible to a particular number of years.

For the assessment of extinction risk for the chambered nautilus, the ''foreseeable future'' was considered to extend out several decades (> 40 years). Given the species' life history traits, with longevity estimated to be at least 20 years, maturity ranges from 10 to 17 years, with very low fecundity (potentially 10–20 eggs per year with a 1-year incubation period), it would likely take more than a few decades (*i.e.,* multiple generations) for any recent management actions to be realized and reflected in population abundance indices. Similarly, the impact of present threats to the species could be realized in the form of noticeable population declines within this time frame, as demonstrated in the available survey and fisheries data (see Table 4 in Miller 2017). As the main potential operative threat to the species is overutilization, this time frame would allow for reliable predictions regarding the impact of current levels of fishery-related mortality on the biological status of the species. Additionally, this time frame allows for consideration of the previously discussed impacts on chambered nautilus habitat from climate change and the potential effects on the status of this species.

In determining the extinction risk of a species, it is important to consider both the demographic risks facing the species as well as current and potential impacts of external threats that may affect the species' status. To this end, a demographic analysis was conducted for the chambered nautilus. A demographic risk analysis is essentially an assessment of the manifestation of past threats that have contributed to the species' current status and informs the consideration of the biological response of the species to present and future threats. This analysis evaluated the population viability characteristics and trends data available for the chambered nautilus, such as abundance, growth rate/productivity, spatial structure and connectivity, and diversity, to determine the potential risks these demographic factors pose to the species. The information from this demographic risk analysis was considered alongside the information previously presented on threats to the species, including those related to the factors specified by the ESA section 4(a)(1)(A)–(E) (and summarized in a separate Threats Assessment section below) and used to determine an overall risk of extinction for *N. pompilius.*

Because the available data are insufficient to conduct a reliable quantitative population viability assessment (because there is, for example, sporadic abundance data, and uncertain demographic characteristics), the qualitative reference levels of ''low risk,'' ''moderate risk'' and ''high risk'' were used to describe the overall assessment of extinction risk in the Status Review. A species at a ''low risk'' of extinction was defined as one that is not at a moderate or high level of extinction risk. A species may be at low risk of extinction if it is not facing threats that result in declining trends in abundance, productivity, spatial structure, or diversity. A species at low risk of extinction is likely to show stable or increasing trends in abundance and productivity with connected, diverse populations. A species is at a ''moderate risk'' of extinction when it is on a trajectory that puts it at a high level of extinction risk in the foreseeable future. A species may be at moderate risk of extinction because of projected threats or declining trends in abundance, productivity, spatial structure, or diversity. A species with a high risk of extinction is at or near a level of abundance, productivity, spatial structure, and/or diversity that places its continued persistence in question. The demographics of a species at such a high level of risk may be highly uncertain and strongly influenced by stochastic or depensatory processes. Similarly, a species may be at high risk of extinction if it faces clear and present threats (*e.g.,* confinement to a small geographic area; imminent destruction, modification, or curtailment of its habitat; or disease epidemic) that are likely to create imminent and substantial demographic risks.

Although the conclusions in the status review report do not constitute findings as to whether the species should be listed under the ESA (because that determination must be made by the

agency after considering all relevant information and after evaluating ongoing conservation efforts of any state, foreign nation, or political subdivision thereof. 16 U.S.C. 1533(b)(1)(A)), a finding of ''moderate risk'' generally indicates that a species may qualify for listing as a ''threatened species'' and a finding of ''high risk'' generally indicates that a species may be an ''endangered species.''

Demographic Risk Analysis

Abundance

The global abundance of the chambered nautilus is unknown, with no available historical baseline population data. The species likely exists as small, isolated populations distributed throughout its range. However, abundance estimates of these fragmented populations are largely unavailable, as the species is difficult to survey. Currently, population size has been estimated for *N. pompilius* off Osprey Reef in Australia using baited trap techniques (n = 844 to 4,467 individuals) and for the Palawan region, Philippines and Western Australia populations using genetic markers (median population size for Western Australia = 2.6 million individuals; for Philippines = 3.2 million individuals). Population density estimates (individuals/km^2) are also available from Osprey Reef (13.6 to 77.4), the Great Barrier Reef (0.34), American Samoa (0.16), Fiji (0.21) and the Panglao region, Philippines (0.03). While there may be some sampling bias in the baited trap technique, we find that the population size and density estimates from these studies provide a useful representation of the current abundance of the species because they rely on the best available field data.

If a population is critically small in size, chance variations in the annual number of births and deaths can put the population at added risk of extinction. Additionally, when populations are very small, chance demographic events can have a large impact on the population. However, the threshold for depensation in the chambered nautilus is unknown.

Populations of *N. pompilius* are assumed to be naturally small, and, when not faced with outside threats, appear stable (*e.g.,* Osprey Reef population increased by 28 percent over the course of a decade). However, those populations in areas where nautilus fishing occurs have experienced significant declines in less than a generation time for the species, indicating a greater risk of extirpation because of depensatory processes. Saunders et al. (in press) suggest that trapping data that result in < 1 to 2 nautiluses per trap likely reflect a minimally viable population level. In other words, further removal of individuals from those populations would likely result in population crashes and potential extirpation. Based on the available abundance trend data (see Table 4 in Miller (2017)), many of the populations surveyed in Indonesia and the Philippines currently reflect this minimally viable level, indicating that abundance of these particular populations may be close to levels that place them at immediate risk of inbreeding depression and demographic stochasticity, particularly given their reproductive isolation. Extirpations of these populations would increase the risk of extinction for the entire species to some degree.

While overall abundance is highly uncertain, the evidence indicates that the species exists as small and isolated populations throughout its range, making them inherently vulnerable to exploitation and depletion. Data suggest that many of these populations are in decline and may be extirpated in the next several decades. Taken together, this information indicates that *N. pompilius* is not currently at risk of extinction throughout its range but will likely be at risk of extinction from environmental variation or human-caused threats throughout its range within the foreseeable future.

Growth Rate/Productivity

The current net productivity of *N. pompilius* is unknown because of the imprecision or lack of available abundance estimates or indices. Fecundity, however, is assumed to be low (but note that no egg-laying has been observed in the wild). Based on estimates from other captive Nautilus species (*i.e., N. macromphalus* and *N. belauensis*), the chambered nautilus may lay up to 10 to 20 eggs per year, with a long incubation period (10 to 12 months). Given that the chambered nautilus is a slow-growing and late-maturing species (with maturity estimated between 10 and 17 years, and longevity at least 20 years), it likely has very low productivity and, thus, is extremely susceptible to decreases in its abundance.

In terms of demographic traits, Saunders et al. (in press) suggest that a nautilus population at equilibrium would have a higher percentage of male (75 percent) and mature (74 percent) animals. Ratios that are significantly lower than these estimates suggest the population is in ''disequilibrium'' and likely portend declines in per capita growth rate. Saunders et al. (in press) further provides evidence that fished nautilus populations tend to show significant demographic differences in relative age class (*i.e.,* predominance of immature individuals) and sex ratios (i.e,, no longer male-biased) compared to unfished populations. Under the current assumption that males are the critical sex for population growth, the significant change in the population demographics for these fished populations may portend further declines and potential extirpations of these populations, inherently increasing the risk of extinction for the entire species in the foreseeable future. However, with the exception of the Osprey Reef (Australia), Lizard Island (Great Barrier Reef; Australia), and Sumbawa Island (Indonesia) populations, which showed male percentages of 82 to 91 percent and mature percentages of 58 to 91 percent based on data from the past decade (Saunders et al. in press), we have no available recent data to assess the demographic traits of current *N. pompilius* populations throughout the species' range.

Spatial Structure/Connectivity

Chambered nautilus populations are extreme habitat specialists. The species is closely associated with steeply-sloped forereefs and muddy bottoms and is found in depths typically between 200 m and 500 m. Both temperature and depth are barriers to movement for *N. pompilius,* which cannot physiologically withstand temperatures above around 25 °C or depths greater than 800 m. Chambered nautiluses are bottom-dwelling scavengers and do not swim in the open water column. While larger-scale migrations have occurred (across shallow, warm waters and/or depths > 1000 m), these events are believed to be extremely rare, with gene flow thought to be inversely related to the geographic distance between populations (Swan and Saunders 2010). As such, current chambered nautilus populations, particularly those separated by large geographic distances, are believed to be largely isolated, with a limited ability to find or exploit available resources in the case of habitat destruction. Collectively, this information suggests that gene flow is likely limited among populations of *N. pompilius,* with available data specifically indicating the isolation between populations in Fiji and Western Australia and those in the Philippines.

Regarding destruction of habitat patches, while anthropogenic threats, such as climate change and destructive

fishing practices, have been identified as potential sources that could contribute to habitat modification for the chambered nautilus, there is no evidence that habitat patches used by *N. pompilius* are being destroyed faster than they are naturally created such that the species is at an increased risk of extinction. Additionally, there is no information to indicate that *N. pompilius* is composed of conspicuous source-sink populations where loss of one critical population or subpopulation would pose a risk of extinction to the entire species.

Diversity

As noted above, *N. pompilius* appears to exist as isolated populations with low rates of dispersal and little gene flow among populations, particularly those that are separated by large geographic distances and deep ocean expanses. Given the physiological constraints and limited mobility of the species, coupled with the selective targeting of mature males in the fisheries, connectivity among breeding populations may be disrupted. Additionally, while it is unknown whether genetic variability within the species is sufficient to permit adaptation to environmental changes, the best available information suggests that genetic variability has likely been reduced due to bottleneck events and genetic drift in the small and isolated *N. pompilius* populations throughout its range. Because higher levels of genetic diversity increase the likelihood of a species' persistence, the current, presumably reduced level among chambered nautiluses appears to pose a risk to the species.

Threats Assessment

As discussed above, the most significant and certain threat to the chambered nautilus is overutilization through commercial harvest to meet the demand for the international nautilus shell trade. Out of the 10 nations where *N. pompilius* is known to occur, potentially half have targeted nautilus fisheries either historically or currently. These waters comprise roughly three-quarters of the species' known range, with only the most eastern portion (*e.g.,* eastern Australia, American Samoa, Fiji) afforded protection from harvest. Fishing for nautiluses is fairly inexpensive and easy, and the attraction of *N. pompilius* to baited traps further increases the likely success of these fisheries (compounding the severity of this threat on the species). The estimated level of harvest from many of these nautilus fisheries in the Philippines (where harvest data are available) has historically led to extirpations of local *N. pompilius* populations. Given the evidence of declines (of 70 to 94 percent) in the CPUE from these Philippine nautilus fisheries, and the fact that fished populations tend to experience higher predation rates (another compounding factor that further increases the negative impact of fishing on the species), these populations are likely on the same trend toward local extinction. Serial depletion of populations based on anecdotal trapping reports is also evident throughout nautilus fishing sites in Indonesia, with reported declines of 70 to 97 percent. In India, the predominance of immature shells for sale in the curio markets suggests potential overfishing of these local populations as well. Commercial harvest of the species is also thought to occur in Papua New Guinea, East Asia, Thailand, Vanuatu, and Vietnam. Efforts to address overutilization of the species through regulatory measures appear inadequate, with evidence of targeted fishing of and trade in the species, particularly in Indonesia, Philippines, and China, despite prohibitions.

As fishing for the species has no cultural or historical relevance, trade appears to be the sole driving force behind the commercial harvest and subsequent decline in *N. pompilius* populations, with significant consumer markets in the United States, China, Europe (Italy, France, Portugal, United Kingdom), the Middle East, and Australia. If international trade were to be successfully managed to ensure sustainable harvest of *N. pompilius,* then the serial decline of local populations could be halted and partially depleted populations could have time to recover. The CITES Appendix II listing aims to achieve these conservation outcomes; however, given that the listing only recently went into effect (i.e, January 2017), it is too soon to evaluate the ability and capacity of the affected countries (who are parties to CITES) to implement the required measures and ensure the sustainability of their trade. Of concern is the illegal selling and trade of the species that already exists despite domestic prohibitions. Therefore, it is unclear whether and how the new CITES requirements will be adequately implemented and enforced in those countries that are presently unable to prevent the overutilization of the species despite prohibitions (*e.g.,* Indonesia, Philippines, China). We note that the United States appears to be a significant importer of nautilus products and, therefore, this CITES listing could potentially cut-off a large market (and associated demand) for the species if adequate non-detriment findings are not issued by the exporting countries. However, the evidence of illegal trade routes (see Figure 7 in Miller (2017)) and difficulty with tracking the amount and origin of nautilus products suggests that it may take some time before the extent of the ''ins and outs'' of the nautilus trade are fully understood. Therefore, we find that the adequacy of the CITES Appendix II listing in reducing the threat of overutilization (through ensuring sustainable trade) is highly uncertain at this time.

Additional threats to *N. pompilius* that were identified as potentially contributing to long-term risk of the species include unselective and destructive fishing techniques (*e.g.,* blast fishing and cyanide poisoning) and ocean warming and acidification as a result of climate change effects; however, because of the significant data gaps (such as the effects on nautilus habitat and the species' physiological responses), the impact of these threats on the status of the species is highly uncertain.

Overall Extinction Risk Summary

Given the species' low reproductive output and overall productivity and existence as small and isolated populations, it is inherently vulnerable to threats that would deplete its abundance, with a very low likelihood of recovery or repopulation. While there is considerable uncertainty regarding the species' overall current abundance, the best available information indicates that *N. pompilius* has experienced population declines of significant magnitude, including evidence of extirpations, throughout most of its range, primarily because of fisheries-related mortality (i.e., overutilization). While stable populations of the species likely exist in those waters not subject to nautilus fishing (*e.g.,* Osprey Reef, Australia and American Samoa), only a few populations have actually been found and studied. These populations appear small (particularly when compared to trade figures) and genetically and geographically isolated, and, therefore, if subject to environmental variation or anthropogenic perturbations in the foreseeable future (such as through illegal fishing or climate change), will likely be unable to recover.

Currently, the best available information, though not free from uncertainties, does not indicate that the species is currently at risk of extinction throughout its range. The species is still traded in considerable amounts (upwards of thousands to hundreds of

thousands annually), with evidence of new sites being established for nautilus fishing (*e.g.,* in Indonesia, Philippines, Papua New Guinea), and areas of stable, unfished populations (*e.g.,* eastern Australia, American Samoa). Although this continued trading presents a moderate threat as has been discussed, current overall abundance throughout its range is not so low that the species' viability is presently at risk. However, the continued harvesting of the species for the international nautilus shell trade and the subsequent serial depletion of populations throughout its range are placing the species on a trajectory to be in danger of extinction within the foreseeable future, likely within the next couple of decades. The species' current demographic risks, including small and isolated populations, low productivity, habitat specificity, and physiological limitations that restrict large-scale migrations, mean that as populations are depleted and extirpated, recovery of those populations and/or repopulation is unlikely. Many of the observed populations of the species are already on this path, with data indicating significant declines in abundance and even local extinctions. Further exacerbating these declines is the evidence of increased predation on fished nautilus populations and the disruption of population demographics (through the attraction of predominantly males and mature individuals to baited traps). As the unsustainable harvesting of nautiluses continues, with fisheries that follow a boom-bust cycle, and fishing efforts that serially exploit populations and then move on to new sites as the populations become depleted (particularly evident in the Philippines and Indonesia), this trend is unlikely to reverse in the foreseeable future. In fact, despite current domestic prohibitions on the harvest and trade of the species throughout most of the species' range (and particularly in the large exporting range states), these regulatory measures are ineffective because they are largely ignored or circumvented through illegal trade networks. Further, although the species was recently listed on CITES Appendix II, there is as of yet no basis to conclude whether that listing will be effective at decreasing the threat of overutilization to the species through the foreseeable future.

Given the best available information, we find that *N. pompilius* is at a moderate risk of extinction throughout its range. Although the species is not currently at risk of extinction throughout its range, it will likely become so within the foreseeable future. Without adequate measures controlling the overutilization of the species, *N. pompilius* is on a trajectory where its overall abundance will likely see significant declines within the foreseeable future eventually reaching the point where the species' continued persistence will be in jeopardy. We therefore propose to list the species as a ''threatened species.''

Protective Efforts

Having found that the chambered nautilus is likely to become in danger of extinction throughout its range within the foreseeable future, we next considered protective efforts as required under Section 4(b)(1)(A) of the ESA. The focus of this evaluation is to determine whether these efforts are effective in ameliorating the threats we have identified to the species and thus potentially avert the need for listing.

As we already considered the effectiveness of existing regulatory protective efforts, discussed above in connection with the evaluation of the adequacy of existing regulatory mechanisms, we consider other, less formal conservation efforts in this section. We identified a non-profit Web site devoted to raising the awareness of threats to the chambered nautilus (*e.g., http://savethenautilus.com/about-us/*), including raising funds to support research on the species. Additionally, we note that chambered nautiluses are found in a number of aquariums worldwide where additional research is being conducted on the reproductive activity of the species. However, survival of the species in captivity is relatively low compared to its natural longevity. Based on a 2014 survey of 102 U.S. aquariums with nautilus species (with 52 responses), Carlson (2014) reported that survival rates for captive *N. pompilius* of more than 5 years was only 20 percent. The rates of survival for less than 5 years were as follows: 0 to 1 year = 33.3 percent, 1–2 years 6.7 percent; 2 to 3 years = 20.0 percent, 3 to 5 years = 20.0 percent. While some of these aquariums have successfully bred nautilus species (*e.g.,* Waikiki Aquarium (U.S.), Birch Aquarium at Scripps (U.S.), Toba Aquarium (Japan), Farglory Ocean Park (Chinese Taipei) (Tai-lang 2012; Blazenhoff 2013; Carlson 2014)), based on the results from these efforts, it is unlikely that aquaculture or artificial propagation programs could substantially improve the conservation status of the species. On average, survival rate after hatching is less than 1 in 1,000 (Tai-lang 2012) and, to date, none of the captive-bred nautiluses have obtained sexual maturity (NMFS 2014). The process is also costly and time-consuming (given the year-long incubation period of eggs). Therefore, captive breeding would not be a feasible alternative to help satisfy the trade industry or restore wild populations (NMFS 2014). Additionally, it should be noted that the shells of nautiluses in captivity tend to be smaller and irregular, with black lines that mar the outside of the shells (Moini et al. 2014). Therefore, those shells would likely not be acceptable as suitable alternatives to wild-caught shells in the trade, given the preference for large, unblemished nautilus shells in the market.

While we find that these protective efforts will help increase the scientific knowledge about *N. pompilius* and potentially promote public awareness regarding declines in the species, none has significantly altered the extinction risk for the chambered nautilus to the point where it would not be in danger of extinction in the foreseeable future. However, we seek additional information on these and other conservation efforts in our public comment process (see below).

Determination

Section 4(b)(1)(A) of the ESA requires that NMFS make listing determinations based solely on the best scientific and commercial data available after conducting a review of the status of the species and taking into account those efforts, if any, being made by any state or foreign nation, or political subdivisions thereof, to protect and conserve the species. We have independently reviewed the best available scientific and commercial information including the petition, public comments submitted on the 90-day finding (81 FR 58895; August 26, 2016), the status review report (Miller 2017), and other published and unpublished information, and have consulted with species experts and individuals familiar with the chambered nautilus.

As summarized above and in Miller (2017), we assessed the ESA section 4(a)(1) factors both individually and collectively and conclude that the species faces ongoing threats from overutilization and that existing regulatory mechanisms are inadequate to ameliorate that threat. Evidence of the continued substantial trade in the species, establishment of new *N. pompilius* fishing sites, and areas of unfished populations indicate that the species has not yet declined to abundance levels that would trigger the onset of depensatory processes. However, the species' demographic risks (including small and isolated

populations, with substantial reductions of 70 to 97 percent and extirpations of local chambered nautilus populations from waters comprising roughly three-quarters of the species' known range, low productivity, habitat specificity, and physiological limitations that restrict large-scale migration), coupled with the ongoing serial exploitation of *N. pompilius* to supply the international trade, and evidence of illegal harvest, trade, and poorly enforced domestic regulatory measures, significantly increase the species' vulnerability to depletion and subsequent extinction from environmental variation or anthropogenic perturbations, placing it on a trajectory indicating that it will likely be in danger of extinction within the foreseeable future throughout its range.

We found no evidence of protective efforts for the conservation of the chambered nautilus that would eliminate or adequately reduce threats to the species to the point where it would no longer be in danger of extinction in the foreseeable future. Therefore, we conclude that the chambered nautilus is not currently in danger of extinction, but likely to become so in the foreseeable future throughout its range from threats of overutilization and the inadequacy of existing regulatory mechanisms. As such, we have determined that the chambered nautilus meets the definition of a threatened species and propose to list it is as such throughout its range under the ESA.

Because we find that the chambered nautilus is likely to become an endangered species within the foreseeable future throughout its range, we find it unnecessary to consider whether the species might be in danger of extinction in a significant portion of its range. We believe Congress intended that, where the best available information allows the Services to determine a status for the species rangewide, such listing determination should be given conclusive weight. A rangewide determination of status more accurately reflects the species' degree of imperilment, and assigning such status to the species (rather than potentially assigning a different status based on a review of only a portion of the range) best implements the statutory distinction between threatened and endangered species. Maintaining this fundamental distinction is important for ensuring that conservation resources are allocated toward species according to their actual level of risk. We also note that Congress placed the ''all'' language before the ''significant portion of its range'' phrase in the definitions of ''endangered species'' and ''threatened species.'' This suggests that Congress intended that an analysis based on consideration of the entire range should receive primary focus, and thus that the agencies should do a ''significant portion of its range'' analysis as an alternative to a rangewide analysis only if necessary. Under this reading, we should first consider whether listing is appropriate based on a rangewide analysis and proceed to conduct a ''significant portion of its range'' analysis if (and only if) a species does not qualify for listing as either endangered or threatened according to the ''all'' language. We note that this interpretation is also consistent with the 2014 Final Policy on Interpretation of the Phrase ''Significant Portion of its Range'' (79 FR 37578 (July 1, 2014)). That policy is the subject of pending litigation, including litigation against the United States Fish and Wildlife Service in the United States District Court for the District of Arizona, which ordered the policy vacated and is currently considering a motion for reconsideration. *See Center for Biological Diversity* v. *Jewell,* No. CV–14–02506–TUC–RM, 2017 WL 2438327 (D. Ariz. March 29, 2017). Our approach in this proposed rule, explained above, has been reached and applied independently of the Final Policy.

Effects of Listing

Measures provided for species of fish or wildlife listed as endangered or threatened under the ESA include development of recovery plans (16 U.S.C. 1533(f)); designation of critical habitat, to the maximum extent prudent and determinable (16 U.S.C. 1533(a)(3)(A)); the requirement that Federal agencies consult with NMFS under section 7 of the ESA to ensure their actions are not likely to jeopardize the species or result in adverse modification or destruction of critical habitat should it be designated (16 U.S.C. 1536(a)(2)). Certain prohibitions, including prohibitions against ''taking'' and import, also apply with respect to endangered species under Section 9 (16 U.S.C. 1538); at the discretion of the Secretary, some or all of these prohibitions may be applied with respect to threatened species under the authority of Section 4(d) (16 U.S.C. 1533(d)). Recognition of the species' plight through listing also promotes voluntary conservation actions by Federal and state agencies, foreign entities, private groups, and individuals.

Identifying Section 7 Conference and Consultation Requirements

Section 7(a)(4) (16 U.S.C. 1536(a)(4)) of the ESA and NMFS/USFWS regulations require Federal agencies to confer with us on actions likely to jeopardize the continued existence of species proposed for listing, or that result in the destruction or adverse modification of proposed critical habitat. If a proposed species is ultimately listed, Federal agencies must consult under Section 7(a)(2) (16 U.S.C. 1536(a)(2)) on any action they authorize, fund, or carry out if those actions may affect the listed species or its critical habitat and ensure that such actions are not likely to jeopardize the species or result in destruction or adverse modification of critical habitat should it be designated. At this time, based on the currently available information, we determine that examples of Federal actions that may affect the chambered nautilus include, but are not limited to: alternative energy projects, discharge of pollution from point and non-point sources, deep-sea mining, contaminated waste and plastic disposal, dredging, pile-driving, development of water quality standards, military activities, and fisheries management practices.

Critical Habitat

Critical habitat is defined in section 3 of the ESA (16 U.S.C. 1532(5)) as: (1) The specific areas within the geographical area occupied by a species, at the time it is listed in accordance with the ESA, on which are found those physical or biological features (a) essential to the conservation of the species and (b) that may require special management considerations or protection; and (2) specific areas outside the geographical area occupied by a species at the time it is listed upon a determination that such areas are essential for the conservation of the species. ''Conservation'' means the use of all methods and procedures needed to bring the species to the point at which listing under the ESA is no longer necessary. 16 U.S.C. 1532(3). Section 4(a)(3)(A) of the ESA (16 U.S.C. 1533(a)(3)(A)) requires that, to the maximum extent prudent and determinable, critical habitat be designated concurrently with the listing of a species. Designations of critical habitat must be based on the best scientific data available and must take into consideration the economic, national security, and other relevant impacts of specifying any particular area as critical habitat. At this time, we find that critical habitat for the chambered nautilus is not determinable because

data sufficient to perform the required analyses are lacking. Therefore, public input on features and areas in U.S. waters that may meet the definition of critical habitat for the chambered nautilus is invited. If we determine that designation of critical habitat is prudent and determinable, we will publish a proposed designation of critical habitat for the chambered nautilus in a separate rule. Such designation must be limited to areas under United States jurisdiction. 50 CFR 424.12(g).

Protective Regulations Under Section 4(d) of the ESA

We are proposing to list the chambered nautilus as a threatened species. In the case of threatened species, ESA section 4(d) gives the Secretary discretion to determine whether, and to what extent, to extend the prohibitions of Section 9 to the species, and authorizes us to issue regulations necessary and advisable for the conservation of the species. Thus, we have flexibility under section 4(d) to tailor protective regulations, taking into account the effectiveness of available conservation measures. The 4(d) protective regulations may prohibit, with respect to threatened species, some or all of the acts which section 9(a) of the ESA prohibits with respect to endangered species. We are not proposing such regulations at this time, but may consider potential protective regulations pursuant to section 4(d) for the chambered nautilus in a future rulemaking. In order to inform our consideration of appropriate protective regulations for the species, we seek information from the public on the threats to the chambered nautilus and possible measures for their conservation.

Role of Peer Review

The intent of peer review is to ensure that listings are based on the best scientific and commercial data available. In December 2004, the Office of Management and Budget (OMB) issued a Final Information Quality Bulletin for Peer Review establishing minimum peer review standards, a transparent process for public disclosure of peer review planning, and opportunities for public participation. The OMB Bulletin, implemented under the Information Quality Act (Public Law 106–554), is intended to enhance the quality and credibility of the Federal government's scientific information, and applies to influential or highly influential scientific information disseminated on or after June 16, 2005. To satisfy our requirements under the OMB Bulletin, we obtained independent peer review of the status review report. Independent specialists were selected from the academic and scientific community for this review. All peer reviewer comments were addressed prior to dissemination of the status review report and publication of this proposed rule.

Public Comments Solicited on Listing

To ensure that the final action resulting from this proposal will be as accurate and effective as possible, we solicit comments and suggestions from the public, other governmental agencies, the scientific community, industry, environmental groups, and any other interested parties. Comments are encouraged on all aspects of this proposal (See **DATES** and **ADDRESSES**).We are particularly interested in: (1) New or updated information regarding the range, distribution, and abundance of the chambered nautilus; (2) new or updated information regarding the genetics and population structure of the chambered nautilus; (3) habitat within the range of the chambered nautilus that was present in the past but may have been lost over time; (4) new or updated biological or other relevant data concerning any threats to the chambered nautilus (*e.g.,* landings of the species, illegal taking of the species); (5) information on the commercial trade of the chambered nautilus; (6) recent observations or sampling of the chambered nautilus; (7) current or planned activities within the range of the chambered nautilus and their possible impact on the species; and (8) efforts being made to protect the chambered nautilus.

Public Comments Solicited on Critical Habitat

As noted above, we have determined that critical habitat is not currently determinable for the chambered nautilus. To facilitate our ongoing review, we request information describing the quality and extent of habitat for the chambered nautilus, as well as information on areas that may qualify as critical habitat for the species in waters under U.S. jurisdiction. We note that based on the best available scientific information regarding the range of the chambered nautilus, waters of American Samoa may contain the only potential habitat for the species that is currently under U.S. jurisdiction. We request that specific areas that include the physical and biological features essential to the conservation of the species, where such features may require special management considerations or protection, be identified. Areas outside the occupied geographical area should also be identified, if such areas themselves are essential to the conservation of the species and under U.S. jurisdiction. ESA implementing regulations at 50 CFR 424.12(g) specify that critical habitat shall not be designated within foreign countries or in other areas outside of U.S. jurisdiction. Therefore, we request information only on potential areas of critical habitat within waters under U.S. jurisdiction.

Section 4(b)(2) of the ESA requires the Secretary to consider the ''economic impact, impact on national security, and any other relevant impact'' of designating a particular area as critical habitat. 16 U.S.C. 1533(b)(2). Section 4(b)(2) also authorizes the Secretary to exclude from a critical habitat designation any particular area where the Secretary finds that the benefits of exclusion outweigh the benefits of designation, unless excluding that area will result in extinction of the species. To facilitate our consideration under Section 4(b)(2), we also request for any area that may potentially qualify as critical habitat information describing: (1) Activities or other threats to the essential features of occupied habitat or activities that could be affected by designating a particular area as critical habitat; and (2) the positive and negative economic, national security and other relevant impacts, including benefits to the recovery of the species, likely to result if particular areas are designated as critical habitat. We seek information regarding the conservation benefits of designating areas within waters under U.S. jurisdiction as critical habitat. *See* 50 CFR 424.12(g). In keeping with the guidance provided by OMB (2000; 2003), we seek information that would allow the quantification of these effects to the extent possible, as well as information on qualitative impacts to economic values.

Data reviewed may include, but are not limited to: (1) Scientific or commercial publications; (2) administrative reports, maps or other graphic materials; (3) information received from experts; and (4) comments from interested parties.

Comments and data particularly are sought concerning: (1) Maps and specific information describing the amount, distribution, and use type (*e.g.,* foraging) by the chambered nautilus, as well as any additional information on occupied and unoccupied habitat areas; (2) the reasons why any specific area of habitat should or should not be determined to be critical habitat as provided by sections 3(5)(A) and 4(b)(2) of the ESA; (3) information regarding the benefits of designating particular

areas as critical habitat; (4) current or planned activities in the areas that might qualify for designation and their possible impacts; (5) any foreseeable economic or other potential impacts resulting from designation, and in particular, any impacts on small entities; (6) whether specific unoccupied areas may be essential for the conservation of the species; and (7) individuals who could serve as peer reviewers in connection with a proposed critical habitat designation, including persons with biological and economic expertise relevant to the species, region, and designation of critical habitat.

References

A complete list of the references used in this proposed rule is available within the docket folder under ''Supporting Documents'' (*www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2016-0098)* and upon request (see **ADDRESSES**).

Classification

National Environmental Policy Act

The 1982 amendments to the ESA, in section 4(b)(1)(A), restrict the information that may be considered when assessing species for listing. Based on this limitation of criteria for a listing decision and the opinion in *Pacific Legal Foundation* v. *Andrus,* 657 F. 2d 829 (6th Cir. 1981), NMFS has concluded that ESA listing actions are not subject to the environmental assessment requirements of the National Environmental Policy Act (NEPA).

Executive Order 12866, Regulatory Flexibility Act, and Paperwork Reduction Act

As noted in the Conference Report on the 1982 amendments to the ESA, economic impacts cannot be considered when assessing the status of a species. Therefore, the economic analysis requirements of the Regulatory Flexibility Act are not applicable to the listing process. In addition, this proposed rule is exempt from review under Executive Order 12866. This proposed rule does not contain a collection-of-information requirement for the purposes of the Paperwork Reduction Act.

Executive Order 13132, Federalism

In accordance with E.O. 13132, we determined that this proposed rule does not have significant federalism effects and that a federalism assessment is not required. In keeping with the intent of the Administration and Congress to provide continuing and meaningful dialogue on issues of mutual state and Federal interest, this proposed rule will be given to the relevant governmental agencies in the countries in which the species occurs, and they will be invited to comment. As we proceed, we intend to continue engaging in informal and formal contacts with the states, and other affected local, regional, or foreign entities, giving careful consideration to all written and oral comments received.

List of Subjects in 50 CFR Part 223

Endangered and threatened species.

Dated: October 16, 2017.

Samuel D. Rauch, III,

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

For the reasons set out in the preamble, 50 CFR part 223 is proposed to be amended as follows:

PART 223—THREATENED MARINE AND ANADROMOUS SPECIES

■ 1. The authority citation for part 223 continues to read as follows:

Authority: 16 U.S.C. 1531–1543; subpart B, § 223.201–202 also issued under 16 U.S.C. 1361 *et seq.;* 16 U.S.C. 5503(d) for § 223.206(d)(9).

■ 2. In § 223.102, paragraph (e), add a new table subheading for ''Molluscs'' before the ''Corals'' subheading and adding a new entry for ''nautilus, chambered'' under the ''Molluscs'' table subheading to read as follows:

§ 223.102 Enumeration of threatened marine and anadromous species.

* * * * *

(e) * * *

Species [1]			Citation(s) for listing determination(s)	Critical habitat	ESA rules
Common name	Scientific name	Description of listed entity			
*	*	*	*	*	*	*
Molluscs					
Nautilus, chambered	*Nautilus pompilius*	Entire species	[Insert **Federal Register** citation and date when published as a final rule].	NA	NA
Corals					
*	*	*	*	*	*	*

[1] Species includes taxonomic species, subspecies, distinct population segments (DPSs) (for a policy statement, see 61 FR 4722, February 7, 1996), and evolutionarily significant units (ESUs) (for a policy statement, see 56 FR 58612, November 20, 1991).

[FR Doc. 2017–22771 Filed 10–20–17; 8:45 am]
BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 160229159–7990–01]

RIN 0648–BF85

Fisheries of the Northeastern United States; Framework 2 to the Tilefish Fishery Management Plan

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes regulations to implement Framework Adjustment 2 to the Tilefish Fishery Management Plan. Framework Adjustment 2 was developed by the Mid-Atlantic Fishery Management Council to improve and simplify the administration of the golden tilefish fishery. These changes include removing an outdated reporting requirement, proscribing allowed gear for the recreational fishery, modifying the commercial incidental possession limit, requiring commercial golden tilefish be landed with the head and fins attached, and revising how assumed discards are accounted for when setting harvest limits.

DATES: Comments must be received on or before November 7, 2017.

ADDRESSES: You may submit comments, identified by NOAA–NMFS–2016–0024, by either of the following methods:

• *Electronic Submissions:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2016-0024,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.

• *Mail:* John K. Bullard, Regional Administrator, NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope: ''Comments on Tilefish Framework 2.''

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 part of the public record and will generally be posted to *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information. NMFS will accept anonymous comments. Attachments to electronic comments will be accepted via Microsoft Word, Microsoft Excel, WordPerfect, or Adobe PDF file formats only.

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this proposed rule may be submitted to the Greater Atlantic Regional Fisheries Office and by email to *OIRA_Submission@omb.eop.gov,* or fax to (202) 395–7285.

Copies of Framework 2, and of the draft Environmental Assessment and preliminary Regulatory Impact Review (EA/RIR), are available from the Mid-Atlantic Fishery Management Council, 800 North State Street, Suite 201, Dover, DE 19901. The EA/RIR is also accessible via the Internet at: *www.greateratlantic.fisheries.noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Douglas Potts, Fishery Policy Analyst, 978–281–9341, *Douglas.Potts@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Background

This action proposes regulations to implement Framework Adjustment 2 to the Tilefish Fishery Management Plan (FMP). The Mid-Atlantic Fishery Management Council developed this framework to improve and simplify management measures for the golden tilefish fishery in Federal waters north of the Virginia/North Carolina border, consistent with the requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The proposed management measures contained in Framework 2 are summarized below, with additional information and analysis are provided in the EA (see **ADDRESSES**).

The Council's original FMP for the golden tilefish fishery became effective in 2001 (66 FR 49136; September 26, 2001). The FMP established Total Allowable Landings (TAL) as the primary control on fishing mortality, and implemented a limited entry program with a tiered commercial quota allocation of the TAL. Amendment 1 to the FMP replaced the previous management system with an individual fishing quota (IFQ) system that allocated the TAL to individual quota shareholders rather than different permit categories (74 FR 42580; August 24, 2009). The Council developed this action to address several minor issues and inefficiencies that have been identified since the implementation of the IFQ system.

Proposed Framework Adjustment 2 Measures

Interactive Voice Response System (IVR) Reporting Requirement Removal

Commercial fishing vessels that land golden tilefish under the IFQ system are currently required to report each trip within 48 hours of landing through our IVR system. The Council originally created this reporting requirement when the fishery was managed under three permit categories, each with a sector-specific annual landings limit. The IVR system provided timely landing reports to track quota use and allowed managers to close a permit category if the annual landings cap was reached. When the Council changed the management of the fishery to an IFQ system, it retained the IVR system to allow additional monitoring of landings. Improvements in electronic dealer-reported landings and other data streams have rendered this IVR report redundant, and the data are no longer used to monitor quotas. We propose to eliminate this unnecessary reporting requirement.

Recreational Fishing Gear Limit

In recent years, there have been reports of recreational fishermen using ''mini-longline'' gear with a large number of hooks to target tilefish. The Council is concerned the use of this gear could result in dead discards if fishermen catch more than the eight-fish per person bag limit using this type of gear setup. The Magnuson-Stevens Act list of authorized gear types at 50 CFR 600.75(v) already restricts the recreational fishery to rod and reel and spear gear. However, to avoid any potential confusion and clarify the amount of gear allowed, the Council has recommended and we propose that rod and reel with a maximum of five hooks per rod should be the only authorized recreational tilefish gear for use in the Mid-Atlantic. Anglers could use either a manual or electric reel.

Commercial Golden Tilefish Landing Condition

The commercial tilefish fishery typically lands fish in a head-on, gutted condition. However, quotas and possession limits are in whole (round) weight. This requires the fishing industry to use a conversion factor to change landed weight to whole weight to comply with incidental possession limits and IFQ allocations. We proposed

to require commercially caught golden tilefish to be landed with the head and fins attached, although they could be gutted. By requiring this, we can more reliably specify and monitor landing limits and quotas without requiring any conversion. This would simplify catch accounting and improve compliance for individuals participating in the commercial tilefish fishery.

Commercial Golden Tilefish Possession Limit

When the Council created the tilefish IFQ system, it allocated a separate quota and commercial possession limit of 500 pounds (lb) (227 kilograms (kg)) to allow small landings of tilefish caught by non-IFQ vessels targeting other species. In recent years, there have been increasing reports of non-IFQ vessels specifically targeting golden tilefish to land the maximum commercial incidental possession limit. In an effort to ensure that the incidental fishery functions as originally intended, the Council approved changes to the commercial possession limit to ensure that vessels are targeting species other than golden tilefish. Through this action, we propose to modify the commercial golden tilefish landing limit to 500 lb (227 kg) or 50 percent, by weight, of all fish on board the vessel, whichever is less.

Individual Fishing Quota (IFQ) Authorized Vessels

Tilefish IFQ allocation holders may authorize one or more vessels to land tilefish under their allocation. All golden tilefish landed by those vessels are then deducted from that allocation. We do not currently have a mechanism for a vessel to attribute golden tilefish landings from a single trip to more than one IFQ allocation. To create such a system would increase reporting burden on vessels and dealers, and add complexity to the IFQ accounting and cost recovery systems. In order to maintain simple and efficient administration of the IFQ fishery, we propose prohibiting a vessel from being authorized to land tilefish under multiple IFQ allocations on the same trip. A vessel could still change IFQ allocations over the course of the year while only being authorized by one IFQ allocation at a time. In addition, IFQ allocation holders could lease quota to maintain flexibility in harvesting their allocation.

Assumed Discards in Quota-Setting Process

The current process for setting annual specifications for the golden tilefish fishery deducts assumed discards of golden tilefish from the Annual Catch Target (ACT) to generate the TALs. The incidental sector is then allocated 5 percent of the TAL and the remaining 95 percent of the TAL is divided among the IFQ shareholders based on their individual quota holdings. However, discarding golden tilefish is prohibited in the IFQ fishery. As a result, observed discards are almost entirely from the incidental sector of the fishery. We propose to adjust the specification process to allocate the ACT between the incidental and IFQ sectors of the fishery using the 5- and 95-percent split. Sector-specific assumed discards would then be deducted to establish sector-specific TALs. The IFQ TAL would be allocated to the individual IFQ shareholders. This change would likely result in a lower TAL for the incidental fishery compared to the current system. However, the amount of golden tilefish discards is small and the incidental fishery typically lands 40 to 50 percent of the TAL. Therefore, this proposed change is not expected to negatively impact the incidental fishery.

Pursuant to section 303(c) of the Magnuson-Stevens Act, the Council has deemed that this proposed rule is necessary and appropriate for the purpose of implementing Framework 2.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this proposed rule is consistent with the Tilefish FMP, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

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

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The Council prepared an analysis of the potential economic impacts of the action, which is included in the draft EA for this action and supplemented by information contained in the preamble of this proposed rule.

For Regulatory Flexibility Act purposes, the NMFS has established a size standard for small businesses, including their affiliated operations, whose primary industry is commercial fishing (see 50 CFR 200.2). A business primarily engaged in commercial fishing (NAICS code 11411) is classified as small if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual receipts not in excess of $11 million for all its affiliated operations worldwide. The SBA has established size standards for all other major industry sectors in the U.S., including defining for-hire fishing firms (NAICS code 487210) as small when their receipts are less than $7.5 million. Using these definitions, during the 2013–2015 period, there are 4 large and 158 small commercial fishing entities that landed golden tilefish, and 210 small recreational for-hire firms that had a tilefish charter/party permit.

During 2013–2015, the 158 small commercial fishing entities had average annual receipts of $871,966, while their golden tilefish revenues averaged $35,068. Over the same period, the 210 small recreational for-hire firms had average annual receipts of $138,380 from all charter/party fishing activity for all species combined. Revenue data were not available by species, so it is not possible to determine how much is attributable to golden tilefish verses the numerous other fish species those recreational for-hire vessels may target.

The proposed management measures are not expected to change the amount of fishing effort or the spatial and/or temporal distribution of fishing effort in the tilefish fishery. These proposed changes would improve the management of the fishery, but have limited impact on the operation of the fishery. Some of the proposed measures would codify how the fishery already operates, including landing commercial tilefish with the head attached, limiting IFQ vessels to fish for one IFQ allocation at a time, and limiting recreational fishing to rod and reel gear. The proposed change to the incidental commercial possession limit could reduce landings for some vessels.

Analysis of data from 2011–2015 shows that for fishing trips that landed golden tilefish under the incidental possession limit, the tilefish comprised just 0.3 percent of the weight and 0.8 percent of the value of the total landings on those trips. The incidental landings of golden tilefish were approximately 34,000 lb (15,400 kg) worth $82,000 per year. If this proposed measure had been in place during that time, it would have prevented the landing of approximately 6,000 lb (2,700 kg) of golden tilefish worth $21,600 per year from trips where golden tilefish was more than 50 percent of the total catch. This reduction would have been spread over 28 fishing vessels that landed those trips, resulting in an average impact of less than $1,000 per vessel per year. Vessels potentially affected by this proposed measure may be able to offset

some of this impact by participating in another fishery.

Given the low number of small entities involved in the tilefish fishery, and the small potential economic impact of the management measures proposed, this action will not have a ''significant economic impact on a substantial number of small entities.'' As a result, an initial regulatory flexibility analysis is not required and none has been prepared.

This proposed rule would reduce a collection-of-information requirement subject to the Paperwork Reduction Act (PRA), which has been approved by OMB under control number 0648–0590. Public reporting burden for the IVR reporting requirement is estimated to average 2 minutes for each IVR response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The proposed change would remove this reporting burden. Send comments regarding this burden estimate, or any other aspect of this data collection, including suggestions for reducing the burden, to NMFS (see **ADDRESSES**) and by email to *OIRA_Submission@omb.eop.gov,* or fax to (202) 395–7285.

Notwithstanding any other provision of the law, no person is required to respond to, and no person shall be subject to penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: October 16, 2017.

Samuel D. Rauch, III,

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

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

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

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

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

§ 648.7 [Amended]

■ 2. In § 648.7, paragraph (a)(2)(ii), is removed and reserved.

■ 3. In § 648.14, paragraphs (u)(2)(vi) and (viii) are revised and paragraph (u)(2)(ix) is added to read as follows:

§ 648.14 Prohibitions.

* * * * *

(u) * * *

(2) * * *

(vi) Land or possess golden tilefish in or from the Tilefish Management Unit, on a vessel issued a valid tilefish permit under this part, after the incidental golden tilefish fishery is closed pursuant to § 648.295(a)(3), unless fishing under a valid tilefish IFQ allocation permit as specified in § 648.294(a), or engaged in recreational fishing.

* * * * *

(viii) Land or possess golden or blueline tilefish in or from the Tilefish Management Unit, on a vessel issued a valid commercial tilefish permit under this part, that do not have the head and fins naturally attached to the fish.

(ix) Engage in recreational fishing for golden tilefish with fishing gear that is not compliant with the gear restrictions specified at § 648.296.

■ 4. In § 648.291, paragraph (a) introductory text and paragraph (a)(1) are revised to read as follows:

§ 648.291 Tilefish Annual Catch Targets (ACT).

(a) *Golden tilefish.* The Tilefish Monitoring Committee shall identify and review the relevant sources of management uncertainty to recommend ACTs for the individual fishing quota (IFQ) and incidental sectors of the fishery as part of the golden tilefish specification process. The Tilefish Monitoring Committee recommendations shall identify the specific sources of management uncertainty that were considered, technical approaches to mitigating these sources of uncertainty, and any additional relevant information considered in the ACT recommendation process.

(1) *ACT Allocation.* (i) The ACT shall be less than or equal to the ACL.

(ii) The Tilefish Monitoring Committee shall include the fishing mortality associated with the recreational fishery in its ACT recommendations only if this source of mortality has not already been accounted for in the ABC recommended by the SSC.

(iii) The Tilefish Monitoring Committee shall allocate 5 percent of the ACT to the incidental sector of the fishery and the remaining 95 percent to the individual fishing quota (IFQ) sector.

* * * * *

■ 5. In § 648.292, paragraphs (a) through (d), are revised to read as follows:

§ 648.292 Tilefish specifications.

(a) *Annual specification process.* The Tilefish Monitoring Committee shall review the ABC recommendation of the SSC, golden tilefish landings and discards information, and any other relevant available data to determine if the golden tilefish ACL, ACT, or total allowable landings (TAL) for the IFQ and/or incidental sectors of the fishery require modification to respond to any changes to the golden tilefish stock's biological reference points or to ensure any applicable rebuilding schedule is maintained. The Monitoring Committee will consider whether any additional management measures or revisions to existing measures are necessary to ensure that the IFQ and/or incidental TAL will not be exceeded. Based on that review, the Monitoring Committee will recommend golden tilefish ACL, ACTs, and TALs to the Tilefish Committee of the MAFMC. Based on these recommendations and any public comment received, the Tilefish Committee shall recommend to the MAFMC the appropriate golden tilefish ACL, ACT, TAL, and other management measures for both the IFQ and the incidental sectors of the fishery for a single fishing year or up to 3 years. The MAFMC shall review these recommendations and any public comments received, and recommend to the Regional Administrator, at least 120 days prior to the beginning of the next fishing year, the appropriate golden tilefish ACL, ACT, TAL, the percentage of TAL allocated to research quota, and any management measures to ensure that the TAL will not be exceeded, for both the IFQ and the incidental sectors of the fishery, for the next fishing year, or up to 3 fishing years. The MAFMC's recommendations must include supporting documentation, as appropriate, concerning the environmental and economic impacts of the recommendations. The Regional Administrator shall review these recommendations, and after such review, NMFS will publish a proposed rule in the **Federal Register** specifying the annual golden tilefish ACL, ACT, TAL and any management measures to ensure that the TAL will not be exceeded for the upcoming fishing year or years for both the IFQ and the incidental sectors of the fishery. After considering public comments, NMFS will publish a final rule in the **Federal Register** to implement the golden tilefish ACL, ACTs, TALs and any management measures. The previous year's specifications will remain effective unless revised through the specification process and/or the

research quota process described in paragraph (a)(5) of this section. NMFS will issue notification in the **Federal Register** if the previous year's specifications will not be changed.

(b) *Total Allowable Landings (TAL).* (1) The TALs for both the IFQ and the incidental sectors of the fishery for each fishing year will be specified pursuant to paragraph (a)(1) of this section.

(2) The sum of the sector-specific TAL and the estimated sector-specific discards shall be less than or equal to the ACT for that sector of the fishery.

(c) *TAL allocation.* For each fishing year, up to 3 percent of the incidental and IFQ TALs may be set aside for the purpose of funding research. The remaining IFQ TAL will be allocated to the individual IFQ permit holders as described in § 648.294(a).

(d) *Adjustments to the quota.* If the incidental harvest exceeds the incidental TAL for a given fishing year, the incidental trip limit specified at § 648.295(a)(2) may be reduced in the following fishing year. If an adjustment is required, a notification of adjustment of the quota will be published in the **Federal Register**.

■ 6. In § 648.293, paragraph (a)(1), is revised to read as follows:

§ 648.293 Tilefish accountability measures.

(a) *Golden tilefish.* (1) *Commercial incidental fishery closure.* See § 648.295(a)(3).

(2) *Commercial ACL overage evaluation.* If the golden tilefish ACL is exceeded, the amount of the ACL overage that cannot be directly attributed to IFQ allocation holders having exceeded their IFQ allocation will be deducted from the golden tilefish ACL in the following fishing year. All overages directly attributable to IFQ allocation holders will be deducted from the appropriate IFQ allocation(s) in the subsequent fishing year, as required by § 648.294(f).

■ 7. In § 648.294, paragraph (b)(4), is revised to read as follows:

§ 648.294 Golden tilefish individual fishing quota (IFQ) program.

* * * * *

(b) * * *

(4) *IFQ Vessel.* (i) All Federal vessel permit numbers listed on the IFQ allocation permit are authorized to possess golden tilefish pursuant to the IFQ allocation permit.

(ii) An IFQ allocation permit holder who wishes to authorize an additional vessel(s) to possess golden tilefish pursuant to the IFQ allocation permit must send written notification to NMFS. This notification must include:

(A) The vessel name and permit number, and

(B) The dates on which the IFQ allocation permit holder desires the vessel to be authorized to land golden tilefish pursuant to the IFQ allocation permit.

(iii) A vessel listed on the IFQ allocation permit is authorized to possess golden tilefish pursuant to the subject permit, until the end of the fishing year or until NMFS receives written notification from the IFQ allocation permit holder to remove the vessel.

(iv) A single vessel may not be listed on more than one IFQ allocation permit at the same time.

(v) A copy of the IFQ allocation permit must be carried on board each vessel so authorized to possess IFQ golden tilefish.

§ 648.295 [Amended]

■ 8. Section 648.295 is amended by:

■ a. Revising the section heading;

■ b. Revising paragraphs (a) and (b); and

■ c. Adding paragraph (c).

The addition and revisions to read as follows:

§ 648.295 Tilefish commercial trip limits and landing condition.

(a) *Golden tilefish.* (1) *IFQ landings.* Any golden tilefish landed by a vessel fishing under an IFQ allocation permit as specified at § 648.294(a), on a given fishing trip, count as landings under the IFQ allocation permit.

(2) *Incidental trip limit for vessels not fishing under an IFQ allocation.* Any vessel of the United States fishing under a tilefish vessel permit, as described at § 648.4(a)(12), unless the vessel is fishing under a tilefish IFQ allocation permit, is prohibited from possessing more than:

(i) 500 lb (226.8 kg) of golden tilefish at any time, or

(ii) 50 percent, by weight, of the total of all species being landed; whichever is less.

(3) *In-season closure of the incidental fishery.* The Regional Administrator will monitor the harvest of the golden tilefish incidental TAL based on dealer reports and other available information, and shall determine the date when the incidental golden tilefish TAL has been landed. The Regional Administrator shall publish a notice in the **Federal Register** notifying vessel and dealer permit holders that, effective upon a specific date, the incidental golden tilefish fishery is closed for the remainder of the fishing year.

(b) *Blueline tilefish.* [Reserved]

(c) *Landing condition.* Commercial golden or blueline tilefish must be landed with head and fins naturally attached, but may be gutted.

■ 9. In § 648.296, the section heading and paragraph (a) are revised to read as follows:

§ 648.296 Tilefish recreational possession limits and gear restrictions.

(a) *Golden Tilefish.* (1) Any person fishing from a vessel that is not fishing under a tilefish commercial vessel permit issued pursuant to § 648.4(a)(12), may land up to eight golden tilefish per trip. Anglers fishing onboard a charter/party vessel shall observe the recreational possession limit.

(2) Any vessel engaged in recreational fishing may not retain golden tilefish, unless exclusively using rod and reel fishing gear, with a maximum limit of five hooks per rod. Anglers may use either a manual or electric reel.

[FR Doc. 2017–22750 Filed 10–20–17; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 82, No. 203
Monday, October 23, 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

Agricultural Marketing Service

[Docket No. AMS–LPS–17–0046]

United States Standards for Grades of Pork Carcasses

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice, request for comments.

SUMMARY: The U.S. Department of Agriculture's (USDA) Agricultural Marketing Service (AMS) is seeking public comment on revisions to the United States Standards for Grades of Pork Carcasses (pork standards). The last revision to the pork standards occurred in 1985 and the standards no longer accurately reflect value differences in today's pork products. Modern pork production is characterized by products with improved color and higher marbling content, two factors that have been consistently identified by researchers as the main components affecting pork eating quality.

DATES: Submit comments on or before December 22, 2017.

ADDRESSES: Interested persons are invited to submit comments electronically at *https://www.regulations.gov.* Written comments should be sent to: Pork Carcass Revisions, Standardization Branch, Quality Assessment Division; Livestock Poultry and Seed Program, AMS, USDA; 1400 Independence Ave. SW., Room 3932–S, STOP 0258; Washington, DC 20250–0258. Comments may also be emailed to *porkcarcassrevisions@ams.usda.gov.* All comments should reference docket number AMS–LPS–17–0046, the date of submission, and the page number of this issue of the **Federal Register**. All comments received will be posted without change, including any personal information provided, and will be made available for public inspection at the above physical address during regular business hours.

FOR FURTHER INFORMATION CONTACT: Bucky Gwartney, International Marketing Specialist, Standardization Branch, QAD, LPS, AMS, USDA; 1400 Independence Avenue SW., Room 3932–S, STOP 0258; Washington, DC 20250–0258; phone (202) 720–1424; or via email at *Bucky.Gwartney@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: Section 203(c) of the Agricultural Marketing Act of 1946, as amended, directs and authorizes the Secretary of Agriculture ''to develop and improve standards of quality, condition, quantity, grade, and packaging and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices'' (7 U.S.C. 1622(c)). AMS is committed to carrying out this authority in a manner that facilitates the marketing of agricultural commodities. While the pork standards do not appear in the Code of Federal Regulations, they—along with other official standards—are maintained by USDA at *https://www.ams.usda.gov/grades-standards.* Copies of official standards are also available upon request. To propose changes to the pork standards, AMS utilizes the procedures it published in the August 13, 1997, **Federal Register** (62 FR 43439), which in 7 CFR part 36.

Background

Official USDA grade standards and associated voluntary, fee-for-service grading programs are authorized under the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 *et seq.*). The primary purpose of USDA grade standards, including the pork standards, is to divide the population of a commodity into uniform groups (of similar quality, yield, value, etc.) to facilitate marketing. In concert, the Federal voluntary, fee-for-service grading programs are designed to provide an independent, objective determination as to whether a given product is in conformance with the applicable USDA grade standard. USDA quality grades provide a simple, effective means of describing product that is easily understood by both buyers and sellers. No voluntary USDA grading program currently exists for pork carcasses or parts.

USDA recognizes that the pork standards must be relevant to be of value to stakeholders and, therefore, recommendations for changes in the standards may be initiated by USDA or by interested parties at any time to achieve that goal. The pork standards were first developed in the early 1930s, with revisions over the years to reflect improvements made in the industry and changes in the marketplace. The current pork standards were last updated in 1985 and are based on a combination of muscle and fat thickness (including belly) that is then formulated into an expected percent yield. In the late 1980s and early 1990s, the pork industry reacted to growing consumer demand for increased leanness of pork cuts, investing in changes to meet this demand primarily by means of improved genetics and swine diet formulations. By the early 2000s, the pork industry had become so proficient at producing consistently lean pork that additional leanness in pork would begin to degrade other consumer desires related to pork quality.

In contrast to decades past, modern consumers have shifted away from prioritizing leanness as the primary attribute in selecting pork for purchase. Instead, today's consumers seek high quality marbling (fat streaking within the cut of meat) for superior taste. In addition, consumers are increasingly demanding consistency in pork products in terms of other quality attributes, in particular in color of the lean.

Pork Quality Initiative

Standards for grades enable buyers to obtain product that meets their individual needs, such as a restaurant choosing the highest quality pork to provide its customers a very consistent level of palatability. At the same time, standards for grades are important in transmitting information to producers to help ensure informed decisions are made. For example, the market preference and price paid for a particular grade of pork could be communicated to producers so they can adjust their production accordingly. In such a case, if the price premium being paid for a high grade of pork merits producers making the investments required in genetics and feeding to produce more of that grade, such

marketing decisions can be made with justification.

The underlying interest in a potential pork quality grading system is not new to the industry. Many studies have measured pork populations and measured their innate quality characteristics. A study by Cannon et. al., 1996,[1] showed that up to 10 percent of the carcasses evaluated in a nationwide audit had pale, soft, and exudative (PSE) characteristics, resulting in significant potential losses for the pork chain. In the 2002–2003 Benchmarking Value in the Pork Supply Chain project, Meisinger, 2003,[2] noted, ''Industry must develop clear economic signals for easily and objectively measuring 'quality' along the production chain to facilitate coordinated focus on generating pork to meet domestic and global, seasonal and geographical, consumer demands for fresh, enhanced, processed, consumer-friendly, value-added, and ready-to-eat products.'' In 1998, the National Pork Producers Council [3] published color and marbling guidelines for pork products. According to these guidelines, a quality pork product with good eating quality should be in the color range of 3 to 5 (the entire range is 1–6) and have a marbling range of 2 to 4 (the entire range is 1–10). Recently, the National Pork Board updated those goals and stated that by 2020, the percentage of pork loin chops scoring below a color score of 3 would be reduced by 10 percentage points (from 55 to 45 percent), as compared with the 2012 retail study. The pork industry and the academic community have long used several parameters to measure quality characteristics, including color and marbling scores, pH, tenderness, and drip loss, with the intent of ultimately improving these characteristics over time. More recent attention has focused on the use of color and marbling, in combination, to segregate pork into like quality groupings that would deliver a more consistent, palatable product.

Evolution of the Pork Standards

Tentative standards for grades of pork carcasses and fresh pork cuts were issued by USDA in 1931 and slightly revised in 1933. New standards for grades of barrow and gilt carcasses were proposed by USDA in 1949. These standards represented the first application of objective measurements as guides to grades for pork carcasses. Slight revisions were made in the proposed standards prior to their adoption as the Official United Standards for Grades of Barrow and Gilt Carcasses, effective September 12, 1952.

The official standards were amended in July 1955, by changing the grade designations Choice No. 1, Choice No. 2, and Choice No. 3, to U.S. No. 1, U.S. No. 2, and U.S. No. 3, respectively. In addition, the backfat specifications were reworded slightly to reflect the reduced fat thickness requirements and to allow more uniform interpretation of the standards.

On April 1, 1968, the official standards were again revised to reflect the improvements made since 1955 in pork carcasses. The minimum backfat thickness requirement for the U.S. No. 1 grade was eliminated and a new U.S. No. 1 grade was established to properly identify the superior pork carcasses then being produced. The former No. 1, No. 2, and No. 3 grades were renamed No. 2, No. 3, and No. 4, respectively. The former Medium and Cull grades were combined and renamed U.S. Utility. Also, the maximum allowable adjustment for variations-from-normal fat distribution and muscling was changed from one-half to one full grade to more adequately reflect the effect of these factors on yields of cuts.

In addition, the text of the ''Application of Standards'' section was reworded to more clearly define the grade factors and clarify their use in determining the grade. On January 14, 1985, the barrow and gilt carcass grade standards were once again updated to reflect improvements in pork carcasses and changes in the pork slaughter industry since 1968.[4] A 1980 grade survey found that over 70 percent of the pork carcasses being produced were in the U.S. No. 1 grade, indicating a large amount of variation in yield that was not being accounted for by the grades. The changes simplified the standards by basing the grade on the backfat thickness over the last rib with a single adjustment for muscling. In addition, the grade lines were tightened to more adequately sort the pork carcasses being produced among several grades. Some minor changes in the wording of the quality requirements were also made.

Between 1985 and today, the pork industry and the pork carcasses and products that it produces have undergone significant change. The pork industry reacted to the consumer demand for leaner pork by making changes in genetics and nutrition. Unfortunately, during that period when production strategies focused on producing leaner pork, marbling and color became less important. However, research indicates that today's consumers are interested in a more consistent pork product with a greater focus on marbling and the color of the products. The pork industry is working to meet this demand, again by making changes within the genetic and nutrition systems.

The use of the current USDA pork grade standards in an official capacity has been non-existent since the mid-1970s, and the ability to differentiate pork into quality groupings and values has been a critical missing link. In the absence of a meaningful USDA pork grade standard, pork packers and processors have taken the initiative to sort the darker colored, higher-marbling pork for many export markets where demand is extremely high and associated price premiums exist. They also have developed branded programs with selection criteria that use both color and marbling to identify premium pork products. These programs generally seek higher color scores (4–5) and marbling scores (3–5).

Today's Quality Attributes

The U.S. is the second largest pork producing country in the world. Its production exceeds domestic consumption and, therefore, products need to be exported. Exports have continued to increase, with many markets demanding high quality pork that has certain color and marbling characteristics. These quality characteristics have been routinely used in processing plants to sort the higher quality pork for both export and for foodservice establishments that are demanding these traits. A revision to the grade standards is needed that reflects a new population of pork products that have better color and a higher marbling content, and is able to differentiate products into quality categories that can fill the demand in many different market segments. These two factors have been consistently identified by numerous researchers as the components affecting pork eating quality, as verified through checkoff-funded research.

[1] Cannon, J.E., J.B. Morgan, F.K. McKeith, G.C. Smith, S. Sonka, J. Heavner and D.L. Meeker. 1996. Pork chain quality audit survey: Quantification of pork quality characteristics. J. Muscle Foods 7, 29–44.

[2] Meisinger, D.J. 2003. The national pork quality benchmarking study. Proceedings abstracts of the 56th American Meat Science Association Reciprocal Meat Conference. Columbia, MO.

[3] National Pork Producers Council Pork Quality Solutions Team. 1998. Pork Quality Targets. In Pork Facts. #04366—10/98. NPPC. Des Moines, IA.

[4] USDA, 1985. Official United States standards for grades of pork carcasses. Agricultural Marketing Service, United States Dept. Agric., Washington, DC.

In one consumer study (Pork Quality Insights, 2014 [5]) that looked at purchase criteria for fresh pork, the data showed that ''quality and freshness'' and color were key factors in fresh pork purchases. In general, consumers related a darker color to a higher quality product. Another study (Lusk et al., 2016 [6]) looked at how consumers value pork chop quality information. It found that the majority of the consumers used chop color to assess quality and said that color is more important than marbling. However, 30 to 40 percent of consumers misperceived lighter, lower quality pork products to be of higher quality than they actually were. Furthermore, when consumers evaluated pork chop products based on quality levels, the products bearing quality grades using Prime, Choice, and Select tended to generate higher sales and, therefore, more revenue for the chop producers. However, when presented with lighter-colored, lower quality pork chop products, 20 to 30 percent of consumers still preferred these products based on their lighter color, even when these products conspicuously bore a USDA quality label indicating that they were lower quality. Therefore, color may be more influential than a grade level in some consumer decision making, which indicates that there are key opportunities within a revised pork quality standard to highlight the importance of color.

Recent research by Newman et al., 2015,[7] as part of a National Retail Benchmarking audit, indicated that the quality of loin chops at retail was inconsistent and needed improvement. The range in color score for the retail chops was 1 to 6 with an average of slightly above 3. In addition, marbling scores also ranged from 1 to 6 with 2.5 as an average. An analysis of the data after they were sorted into various color and marbling combinations resulted in the following break points: HIGH—Color 4–5, Marbling ≥4; MEDIUM—Color 3, Marbling ≥3; LOW—Color 2, Marbling ≥2. These would result in the following percentages of the retail population: 2.1, 45.1, and 22, respectively. The pork population studied by Moeller, 2008,[8] also showed a range and average for color and marbling scores similar to that found in the retail benchmarking study. There is evidence that the color and marbling score averages and the percentages in the total population would be higher without the exclusion of products being sorted for quality branded programs and sold at foodservice establishments or being exported from this data set.

A study by Tonsor et al., 2013,[9] looked at the important criteria needed for a viable, trusted pork quality grading system. The research indicates that a quality grading system would need to focus on product attributes that can be measured accurately and objectively at the speed of commerce (*e.g.,* plant line speeds), facilitate product sorting by grade, relate directly to those product characteristics valued by buyers and consumers, and be trusted by potential users. In addition, a well-functioning pork quality grade system would provide important economic signals to the industry and encourage the production of higher quality pork products. These improvements would also lead to increased demand for pork, both domestically and internationally.

A working example of these criteria is the USDA beef quality grading system. The beef quality grade standards are widely adopted by the beef industry and are globally recognized. The USDA Prime and Choice beef grades are widely recognized by consumers, both domestically and abroad, as premium products that demand a higher value and also deliver a consistent eating experience. These grade groupings also result in an economic signal that is sent up and down the beef products chain, affecting the way producers implement genetic and nutritional changes. In addition, the adoption of instrument grading technologies has allowed the industry and USDA graders to stay in tune with plant line speeds and demands for consistent grade application.

The accurate measurement of color and marbling scores is important for a pork quality grading system. Published color and marbling scorecards and visual aids have been a primary subjective method for putting pork quality into categories, whether for research trials or at processing plants. Color evaluation has been performed using one of many objective color analyses. There has also been recent research on the ability to objectively measure pork quality through instrumentation. In a large modern pork processing facility, some form of instrumentation would be needed for pork quality evaluation at current line speeds.

The National Pork Board has indicated it is in the process of revising the current pork color and marbling score cards.[10] These cards will most likely contain additional information regarding the color parameters for each color range and would still be based on a 10th rib cross-section of the *longissimus dorsi.* The challenge with having this measurement location is that most processing facilities do not make that cross-section cut, and therefore it cannot be measured. Homm, et al., 2006,[11] evaluated the influence of chop location on subsequent color and marbling scores. They found that color and marbling were consistent with the central portions of the loin. There was more variability in the anterior and posterior portions, with anterior chops being generally darker, posterior chops generally lighter, and both ends having more marbling than centrally located chops. These results indicated that the location being measured for color and marbling is important and could be problematic when a 10th rib cross-section is not available. Current research being done with various instrumental measurements is showing promise in measuring lean color and marbling along the ventral portion of the loin where the back ribs have been removed, which could become a reliable indicator for color and marbling levels.

Proposed Changes to the Pork Standards

Printed below beginning with section 54.131 is the proposed text for a revised pork standard. While the preamble describing the history of the standards is not reprinted here, the body of the actual proposed standard (sections 54.131 through 54.135) is shown in its entirety. Should any updates to the pork standard occur, the preamble will be updated accordingly. The current standard, including the preamble, can be viewed at *https://www.ams.usda.gov/*

[5] Pork Insights. 2014. Prepared for the National Pork Board.

[6] Lusk, J., G. Tonsor, T. Schroeder and D. Hayes. 2016. Consumer Valuation of Pork Chop Quality Information. Prepared for the National Pork Board. This study also found that taste was the most important attribute for consumers when purchasing chops.

[7] Newman, D. 2015. National pork retail benchmarking study. National Pork Board Research abstract: #11–163.

[8] Moeller, S.J., R. Miller and H. Zerby. 2008. Effects of pork quality and cooked temperature on consumer and trained sensory perception of eating quality in no-enhanced and enhanced pork loins. National Pork Board Research abstract: #06–139 and #07–005.

[9] Tonsor, G.T., and T.C. Schroeder. 2013. ''Economic Needs Assessment: Pork Quality Grading System.'' Available at: *http://www.agmanager.info/ag-policy/livestock-policy/economicneeds-assessment-pork-quality-grading-system.*

[10] National Pork Producers Council (NPPC). 1999. Official color and marbling standards. NPPC, Des Moines, IA.

[11] Homm, J.W., A.T. Waylan, J.A. Unruh, and R.C. Johnson. 2006. Influence of chop location within a loin on boneless pork *longissimus* quality. J. Muscle Foods 17, 221–236.

sites/default/files/media/Pork_Standard%5B1%5D.pdf.

As discussed, the proposed revised standard identifies marbling and color as the primary considerations for quality designations, instead of lean/fat and yield as exists in the current standard. Further, the proposed revised standard excludes the provision for grading of sow carcasses, maintaining the official standards for barrows and gilts only.

§ 54.131 Scope

The standards for grades of pork are written primarily in terms of carcasses. However, they also are applicable to the grading of sides and primal cuts, such as the ham, loin, or shoulder. To simplify the phrasing of the standards, the words ''carcass'' and ''carcasses'' are used also to mean ''side'' or ''sides.''

§ 54.132 Bases for Pork Carcass Standards

The official standards for pork carcass grades provide for segregation according to (a) class, as determined by the apparent sex condition of the animal at the time of slaughter, and (b) grade, which reflects the quality of lean in the carcass. A quality grade applied to a carcass will be associated with all cuts for that carcass, as long as the associated cuts are traceable through fabrication and labeling.

§ 54.133 Pork Carcass Classes

The five classes of pork carcasses, comparable to the same five classes of slaughter hogs, are: barrow, gilt, sow, stag, and boar. The official pork quality standards provide for the grading of barrow and gilt carcasses; grades are not provided for sow, stag, or boar carcasses.

(a) Barrow. A barrow is a male swine castrated when young and before development of the secondary physical characteristics of a boar.

(b) Gilt. A gilt is a young female swine that has not produced young and has not reached an advanced stage of pregnancy.

(c) Sow. A sow is a mature female swine that usually shows evidence of having reproduced or having reached an advanced stage of pregnancy.

(d) Boar. A boar is an uncastrated male swine.

(e) Stag. A stag is a male swine castrated after development or beginning of development of the secondary physical characteristics of a boar. Typical stags are somewhat coarse and lack balance—the head and shoulders are more fully developed than the hindquarter parts, bones and joints are large, the skin is thick and rough, and the hair is coarse.

§ 54.134 Application of Standards for Grades of Barrow and Gilt Carcasses

(a) Grades for barrow and gilt carcasses are based on two general quality characteristics (1) the color of the exposed lean and (2) the amount of marbling associated with the lean.

(b) There are three general levels of quality recognized: (1) Prime, Choice, and Select. The quality (color and marbling) of the lean is best evaluated by a direct observation of its characteristics in the cut surface of the *longissimus dorsi.* Quality of the lean is described in terms of characteristics of the *longissimus dorsi,* at either the 10th rib cross-section or other cross-sections within the loin that expose a surface of the *longissimus dorsi* for evaluation, or the exposed lean on the ventral side of the boneless loin after removal of the back ribs. The surface area of the *longissimus dorsi* should be at least 4 square inches to be acceptable for evaluating color and marbling characteristics.

(c) USDA uses photographs and other objective aids or devices designated by the Agricultural Marketing Service (AMS) in the correct interpretation and application of the standards.[12] Official pork color and marbling standards are maintained by the National Pork Board and will be used as official references for the USDA pork quality grades. Objective aids can also include predictive instrumentation technologies that evaluate color and/or marbling scores and meet thresholds for accuracy and precision of the predictions.

(d) To determine the grade of a carcass, the *longissimus dorsi* must be present at a minimum of 4 square inches and exposed for subjective and/or objective evaluation to allow a visual or instrumental assessment of color and marbling levels. This exposure can be done multiple ways:

(1) Exposing a cross-section of the *longissimus dorsi* at the 10th rib, or other location between approximately the 4th rib, posterior to the scapula (blade bone), and the *longissimus dorsi* cross-section anterior to the ilium (hip bone), or

(2) Exposing the *longissimus dorsi* on the ventral side of the boneless loin after removal of the back ribs.

Carcasses not presented in one of these manners are not eligible for quality grading.

For barrow and gilt carcasses, the cut surface of the *longissimus dorsi* shall be, at a minimum, slightly firm to be assessed for color and marbling levels. Lean firmness is essential for both the eating experience and in the fabrication process. Barrow and gilt carcasses meeting the minimum lean firmness are eligible to be graded on color and marbling levels. Barrow and gilt carcasses having less than slightly firm lean are not eligible for pork quality grading.

For barrow and gilt carcasses, quality of the lean is evaluated by considering its color and marbling in a cut *longissimus dorsi* surface. Barrow and gilt carcasses will be assessed for their color and marbling levels based on the published standards by the National Pork Board. The color levels are evaluated on a scale from one to six and the marbling levels are evaluated on a scale of one to ten.

The firmness requirement of slightly firm is the same for all grades and a minimum requirement for application of a grade, regardless of the extent to which marbling may exceed the minimum of a grade.

§ 54.135 Specifications for Official United States Standards for Grades of Barrow and Gilt Carcasses

(a) The quality grade of a barrow or gilt carcass is determined on the basis of the following: lean color score and lean marbling score.

The relationship between color, marbling, and quality grade is shown in Table 1.

TABLE 1—PORK CARCASS QUALITY GRADE BASED ON LEAN COLOR AND MARBLING[13]

Quality grade	Lean color score	Lean marbling score
USDA Prime	4–5	*Greater than or equal to 4.*
USDA Choice	3	*Greater than or equal to 2.*

[12] Information concerning such devices and their use may be obtained from AMS' Livestock, Poultry, and Seed Program.''

[13] Carcasses with less than slightly firm lean are not eligible for quality grading.

TABLE 1—PORK CARCASS QUALITY GRADE BASED ON LEAN COLOR AND MARBLING [13]—Continued

Quality grade	Lean color score	Lean marbling score
USDA Select	2	*Greater than or equal to 2.*

(b) The following descriptions provide a guide to the characteristics of barrow and gilt carcasses in each grade.

(1) USDA Prime—Barrow and gilt carcasses in this grade have at least a slightly firm lean, a color score of 4 or 5, and a marbling score of 4 or greater.

(2) USDA Choice—Barrow and gilt carcasses in this grade have at least a slightly firm lean, a color score of 3, and a marbling score of 2 or greater.

(3) USDA Select—Barrow and gilt carcasses in this grade have at least a slightly firm lean, a color score of 2, and a marbling score of 2 or greater.

Request for Comments

AMS is soliciting comments from stakeholders about potential changes to the U.S. Standards for Grades of Pork Carcasses. This could also include any current and/or on-going research or industry practice that has relevance to this standard. AMS also invites comments about how those changes would be implemented in a voluntary pork grading system.

Dated: October 18, 2017.

Bruce Summers,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 2017–22934 Filed 10–20–17; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

October 18, 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 22, 2017 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@omb.eop.gov* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Food and Nutrition Service

Title: Assessing the Child Nutrition State Administrative Expense Allocation Formula.

OMB Control Number: 0584 New.

Summary of Collection: USDA's Food and Nutrition Service (FNS) administers Child Nutrition Programs (CNP) that provide healthy food to children including the National School Lunch Program, School Breakfast Program, Child and Adult Care Food Program, Special Milk Program, and the Food Distribution Program for schools. State agencies are responsible for oversight and administration of the CNPs, including monitoring program operations and distributing Federal cash reimbursements and USDA Foods. CNPs are operated by a variety of local public and private providers that enter into agreements with State agencies, including school food authorities, local government agencies, nonprofit sponsoring organizations, child care centers, and adult care centers, among others. States receive Child Nutrition State Administrative Expense (SAE) funds from the Federal government to help cover their administrative costs. SAE funds are appropriated annually to USDA FNS under the authority of Section 7(a) of the Child Nutrition Act of 1966. The Act sets forth the total amount of funds available for SAE and a formula for allocating the majority of the funds to States—commonly referred to as the ''nondiscretionary'' allocation. It also provides USDA with authority to decide how to allocate remaining funds, *i.e.,* the ''discretionary'' allocation. FNS is conducting the study to assess the effectiveness of the current formula used for SAE allocations.

Need and Use of the Information: The data will be used to assess the effectiveness of the current SAE allocation formula, identify and examine factors that influence State spending, and develop and test a range of possible alternatives to improve the SAE allocation formula.

Description of Respondents: State, Local, or Tribal Government.

Number of Respondents: 88.

Frequency of Responses: Reporting: One-time.

Total Burden Hours: 228.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2017–22925 Filed 10–20–17; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Information Collection Activity; Comment Request

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Rural Utilities Service (RUS) invites comments on this information collection for which RUS intends to request approval from the Office of Management and Budget (OMB).

DATES: Comments on this notice must be received by December 22, 2017.

FOR FURTHER INFORMATION CONTACT: Thomas P. Dickson, Acting Director, Program Development and Regulatory Analysis, Rural Utilities Service, 1400 Independence Avenue SW., STOP 1522, Room 5164—South Building, Washington, DC 20250–1522.

Telephone: (202) 690–4492, FAX: (202) 720–8435 or email: *Thomas.Dickson@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION: The Office of Management and Budget's (OMB) regulation (5 CFR part 1320) implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) requires that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). This notice identifies an information collection that RUS is submitting to OMB for extension.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to: Thomas P. Dickson, Director, Acting Director, Program Development and Regulatory Analysis, Rural Utilities Service, U.S. Department of Agriculture, STOP 1522, 1400 Independence Avenue SW., Washington, DC 20250–1522. Telephone: (202) 690–4492, FAX: (202) 720–8435 or email *Thomas.Dickson@wdc.usda.gov.*

Title: Assistance to High Energy Cost Rural Communities.

OMB Control Number: 0572–0136.

Type of Request: Extension of a currently approved collection.

Abstract: The Rural Electrification Act of 1936 (RE Act) (7 U.S.C. 901 *et seq.*) was amended in November 2000 to create a new program to help rural communities with extremely high energy costs (Pub. L. 106–472). Under the new section 19 of the RE Act (7 U.S.C. 918a), the Secretary of Agriculture through RUS, is authorized to provide financial assistance through the following three funding streams:

• *High Energy Cost Grants and Loans.* RUS may provide grants and loans for energy generation, transmission, and distribution facilities serving communities with average home energy costs in excess of 275 percent of the national average. Many of the communities are in rural Alaska, but there are other eligible areas nationwide. Eligible applicants include persons, State agencies (including Territories), entities organized under State law, and Indian Tribes. Only grant funds have been appropriated to date.

• *Denali Commission Grants and Loans.* RUS may provide grants and loans to the Denali Commission, a Federal agency, for energy generation, transmission, and distribution facilities serving extremely high energy cost rural and remote communities in Alaska. Annual Denali grants are awarded and advanced as soon as funds are available to RUS. The Denali Grants are governed by a Memorandum of Understanding between the two agencies and by individual Grant Agreements. Only grant funds have been appropriated to date for the Denali Commission.

• *Bulk Fuel Revolving Fund Grants.* RUS may provide grants to State entities in existence as of November 9, 2000, to support revolving loan funds to improve the efficiency of fuel purchases for communities where the fuel cannot be delivered by surface transportation. Only Alaska and a handful of other States are eligible.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 3.18 hours per response.

Respondents: Business or other for-profit, not-for-profit institutions, State, Local, or Tribal Government.

Estimated Number of Respondents: 112.

Estimated Number of Responses per Respondent: 2.82.

Estimated Total Annual Burden on Respondents: 1,004.

Copies of this information collection can be obtained from Rebecca Hunt, Program Development and Regulatory Analysis, at (202) 205–3660, FAX: (202) 720–8435 or email: *rebecca.hunt@wdc.usda.gov.*

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: October 16, 2017.

Christopher A. McLean,

Administrator, Rural Utilities Service.

[FR Doc. 2017–22929 Filed 10–20–17; 8:45 am]

BILLING CODE 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); correction.

SUMMARY: The Rural Utilities Service (RUS), an agency of the United States Department of Agriculture (USDA) published a document in the **Federal Register** on October 12, 2017 announcing 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. The current version of one of the required forms to be included with the Application was not correctly identified.

FOR FURTHER INFORMATION CONTACT: Robin Meigel, USDA—Rural Utilities Service, 1400 Independence Avenue SW., Stop 1568, Washington, DC 20250–1568, telephone (202) 720–9452 or email to *robin.meigel@wdc.usda.gov.*

Correction

In the **Federal Register** of October 12, 2017, in FR Doc. 2017–22042, on page 47453, in ''TABLE 2—REQUIRED CONTENT AND FORM OF APPLICATION PACKAGE, PART D. Additional Required Forms and Certifications,'' the form identified as Rural Utilities Service 'Certification Regarding Debarment, Suspension and Other Responsibility Matter—Primary Covered Transactions'' is incorrect. The correct form title should read as follows: ''Form AD 1047 'Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions'.''

Also, in the same FR Doc. 2017–22042, on page 47457, in the first column, under the heading ''d. Application Part D—Additional Required Forms and Certifications,'' fourth bullet from the top, the reference to the Rural Utilities Service ''Certification Regarding Debarment, Suspension and Other Responsibility Matter—Primary Covered Transactions'' is incorrect. The correct form title should read as follows: Form AD 1047 ''Certification Regarding Debarment, Suspension and Other Responsibility Matters—Primary Covered Transactions.''

Dated: October 16, 2017.

Christopher A. McLean,

Acting Administrator, Rural Utilities Service.

[FR Doc. 2017–22857 Filed 10–20–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–351–852, A–560–832, A–580–896, A–535–905, A–583–862]

Polyethylene Terephthalate Resin From Brazil, Indonesia, the Republic of Korea, Pakistan, and Taiwan: Initiation of Less-Than-Fair-Value Investigations

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Applicable October 16, 2017.

FOR FURTHER INFORMATION CONTACT: Gene Calvert at (202) 482–3586 (Indonesia, Korea, and Pakistan) or Jun Jack Zhao at (202) 482–1396 (Brazil and Taiwan), Office VII, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

The Petitions

On September 26, 2017, the Department of Commerce (the Department) received antidumping duty (AD) petitions concerning imports of polyethylene terephthalate (PET) resin from Brazil, Indonesia, Korea, Pakistan, and Taiwan, filed in proper form on behalf of DAK Americas LLC, Indorama Ventures USA, Inc. (Indorama), M&G Polymers USA, LLC, and Nan Ya Plastics Corporation, America (collectively, the petitioners).[1] The petitioners are domestic producers of PET resin.[2]

On September 29, 2017, the Department requested supplemental information pertaining to certain areas of the Petitions.[3] The petitioners filed responses to these requests on October 3, 2017.[4]

In accordance with section 732(b) of the Tariff Act of 1930, as amended (the Act), the petitioners allege that imports of PET resin from Brazil, Indonesia, Korea, Pakistan, and Taiwan are being, or are likely to be, sold in the United States at less than fair value, within the meaning of section 731 of the Act, and that such imports are materially injuring, or threatening material injury to, the domestic industry producing PET resin in the United States. Consistent with section 732(b)(1) of the Act, the Petitions are accompanied by information reasonably available to the petitioners to support their allegations.

The Department finds that the petitioners filed these Petitions on behalf of the domestic industry because the petitioners are interested parties as defined in section 771(9)(C) of the Act. The Department also finds that the petitioners demonstrated sufficient industry support with respect to initiation of the AD investigations that the petitioners are requesting.[5]

Period of Investigations

Because the Petitions were filed on September 26, 2017, the period of investigation (POI) for all investigations is July 1, 2016, through June 30, 2017, pursuant to 19 CFR 351.204(b)(1).

Scope of the Investigations

The product covered by these investigations is PET resin from Brazil, Indonesia, Korea, Pakistan, and Taiwan. For a full description of the scope of these investigations, see the ''Scope of the Investigations'' in the Appendix to this notice.

Comments on Scope of the Investigations

As discussed in the preamble to the Department's regulations,[6] we are setting aside a period for interested parties to raise issues regarding product coverage (*i.e.,* scope). The Department will consider all comments received from interested parties and, if necessary, will consult with interested parties regarding scope prior to the issuance of the preliminary determinations. All factual information included in scope comments should be limited to public information.[7] To facilitate preparation of its questionnaires, the Department requests that interested parties submit all such comments by 5:00 p.m. Eastern Time (ET) on November 6, 2017, which is the first business day 20 calendar days from the signature date of this notice.[8] Any rebuttal comments, which may include factual information, must be filed by 5:00 p.m. ET on November 16, 2017, which is 10 calendar days from the initial comment deadline.[9]

The Department requests that any factual information the parties consider relevant to the scope of the investigations be submitted during this time period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigations may be relevant, the party may contact the Department and request permission to submit the additional information. All such comments must be filed on the record of each concurrent AD investigation.

Filing Requirements

All submissions to the Department must be electronically filed using Enforcement and Compliance's Antidumping Duty and Countervailing

[1] *See* Letter from the petitioners, ''Polyester (*sic*) Terephthalate (''PET'') Resin from Brazil, Indonesia, the Republic of Korea, Pakistan, and Taiwan—Petition for the Imposition of Antidumping Duties,'' September 26, 2017 (the Petitions). Indorama is not a petitioner with respect to the Indonesia petition. *See* Volume I of the Petitions, at 1.

[2] *See* Volume I of the Petitions, at 1.

[3] *See* Letter from the Department, ''Petition for the Imposition of Antidumping Duties on Imports of Certain Polyethylene Terephthalate Resin from Brazil: Supplemental Questions,'' September 29, 2017; *see also* Letter from the Department, ''Petition for the Imposition of Antidumping Duties on Imports of Certain Polyethylene Terephthalate Resin from Indonesia: Supplemental Questions,'' September 29, 2017; Letter from the Department, ''Petition for the Imposition of Antidumping Duties on Imports of Certain Polyethylene Terephthalate Resin from the Republic of Korea: Supplemental Questions,'' September 29, 2017; Letter from the Department, ''Petition for the Imposition of Antidumping Duties on Imports of Certain Polyethylene Terephthalate Resin from Pakistan: Supplemental Questions,'' September 29, 2017; Letter from the Department, ''Petition for the Imposition of Antidumping Duties on Imports of Certain Polyethylene Terephthalate Resin from Taiwan: Supplemental Questions,'' September 29, 2017; and Letter from the Department, ''Petitions for the Imposition of Antidumping Duties on Imports of Certain Polyethylene Terephthalate Resin from Brazil, Indonesia, the Republic of Korea, Pakistan, and Taiwan,'' September 29, 2017.

[4] *See* Letter from the petitioners, ''Polyethylene Terephthalate (''PET'') Resin from Brazil, Indonesia, the Republic of Korea, Pakistan, and Taiwan—Petitioners' Amendment to Volume I Relating to General Issues,'' October 3, 2017 (General Issues Supplement); *see also* Letter from the petitioners, ''Polyethylene Terephthalate (''PET'') Resin from Brazil, Indonesia, the Republic of Korea, Pakistan, and Taiwan—Petitioners' Amendment to Volume II Relating to Brazil Antidumping Duties,'' October 3, 2017; Letter from the petitioners, ''Polyethylene Terephthalate (''PET'') Resin from Brazil, Indonesia, the Republic of Korea, Pakistan, and Taiwan—Petitioners' Amendment to Volume III Relating to Indonesia Antidumping Duties,'' October 3, 2017; Letter from the petitioners, ''Polyethylene Terephthalate (''PET'') Resin from Brazil, Indonesia, the Republic of Korea, Pakistan, and Taiwan—Petitioners' Amendment to Volume IV Relating to the Republic of Korea Antidumping Duties,'' October 3, 2017; Letter from the petitioners, ''Polyethylene Terephthalate (''PET'') Resin from Brazil, Indonesia, the Republic of Korea, Pakistan, and Taiwan—Petitioners' Amendment to Volume V Relating to Pakistan Antidumping Duties,'' October 3, 2017; Letter from the petitioners, ''Polyethylene Terephthalate (''PET'') Resin from Brazil, Indonesia, the Republic of Korea, Pakistan, and Taiwan—Petitioners' Amendment to Volume VI Relating to Taiwan Antidumping Duties,'' October 3, 2017.

[5] *See* the ''Determination of Industry Support for the Petitions'' section below.

[6] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

[7] *See* 19 CFR 351.102(b)(21) (defining ''factual information'').

[8] *See* 19 CFR 351.303(b).

[9] *See* 19 CFR 351.303(b).

Duty Centralized Electronic Service System (ACCESS).[10] An electronically filed document must be received successfully in its entirety by the time and date it is due. Documents exempted from the electronic submission requirements must be filed manually (*i.e.,* in paper form) with Enforcement and Compliance's APO/Dockets Unit, Room 18022, Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230, and stamped with the date and time of receipt by the applicable deadlines.

Comments on Product Characteristics

The Department will provide interested parties an opportunity to comment on the appropriate physical characteristics of PET resin to be reported in response to the Department's questionnaires. This information will be used to identify the key physical characteristics of the merchandise under consideration in order to accurately report the relevant costs of production, as well as develop appropriate product-comparison criteria.

Interested parties may provide any information or comments that they feel are relevant to the development of an accurate list of physical characteristics. Specifically, parties may provide comments regarding which characteristics are appropriate to use as (1) general product characteristics and (2) product-comparison criteria. We note that it is not always appropriate to use all product characteristics as product-comparison criteria. We base product-comparison criteria on meaningful commercial differences among products. In other words, although there may be some physical product characteristics utilized by manufacturers to describe PET resin, it may be that only a select few product characteristics take commercially meaningful physical characteristics into account. Interested parties may also comment on the order in which the physical characteristics should be used in matching products. Generally, the Department attempts to list the most important physical characteristics first and the least important characteristics last.

For the Department to consider the suggestions of interested parties in developing and issuing the AD questionnaires, all product characteristics comments must be filed by 5:00 p.m. ET on November 6, 2017. Any rebuttal comments must be filed by 5:00 p.m. ET on November 16, 2017. As explained above, all comments and submissions to the Department must be electronically filed, via ACCESS, on the records of the concurrent Brazil, Indonesia, Korea, Pakistan, and Taiwan investigations.

Determination of Industry Support for the Petitions

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) At least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 732(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, the Department shall: (i) Poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the ''industry.''

Section 771(4)(A) of the Act defines the ''industry'' as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs the Department to look to producers and workers who produce the domestic like product. The International Trade Commission (ITC), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both the Department and the ITC must apply the same statutory definition regarding the domestic like product,[11] they do so for different purposes and pursuant to a separate and distinct authority. In addition, the Department's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.[12]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation'' (*i.e.,* the class or kind of merchandise to be investigated, which normally will be the scope as defined in a petition).

With regard to the domestic like product, the petitioner does not offer a definition of the domestic like product distinct from the scope of the investigations. Based on our analysis of the information submitted on the record, we have determined that PET resin, as defined in the scope, constitutes a single domestic like product, and we have analyzed industry support in terms of that domestic like product.[13]

In determining whether the petitioners have standing under section 732(c)(4)(A) of the Act, we considered the industry support data contained in the Petitions with reference to the domestic like product as defined in the ''Scope of the Investigations,'' in the Appendix to this notice. The petitioners provided their 2016 production of the domestic like product, and compared this to the estimated total production of

[10] For details of the Department's electronic filing requirements, which went into effect on August 5, 2011, *see Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011), and *Enforcement and Compliance; Change of Electronic Filing System Name,* 79 FR 69046 (November 20, 2014). Additional information on using ACCESS can be found at *https://access.trade.gov/help.aspx,* and a handbook can be found at *https://access.trade.gov/help/Handbook%20on%20Electronic%20Filling%20Procedures.pdf.*

[11] *See* section 771(10) of the Act.

[12] *See USEC, Inc.* v. *United States,* 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd.* v. *United States,* 688 F. Supp. 639, 644 (CIT 1988), *aff'd* 865 F.2d 240 (Fed. Cir. 1989)).

[13] For a discussion of the domestic like product analysis as applied to these cases and information regarding industry support, *see* Antidumping Duty Investigation Initiation Checklist: Polyethylene Terephthalate (PET) Resin from Brazil (Brazil AD Initiation Checklist), at Attachment II, ''Analysis of Industry Support for the Antidumping Duty Petitions Covering Polyethylene Terephthalate Resin (PET Resin) from Brazil, Indonesia, the Republic of Korea, Pakistan, and Taiwan'' (Attachment II); *see also* Antidumping Duty Investigation Initiation Checklist: Polyethylene Terephthalate (PET) Resin from Indonesia'' (Indonesia AD Initiation Checklist), at Attachment II; *see also* Antidumping Duty Investigation Initiation Checklist: Polyethylene Terephthalate (PET) Resin from the Republic of Korea (Korea AD Initiation Checklist), at Attachment II; *see also* Antidumping Duty Investigation Initiation Checklist: Polyethylene Terephthalate (PET) Resin from Pakistan (Pakistan AD Initiation Checklist), at Attachment II; *see also* Antidumping Duty Investigation Initiation Checklist: Polyethylene Terephthalate (PET) Resin from Taiwan (Taiwan AD Initiation Checklist), at Attachment II. These checklists are dated concurrently with this notice and on file electronically via ACCESS. Access to documents filed via ACCESS is also available in the Central Records Unit, Room B8024 of the main Department of Commerce building.

the domestic like product for the entire domestic industry.[14] We relied on data the petitioners provided for purposes of measuring industry support.[15]

Our review of the data provided in the Petitions, General Issues Supplement, and other information readily available to the Department indicates that the petitioner has established industry support for the Petitions.[16] First, the Petitions established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, the Department is not required to take further action in order to evaluate industry support (*e.g.,* polling).[17] Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petitions account for at least 25 percent of the total production of the domestic like product.[18] Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petitions account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petitions.[19] Accordingly, the Department determines that the Petitions were filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act.

The Department finds that the petitioners filed the Petitions on behalf of the domestic industry because they are interested parties as defined in section 771(9)(C) of the Act, and that the petitioners have demonstrated sufficient industry support with respect to the AD investigations that they are requesting the Department to initiate.[20]

[14] *See* Volume I of the Petitions, at Exhibit GEN–2; *see also* General Issues Supplement, at Exhibit GEN–S2.

[15] *Id.* For further discussion, *see* Brazil AD Initiation Checklist, Indonesia AD Initiation Checklist, Korea AD Initiation Checklist, Pakistan AD Initiation Checklist, and Taiwan AD Initiation Checklist, at Attachment II.

[16] *See* Brazil AD Initiation Checklist, Indonesia AD Initiation Checklist, Korea AD Initiation Checklist, Pakistan AD Initiation Checklist, and Taiwan AD Initiation Checklist, at Attachment II.

[17] *See* section 732(c)(4)(D) of the Act; *see also* Brazil AD Initiation Checklist, Indonesia AD Initiation Checklist, Korea AD Initiation Checklist, Pakistan AD Initiation Checklist, and Taiwan AD Initiation Checklist, at Attachment II.

[18] *See* Brazil AD Initiation Checklist, Indonesia AD Initiation Checklist, Korea AD Initiation Checklist, Pakistan AD Initiation Checklist, and Taiwan AD Initiation Checklist, at Attachment II.

[19] *Id.*

[20] *Id.*

Allegations and Evidence of Material Injury and Causation

The petitioners allege that the U.S. industry producing the domestic like product is being materially injured, or is threatened with material injury, by reason of the imports of the subject merchandise sold at less than normal value (NV). In addition, the petitioners allege that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.[21]

The petitioners contend that the industry's injured condition is illustrated by reduced market share; underselling and price suppression or depression; lost sales and revenues; declines in production, capacity utilization, and U.S. shipments; and declines in financial performance.[22] We have assessed the allegations and supporting evidence regarding material injury, threat of material injury, and causation, and we have determined that these allegations are properly supported by adequate evidence, and meet the statutory requirements for initiation.[23]

Allegations of Sales at Less Than Fair Value

The following is a description of the allegations of sales at less than fair value upon which the Department based its decision to initiate AD investigations of imports of PET resin from Brazil, Indonesia, Korea, Pakistan, and Taiwan. The sources of data for the deductions and adjustments relating to U.S. price and NV are discussed in greater detail in the country-specific initiation checklists.

Export Price

For all countries addressed in the Petitions, the petitioners based the U.S. price on export price (EP), using (1) average unit values (AUVs) of publicly available import data and (2) price quotes for PET resin produced in, and exported from, the relevant countries and offered for sale or actually sold in the United States.[24] Where applicable, the petitioners made adjustments to the U.S. price for movement and other expenses, consistent with the terms of sale.[25]

Normal Value

For all countries addressed in the Petitions, the petitioners provided home market price information obtained through market research for PET resin produced, and offered for sale, in each country.[26] For all countries, the petitioners provided market researcher declarations to support the price information.[27] Where applicable, the petitioners made deductions for movement expenses, consistent with the terms of sale.[28]

For all countries included in the Petitions, the petitioners provided information that sales of PET resin in each respective home market were made at prices below the cost of production (COP).[29] With respect to Brazil and Indonesia, the petitioners calculated NV based on home market prices as well as on constructed value (CV).[30] With respect to Korea, Pakistan, and Taiwan, the petitioners calculated NV based only on CV.[31] For further discussion of COP and NV based on CV, see the ''Normal Value Based on CV'' section of this notice.[32]

[21] *See* Volume I of the Petitions, at 16–17 and Exhibit GEN–8.

[22] *Id.,* at 13–32 and Exhibits GEN–5 and GEN–7 through GEN–12.

[23] *See* Brazil AD Initiation Checklist, at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping Duty Petitions Covering Polyethylene Terephthalate (PET) Resin from Brazil, Indonesia, the Republic of Korea, Pakistan, and Taiwan (Attachment III); Indonesia AD Initiation Checklist, at Attachment III; Korea AD Initiation Checklist, at Attachment III; Pakistan AD Initiation Checklist, at Attachment III; and Taiwan AD Initiation Checklist, at Attachment III.

[24] *See* Brazil AD Initiation Checklist; *see also* Indonesia AD Initiation Checklist; Korea AD Initiation Checklist; Pakistan AD Initiation Checklist; Taiwan AD Initiation Checklist.

[25] *Id.*

[26] *See* Brazil AD Initiation Checklist; *see also* Indonesia AD Initiation Checklist; Korea AD Initiation Checklist; Pakistan AD Initiation Checklist; Taiwan AD Initiation Checklist.

[27] *See* Letter from the petitioners, ''Certain Polyethylene Terephthalate Resin from Brazil—Petitioners' Foreign Market Research Report,'' September 27, 2017; *see also* Letter from the petitioners, ''Certain Polyethylene Terephthalate Resin from Indonesia—Petitioners' Foreign Market Research Report,'' September 27, 2017; Letter from the petitioners, ''Certain Polyethylene Terephthalate Resin from the Republic of Korea—Petitioners' Foreign Market Research Report,'' September 27, 2017; Letter from the petitioners, ''Certain Polyethylene Terephthalate Resin from Pakistan—Petitioners' Foreign Market Research Report,'' September 27, 2017; Letter from the petitioners, ''Certain Polyethylene Terephthalate Resin from Taiwan—Petitioners' Foreign Market Research Report,'' September 27, 2017.

[28] *See* Brazil AD Initiation Checklist; *see also* Indonesia AD Initiation Checklist; Korea AD Initiation Checklist; Pakistan AD Initiation Checklist; Taiwan AD Initiation Checklist.

[29] *Id.*

[30] *See* Brazil AD Initiation Checklist; *see also* Indonesia AD Initiation Checklist.

[31] *See* Korea AD Initiation Checklist; *see also* Pakistan AD Initiation Checklist; and Taiwan AD Initiation Checklist.

[32] In accordance with section 505(a) of the Trade Preferences Extension Act of 2015, amending section 773(b)(2) of the Act, in all investigations, the Department will request information necessary to calculate the CV and COP to determine whether there are reasonable grounds to believe or suspect that sales of the foreign like product have been made at prices that represent less than the COP of the product. The Department no longer requires a COP allegation to conduct this analysis.

Normal Value Based on CV

Pursuant to section 773(b)(3) of the Act, COP consists of the cost of manufacturing (COM), selling, general, and administrative (SG&A) expenses, financial expenses, and packing expenses. For Brazil, Indonesia, Korea, Pakistan, and Taiwan, the petitioners calculated the COM based on the input factors of production and usage rates from U.S. producers of PET resin.[33] For Brazil, Indonesia, Korea and Taiwan, the input factors of production were valued using publicly available data on costs specific to Brazil, Indonesia, Korea and Taiwan.[34] Specifically, the prices for raw material and packing inputs were based on Brazilian, Indonesian, Korean and Taiwanese publicly available import/export data.[35] For Pakistan, because publicly-available information concerning the cost of certain raw materials, nitrogen, and packing inputs in Pakistan was not reasonably available to the petitioners, the petitioners based their raw material and packing input cost calculations on their own experiences.[36] For all five countries, labor and energy costs were valued using publicly available sources from those countries.[37] The petitioners calculated factory overhead, SG&A, and financial expenses based on the experience of Brazilian, Indonesian, Korean, Pakistani, and Taiwanese producers of comparable merchandise.[38]

For all five countries, because certain home market prices fell below the COP, pursuant to sections 773(a)(4), 773(b), and 773(e) of the Act, as noted above, the petitioners calculated NVs based on CV.[39] Pursuant to section 773(e) of the Act, CV consists of the COM, SG&A expenses, financial expenses, packing expenses, and profit. The petitioners calculated CV using the same average COM, SG&A expenses, financial expenses, and packing expenses that were used to calculate the COP.[40] The petitioners relied on the financial statements of the same producers that they used for calculating factory overhead, SG&A expenses, and financial expenses to calculate the profit rates.[41]

[33] *See* Brazil AD Initiation Checklist; *see also* Indonesia AD Initiation Checklist; Korea AD Initiation Checklist; Pakistan AD Initiation Checklist; Taiwan AD Initiation Checklist.

[34] *Id.*

[35] *Id.*

[36] *Id.*

[37] *Id.*

[38] *Id.*

[39] *Id.*

[40] *Id.*

[41] *Id.*

Fair Value Comparisons

Based on the data provided by the petitioners, there is reason to believe that imports of PET resin from Brazil, Indonesia, Korea, Pakistan, and Taiwan are being, or are likely to be, sold in the United States at less than fair value. Based on comparisons of EP to NV, pursuant to sections 772 and 773 of the Act, the estimated dumping margins for PET resin from each of the countries included in the Petitions and covered by this initiation notice are: (1) 18.76 percent to 115.87 percent for Brazil,[42] (2) 8.49 percent to 53.50 percent for Indonesia,[43] (3) 55.74 percent and 101.41 percent for Korea,[44] (4) 25.03 percent and 43.40 percent for Pakistan,[45] and (5) 14.67 percent and 45.00 percent for Taiwan.[46]

Initiation of Less-Than-Fair-Value Investigations

Based upon the examination of the Petitions, we find that the Petitions meet the requirements of section 732 of the Act. Therefore, we are initiating AD investigations to determine whether or not imports of PET resin from Brazil, Indonesia, Korea, Pakistan, and Taiwan are being, or are likely to be, sold in the United States at less than fair value. In accordance with section 733(b)(1)(A) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determinations no later than 140 days after the date of this initiation.

Numerous amendments to the AD and countervailing duty (CVD) laws were made under the Trade Preferences Extension Act of 2015.[47] The 2015 law does not specify dates of application for those amendments. On August 6, 2015, the Department published an interpretative rule, in which it announced the applicability dates for each amendment to the Act, except for amendments contained in section 771(7) of the Act, which relate to determinations of material injury by the ITC.[48] The amendments to sections 771(15), 773, 776, and 782 of the Act are applicable to all determinations made on or after August 6, 2015, and, therefore, apply to these AD investigations.[49]

[42] *See* Brazil AD Initiation Checklist.

[43] *See* Indonesia AD Initiation Checklist.

[44] *See* Korea AD Initiation Checklist.

[45] *See* Pakistan AD Initiation Checklist.

[46] *See* Taiwan AD Initiation Checklist.

[47] *See* Trade Preferences Extension Act of 2015, Public Law 114–27, 129 Stat. 362 (2015).

[48] *See Dates of Application of Amendments to the Antidumping and Countervailing Duty Laws Made by the Trade Preferences Extension Act of 2015,* 80 FR 46793 (August 6, 2015).

Respondent Selection

The petitioners named five companies in Brazil, seven companies in Indonesia, 16 companies in Korea, two companies in Pakistan, and eight companies in Taiwan as producers and/or exporters of PET resin.[50] Following standard practice in AD investigations involving market economy countries, in the event the Department determines that the number of companies for any of the countries identified above is large, the Department intends to review U.S. Customs and Border Protection (CBP) data for U.S. imports of PET resin during the respective POIs under the appropriate Harmonized Tariff Schedule of the United States subheadings, and if the Department determines that it cannot individually examine each company based upon the Department's resources, then it will select respondents based on that CBP data. We intend to release CBP data under Administrative Protective Order (APO) to all parties with access to information protected by APO within five business days of the announcement of the initiation of these investigations. Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found on the Department's Web site at *http://enforcement.trade.gov/apo.*

Interested parties may submit comments regarding the CBP data and respondent selection by 5:00 p.m. ET on the seventh calendar day after placement of the CBP data on the records of these investigations. Interested parties wishing to submit rebuttal comments should submit those comments five calendar days after the deadline for initial comments.

With respect to Pakistan, although the Department normally relies on import data from CBP to determine whether to select a limited number of producers/exporters for individual examination in AD investigations, the petitioners identified only two companies as producers/exporters of PET resin from Pakistan: Novatex Limited and Pakistan Synthetics Limited. The petitioners relied on information from a subscription database of import shipments, additional research of publicly-available sources, and the petitioners' foreign market research report as support for their claim that

[49] *Id.* at 46794–46795. The 2015 amendments may be found at *https://www.congress.gov/bill/114th-congress/house-bill/1295/text/pl.*

[50] *See* Volume I of the Petitions, at Exhibit GEN–4.

there are only two producers/exporters of PET resin in Pakstan.[51] We currently know of no additional producers/exporters of PET resin from Pakistan. Accordingly, the Department intends to examine the producers/exporters identified in the petition for the investigation. Parties wishing to comment on respondent selection must do so within five days of the publication of this notice in the **Federal Register**.

Comments must be electronically filed via ACCESS. An electronically filed document must be successfully received, in its entirety, by ACCESS no later than 5:00 p.m. ET on the relevant date noted above. If respondent selection is necessary, we intend to make our decisions regarding respondent selection, based on comments received from interested parties and our analysis of the record information, within 20 days of publication of this notice.

Distribution of Copies of the Petitions

In accordance with section 732(b)(3)(A)(i) of the Act and 19 CFR 351.202(f), copies of the public version of the Petitions have been provided to the governments of Brazil, Indonesia, Korea, Pakistan, and Taiwan *via* ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the Petitions to each exporter named in the Petitions, as provided under 19 CFR 351.203(c)(2).

ITC Notification

We will notify the ITC of our initiation, as required by section 732(d) of the Act.

Preliminary Determinations by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petitions were filed, whether there is a reasonable indication that imports of PET resin from Brazil, Indonesia, Korea, Pakistan, and/or Taiwan are materially injuring or threatening material injury to a U.S. industry. A negative ITC determination for any country will result in the investigation being terminated with respect to that country. Otherwise, these investigations will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) Evidence submitted in response to questionnaires, (ii) evidence submitted in support of allegations, (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2), (iv) evidence placed on the record by the Department, and (v) evidence other than factual information described in (i)–(iv). Section 351.301(b) of the Department's regulations requires any party submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct.[52] Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Interested parties should review the regulations prior to submitting factual information in these investigations.

Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351.301 or as otherwise specified by the Secretary. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301. For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. ET on the due date. Under certain circumstances, we may elect to specify a different time limit by which extension requests will be considered untimely for such submissions and, in such a case, will inform parties in the letter or memorandum setting forth the deadline (*i.e.,* include a time by which extension requests must be filed to be considered timely). An extension request must be made in a separate, stand-alone submission. We will grant untimely filed requests for the extension of time limits only under limited circumstances. Parties should review *Extension of Time Limits; Final Rule,* 78 FR 57790 (September 20, 2013), available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to submitting factual information in these investigations.

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.[53] Parties are hereby reminded that revised certification requirements are in effect for company and government officials, as well as their representatives. Investigations initiated on the basis of petitions filed on or after August 16, 2013, and other segments of any AD or CVD proceedings initiated on or after August 16, 2013, should use the formats for the revised certifications provided at the end of the *Final Rule.*[54] The Department will reject factual submissions if the submitting party does not comply with applicable revised certification requirements.

Notification to Interested Parties

As noted above, Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. On January 22, 2008, the Department published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures,* 73 FR 3634 (January 22, 2008). Parties wishing to participate in these investigations should ensure that they meet the requirements of these procedures (*e.g.,* filing of letters of appearance, in accordance with 19 CFR 351.103(d)).

This notice is issued and published pursuant to sections 732(c)(2) and 777(i) of the Act, and 19 CFR 351.203(c).

Dated: October 16, 2017.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix—Scope of the Investigations

The merchandise covered by these investigations is polyethylene terephthalate (PET) resin having an intrinsic viscosity of at least 70, but not more than 88, milliliters per gram (0.70 to 0.88 deciliters per gram). The scope includes blends of virgin PET resin and recycled PET resin containing 50 percent or more virgin PET resin content by weight, provided such blends meet the intrinsic viscosity requirements above. The scope includes all PET resin meeting the above specifications regardless of additives introduced in the manufacturing process.

The merchandise subject to these investigations is properly classified under subheadings 3907.61.0000 and 3907.69.0000 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS

[51] *See* Volume I of the Petitions, at 13, and Exhibit GEN–4, *See also* letter from the petitioners, ''Re: Certain Polyethylene Terephthalate Resin from Pakistan—Petitioners' Foreign Market Research Report,'' dated September 27, 2017.

[52] *See* 19 CFR 351.301(b).

[53] *See* section 782(b) of the Act.

[54] *See Certification of Factual Information to Import Administration during Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Final Rule*); *see also* frequently asked questions regarding the *Final Rule,* available at *http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

subheadings are provided for convenience and customs purposes, the written description of the merchandise covered by these investigations is dispositive.

[FR Doc. 2017–22931 Filed 10–20–17; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–981]

Utility Scale Wind Towers From the People's Republic of China: Notice of Rescission of Antidumping Duty Administrative Review; 2016–2017

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) is rescinding its administrative review of utility scale wind towers (wind towers) from the People's Republic of China (PRC) for the period or review (POR) February 1, 2016, through January 31, 2017, based on the withdrawal of request for review.

DATES: Applicable October 23, 2017.

FOR FURTHER INFORMATION CONTACT: Trisha Tran, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–4852.

SUPPLEMENTARY INFORMATION:

Background

On February 8, 2017, the Department published the notice of opportunity to request an administrative review of the antidumping duty order on wind towers from the PRC for the above POR.[1] On February 28, 2017, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.213(b), the Department received a timely request from the Wind Tower Coalition (the petitioner) to conduct an administrative review of this antidumping duty order.[2]

Pursuant to this request, and in accordance with 19 CFR 351.225(c)(1)(i), on April 10, 2017, the Department published a notice of initiation of an administrative review of the antidumping duty order on wind towers from the PRC.[3] On May 31, 2017, the petitioner timely withdrew its request for an administrative review of all 56 companies for which it had requested a review.[4]

Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), the Department will rescind an administrative review, in whole or in part, if the party that requested a review withdraws the request within 90 days of the publication date of the notice of initiation of the requested review. As noted above, the petitioner withdrew its request for review within 90 days of the publication date of the *Initiation Notice.* No other parties requested an administrative review of the order. Therefore, in accordance with 19 CFR 351.213(d)(1), we are rescinding this review on wind towers from the PRC in its entirety.

Assessment

The Department will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries of wind towers from the PRC. Antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions to CBP 15 days after the date of publication of this notice of rescission of administrative review in the **Federal Register**.

Notification to Importers

This notice also serves as a final reminder to importers for whom this review is being rescinded 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 the 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 orders (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/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 is published in accordance with section 777(i)(1) of the Act, and 19 CFR 351.213(d)(4).

Dated: October 17, 2017.

James Maeder,

Senior Director performing the duties of Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2017–22932 Filed 10–20–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[Docket No.: 170413395–7395–02]

RIN 0625–XCO3

2017 Fee Schedule for National Travel and Tourism Office for the Advance Passenger Information System (APIS)/I–92 Program, I–94 International Arrivals Program, and Survey of International Air Travelers Program

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Final notice of implementation of user fees.

SUMMARY: The International Trade Administration (ITA) solicited public feedback on its proposal to adjust the National Travel & Tourism Office (NTTO) 2017 I–94/APIS & SIAT data user fees for three programs after considering an independent cost study which concluded that ITA is not fully covering its costs for providing services under the current fee structure. Federal agencies are directed by Office of Management and Budget (OMB) Circular A–25 to ensure they recoup their costs when providing certain services. The NTTO provides key market intelligence to the government and travel industry to help U.S. businesses expand travel exports. ITA, through the NTTO, will continue to

[1] *See Antidumping or Countervailing Duty, Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review,* 82 FR 9709 (February 8, 2017).

[2] *See* Letter from the petitioner, ''Utility Scale Wind Towers from the People's Republic of China: Request for Administrative Review,'' dated February 28, 2017.

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 82 FR 17188 (April 10, 2017).

[4] *See* Letter from the petitioner, ''Utility Scale Wind Towers from the People's Republic of China: Withdrawal of Request for Administrative Review,'' dated May 31, 2017.

provide information and services that benefit the general public without charge. No changes were made to the proposed user fees in response to public feedback, although the NTTO did expand the number of surveys for the 2017 Survey of International Air Travelers from 77,000 to 80,000. As part of this announcement, ITA announces the final user fees schedule for its 2017 data.

DATES: The user fees schedule will be applicable November 22, 2017.

FOR FURTHER INFORMATION CONTACT: Richard Champley at (202) 482–4753 or *Richard.Champley@trade.gov;* or Claudia Wolfe at (202) 482–4555 or *Claudia.Wolfe@trade.gov.*

SUPPLEMENTARY INFORMATION:

Background

There are three main research programs through which the public may obtain data on international travelers to and from the United States additional to the free information already posted to the NTTO Web site. The proposed 2017 data fees are for (1) the monthly, quarterly and annual data from the APIS/I–92 Program, (2) the I–94 International Arrivals Program, and (3) the annual custom reports, data tables and files from the Survey of International Air Travelers (SIAT) Program.

Consistent with the guidelines in OMB Circular A–25 federal agencies are responsible for conducting a biennial review of all programs to determine the types of activities subject to user fees and the basis upon which user fees are to be set.

In addition to OMB Circular A–25, the NTTO also follows OMB Circular A–130, which mandates federal agencies to develop and to maintain a comprehensive set of information management policies for use across the government, and to promote the application of information technology to improve the use and dissemination of information in the operation of Federal programs. The role of NTTO is to enhance the international competitiveness of the U.S. travel and tourism industry and to increase its exports, thereby creating U.S. employment and economic growth. The primary functions of the NTTO are: (1) Management of the travel and tourism statistical system for assessing the economic contribution of the industry and providing the sole source for characteristic statistics on international travel to and from the United States; (2) design and administration of export expansion activities; (3) development and management of tourism policy, strategy and advocacy; and (4) technical assistance for expanding this key export (international tourism) and assisting in domestic economic development.

The NTTO has provided the I–94/APIS & SIAT data for many years and has developed a subscriber base for each of these programs. The fees collected for these reports pay for ITA costs to develop the reports and support research for the continuation and expansion of improvements to the data provided by NTTO. In 2016, the NTTO issued Fee Schedule increases for the APIS/I–92 program, the I–94 International Arrivals Program and the SIAT Program. The contractor prices are six percent greater than the 2016 contract prices for the SIAT base program and 27 percent greater for the I–94 program. This increase is due in part to increased quality management checks associated with this program. Additionally, there is a nearly 30 percent increase in the cost for custom reports for both programs. Custom reports costs increased because of the necessity to combine multiple years of sample, as well as incorporate additional data in Table 1A and Table 1. Fees for the APIS/I–92 program are being increased to help offset an ITA budget cut and the much larger increases in costs to the I–94 and SIAT program, because all three programs are interdependent upon one another and used to provide the SIAT data.

Additionally, for 2017 data, to ameliorate the increased costs while keeping the program fees as low as possible, ITA proposed to cut the SIAT sample from 96,000 surveys in 2016 to 77,000 surveys in 2017, but because of the overwhelming response to the **Federal Register** Notice, the NTTO has decided the sample will be set at 80,000, up from 77,000. NTTO anticipates that the 2018 sample level will also be 80,000 depending upon the FY2018 budget. The increased fees for 2017 data are necessary to avoid additional cuts. The NTTO had asked about the industry's preference on a cut in sample as a method to keep the fee increases lower. The response was overwhelmingly against cutting the sample.

Amendments to Original User Fee Proposal in Response to Public Comments

ITA solicited public comment on the proposed revisions to the user fees during a 30-day period from June 26, 2017 to July 26, 2017 (82 FR 28820, June 26, 2017). Over 40 comments were received in response to the proposal. The individual comments can be viewed on the Federal eRulemaking Portal: *www.Regulations.gov*. The identification number is ITA–2017–0005. All comments received during this time were reviewed and considered with respect to the final user fee schedule. A summary of the comments is provided below:

Comment: The overwhelming response to the **Federal Register** Notice was related to the proposed cut in the 2017 sample from 96,000 to 77,000. Nearly 95 percent of the respondents registered their complaint about the sample size reductions.

Response: The last two years for the SIAT were the largest sample ever for this program. In 2015 it was nearly 97,000, and in 2016 it was over 96,000. Prior to those two years, the NTTO SIAT sample had been between 73,500 to 80,000 from 2007 to 2013 and lower in previous years. As stated previously, sharply increasing costs in 2017 and budget uncertainty for future fiscal years required a sample size cut. The NTTO takes this opportunity to remind users that most clients combine samples for their custom reports and with the two highest sample years prior to 2017, clients will benefit from those years. In response to overwhelming comments for a larger sample, the NTTO has issued a task order to set the 2017 sample to 80,000, up from the initial 77,000 surveys.

Comment: Nearly 50 percent of the respondents expressed concern over the reliability or related terms of the sample due to the reductions.

Response: The SIAT sample is not the only item used to provide the visitation, spending, and traveler characteristics data from the SIAT. The data is weighted to the I–94 count of overseas and Mexican air travelers to the USA and to the ports of entry data. The weights for each respondent are assigned to all responses so when the SIAT estimates for country of residency and port of entry are compared to the I–94 population counts, the variance is 0.0 percent, showing the weighting aligns the sample with the travel population. This weighting coupled with two years of robust sample sizes in 2015 and 2016 ensures the reliability of the data.

Comment: 40 percent of the respondents supported the fee increase to mitigate the cut in sample, while only 14% objected to the fee increase.

Response: The NTTO will implement the proposed fee increase for the 2017 data given the majority of customers requested a greater sample size and 40 percent of the respondents are willing to accept the 15 percent fee increase.

Comment: 40 percent of the respondents noted that the decline in the sample for 2017 would have a larger

impact on small and medium size destinations.

Response: Unfortunately, in a representative sample of the international travel market to and from the U.S., the top destinations will obtain a larger sample. It should be noted that the NTTO reviews the sample collections yearly and tries to adjust it to keep the sample representative of both the inbound and outbound travel population. ITA is considering encouraging additional destinations/ports to cooperate in our Supplemental Airport Survey Program to increase the data supplied from small and medium size destinations.

Comment: 14 percent of the respondents opposed the fee increase stating it would hurt smaller destinations more than larger ones.

Response: 40 percent of respondents supported the increase, many of which are small businesses or destinations. As noted above, the demand for a larger sample, the increasing costs of operating the program and declining budget require ITA to raise fees.

Comment: 10 percent of the respondents commented that these programs should continue to be adequately funded and sustained because the research and data is important to the industry.

Response: Congress has mandated, through the Travel Promotion Act, that the Department of Commerce continue and expand its research programs. ITA will continue to provide this program if it is supported by the Department of Commerce and Congress.

Comment: 10 percent of the respondents commented about the continued delays and lack of timeliness in delivery of the data, especially given the fee increase.

Response: The NTTO and its contractors work very hard to provide quality and timely data. However, I–94 automation issues and APIS/I–92 data delays have negatively impacted timely delivery due to additional time required to review and revise the data when necessary. Delays related to the I–94 and APIS/I–92 programs cause corresponding delays in release of the SIAT data because the SIAT data is weighted to the I–94 and APIS/I–92 program data.

Comment: There were a few comments in which industry clients tried to calculate the SIAT's share of the travel population based on total arrivals to the U.S.

Response: The NTTO wants to remind the industry that the travel population for this program is both inbound and outbound travelers and that it only includes all overseas (all countries except Canada & Mexico) and Mexican air travelers. The NTTO has travel population totals from the I–94 (for the inbound markets) and APIS/I–92 for the U.S. outbound market. The share of the inbound travel population is around 0.3 percent. This is much smaller than the 1 percent sample mandated by the Travel Promotion Act (TPA) and Congress has not provided dedicated funding. The NTTO has conducted several tests to reduce program costs and improve the quality of the data. To date, the current survey method delivers more complete results than any of the tests. The program is competitively bid.

Comment: A few comments included a request to reduce the sample of U.S. residents and to equivalently increase the non-resident side.

Response: The non-resident sample has traditionally been higher than the U.S. resident sample; decreasing the sample from one part of the program to benefit another would drive up costs and not allow the NTTO to fulfill its mandate to federal agencies that depend upon the U.S. outbound SIAT data.

Comment: There was a comment on preventing future significant cost increases.

Response: To control costs this contract is competitively bid every three years. The low-cost contractor wins the bid.

The NTTO wants to thank everyone who responded to this notice and greatly appreciates the feedback and concerns. The NTTO is in the process of preparing a request for information to solicit ideas from the industry to improve the SIAT program.

User Fee Schedule

Fee Schedule increases for the APIS/I–92 program, the I–94 International Arrivals Program and the Survey of International Air Travelers (SIAT) Program are shown in the tables below. All fees shown are 15 percent greater in 2017 than in 2016, except for certain SIAT reports as explained above. For the I–94 program, ITA has eliminated the print files and will only provide a PDF and Excel file to save costs. The custom reports, data tables, and files will also see a 15 percent fee increase in 2017.

	2017 Fee	2016 Fee
APIS/I–92 Program:		
Monthly Reports printed	$2,295	$1,995
Monthly Reports (PDF and Excel)	3,435	2,985
Quarterly Reports printed	2,070	1,800
Quarterly Reports (PDF and Excel)	3,095	2,690
Annual Report printed	1,610	1,400
Annual Report (PDF and Excel)	2,405	2,090
Data Files, for internal use only	27,310	23,745
I–94 International arrivals program:		
Monthly Subscription (PDF and Excel)	2,450	2,130
Quarterly Subscription (PDF & Excel)	2,155	1,870
Annual Issue (PDF and Excel)	1,485	1,290
Annual, data file (CD–ROM)	16,770	14,580
Quarterly, data file (CD–ROM)	18,820	16,365
Combined 2015 and 2016 International I–94 arrivals data:		
Monthly Subscription (PDF & Excel)	3,730	3,240
Quarterly Subscription (PDF & Excel)	3,170	2,755
Annual Issue (PDF and Excel)	2,000	1,740
Survey of International Air Travelers program:		
CUSTOM TABLE—1st table, in Excel	2,720	2,365
CUSTOM TABLE—all other tables in Excel	1,645	1,430
Custom Reports with Excel and PDF (First banner)	10,210	8,875
Custom Reports with Excel and PDF (Second banner)	9,185	7,985
Custom Reports with Excel and PDF (Third + banners)	8,220	7,145

Determining the Cost of Performing Each Service

Please refer to the **Federal Register** Notice published on June 26, 2017 (82 FR 28820) for information on how ITA determines the costs of performing each service.

Conclusion

For the reasons provided above, ITA believes its revised fees are consistent with the objective of OMB Circular A–25 to ''promote efficient allocation of the Nation's resources by establishing charges for special benefits provided to the recipient that are at least as great as costs to the Government of providing the special benefits.'' OMB Circular A–25(5) (b). For 2017 data, the fees will be increased as proposed. ITA will continue to reassess the fee schedule, in accordance with OMB Circular A–25, at least every two years thereafter.

Dated: October 18, 2017.

Isabel Hill,

Director, National Travel & Tourism Office, International Trade Administration, U.S. Department of Commerce.

[FR Doc. 2017–22953 Filed 10–18–17; 4:15 pm]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Marine Mammals and Endangered Species

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

ACTION: Notice; issuance of permits and permit amendments or modifications.

SUMMARY: Notice is hereby given that permits or permit amendments have been issued to the following entities under the Marine Mammal Protection Act (MMPA) and the Endangered Species Act (ESA), as applicable.

ADDRESSES: The permits and related documents are available for review upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376.

FOR FURTHER INFORMATION CONTACT: Erin Markin (File No. 17304–03); Courtney Smith (File No. 21143), Lisa Lierheimer (File No. 21486), Sara Young (File Nos. 20466, 21006, 21018, 21158), and Shasta McClenahan (File Nos. 16609–01, 17115–05 and 20951) at (301) 427–8401.

SUPPLEMENTARY INFORMATION: Notices were published in the **Federal Register** on the dates listed below that requests for a permit or permit amendment had been submitted by the below-named applicants. To locate the **Federal Register** notice that announced our receipt of the application and a complete description of the research, go to *www.regulations.gov* and search on the permit number provided in the table below.

File No.	RIN	Applicant	Previous **Federal Register** Notice	Permit or amendment issuance date
16609–01	0648–XF213	Zoological Society of San Diego (Douglas Myers, Responsible Party), P.O. Box 120551, San Diego, CA 92112.	82 FR 37426; August 10, 2017	September 20, 2017.
17115–05	0648–XC100	James Lloyd-Smith, University of California, Los Angeles, 610 Charles E. Young Dr. South, Box 723905, Los Angeles, California 90095.	77 FR 41171; July 12, 2012	September 12, 2017.
17304–03	0648–XC667	Kristen Hart, Ph.D., U.S. Geological Survey, 3205 College Ave., Davie, Florida 33314.	82 FR 12806; March 7, 2017	September 5, 2017.
20466	0648–XF272	Alaska Department of Fish and Game (ADF&G), Division of Wildlife Conservation, Juneau, AK.	82 FR 16995; April 7, 2017	September 20, 2017.
20951	0648–XF367	Ann Zoidis, Ph.D., Cetos Research Organization, 11 Des Isle Avenue, Bar Harbor, ME 04609.	82 FR 22517; May 16, 2017	September 5, 2017.
21006	0648–XF530	Linnea Pearson, California Polytechnic State University, 1 Grand Ave., San Luis Obispo, CA 93407.	82 FR 32344; July 13, 2017	September 15, 2017.
21018	0648–XF536	Brent Stewart, Ph.D., Hubbs-SeaWorld Research Institute, 2595 Ingraham Street, San Diego, CA 92109.	82 FR 32789; July 18, 2017	September 27, 2017.
21143	0648–XF500	Jeremy Kiszka, Ph.D., Florida International University, 3000 NE 151st Street, Marine Science Building, Room 250D, North Miami, Florida, 33181.	82 FR 31950; July 11, 2017	September 1, 2017.
21158	0648–XF592	Robert Garrott, Ph.D., Montana State University, 310 Lewis Hall, Bozeman, MT 59717.	82 FR 37574; August 11, 2017	September 25, 2017.
21486	0648–XF620	British Broadcasting Corporation (BBC) Worldwide Americas, Inc., on behalf of BBC Natural History Unit, 28 Whiteladies Rd., Bristol, UK, BS8 2LR.	82 FR 40144; September 24, 2017	September 27, 2017.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), a final determination has been made that the activities proposed are categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

As required by the ESA, as applicable, issuance of these permit was based on a finding that such permits: (1) were applied for in good faith; (2) will not operate to the disadvantage of such endangered species; and (3) are consistent with the purposes and policies set forth in Section 2 of the ESA.

Authority: The requested permits have been issued under the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16

U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226), as applicable.

Dated: October 18, 2017.

Julia Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2017–22899 Filed 10–20–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF755

Fisheries of the South Atlantic; South Atlantic Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of a public meeting.

SUMMARY: The South Atlantic Fishery Management Council's (Council) Snapper Grouper Advisory Panel (AP) will meet to discuss proposed changes to management of the snapper grouper fishery, provide information, and receive updates. See **SUPPLEMENTARY INFORMATION**.

DATES: The Snapper Grouper AP meeting will be held Wednesday, November 8, 2017, from 9 a.m. until 5 p.m. and from 9 a.m. until 5 p.m. on Thursday, November 9, 2017.

ADDRESSES:

Meeting address: The meeting will be held at the Crowne Plaza Hotel; 4831 Tanger Outlet Boulevard, North Charleston, SC 29418.

Council address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer, South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405; phone: (843) 571–4366 or toll free: (866) SAFMC–10; fax: (843) 769–4520; email: *kim.iverson@safmc.net.*

SUPPLEMENTARY INFORMATION: The Snapper Grouper AP will review and provide recommendations on developing amendments to the Snapper Grouper Fishery Management Plan (recreational and commercial visioning amendments and best fishing practices and recreational reporting amendment); provide information to develop fishery performance reports on black sea bass and vermilion snapper; and receive updates on items including stock assessments, recreational data reporting projects, a proposed moratorium on for-hire permits, and other items.

Special Accommodations

This meeting is accessible to people with disabilities. Requests for auxiliary aids should be directed to the SAFMC office (see **ADDRESSES**) at least 5 business days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: October 18, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017–22902 Filed 10–20–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF771

Western Pacific Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of a public meetings and hearing.

SUMMARY: The Western Pacific Fishery Management Council (Council) will hold a CNMI joint advisory group meeting consisting of the Council's CNMI Regional Ecosystem Advisory Committee (REAC), CNMI Fishery Ecosystem Plan (FEP) Advisory Panel (AP) and CNMI members of its Plan Team, Fishing Industry Advisory Committee (FIAC), Scientific and Statistical Committee (SSC), and Marine Planning and Climate Change Committee (MPCCC); and a Guam joint advisory group meeting consisting of the Council's Guam REAC and Guam members of its Plan Team, FIAC, SSC, and MPCCC to discuss and make recommendations on fishery management issues in the Western Pacific Region.

DATES: The CNMI joint advisory group will meet on Wednesday, November 15, 2017, between 9 a.m. and 4 p.m. and the Guam joint advisory group will meet on Friday, November 17, 2017, between 9 a.m. and 4 p.m. All times listed are local island times.

For specific times and agendas, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The CNMI joint advisory group meeting will be held at Saipan Fiesta Resort and Spa, P.O. Box 50129, Saipan, MP 96950, telephone: (670) 234–6412. The Guam joint advisory group meeting will be held at Hilton Guam Resort and Spa, 202 Hilton Road, Tumon Bay, Guam 96913, telephone: (671) 646–1835.

FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director, Western Pacific Fishery Management Council; telephone: (808) 522–8220.

SUPPLEMENTARY INFORMATION: Public comment periods will be provided in the agenda. The order in which agenda items are addressed may change. The meetings will run as late as necessary to complete scheduled business.

Schedule and Agenda for the CNMI Joint Advisory Group Meeting

Wednesday, November 15, 9 a.m.–4 p.m.

1. Welcome and Introductions
2. Essential Fish Habitat
   - A. Update on Habitat Program
   - B. EFH Levels of Information
   - C. Review of Non-Fishing Impacts to EFH
   - D. Coordination on Non-Fishing Issues
3. Aquaculture Management
4. Public Comment
5. Other Business
6. Discussion and Recommendations
7. Training on Climate and Fisheries
   - A. Reason for Training
   - I. Annual Stock Assessment and Fishery Evaluation Report
   - II. Fishing community outreach
   - B. Overview of Indicators
   - C. Climate variability: Oceanic nino index, pacific decadal oscillation
   - I. Overview and questions
   - II. Small group discussions
   - III. Plenary report out and discussion
   - D. Heat: Sea Surface Temperature, Degree Heating Week
   - E. Ocean acidification: Oceanic pH
   - F. Catchability: Sea level, sea surface height, wave energy and related factors (rough seas, winds, turbidity)
   - G. Discussion on scope of climate indicators being monitored

Schedule and Agenda for the Guam Joint Advisory Group Meeting

Friday, November 17, 2017, 9 a.m.–4 p.m.

1. Welcome and Introductions
2. Essential Fish Habitat
   - A. Update on Habitat Program
   - B. EFH Levels of Information

C. Review of Non-Fishing Impacts to EFH
D. Coordination on Non-Fishing Issues
3. Aquaculture Management
4. Public Comment
5. Other Business
6. Discussion and Recommendations
7. Training on Climate and Fisheries
A. Reason for Training
I. Annual Stock Assessment and Fishery Evaluation Report
II. Fishing community outreach
B. Overview of Indicators
C. Climate variability: Oceanic nino index, pacific decadal oscillation
I. Overview and questions
II. Small group discussions
III. Plenary report out and discussion
D. Heat: Sea Surface Temperature, Degree Heating Week
E. Ocean acidification: Oceanic pH
F. Catchability: Sea level, sea surface height, wave energy and related factors (rough seas, winds, turbidity)
G. Discussion on scope of climate indicators being monitored

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, (808) 522–8220 (voice) or (808) 522–8226 (fax), at least 5 days prior to the meeting date.

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

Dated: October 18, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017–22905 Filed 10–20–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF370

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Sand Point City Dock Replacement Project in Sand Point, Alaska

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

ACTION: Notice; issuance of an incidental harassment authorization.

SUMMARY: In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued an incidental harassment authorization (IHA) to the Alaska Department of Transportation and Public Facilities (ADOT&PF) to incidentally harass, by Level A and Level B harassment, marine mammals during construction activities associated with the Sand Point City Dock Replacement Project in Sand Point, Alaska.

DATES: This Authorization is valid from August 1, 2018 through July 31, 2019.

FOR FURTHER INFORMATION CONTACT: Rob Pauline, Office of Protected Resources, NMFS, (301) 427–8401. An electronic copy of ADOT&PF's application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: *www.nmfs.noaa.gov/pr/permits/incidental/construction.htm.* In case of problems accessing these documents, please call the contact listed above.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth.

NMFS has defined ''negligible impact'' in 50 CFR 216.103 as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

The MMPA states that the term ''take'' means to harass, hunt, capture, kill or attempt to harass, hunt, capture, or kill any marine mammal.

Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as: Any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must review our proposed action (*i.e.,* the issuance of an incidental harassment authorization) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in CE B4 of the Companion Manual for NOAA Administrative Order 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has determined that the issuance of the IHA qualifies to be categorically excluded from further NEPA review and signed a Categorical Exclusion memo in September 2017.

Summary of Request

On September 16, 2016, NMFS received an application from ADOT&PF for the taking of marine mammals incidental to replacing the city dock in Sand Point, Alaska. On April 11, 2017, ADOT&PF submitted a revised application that NMFS determined was adequate and complete. ADOT&PF proposed to conduct in-water activities that may incidentally take, by Level A and Level B harassment, nine species of marine mammals. Proposed activities included as part of the Sand Point City Dock Replacement Project with potential to affect marine mammals include impact hammer pile driving and vibratory pile driving and removal. Neither ADOT&PF nor NMFS expect mortality to result from this activity and, therefore, an IHA is appropriate.

Description of Specified Activities

Overview

We provided a description of the proposed action in our **Federal Register** notice announcing the proposed authorization (82 FR 31400; July 6, 2017; 31400–31402). Please refer to that

document; we provide only summary information here.

ADOT&PF plans to construct a new dock in Sand Point, Alaska. Impact and vibratory driving of piles and vibratory pile removal is expected to take place over a total of approximately 32 working days within a 5-month window from August 1, 2018 through December 31, 2018. However, due to the potential for unexpected delays, up to 40 working days may be required. The new dock would be supported by approximately 52 round, 30-inch-diameter, 100-foot-long permanent steel pipe piles. Fender piles installed at the dock face would consist of 8 round, 24-inch-diameter, 80-foot-long permanent steel pipe piles. The single mooring dolphin would consist of 3 round, 24-inch-diameter, 120-foot-long permanent battered steel pipe piles. This equates to a total of 63 permanent piles. Up to 90 temporary piles would be installed and removed during construction of the dock and would be either H-piles or pipe piles with a diameter of less than 24 inches. Table 1 provides detailed information regarding pile size and type as well as effort required for installation and removal.

TABLE 1—PILE DETAILS AND ESTIMATED EFFORT REQUIRED FOR PILE INSTALLATION

Pile type	Diameter	Number of piles	Maximum piles per day	Hours per day	Estimated minutes per pile	Anticipated days of effort [1]
Vibratory Installation or Removal						
Permanent support pile	30″	52	4	3	45	13
Permanent dolphin pile	24″	3	2	1	30	2
Permanent fender pile	24″	8	4	2	30	2
Installation, temporary support pile	<24″ or H-pile	90	6	1.5	15	15
Removal, temporary support pile	<24″ or H-pile	90	6	1.5	15	15
Impact Installation						
Permanent support pile	30″	52	4	1.667	25	13
Permanent dolphin pile	24″	3	2	0.33	10	2
Permanent fender pile	24″	8	4	0.20	3	2

[1] Vibratory and impact driving of each permanent pile will occur on the same day. Installation and removal of each temporary piles will occur on the same day.

Dates and Duration

In-water pile driving and extraction activities are expected to take place over a total of approximately 32 working days within a 5-month window from August 1, 2018 through December 31, 2018. The issued IHA will be valid for a period of one year in case there are delays. Table 2 illustrates the anticipated number of days required for installation and removal of various pile types. Pile driving and removal may occur for up to 4.5 hours per day. Total driving time for the planned project would consist of approximately 22 hours of impact driving and 85 hours of vibratory driving and removal.

TABLE 2—ESTIMATED NUMBER OF DAYS REQUIRED FOR PILE INSTALLATION AND REMOVAL

Activity	Number of piles	Days required
Support pile installation	52	13
Temporary pile installation and removal	90	15
Dolphin pile installation	3	2
Fender pile installation	8	2
Total Days		32
Total Days with 25% contingency		40

Specified Geographic Region

The Sand Point city dock is located in the city of Sand Point, Alaska, on the northwest side of Popof Island, in the western Gulf of Alaska. Sand Point is the largest community in the Shumagin Islands. See Figure 1–1 and 1–2 in ADOT&PF's Application.

Comments and Responses

A notice of NMFS's proposal to issue an IHA to ADOT&PF was published in the **Federal Register** on July 6, 2017 (82 FR 31400). That notice described, in detail, ADOT&PF's activity, the marine mammal species that may be affected by the activity, and the anticipated effects on marine mammals. During the 30-day public comment period, NMFS received only one set of comments, from the Marine Mammal Commission (Commission); the Commission's recommendations and our responses are provided here, and the comments have been posted online at: *www.nmfs.noaa.gov/pr/permits/incidental/construction.htm.* Please see the Commission's letter for background and rationale regarding the recommendations, which are listed below.

Comment: The Commission expressed interest in NMFS's policy associated with the rounding of numbers to derive take estimates.

Response: We thank the Commission for their interest in the matter.

Description of Marine Mammals in the Area of Specified Activities

We have reviewed the applicants' species information—which summarizes available information regarding status and trends, distribution

and habitat preferences, behavior and life history, and auditory capabilities of the potentially affected species—for accuracy and completeness and refer the reader to Sections 3 and 4 of the application, as well as to NMFS's Stock Assessment Reports (*www.nmfs.noaa.gov/pr/sars/*). A detailed description of the species likely to be affected by the dock replacement project, including brief introductions to the species and relevant stocks as well as available information regarding population trends and threats, and information regarding local occurrence, were provided in the **Federal Register** notice for the proposed IHA (82 FR 31400; July 6, 2017; 31402–31408) since that time, we are not aware of any changes in the status of these species and stocks; therefore, detailed descriptions are not provided here. Please refer to that **Federal Register** notice for these descriptions. Please also refer to NMFS' Web site (*www.nmfs.noaa.gov/pr/species/mammals/*) for generalized species accounts.

Table 3 lists all species with expected potential for occurrence near Sand Point and summarizes information related to the population or stock, including potential biological removal (PBR), where known. For taxonomy, we follow Committee on Taxonomy (2016). PBR, defined by the MMPA 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, is considered in concert with known sources of ongoing anthropogenic mortality to assess the population-level effects of the anticipated mortality from a specific project (as described in NMFS's SARs). While no mortality is anticipated or authorized here, PBR and annual serious injury and mortality are included here as gross indicators of the status of the species and other threats. For status of species, we provide information regarding U.S. regulatory status under the MMPA and ESA. Marine mammal abundance estimates presented in this document represent the total number of individuals that make up a given stock or the total number estimated within a particular study area. NMFS's stock abundance estimates for most species represent the total estimate of individuals within the geographic area, if known, that comprises that stock.

All values presented in Table 3 are the most recent available at the time of publication and are available in the 2016 SARs (Muto *et al.,* 2016) online at: (*www.nmfs.noaa.gov/pr/sars/draft.htm*).

TABLE 3—MARINE MAMMAL SPECIES POTENTIALLY PRESENT IN THE PROJECT AREA

Species	Stock	ESA/MMPA status; strategic (Y/N) [1]	Stock abundance (CV, N_{min}, most recent abundance survey) [2]	PBR [3]	Annual M/SI [4]	Relative occurrence near Sand Point
Order Cetartiodactyla—Cetacea—Superfamily Odontoceti (toothed whales, dolphins, and porpoises)						
Family Phocoenidae (porpoises)						
Dall's porpoise	Alaska	-; N	83,400 (0.097; n/a; 1993)	Undet	38	Rare.
Harbor porpoise	Gulf of Alaska	-; Y	25,987 (0.214; n/a; 1998)	Undet	72	Common.
Order Cetartiodactyla—Cetacea—Superfamily Odontoceti (toothed whales, dolphins, and porpoises)						
Family Delphinidae (dolphins)						
Killer whale	Eastern North Pacific Alaska Resident.	-; N	2,347 (n/a; 2,347; 2012)	24	1	Uncommon.
	Eastern North Pacific Gulf of AK, Aleutian Islands, and Bering Sea Transient.	-; N	587 (n/a; 587; 2012)	5.9	1	Uncommon.
Order Cetartiodactyla—Cetacea—Superfamily Odontoceti (toothed whales, dolphins, and porpoises)						
Family Balaenopteridae						
Humpback whale	Central North Pacific	n/a/D; [5] Y	10,103 (0.300; 7,890; 2006)	83	24	Uncommon.
	Western North Pacific	n/a/D; [5] Y	1,107 (0.300; 865; 2006)	3	2.6	Uncommon.
Fin whale	Northeast Pacific	E/D; Y	1,368 (n/a, 1,036; 2010)	2.1	0.6	Rare.
Minke whale	Alaska	-; N			0	Rare.
Order Cetartiodactyla—Cetacea—Superfamily Odontoceti (toothed whales, dolphins, and porpoises)						
Family Eschrichtiidae						
Gray whale	Eastern North Pacific	-; N	20,990 (0.05; 20,125; 2011)	624	132	Rare.
Order Carnivora—Superfamily Pinnipedia						
Family Otariidae (eared seals and sea lions)						
Steller sea lion	wDPS	E/D; S	50,983 (n/a; 50,983; 2015)	306	236	Very common.
Family Phocidae (earless seals)						
Harbor seal	(Cook Inlet/Shelikof Strait	-; N	27,386 (n/a; 25,651, 2011)	770	234	Occasional.

[1] Endangered Species Act (ESA) status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (-) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Under the MMPA, a strategic stock is one for which the level of direct human-caused mortality exceeds PBR or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species or stock listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.

[2] CV is coefficient of variation; N_{min} is the minimum estimate of stock abundance. In some cases, CV is not applicable. For certain stocks of pinnipeds, abundance estimates are based upon observations of animals (often pups) ashore multiplied by some correction factor derived from knowledge of the specie's (or similar species') life history to arrive at a best abundance estimate; therefore, there is no associated CV. In these cases, the minimum abundance may represent actual counts of all animals ashore.

[3] Potential biological removal, defined by the MMPA 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 size (OSP).

[4] These values, found in NMFS's SARs, represent annual levels of human-caused mortality plus serious injury from all sources combined (*e.g.,* commercial fisheries, ship strike). Annual M/SI often cannot be determined precisely and is in some cases presented as a minimum value or range. A CV associated with estimated mortality due to commercial fisheries is presented in some cases.

[5] The newly defined DPSs do not currently align with the stocks defined under the MMPA. On September 8, 2016, NMFS published a final decision which changed the status of humpback whales under the ESA (81 FR 62259). The decision recognized the existence of 14 DPSs based on distinct breeding areas in tropical and temperate waters. Five of the 14 DPSs were classified under the ESA (4 endangered and 1 threatened), while the other 9 DPSs were delisted. Humpback whales found in the Shumagin Islands are predominantly members of the Hawaii DPS, which are not listed under the ESA. However, based on a comprehensive photo-identification study, members of both the Western North Pacific DPS (ESA-listed as endangered) and Mexico DPS (ESA-listed as threatened) are known to occur in the Gulf of Alaska and Aleutian Islands.

Potential Effects of Specified Activities on Marine Mammals and Their Habitat

The effects of underwater noise from construction activities for the project have the potential to result in injury and behavioral harassment of marine mammals in the vicinity of the project area. The **Federal Register** notice for the proposed IHA (82 FR 31400; July 6, 2017; 31408–31409) included a discussion of the potential effects of anthropogenic noise on marine mammals. The main impact associated with the ADOT&PF project would be temporarily elevated sound levels and the associated direct effects on marine mammals. The project would not result in permanent impacts to habitats used directly by marine mammals but may have potential short-term impacts to food sources such as forage fish, and minor impacts to the immediate substrate resulting in a temporary, localized increase in turbidity. These potential effects are discussed in detail in the **Federal Register** notice for the proposed IHA (82 FR 31400; July 6, 2017; 31410–31414), therefore that information is not repeated here; please refer to that **Federal Register** notice for that information.

Estimated Take

This section provides an estimate of the number of incidental takes authorized through the IHA, which informed both NMFS' consideration of whether the number of takes is ''small'' and the negligible impact determination.

Harassment is the only means of take expected to result from these activities. Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment). Level A and Level B harassment is expected to occur and is authorized in the numbers identified below.

Take has been authorized by Level B harassment in the form of behavioral disturbance for harbor porpoise, Dall's porpoise, killer whale, humpback whale, fin whale, gray whale, minke whale, Steller sea lion, and harbor seal near the project area that may result from impact and vibratory pile driving activities. Level A harassment in the form of PTS resulting from impact driving has also been authorized for small numbers of harbor porpoise, humpback whale, and harbor seal.

Take estimates are generally based on average marine mammal density in the project area multiplied by the area size of ensonified zones within which received noise levels exceed certain thresholds (*i.e.,* Level A and/or Level B harassment) from specific activities, then multiplied by the total number of days such activities would occur. If density information is not available, local observational data were used instead.

In order to estimate the potential incidents of take that may occur incidental to the specified activity, we must first estimate the extent of the sound field that may be produced by the activity and then consider the sound field in combination with information about marine mammal density or abundance in the project area. We first provide information on applicable sound thresholds for determining effects to marine mammals before describing the information used in estimating the sound fields, the available marine mammal density or abundance information, and the method of estimating potential incidents of take.

Sound Thresholds

We use the following generic sound exposure thresholds (Table 4) to determine when an activity that produces sound might result in impacts to a marine mammal such that a take by behavioral harassment (Level B) might occur.

TABLE 4—UNDERWATER LEVEL B THRESHOLD DECIBEL LEVELS FOR MARINE MAMMALS

Criterion	Criterion definition	Threshold [1]
Level B harassment	Behavioral disruption for impulse noise (*e.g.,* impact pile driving)	160 dB RMS.
Level B harassment	Behavioral disruption for non-pulse noise (*e.g.,* vibratory pile driving, drilling)	120 dB RMS.

[1] All decibel levels referenced to 1 micropascal (re: 1 μPa). Note all thresholds are based off root mean square (RMS) levels.

We use NMFS' acoustic criteria (NMFS 2016a, 81 FR 51694; August 4, 2016), which establishes sound exposure thresholds to determine when an activity that produces sound might result in impacts to a marine mammal such that a take by auditory injury, *i.e.,* PTS, (Level A harassment) might occur. The specific methodology is presented in Appendix D of the Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (Guidance), available at *http://www.nmfs.noaa.gov/pr/acoustics/guidelines.htm* and the accompanying User Spreadsheet. The Guidance provides updated PTS onset thresholds using the cumulative SEL (SEL_{cum}) metric, which incorporates marine mammal auditory weighting functions, to identify the received levels, or acoustic thresholds, at which individual marine mammals are predicted to experience changes in their hearing sensitivity for acute, incidental exposure to all underwater anthropogenic sound sources. The Guidance (Appendix D) and its companion User Spreadsheet provide alternative methodology for incorporating these more complex thresholds and associated weighting functions.

The User Spreadsheet accounts for effective hearing ranges using Weighting Factor Adjustments (WFAs), and

ADOT&PF's application uses the recommended values for vibratory and impact driving therein. The acoustic thresholds are presented using dual metrics of SEL_{cum} and peak sound level (PK) as shown in Table 5. In the case of the duel metric acoustic thresholds (L_{pk} and L_E) for impulsive sound, the larger of the two isopleths for calculating PTS onset is used. The method uses estimates of sound exposure level and duration of the activity to calculate the threshold distances at which a marine mammal exposed to those values would experience PTS. Differences in hearing abilities among marine mammals are accounted for by use of weighting factor adjustments for the five functional hearing groups (NMFS 2016). Note that for all planned pile driving activities at Sand Point, the User Spreadsheet indicated that the Level A isopleths generated using the SEL_{cum} were the largest.

TABLE 5—SUMMARY OF PTS ONSET ACOUSTIC THRESHOLDS

Hearing group	PTS onset acoustic thresholds [1] (received level)	
	Impulsive	Non-impulsive
Low-Frequency (LF) Cetaceans	*Cell 1:* Lpk,flat: 219 dB; LE,LF,24h: 183 dB	*Cell 2:* LE,LF,24h: 199 dB.
Mid-Frequency (MF) Cetaceans	*Cell 3:* Lpk,flat: 230 dB; LE,MF,24h: 185 dB	*Cell 4:* LE,MF,24h: 198 dB.
High-Frequency (HF) Cetaceans	*Cell 5:* Lpk,flat: 202 dB; LE,HF,24h: 155 dB	*Cell 6:* LE,HF,24h: 173 dB.
Phocid Pinnipeds (PW) (Underwater)	*Cell 7:* Lpk,flat: 218 dB; LE,PW,24h: 185 dB	*Cell 8:* LE,PW,24h: 201 dB.
Otariid Pinnipeds (OW) (Underwater)	*Cell 9:* Lpk,flat: 232 dB; LE,OW,24h: 203 dB	*Cell 10:* LE,OW,24h: 219 dB.

[1] Dual metric acoustic thresholds for impulsive sounds: Use whichever results in the largest isopleth for calculating PTS onset. If a non-impulsive sound has the potential of exceeding the peak sound pressure level thresholds associated with impulsive sounds, these thresholds should also be considered.

Note: Peak sound pressure (L_{pk}) has a reference value of 1 µPa, and cumulative sound exposure level (L_E) has a reference value of $1\mu Pa^2s$. In this Table, thresholds are abbreviated to reflect American National Standards Institute standards (ANSI 2013). However, peak sound pressure is defined by ANSI as incorporating frequency weighting, which is not the intent for this Technical Guidance. Hence, the subscript "flat" is being included to indicate peak sound pressure should be flat weighted or unweighted within the generalized hearing range. The subscript associated with cumulative sound exposure level thresholds indicates the designated marine mammal auditory weighting function (LF, MF, and HF cetaceans, and PW and OW pinnipeds) and that the recommended accumulation period is 24 hours. The cumulative sound exposure level thresholds could be exceeded in a multitude of ways (*i.e.,* varying exposure levels and durations, duty cycle). When possible, it is valuable for action proponents to indicate the conditions under which these acoustic thresholds will be exceeded.

Distance to Sound Thresholds

The sound field in the project area is the existing background noise plus additional construction noise from the proposed project. Marine mammals are expected to be affected via sound generated by the primary components of the project (*i.e.,* impact pile driving, vibratory pile driving, and vibratory pile removal). Vibratory hammers produce constant sound when operating, and produce vibrations that liquefy the sediment surrounding the pile, allowing it to penetrate to the required seating depth. An impact hammer would then generally be used to place the pile at its intended depth. The actual durations of each installation method vary depending on the type and size of the pile. An impact hammer is a steel device that works like a piston, producing a series of independent strikes to drive the pile. Impact hammering typically generates the loudest noise associated with pile installation. Factors that could potentially minimize the potential impacts of pile installation associated with the project include:

- The relatively shallow waters in the project area (Taylor *et al.,* 2008);
- Land forms around Sand Point that would block the noise from spreading; and
- Vessel traffic and other commercial and industrial activities in the project area that contribute to elevated background noise levels.

Sound would likely dissipate relatively rapidly in the shallow waters over soft seafloors in the project area. Additionally, portions of Popof Island and Unga Island would block much of the noise from propagating to its full extent through the marine environment.

In order to calculate distances to the Level A and Level B sound thresholds for piles of various sizes being used in this project, NMFS used acoustic monitoring data from other locations. Note that piles of differing sizes have different sound source levels.

Empirical data from recent ADOT&PF sound source verification (SSV) studies at Kake, Ketchikan, and Auke Bay, were used to estimate sound source levels (SSLs) for vibratory and impact installation of 30-inch steel pipe piles (MacGillivray *et al.,* 2016, Warner and Austin 2016b, Denes *et al.,* 2016a, respectively). Construction sites in Alaska were generally assumed to best represent the environmental conditions found in Sand Point and represent the nearest available source level data for 30-inch steel piles. Similarities among the sites include island chains and groups of islands adjacent to continental landmasses; deeply incised marine channels and fjords; local water depths of 20–40 meters; Gulf of Alaska marine water influences; and numerous freshwater inputs. However, the use of data from Alaska sites was not appropriate in all instances. Details are described below.

To derive source levels for vibratory driving of 30-in piles, NMFS used summary data from Auke Bay and Ketchikan as described in a comprehensive summary report by Denes *et al.,* (2016b). During the two studies, three 30-inch steel piles were installed at each location via both impact and vibratory driving. For each pile, the mean recorded SPL in dB re 1 µPa was reported for the locations monitoring hydrophones (Denes *et al.,* 2016; Warner and Austin 2016b). The vibratory data were then derived to a 10-meter standard distance. The average of the mean source levels from both Auke Bay and Ketchikan locations was then calculated for each measurement (rms and peak SPL, as well as sound exposure level [SEL]) (Denes *et al.,* 2016b). ADOT&PF also considered data from a study in Kake (MacGillivray *et al.,* 2016). However, conditions at Kake include an organic mud substrate which would likely absorb sound and decrease source level values for vibratory driving. NMFS believes that these conditions resulted in anomalous source level measurements for vibratory pile driving that would not be expected at locations with dissimilar substrates. NMFS will continue to evaluate use of these data on a case-specific basis, however, for these reasons vibratory data from that study was not included in this analysis. Results are shown in Table 6.

For vibratory driving of 24-inch steel dolphin and fender piles, data from three projects (two projects in Washington and one in California) were reviewed. The Washington marine projects at the Washington State Ferries Friday Harbor Terminal (WSDOT, 2010) and Naval Base Kitsap, Bangor waterfront (Navy 2012), only measured one pile each, but reported similar sound levels of 162 dB RMS and 159 dB RMS (range 157 dB to 160 dB), respectively. Because only two piles were measured in Washington, the California project was also included in the analysis. The California project was located in a coastal bay and reported a ''typical'' value of 160 dB RMS with a range 158 to 178 dB RMS for two piles where vibratory levels were measured. Caltrans summarized the project's RMS level as 170 dB RMS, although most levels observed were nominally 160 dB. Although the data set is limited to these projects, close agreement of the levels (average project values from 159 to 162 dB at 10 meters) resulted in NMFS selecting a source level of 161 dB RMS. Note that a fourth project at NBK, Bangor drove 16-inch hollow steel piles, with measured levels similar to those for the 24-inch piles. Therefore, NMFS elected to use the same 161 dB RMS as a source level for vibratory driving of 18-inch steel piles. NMFS believes it appropriate to use source levels from the next largest pile size when data are lacking for specific pile sizes, as is the case with the18-inch piles under consideration.

ADOT&PF suggested a source level of 142 dB RMS for vibratory driving of steel H-piles. However, NMFS found this data to be inconsistent with other reported values and opted to use a value of 150 dB which was derived from summary data pertaining to vibratory driving of 12-inch H piles (Caltrans 2015).

In the application, ADOT&PF derived source levels for impact driving of 30-inch steel piles by averaging the individual mean values associated with impact driving of the same size and type from Auke Bay, Kake, and Ketchikan (Denes *et al.,* 2016a; MacGillivray *et al.,* 2016; Warner and Austin 2016b; Denes *et al.,* 2016b). Impact driving values at Kake did not seem to be influenced by substrate conditions in the way vibratory driving measurements are believed to have been and, therefore, Kake data was included. The average of the mean source levels from these three sites was then calculated for each metric (rms, SEL, and peak). Results are shown in Table 6.

For the 24-inch impact pile driving, NMFS used data from a Navy (2015) study of proxy sound source values for use at Puget Sound military installations. The Navy study recommended a value of 193 dB RMS which was derived from data generated by impact driving of 24-inch steel piles at the Bainbridge Island Ferry Terminal Preservation Project and the Friday Harbor Restoration Ferry Terminal Project. NMFS found this estimated source level to be appropriate.

TABLE 6—ESTIMATES OF MEAN UNDERWATER SOUND LEVELS (DECIBELS) GENERATED DURING VIBRATORY AND IMPACT PILE INSTALLATION AND VIBRATORY PILE REMOVAL

Method and pile type	Sound level at 10 meters			Literature source
Vibratory hammer	dB re 1 μPa rms			
30-inch steel piles	165.6			Derived from Denes *et al.* 2016a (Auke); Warner and Austin 2016b (Ketchikan).
24-inch steel piles	161			WSDOT 2010; Caltrans 2012; Navy 2012.
18-inch steel piles	161			WSDOT 2010; Caltrans 2012; Navy 2012.
Steel H-piles	150			Caltrans 2015.
Impact hammer	dB rms	dB SEL	dB peak	
30-inch steel piles	193.6	179.3	207.1	Derived from Denes *et al.* 2016a; Warner and Austin 2016b, MacGillivray *et al.,* 2016.
24-inch steel piles	193	181	210	Navy 2015.

The formula below is used to calculate underwater sound propagation. Transmission loss (TL) is the decrease in acoustic intensity as an acoustic pressure wave propagates out from a source. TL parameters vary with frequency, temperature, sea conditions, current, source and receiver depth, water depth, water chemistry, and bottom composition and topography. The general formula for underwater TL is:

$$TL = B * \log_{10} (R_1/R_2)$$

Where:

TL = transmission loss in dB

B = transmission loss coefficient; for practical spreading equals 15

R_1 = the distance of the modeled SPL from the driven pile, and

R_2 = the distance from the driven pile of the initial measurement.

NMFS typically recommends a default practical spreading loss of 15 dB per tenfold increase in distance. ADOT&PF analyzed the available underwater acoustic data utilizing the practical spreading loss model.

Pulse duration from the SSV studies described above are unknown. All necessary parameters were available for the SEL_{cum} (cumulative Single Strike Equivalent) method for calculating isopleths. Therefore, this method was selected. To account for potential variations in daily productivity during impact installation, isopleths were calculated for different numbers of piles that could be installed each day (Table 7). Should the contractor expect to install fewer piles in a day than the maximum anticipated, a smaller Level A shutdown zone would be employed to monitor take.

To derive Level A harassment isopleths associated with the impact driving of 30-inch piles, ADOT&PF utilized a single strike SEL of 179.3 dB and assumed 1000 strikes per pile for 1 to 4 piles per day. For 24-inch dolphin piles, ADOT&PF used a single strike SEL of 181 dB and assumed 400 strikes at a rate of 1 or 2 piles per day. For 24-inch fender piles, ADOT&PF used the same single strike SEL of 181 dB and assumed 120 strikes per pile and 1 to 4 pile installations per day. To calculate Level A harassment isopleths associated

with the vibratory driving of 30-inch piles, ADOT&PF utilized a source level (RMS SPL) of 165.6 dB and assumed 3 hours of driving per day. For 24-inch dolphin and fender piles, ADOT&PF used a source level of 161 dB and assumed up to 2 hours of driving per day. For installation and/or removal of piles less than 24-inches in diameter, ADOT&PF assumed use of 18-inch piles and used the same source level of 161 dB for up to 3 hours per day. If H-piles are used, a source level of 150 dB was utilized. Practical spreading was used in all instances. Results are shown in Table 7. Isopleths for Level B harassment associated with impact (160 dB) and vibratory harassment (120 dB) were also calculated and are included in Table 7.

TABLE 7—PILE INSTALLATION AND REMOVAL ACTIVITIES AND CALCULATED DISTANCES TO LEVEL A AND LEVEL B HARASSMENT ISOPLETHS [1]

Activity	Estimated duration			Level A harassment zone (meters) (based on new technical guidance)					Level B harassment zone (meters) [2]
	Hours per day		Days of effort	Cetaceans			Pinnipeds		Cetaceans and pinnipeds (120 dB)
				LF	MF	HF	PW	OW	
Vibratory Installation 30″	3		13	28.8	2.6	42.6	17.5	1.2	10,970 (10,964)
Vibratory Installation 24″ Dolphin	2		2	6.8	0.6	10.1	4.2	0.3	5,420 (5,412)
Vibratory Installation 24″ Fender	2		2	10.8	1	16	6.6	0.5	
Vibratory Installation and/or removal <24″ (18″).	3		15	14.2	1.3	21	8.6	0.6	
Vibratory Installation and/or removal < 24″ (H-piles).	3		15	2.6	0.2	3.9	1.6	0.1	1,000
Activity	Piles per day	Strikes per pile	Days of effort	Cetaceans			Pinnipeds		Cetaceans and pinnipeds (160 dB)
				LF	MF	HF	PW	OW	
Impact Installation 30″	4	1,000	13	1,426	51	1,699	763	56	1,740 (1,738)
	3		18	1,177	42	1,402	630	46	
	2		26	898	32	1,070	481	35	
	1		52	566	20	674	303	22	
Impact Installation 24″ Dolphin	2	400	2	633	23	754	339	25	1,590 (1,585)
	1		3	399	14	475	213	16	
Impact Installation 24″ Fender	4	120	2	450	16	537	241	18	
	3		3	372	13	443	199	15	
	2		4	284	10	338	152	11	
	1		8	179	6	213	96	7	

[1] To account for potential variations in daily productivity during impact installation, isopleths were calculated for different numbers of piles that could be installed each day (Therefore, should the contractor expect to install fewer piles in a day than the maximum anticipated, a smaller Level A shutdown zone would be required to avoid take.)

[2] Mitigation zones have been rounded up to the nearest 10 m. Number in parenthesis is distance used in calculation of take estimates.

Note that the actual area ensonified by pile driving activities is significantly constrained by local topography relative to the total threshold radius. The actual ensonified area was determined using a straight line-of-sight projection from the anticipated pile driving locations. The corresponding areas of the Level A and Level B ensonified zones for impact driving and vibratory installation/removal are shown in Table 8.

TABLE 8—CALCULATED AREAS (km^2) ENSONIFIED WITHIN LEVEL A AND LEVEL B HARASSMENT THRESHOLDS IN EXCESS OF 100-METER DISTANCE DURING PILE INSTALLATION AND REMOVAL ACTIVITIES

Activity	Estimated duration			Level A harassment zone (km^2) (based on new technical guidance)					Level B harassment zone (km^2) (based on practical spreading loss model)
	Hours per day		Days of effort	Cetaceans			Pinnipeds		Cetaceans and pinnipeds (120 dB)
				LF	MF	HF	PW	OW	
Vibratory Installation 30″	3		13	NA	NA	NA	NA	NA	24.42
Vibratory Installation 24″ Dolphin	2		2	NA	NA	NA	NA	NA	17.19
Vibratory Installation 24″ Fender	2		2	NA	NA	NA	NA	NA	
Vibratory Installation and/or removal <24″ (18″).	3		15	NA	NA	NA	NA	NA	
Vibratory Installation and/or removal < 24″ (H-piles).	3		15	NA	NA	NA	NA	NA	1.47
Activity	Piles per day	Strikes per pile	Days of effort	Cetaceans			Pinnipeds		Cetaceans and pinnipeds (160 dB)
				LF	MF	HF	PW	OW	
Impact Installation 30″	4	1,000	13	2.84	NA	3.91	0.91	NA	4.08

Activity	Piles per day	Strikes per pile	Days of effort	Cetaceans			Pinnipeds		Cetaceans and pinnipeds (160 dB)
				LF	MF	HF	PW	OW	
	3	.....	18	1.98	NA	2.75	0.66	NA	.....
	2	.....	26	1.21	NA	1.66	0.41	NA	.....
	1	.....	52	0.55	NA	0.74	0.18	NA	.....
Impact Installation 24″ Dolphin	2	400	2	0.67	NA	0.89	0.22	NA	3.45
	1	.....	3	0.29	NA	0.40	0.09	NA	.....
Impact Installation 24″ Fender	4	120	2	0.36	NA	0.50	0.11	NA	.....
	3	.....	3	0.26	NA	0.35	0.08	NA	.....
	2	.....	4	0.16	NA	0.22	0.04	NA	.....
	1	.....	8	0.06	NA	0.09	0.02	NA	.....

Potential exposures to impact and vibratory pile driving noise for each threshold were estimated using local marine mammal density datasets where available and local observational data.

Dall's Porpoise

There currently is no information on the presence or abundance of Dall's porpoises in the Shumagin Islands. No sightings of Dall's porpoises have been documented in Humboldt Harbor and they are not expected to occur there (HDR 2017). However, individuals may occur in the deeper waters north of Popof Island or in Popof Strait, west of the Sand Point Airport. These porpoises have been sighted infrequently on research cruises heading in and out of Sand Point in deeper local waters (Speckman, Pers. Comm.). Dall's porpoise are non-migratory; therefore, exposure estimates are not dependent on season. Exposure of Dall's porpoise to noise from impact hammer pile installation is unlikely, as they are not expected to occur within the 1,738 meter Level B harassment zone. Similarly, we do not anticipate Dall's porpoise would be exposed to noise in excess of the Level A harassment threshold, which would be located at a maximum distance of 1,699 meters. It is possible, however, that they would occur in the larger Level B zone associated with vibratory driving of 30-inch (up to 10,970 meters) and 24-inch piles (up to 5,420 meters). Over the course of 40 days in which vibratory driving will be employed, NMFS conservatively anticipates no more than one observation of a Dall's porpoise pod in these Level B vibratory harassment zones. With an average pod size of 3.7 (Wade *et al.,* 2003), NMFS has authorized take of four Dall's porpoises during the pile driving activities. No Level A take is authorized for Dall's porpoises.

Harbor Porpoise

There are no reports of harbor porpoises or harbor porpoise densities in the Shumagin Islands. It is reasonable to assume that they would occur in the vicinity of Popof and Unga Islands given that they are common in the Gulf of Alaska and their preferred habitat consists of coastal waters of 100 meters or less (Hobbs and Waite 2010). Based on the known range of the Gulf of Alaska stock, only six sightings of singles or pairs during 110 days of monitoring of the Kodiak Ferry Terminal and Dock Improvements project, and occasional sightings during monitoring of projects at other locations on Kodiak Island, it is assumed that harbor porpoises could be present on an intermittent basis.

Harbor porpoises are non-migratory; therefore, exposure estimates are not dependent on season. NMFS conservatively estimates harbor porpoise could be exposed to construction-related in-water noise on two out of every three construction days. Harbor porpoises in this area have a mean group size of 1.82 (Watwood and Buonantony, 2012). Therefore, NMFS authorizes the take of 49 harbor porpoises as shown below.

Sighting every 0.667 days * 40 days of exposure * 1.82 group size = 49 (48.55 rounded up).

During impact installation of piles, the Level A harassment isopleth for harbor porpoises extends up to 1,699 meters when a maximum of four 30-inch piles are installed on the same day. Given that harbor porpoises prefer near-shore waters, we anticipate that it is possible for up to one-third of the harbor porpoise sighting to occur in a Level A harassment zone. Therefore, of the 49 authorized takes, 16 will occur within a Level A harassment isopleth and 33 will occur within a Level B harassment isopleth.

Killer Whale

Line transect surveys conducted in the Shumagin Islands between 2001 and 2003 did not record any resident killer whales, but did record a relatively high abundance of transient killer whales (Zerbini *et al.,* 2007). The same study estimated a density of approximately 0.002 killer whales per square kilometer (km^2) in the Shumagin Islands (Zerbini *et al.,* 2007). The population trend of the transient stock of killer whales in Alaska has remained stable since the 1980s (Muto *et al.,* 2016a). Anecdotal observations indicate that killer whales are not often seen in the vicinity of Sand Point, including Popof Strait (HDR 2017). Killer whales are expected to be uncommon in the project area and are not expected to enter into Humboldt Harbor. However, NMFS used the density estimate of 0.002 per km^2 to determine the number of killer whales potentially observed within the project area. Given the low probability of occurrence within the project area, using the available density estimates as an indication of exposure is a conservative approach to estimate potential killer whale exposure to pile driving noise. Vibratory installation of 30-inch piles will occur on 13 days while vibratory installation of 24-inch dolphin piles, 24-inch fender piles, and temporary 18-inch or h-piles will occur on a total of 19 days. NMFS assumed that 18-inch piles would be installed instead of h-piles and that 18-inch piles have the same source level and isopleth as 24-in piles. NMFS also added a 25 percent contingency factor to account for unanticipated delays. Therefore, there would be up to 16.25 days of vibratory installation of 30-inch piles and 23.75 days of 24-inch piles. At a density of 0.002 whales/km^2, NMFS anticipates approximately 0.79 killer whales (*i.e.,* 0.002 whales/km^2 * 24.42 km^2 30-inch vibratory harassment zone * 16.25 days) would be exposed to Level B harassment associated with 30-inch vibratory driving while 0.82 killer whales (*i.e.,* 0.002 whales/km^2 * 17.19 km^2 24-inch vibratory harassment zone * 23.75 days) would be exposed to Level B harassment from 24-inch vibratory driving over 40 days. Over the 40 day construction period, 2 killer whales (1.61 rounded up) would be exposed to Level B harassment.

However, killer whales generally travel in pods, or groups of individuals. The average pod size for transient killer whales is four individuals (Zerbini *et*

al., 2007) and 5–50 for resident killer whales (Heise *et al.,* 2003). A monitoring report associated with issuance of an IHA for Kodiak Ferry Terminal and Dock Improvements Project recorded four killer whale pod observations during 110 days of monitoring with the largest pod size consisting of seven individuals. NMFS will, therefore, assume that there will be sightings of two pods with an average group size of seven over the course of the 40-day construction period resulting in 14 authorized Level B killer whale takes. These killer whales would likely be transients, but could also be residents, so take is authorized for both stocks. No Level A take is authorized for killer whales since the injury zone is smaller than the 100 meter shutdown zone.

Humpback Whale

Surveys from 2001 to 2004 estimated humpback whale abundance in the Shumagin Islands at between 410 and 593 individuals during the summer feeding season (July–August; Witteveen *et al.,* 2004; Zerbini *et al.,* 2006). Annual vessel-based, photo-identification surveys in the Shumagin Islands from 1999 to 2015 identified 654 unique individual humpback whales between June and September (Witteveen and Wynne 2016). Humpback whale abundance in the Shumagin Islands increased 6 percent per year between 1987 and 2003 (Zerbini *et al.,* 2006). Between 2001 and 2003, summer line transect surveys in the Shumagin Islands estimated the humpback whale density at 0.02 whales per km^2 (Zerbini *et al.,* 2006). Given an approximate population increase of 6 percent each year since the early 2000's (Muto *et al.,* 2016b), we conservatively estimate the current density of humpback whales as about 0.04 whale per km^2 (0.02 whale/km^2 * (6% increase/year * 13 years)).

Exposure of humpback whales to Level A and Level B harassment noise levels is possible in August and, to a lesser extent, in September. Exposure is unlikely between October and December because humpback whale abundance is low during late fall and winter. Humpback whales, when present, are unlikely to enter Humboldt Harbor or approach the City of Sand Point, but would instead transit through Popof Strait or feed in the deeper waters off the airport, between Popof and Unga islands (HDR 2017). Harassment from pile installation is possible in waters between Popof and Unga islands, including Popof Strait. Because we do not know exactly when construction might occur, we will use the updated summer density estimate (and our only density estimate) of 0.04 whales/km^2 to estimate exposure.

At a density of 0.04 whales/km^2, NMFS anticipates approximately 15.87 humpback whales (*i.e.,* 0.04 whales/km^2 * 24.42 km^2 30-inch vibratory harassment zone * 16.25 days) would be exposed to harassment on days when 30-inch vibratory driving would occur. Additionally, 16.33 whales (*i.e.,* 0.04 whales/km^2 * 17.19 km^2 24-inch vibratory harassment zone * 23.75 days) would be exposed to harassment on days in which 24-inch piles are driven for a total of 32 (32.2 rounded down) whale takes over 40 days.

A subset of the 32 humpback whales potentially exposed to harassment noise levels may enter the Level A harassment zone, which extends 1,426 meters assuming an optimal productivity of driving four 30-inch piles per day; 633 meters when driving two 24-inch dolphins; and 450 meters when driving four 24-inch fenders. NMFS has again added a 25 percent contingency and will assume 16.25 days of 30-inch impact pile driving, 2.5 days of 24-inch dolphin installation and 2.5 days of 24-inch fender installation. Note that when estimating Level A take, NMFS conservatively defaulted to the Level A isopleth and corresponding area associated with maximum number of piles that can be driven each day for each pile size. We anticipate approximately 1.84 humpback whales (*e.g.,* 0.04 whales/km^2 * 2.84 km^2 Level A harassment zone * 16.25 days) would be exposed to Level A harassment during 30-inch impact pile driving; approximately 0.07 humpback whales (*e.g.,* 0.04 whales/km^2 * 0.67 km^2 Level A harassment zone * 2.5 days) would be exposed to Level A harassment during 24-inch dolphin installation; and approximately 0.04 humpback whales (*e.g.,* 0.04 whales/km^2 * 0.36 km^2 Level A harassment zone * 2.5 days) would be exposed to Level A harassment during 24-inch fender installation. Therefore, a total of 2 (1.95 rounded up) humpback whales could be exposed to Level A harassment. Therefore, NMFS is authorizing 30 Level B and 2 Level A humpback whale takes.

Humpback whales found in the Shumagin Islands are predominantly members of the Hawaii DPS, which are not listed under the ESA. However, based on a comprehensive photo-identification study, members of both the Western North Pacific DPS (ESA-listed as endangered) and Mexico DPS (ESA-listed as threatened) are known to occur in the Gulf of Alaska and Aleutian Islands. Members of different DPSs are known to intermix on feeding grounds; therefore, all waters off the coast of Alaska should be considered to have ESA-listed humpback whales. According to Wade *et al.* (2016), the probability of encountering a humpback whale from the Western North Pacific DPS in the Gulf of Alaska is 0.5 percent (CV [coefficient of variation]=0.001). The probability of encountering a humpback whale from the Mexico DPS is 10.5 percent (CV=0.16). The remaining 89 percent (CV=0.01) of individuals in the Gulf of Alaska are likely members of the Hawaii DPS (Wade *et al.,* 2016). Therefore, it is estimated that 28 humpback whales would be from the Hawaii DPS, three humpback whales would be from the threatened Mexico DPS, and 1 humpback whale would be from the endangered Western North Pacific DPS. Given the small number of anticipated Level A takes, NMFS will assume that both authorized Level A takes represent members of the Hawaii DPS.

Fin Whale

Vessel-based line-transect surveys of coastal waters between Resurrection Bay and the central Aleutian Islands were completed in July and August from 2001 to 2003 (Zerbini *et al.,* 2006). Large concentrations of fin whales were found in the Semidi Islands, located midway between the Shumagin Islands and Kodiak Island just south of the Alaska Peninsula. The abundance of fin whales in the Shumagin Islands ranged from a low estimate of 604 in 2003 to a high estimate of 1,113 in 2002. The estimated density of fin whales in the Shumagin Islands was 0.007 whales per km^2 and this is the density estimate assumed for the project area. Fin whale density in the Shumagin Islands at other times of the year is unknown, and they are uncommon in Humboldt Harbor or Popof Strait (HDR 2017). At a density of 0.007 whales/km^2, NMFS anticipates approximately 2.77 fin whales (*i.e.,* 0.007 whales/km^2 * 24.42 km^2 30-inch vibratory harassment zone * 16.25 days) would be exposed to Level B harassment on days when 30-inch vibratory driving would occur. Additionally, 2.86 whales (*i.e.,* 0.007 whales/km^2 * 17.19 km^2 24-inch vibratory harassment zone * 23.75 days) would be exposed to Level B harassment on days in which 24-inch piles are driven for a total of 6 (5.63 rounded up) Level B takes of fin whales over 40 days. Therefore, NMFS is authorizing 6 Level B fin whale takes. Fin whales are typically found in deep, offshore waters so no Level A take is authorized for this species.

Minke Whale

There are no population estimates for minke whales in Alaska; however, nearshore aerial surveys of the western Gulf of Alaska took place between 2001 and 2003. These surveys estimated the minke whale population in that area at approximately 1,233 individuals (Zerbini *et al.,* 2006). Conservatively, minke whales could be exposed to construction-related noise levels year round. Surveys indicate a density of 0.001 minke whales per km^2 south of the Alaska Peninsula (including the Shumagin Islands). At a density of 0.001 whales/km^2, NMFS anticipates approximately 0.40 minke whales (*i.e.,* 0.001 whales/km^2 * 24.42 km^2 30-inch vibratory harassment zone * 16.25 days) would be exposed to Level B harassment on days when 30-inch vibratory driving would occur. Additionally, 0.41 whales (*i.e.,* 0.001 whales/km^2 * 17.19 km^2 24-inch vibratory harassment zone * 23.75 days) would be exposed to Level B harassment on days in which 24-inch piles are driven for a total of 1 (0.81 rounded up) level B take of minke whales over 40 construction days. With a pod size of two or three (NMFS 2015), NMFS authorizes the take of three minke whales during the 40-day construction period. No Level A take is authorized due to low abundance near the project area.

Gray Whale

Gray whales could potentially migrate through the area between March through May and November through January. Gray whale presence near Sand Point and in Humboldt Harbor is rare and unlikely to occur during the construction period. As such, exposure of gray whales to noise from impact hammer pile installation is unlikely, as they are not expected to occur within the 1,426 meter harassment zone. Harassment from vibratory pile installation is possible in the deeper water north of Popof Strait. Because there are no density estimates for the area and the rarity of gray whales within the project area, NMFS conservatively estimates that gray whales will not be observed more than one time during the construction period. Multiplying the one potential observation by the average pod size of 2.4 (Rugh *et al.,* 2005), NMFS authorizes the take of two gray whales by Level B harassment level over the course of the construction period. No Level A take is authorized for gray whales.

Steller Sea Lion

The number of unique individuals used to calculate take was based on information reported by the nearby seafood processing facility. It is estimated that about 12 unique individual sea lions likely occur in Humboldt Harbor each day during the pollock fishing seasons (HDR 2017). It is assumed that Steller sea lions may be present every day, and that take will include multiple harassments of the same individual(s) both within and among days. It is also assumed that 12 unique individual sea lions occur in Humboldt Harbor each day and could potentially be exposed to Level B harassment over 40 days of construction. Given that the project area is located within the aquatic zones (*i.e.,* designated critical habitat) of two designated major haulouts (Sea Lion Rocks and The Whaleback), sea lions could commonly enter into the Level B ensonified zone outside of the Humboldt Harbor. As such, it assumed that an additional 12 animals per day may occur in the Level B harassment zone outside of Humboldt Harbor. Total exposures is calculated using the following equation:

24 sea lions per day * 40 days of exposure = 960 potential exposures

Therefore, we authorize the Level B take of 960 Steller sea lions. No Level A take is anticipated as the Level A isopleths are smaller than the 100 meter shutdown zone.

Harbor Seal

Anecdotal observations indicate that harbor seals are uncommon in Humboldt Harbor proper (HDR 2017). However, they are expected to occur occasionally in the project area. The Kodiak Ferry Terminal and Dock Improvements Project on Kodiak Island recorded 13 single sightings of harbor seals during 110 days of monitoring. Although the harbor seal stock is different at Kodiak (South Kodiak stock) and the project sites are somewhat dissimilar, NMFS used this information to conservatively estimate that one harbor seal could be present near Sand Point on any given day. An aerial haulout survey in 2011 estimated that 15 harbor seals occupy the survey unit along the south coast of Popof Island (London *et al.,* 2015) and anecdotal observations indicate that harbor seals are known to occur intermittently near the airport (HDR 2017). NMFS conservatively estimates that one animal per day will be observed near the harbor while another animal will occur near the airport or elsewhere within an ensonified zone. Therefore, NMFS estimates that up to two harbor seals may be taken each day during the 40-day pile installation period for a total of 80 authorized takes.

During impact installation of 30-inch piles, the Level A harassment isopleth for harbor seals extends out to a maximum distance of 763 meters on days when four piles are driven; out to 339 meters when two 24-inch dolphins are installed on the same day; and out to 241 meters when four fenders are installed on a single day. Harbor seals often act curious toward on-shore activities and are known to approach humans, lifting their heads from the water to look around. Given that harbor seals are likely to be found in the near-shore environment, we are authorizing limited Level A take since the impact pile driving injury zones can extend well beyond the 100 meter shutdown zone. We anticipate that up to one-third of harbor seal takes would be by Level A harassment resulting in 27 authorized Level A and 53 authorized Level B takes of harbor seals.

Mitigation Measures

In order to issue an IHA under Section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to such activity, and other means of effecting the least practicable impact on such species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stock for taking for certain subsistence uses. NMFS regulations require applicants for incidental take authorizations to include information about the availability and feasibility (economic and technological) of equipment, methods, and manner of conducting such activity or other means of effecting the least practicable adverse impact upon the affected species or stocks and their habitat (50 CFR 216.104(a)(11)).

In evaluating how mitigation may or may not be appropriate to ensure the least practicable adverse impact on species or stocks and their habitat, as well as subsistence uses where applicable, we carefully balance two primary factors: (1) The manner in which, and the degree to which, the successful implementation of the measure(s) is expected to reduce impacts to marine mammals, marine mammal species or stocks, and their habitat which considers the nature of the potential adverse impact being mitigated (likelihood, scope, range), as well as the likelihood that the measure will be effective if implemented; and the likelihood of effective implementation,

and; (2) the practicability of the measures for applicant implementation, which may consider such things as cost, impact on operations, and, in the case of a military readiness activity, personnel safety, practicality of implementation, and impact on the effectiveness of the military readiness activity.

In addition to the measures described later in this section, ADOT&PF will employ the following standard mitigation measures:

(a) Conduct briefings between construction supervisors and crews, and marine mammal monitoring team, prior to the start of all pile driving activity, and when new personnel join the work, in order to explain responsibilities, communication procedures, marine mammal monitoring protocol, and operational procedures, and;

(b) For in-water heavy machinery work other than pile driving (*e.g.,* standard barges, tug boats), if a marine mammal comes within 10 m, operations shall cease and vessels shall reduce speed to the minimum level required to maintain steerage and safe working conditions. This type of work could include the following activities: (1) Movement of the barge to the pile location; or (2) positioning of the pile on the substrate via a crane (*i.e.,* stabbing the pile).

(c) Work will only occur during daylight hours, when visual monitoring of marine mammals can be conducted.

The following measures would apply to ADOT&PFs mitigation requirements:

Establishment of Shutdown Zone—For all pile driving activities, ADOT&PF will establish a shutdown zone. The purpose of a shutdown zone is generally to define an area within which shutdown of activity would occur upon sighting of a marine mammal (or in anticipation of an animal entering the defined area). In this case, shutdown zones are intended to contain areas in which SPLs equal or exceed acoustic injury criteria for some authorized species, based on NMFS' new acoustic technical guidance published in the **Federal Register** on August 4, 2016 (81 FR 51693). The shutdown zones vary for specific species. A conservative shutdown zone of 100 meters will be monitored during all pile driving activities to prevent Level A exposure to most species. During vibratory installation of piles of all sizes and impact installation of 24-inch piles, piles under 24 inches, and H-piles, a 100-meter shutdown zone would prevent Level A take to marine mammals. A 100-meter shutdown zone would also be sufficient to prevent Level A take of mid-frequency cetaceans and otariid pinnipeds (*i.e.,* Steller sea lions) during impact installation of 30-inch and 24-inch piles. Note that Level A take is not authorized for the low-frequency species of fin whale, gray whale and minke whale, mid-frequency killer whale and high-frequency Dall's porpoise since estimated take numbers are low. In the unlikely occurrence that animals of these species are observed approaching their respective Level A zones, pile driving operations will shut down. If an animal for which take is authorized is unexpectedly sighted within the 100-meter shutdown zone during impact or vibratory driving, operations shall immediately cease. The animal will be counted as a Level B take assuming it is outside of the Level A take zone as delineated in Table 7.

Establishment of Level A Take Zone—ADOT&PF will establish Level A take zones which are areas beyond the shutdown zones where animals may be exposed to sound levels that could result in PTS. During impact installation of 30-inch and 24-inch piles, a 100-meter shutdown zone would not be sufficient to prevent Level A take of low-frequency cetaceans (*i.e.,* humpback whales), high-frequency cetaceans (*i.e.,* harbor porpoises), or phocid pinnipeds (*i.e.,* harbor seals). For this reason, Level A take for small numbers of humpback whales, harbor porpoises, and harbor seals is authorized.

To account for potential variations in daily productivity during impact installation, isopleths were calculated for different numbers of piles that could be installed each day. Therefore, should the contractor expect to install fewer piles in a day than the maximum anticipated, a smaller Level A shutdown zone reflecting the number of piles driven would be required to avoid take. Furthermore, if the first pile is driven and no marine mammals have been observed within the radius of corresponding Level A zone, then the Level A radius for the next pile shall be decreased to next largest Level A radius. This pattern shall continue unless an animal is observed within the most recent shutdown zone radius, at which that specific shutdown radius shall remain in effect for the rest of the workday. Additionally, if piles of different sizes are installed in a single day, the size of the monitored Level A zone for all installed piles will default to the isopleth corresponding to the largest pile being driven that day. Level A zones will be rounded up to the nearest 10 m and are depicted in Table 9.

TABLE 9—LEVEL A ZONE ISOPLETHS DURING IMPACT DRIVING[1]

Activity	Piles installed per day	Isopleths (m)				
		LF (Humpback whales)	MF	HF (Harbor porpoises)	PW (Harbor seals)	OW
Impact Installation 30″	4	1,430 (1,426)	60 (51)	1,700 (1,699)	770 (763)	60 (56)
	3	1,180 (1,177)	50 (42)	1,410 (1,402)	630 (630)	50 (46)
	2	900 (898)	40 (32)	1,070 (1,070)	490 (481)	40 (35)
	1	570 (566)	20 (20)	680 (674)	310 (303)	30 (22)
Impact Installation 24″ Dolphin	2	640 (633)	30 (23)	760 (754)	340 (339)	30 (25)
	1	400 (399)	20 (14)	480 (475)	220 (213)	20 (16)
Impact Installation 24″ Fender	4	450 (450)	20 (16)	540 (537)	250 (241)	20 (18)
	3	380 (372)	20 (20)	450 (443)	200 (199)	20 (15)
	2	290 (284)	10 (10)	340 (338)	160 (152)	20 (11)
	1	180 (179)	10 (6)	220 (213)	100 (96)	10 (7)

[1] Mitigation zones have been rounded up to the nearest 10 m. Number in parenthesis is distance used in calculation of take estimates where applicable.

Establishment of Disturbance Zones—ADOT&PF will establish Level B disturbance zones or zones of influence (ZOI) which are areas where SPLs equal or exceed 160 dB rms for impact driving and 120 dB rms during vibratory

driving. Disturbance zones provide utility for monitoring by establishing monitoring protocols for areas adjacent to the shutdown zones. Monitoring of disturbance zones enables observers to be aware of and communicate the presence of marine mammals in the project area and outside the shutdown zone and thus prepare for potential shutdowns of activity. The Level B zone isopleths will be rounded up to the nearest 10 m and are depicted in Table 10.

TABLE 10—LEVEL B ZONE ISOPLETHS DURING IMPACT AND VIBRATORY DRIVING

Activity	Level B Harassment Zone (meters)
Vibratory Installation 30″	10,970
Vibratory Installation 24″ Dolphin	5,420
Vibratory Installation 24″ Fender	5,420
Vibratory Installation and/or removal <24″ (18″ piles) ...	5,420
Vibratory Installation and/or removal <24″ (H-piles)	1,000
Impact Installation 30″	1,740
Impact Installation 24″ Dolphin	1,590
Impact Installation 24″ Fender	1,590

[1] Mitigation zones have been rounded up to the nearest 10 m. Number in parenthesis is distance used in calculation of take estimates where applicable.

Soft Start—The use of a soft-start procedure is believed to provide additional protection to marine mammals by providing warning and/or giving marine mammals a chance to leave the area prior to the hammer operating at full capacity. For impact pile driving, contractors will be required to provide an initial set of strikes from the hammer at 40 percent energy, each strike followed by no less than a 30-second waiting period. This procedure will be conducted a total of three times before impact pile driving begins. Soft Start is not required during vibratory pile driving and removal activities.

Pre-Activity Monitoring—Prior to the start of daily in-water construction activity, or whenever a break in pile driving of 30 minutes or longer occurs, the observer will observe the shutdown and monitoring zones for a period of 30 minutes. The shutdown zone will be cleared when a marine mammal has not been observed within zone for that 30-minute period. If a marine mammal is observed within the shutdown zone, a soft-start cannot proceed until the animal has left the zone or has not been observed for 30 minutes for medium and large-sized odontocetes and mysticetes and 15 minutes for small cetaceans and pinnipeds. If the Level B harassment zone has been observed for 30 minutes and non-permitted species are not present within the zone, soft start procedures can commence and work can continue even if visibility becomes impaired within the Level B zone. If the Level B zone is not visible while work continues, exposures will be recorded at the estimated exposure rate for each permitted species. If work ceases for more than 30 minutes, the pre-activity monitoring of both zones must recommence.

Based on our evaluation of the applicant's proposed measures, as well as other measures considered by NMFS, NMFS has determined that the planned mitigation measures provide the means effecting the least practicable adverse impact on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Monitoring and Reporting

In order to issue an IHA for an activity, Section 101(a)(5)(D) of the MMPA states that NMFS must set forth requirements pertaining to the monitoring and reporting of such taking. The MMPA implementing regulations at 50 CFR 216.104 (a)(13) indicate that requests for authorizations must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present in the action area. Effective reporting is critical to compliance as well as ensuring that the most value is obtained from the required monitoring.

Monitoring and reporting requirements prescribed by NMFS should contribute to improved understanding of one or more of the following:

- Occurrence of marine mammal species or stocks in the action area (*e.g.,* presence, abundance, distribution, density).
- Nature, scope, or context of likely marine mammal exposure to potential stressors/impacts (individual or cumulative, acute or chronic), through better understanding of: (1) Action or environment (*e.g.,* source characterization, propagation, ambient noise); (2) affected species (*e.g.,* life history, dive patterns); (3) co-occurrence of marine mammal species with the action; or (4) biological or behavioral context of exposure (*e.g.,* age, calving or feeding areas).
- Individual marine mammal responses (behavioral or physiological) to acoustic stressors (acute, chronic, or cumulative), other stressors, or cumulative impacts from multiple stressors.
- How anticipated responses to stressors impact either: (1) Long-term fitness and survival of individual marine mammals; or (2) populations, species, or stocks.
- Effects on marine mammal habitat (*e.g.,* marine mammal prey species, acoustic habitat, or other important physical components of marine mammal habitat).
- Mitigation and monitoring effectiveness.

Visual Marine Mammal Observation

Monitoring will be conducted by qualified marine mammal observers (MMOs), who are trained biologists, with the following minimum qualifications:

- Independent observers (*i.e.,* not construction personnel) are required;
- At least one observer must have prior experience working as an observer;
- Other observers may substitute education (undergraduate degree in biological science or related field) or training for experience;
- Ability to conduct field observations and collect data according to assigned protocols;
- Experience or training in the field identification of marine mammals, including the identification of behaviors;
- Sufficient training, orientation, or experience with the construction operation to provide for personal safety during observations;
- Writing skills sufficient to prepare a report of observations including but not limited to the number and species of marine mammals observed; dates and times when in-water construction activities were conducted; dates and times when in-water construction activities were suspended to avoid potential incidental injury from construction sound of marine mammals observed within a defined shutdown zone; and marine mammal behavior;
- Ability to communicate orally, by radio or in person, with project personnel to provide real-time information on marine mammals observed in the area as necessary; and
- NMFS will require submission and approval of observer CVs.

In order to effectively monitor the pile driving monitoring zones, two MMOs will be positioned at the best practical vantage point(s). The monitoring position may vary based on pile driving activities and the locations of the piles

and driving equipment. The monitoring location(s) will be identified with the following characteristics: (1) Unobstructed view of pile being driven; (2) Unobstructed view of all water within the Level A (if applicable) and Level B harassment zones for pile being driven, although it is understood that monitoring may be impaired at longer distances; and (3) Safe distance from pile driving activities in the construction area. If necessary, observations may occur from two locations simultaneously. Potential observation locations include the existing City Dock, the airport, the fish processing facility, or the quarry hillside located south of the project site.

Observers will be on site and actively observing the shutdown and disturbance zones during all pile driving and extraction activities. Observers will use their naked eye with the aid of binoculars, big-eye binoculars or spotting scope to search continuously for marine mammals during all pile driving and extraction activities.

The following additional measures apply to visual monitoring:

- If waters exceed a sea-state which restricts the observers' ability to make observations within 100 m of the pile driving activity (*e.g.,* excessive wind or fog), pile installation and removal will cease. Pile driving will not be initiated until the entire shutdown zone is visible;
- If a marine mammal authorized for Level A take is present within the Level A harassment zone, a Level A take would be recorded. If Level A take reaches the authorized limit, then pile installation would be stopped as these species approach the Level A harassment area to avoid additional take of these species;
- If a marine mammal authorized for Level B take is present in the Level B harassment zone, pile driving activities or soft-start may begin and a Level B take would be recorded. Pile driving activities may occur when these species are in the Level B harassment zone, whether they entered the Level B zone from the Level A zone (if relevant), shutdown zone or from outside the project area. If Level B take reaches the authorized limit, then pile installation would be stopped as these species approach to avoid additional take of these species;
- If any marine mammal species for which take is not authorized or if a species for which authorization has been granted but the number of authorized takes has been met enters or approaches the ZOI all activities shall be shut down until the animal is seen leaving the ZOI or it has not been seen in the shutdown zone for 30 minutes for medium and large-sized odontocetes and mysticetes and 15 minutes for small cetaceans and pinnipeds;
- If any marine mammal species not authorized for take are encountered during activities and are likely to be exposed to Level B harassment, then ADOT&PF must stop pile driving activities and report observations to NMFS' Office of Protected Resources;
- When a marine mammal is observed, its location will be determined using a rangefinder to verify distance and a GPS or compass to verify heading;
- The MMOs will record any authorized cetacean or pinniped present in the relevant injury zone. The Level A zones are shown in Table 9;
- The MMOs will record any authorized cetacean or pinniped present in the relevant disturbance zone. The Level B zones are shown in Table 10;
- Ongoing in-water pile installation may be continued during periods when conditions such as high sea state, rain, glare, or other conditions prevent effective marine mammal monitoring of the entire Level B harassment zone. MMOs would continue to monitor the visible portion of the Level B harassment zone throughout the duration of driving activities; and
- At the end of the pile driving day, post-construction monitoring shall be conducted for 30 minutes beyond the cessation of pile driving.

Data Collection

Observers are required to use data forms approved by NMFS. Among other pieces of information, ADOT&PF will record detailed information about any implementation of shutdowns, including the distance of animals to the pile and description of specific actions that ensued and resulting behavior of the animal, if any. In addition, the ADOT&PF will attempt to distinguish between the number of individual animals taken and the number of incidents of take. At a minimum, the following information will be collected on the sighting forms:

- Date and time that monitored activity begins or ends;
- Construction activities occurring during each observation period;
- Detailed information about any implementation of shutdowns, including the distance of animals to the pile and description of specific actions that ensued and resulting behavior of the animal, if any;
- Weather parameters (*e.g.,* percent cover, visibility);
- Water conditions (*e.g.,* sea state, tide state);
- Species, numbers, and, if possible, sex and age class of marine mammals;
- Description of any observable marine mammal behavior patterns, including bearing and direction of travel and distance from pile driving activity;
- Distance from pile driving activities to marine mammals and distance from the marine mammals to the observation point;
- Locations of all marine mammal observations; and
- Other human activity in the area.

Reporting

ADOT&PF will notify NMFS prior to the initiation of the pile driving activities and will provide NMFS with a draft monitoring report within 90 days of the conclusion of the construction work. This report will detail the monitoring protocol, summarize the data recorded during monitoring, and estimate the number of marine mammals that may have been harassed, including the total number extrapolated from observed animals across the entirety of relevant monitoring zones. If no comments are received from NMFS within 30 days of submission of the draft final report, the draft final report will constitute the final report. If comments are received, a final report must be submitted within 30 days after receipt of comments.

Negligible Impact Analysis and Determination

NMFS has defined negligible impact as ''an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival'' (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.,* population-level effects). An estimate of the number of takes, alone, is not enough information on which to base an impact determination. In addition to considering the authorized number of marine mammals that might be ''taken'' through harassment, NMFS considers other factors, such as the likely nature of any responses (*e.g.,* intensity, duration), the context of any responses (*e.g.,* critical reproductive time or location, migration, etc.), as well as effects on habitat, the status of the affected stocks, and the likely effectiveness of the mitigation. Consistent with the 1989 preamble for NMFS's implementing regulations (54 FR 40338; September 29, 1989), the impacts from other past and ongoing anthropogenic activities are

incorporated into these analyses via their impacts on the environmental baseline (*e.g.,* as reflected in the regulatory status of the species, population size and growth rate where known, ongoing sources of human-caused mortality, or ambient noise levels).

To avoid repetition, the discussion of our analyses applies to all the species listed in Table 3. There is little information about the nature of severity of the impacts or the size, status, or structure of any species or stock that would lead to a different analysis for this activity.

Pile driving and extraction activities associated with the Sand Point City Dock Replacement Project, as outlined previously, have the potential to injure, disturb or displace marine mammals. Specifically, Level A harassment (injury) in the form of PTS may occur to a limited numbers of three marine mammal species while a total of nine species could experience Level B harassment (behavioral disturbance). Potential takes could occur if individuals of these species are present in Level A or Level B ensonified zones when pile driving or removal is under way.

No mortality is anticipated to result from this activity. Limited take of three species of marine mammal by Level A harassment (injury) is authorized due to potential auditory injury (PTS) that cannot reasonably be prevented through mitigation. The marine mammals authorized for Level A take (27 harbor seals, 16 harbor porpoises, and 2 humpback whales) are estimated to experience PTS if they remain within the outer limits of a Level A harassment zone during the entire time that impact pile driving would occur during a single day. Marine mammal species, however, are known to avoid areas where noise levels are high (Richardson *et al.,*1995). Animals would likely move away from the sound source and exit the Level A zone. Because of the proximity to the source in which the animals would have to approach, and the longer time in which they would need to remain in a farther proximity from the sound source within a Level A zone, we believe the likelihood of marine mammals experiencing PTS is low but acknowledge it could occur. Although NMFS is authorizing limited take by PTS, the anticipated takes reflect the onset of PTS, which would be relatively mild, rather than severe PTS which would be expected to have more impact on an animal's overall fitness.

Effects on individuals that are taken by Level B harassment, on the basis of reports in the literature as well as monitoring from other similar activities, will likely be limited to reactions such as increased swimming speeds, increased surfacing time, or decreased foraging (if such activity were occurring) (*e.g.,* Thorson and Reyff 2006; Lerma 2014). Most likely, individuals will simply move away from the sound source and be temporarily displaced from the areas of pile driving, although even this reaction has been observed primarily only in association with impact pile driving. In response to vibratory driving, pinnipeds (which may become somewhat habituated to human activity in industrial or urban waterways) have been observed to orient towards and sometimes move towards the sound. The pile driving and extraction activities analyzed here are similar to, or less impactful than, numerous construction activities conducted in similar locations in Alaska, which have taken place with no reported serious injuries or mortality to marine mammals, and no known long-term adverse consequences from behavioral harassment. Repeated exposures of individuals to levels of sound that may cause Level B harassment are unlikely to result in hearing impairment or to significantly disrupt foraging behavior. Thus, even repeated Level B harassment of some small subset of the overall stock is unlikely to result in any significant realized decrease in fitness for the affected individuals, and would not result in any adverse impact to the stock as a whole.

ADOT&PF's planned activities are localized and of relatively short duration. The entire project area is limited to the Sand Point dock area and its immediate surroundings. Specifically, the use of impact driving will be limited to approximately 22 hours over the course of up to 40 days of construction. Total vibratory pile driving time is estimated at approximately 85 hours over the same period. While impact driving does have the potential to cause injury to marine mammals, mitigation in the form of a 100 m shutdown zone should limit exposure to potentially injurious sound.

The project is not expected to have significant adverse effects on marine mammal habitat. No important marine mammal reproductive areas, such as rookeries, are known to exist within the ensonified areas. The project is located within the aquatic zones (*i.e.,* designated critical habitat) of two major Steller sea lion haul outs, and the Level B underwater harassment zone associated with the planned project overlaps with a third. The closest major haulout is approximately 27 km distant. The project activities are limited in time and would not modify existing marine mammal habitat. EFH near the project area has been designated for a number of species. While the activities may cause some fish to leave the area of disturbance, temporarily impacting marine mammals' foraging opportunities, this would encompass a relatively small area of habitat leaving large areas of existing fish and marine mammal foraging habitat unaffected. As such, the impacts to marine mammal habitat are not expected to cause significant or long-term negative consequences.

In summary, this negligible impact analysis is founded on the following factors: (1) The possibility of serious injury or mortality to authorized species may reasonably be considered discountable; (2) the likelihood that PTS could occur in a limited number of animals is low, but acknowledged; (3) the anticipated incidences of Level B harassment consist of, at worst, temporary modifications in behavior or potential temporary threshold shift (TTS); (4) the limited temporal and spatial impacts on marine mammals or their habitat; (5) the absence of any major haul outs or rookeries near the project area; and (6) the presumed efficacy of the planned mitigation measures in reducing the effects of the specified activity to the level of effecting the least practicable impact upon the affected species. In combination, we believe that these factors, as well as the available body of evidence from other similar activities, demonstrate that the potential effects of the specified activity will have only short-term effects on individuals. The specified activity is not expected to impact rates of recruitment or survival and will therefore not result in population-level impacts.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the planned monitoring and mitigation measures, NMFS finds that the total marine mammal take from ADOT&PF's Sand Point City Dock Replacement Project will have a negligible impact on all affected marine mammal species or stocks.

Small Numbers

As noted above, only small numbers of incidental take may be authorized under Section 101(a)(5)(D) of the MMPA for specified activities other than military readiness activities. The MMPA does not define small numbers and so, in practice, NMFS compares the number of individuals taken to the most

appropriate estimation of the relevant species or stock size in our determination of whether an authorization is limited to small numbers of marine mammals.

Table 11 presents the number of animals that could be exposed to received noise levels that could cause Level A and Level B harassment for the planned work at the Sand Point Dock Replacement Project. Our analysis shows that between <0.01 percent and 2.89 percent of the populations of affected stocks could be taken by harassment. Therefore, the numbers of animals authorized to be taken for all species would be considered small relative to the relevant stocks or populations even if each estimated taking occurred to a new individual—an extremely unlikely scenario. For pinnipeds, especially Steller sea lions, occurring in the vicinity of the project site, there will almost certainly be some overlap in individuals present day-to-day, and these takes are likely to occur only within some small portion of the overall regional stock. Table 11. Summary of the estimated numbers of marine mammals potentially exposed to Level A and Level B harassment noise levels.

TABLE 11—SUMMARY OF THE ESTIMATED NUMBERS OF MARINE MAMMALS POTENTIALLY EXPOSED TO LEVEL A AND LEVEL B HARASSMENT NOISE LEVELS

Species (DPS/stock)	Estimated number of individuals potentially exposed to the Level A harassment threshold	Estimated number of individuals potentially exposed to the Level B harassment threshold	DPS/Stock abundance (DPS/Stock)	Percent of population exposed to Level A or Level B thresholds
Steller sea lion (wDPS)	0	960	50,983	1.88.
Harbor seal (Cook Inlet/Shelikof Strait)	27	53	27,386	0.29.
Harbor porpoise (Gulf of Alaska)	16	33	31,046	0.16.
Dall's porpoise (Alaska)	0	4	83,400	<0.01.
Killer whale (Gulf of Alaska, Aleutian Islands, and Bering Sea transient or Alaska resident).	0	14	587 (transient)	2.38 (transient).
			2,347 (resident)	0.6 (resident)
Humpback whale [1] (Central North Pacific/Western North Pacific).	2	30	10,103 (Central NP)	0.32.
			1,107 (Western NP)	2.89.
Fin whale (Northeast Pacific)	0	6	1,368 [2]	0.44.
Gray whale (Eastern North Pacific)	0	2	20,990	<0.01.
Minke whale (Alaska)	0	3	2,020 [3]	<0.01.
Total	45	1,105	N/A	N/A.

[1] The Hawaii DPS is estimated to account for approximately 89 percent of all humpback whales in the Gulf of Alaska, whereas the Mexico and Western North Pacific DPSs account for approximately 10.5% and 0.5%, respectively (Wade *et al.,* 2016; NMFS 2016). Therefore, an estimated 28 animals from Hawaii DPS; 3 from Mexico DPS: and 1 from Western North Pacific DPS.

[2] Based on 2010 survey of animals north and west of Kenai Peninsula in U.S. waters and is likely an underestimate (Muto *et al.,* 2016b).

[3] Based on 2010 survey on Eastern Bering Sea shelf. Considered provisional and not representative of abundance of entire stock (Muto *et al.,* 2016a).

N/A: Not Applicable.

Based on the analysis contained herein of the planned activity (including mitigation and monitoring measures) and the anticipated take of marine mammals, NMFS finds that small numbers of marine mammals will be taken relative to the population size of the affected species or stocks.

Unmitigable Adverse Impact Analysis and Determination

There are no relevant subsistence uses of the affected marine mammal stocks or species implicated by this action. The planned project is not known to occur in a subsistence hunting area. It is a developed area with regular marine vessel traffic. Additionally, ADOT&PF has spoken with local officials about concerns regarding impacts to subsistence uses and none were expressed. Therefore, NMFS has determined that the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

Endangered Species Act (ESA)

Issuance of an MMPA authorization requires compliance with the ESA. There are four DPSs of three marine mammal species that are listed under the ESA with confirmed or possible occurrence in the study area: The WNP DPS and Mexico DPS of humpback whale; the western DPS of Steller sea lion; and fin whale. The NMFS Alaska Regional Office (AKR) Protected Resources Division issued a Biological Opinion in September 2017 under section 7 of the ESA, on the issuance of an IHA to ADOT&PF under section 101(a)(5)(D) of the MMPA by the NMFS Permits and Conservation Division. The biological opinion concluded that while the issuance of the authorization may adversely affect members of these listed species it is not likely to jeopardize the continued existence of any listed marine mammal species or destroy or modify any critical habitat.

Authorization

NMFS has issued an IHA to ADOT&PF for the potential harassment of small numbers of nine marine mammal species incidental to the Sand Point City Dock Replacement Project in Sand Point, Alaska, provided the previously mentioned mitigation, monitoring and reporting.

Dated: October 17, 2017.

Catherine Marzin,

Acting Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2017–22881 Filed 10–20–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF768

New England Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Groundfish 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, November 9, 2017 at 9 a.m.

ADDRESSES: The meeting will be held at the Sheraton Harborside, 250 Market Street, Portsmouth, NH 03801; phone: (603) 431–2300.

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 Groundfish Committee plans to discuss Framework Adjustment 57/Specifications and Management Measures and will receive a report from the Groundfish Plan Development Team on: (1) The draft alternatives under consideration (2) the specifications sub-component analysis (3) a review of the Georges Bank haddock sub-ACL in the directed mid-water trawl Atlantic herring fishery (4) several options for Southern New England/Mid-Atlantic yellowtail flounder sub-ACLs for the scallop fishery (5) adjusting the accountability measure policy for groundfish sub-ACLs for the scallop fishery to trigger only when the scallop sub-ACL and total ACL is exceeded. They also plan to discuss draft alternatives and make recommendations to the Council. Other business will 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. This meeting will be recorded. 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 18, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017–22903 Filed 10–20–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF753

Mid-Atlantic Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice; public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council's (MAFMC's) Demersal Committee will hold a public meeting.

DATES: The meeting will be held on Wednesday, November 8, 2017, from 1 p.m. to 5 p.m. and on Thursday, November 9, 2017, from 8 a.m. to 3 p.m.

ADDRESSES: The meeting will be held at the Royal Sonesta Harbor Court Baltimore, 550 Light St., Baltimore, MD 21202; telephone: (410) 234–0550.

Council address: Mid-Atlantic Fishery Management Council, 800 N. State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331 or on their Web site at *www.mafmc.org.*

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: The Demersal Committee will meet to further refine management options for the commercial summer flounder fishery under the Comprehensive Summer Flounder Amendment. The focus of the meeting will be on reviewing and refining draft commercial allocation alternatives. The agenda may also include discussions of federal commercial permit requalification options, draft revised Fishery Management Plan (FMP) goals and objectives for summer flounder, and options for FMP framework provisions that could be used to address landings flexibility policies in future actions. Meeting materials will be posted to *http://www.mafmc.org/* prior to the meeting.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to M. Jan Saunders, (302) 526–5251, at least 5 days prior to the meeting date.

Dated: October 18, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017–22901 Filed 10–20–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF777

Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice; public meeting.

SUMMARY: The Pacific Fishery Management Council's (Pacific Council) Groundfish Management Team (GMT) will hold a webinar that is open to the public.

DATES: The GMT webinar will be held Tuesday, November 7, 2017, from 1 p.m. until 5 p.m. The webinar end time is an estimate, the meeting will adjourn when business for the day is completed.

ADDRESSES: To attend the webinar (1) join the meeting by visiting this link *http://www.gotomeeting.com/online/webinar/join-webinar;* (2) enter the Webinar ID: 921–983–403, and (3) enter your name and email address (required). After logging in to the webinar, please (1) dial this TOLL number 1–415–930–5321 (not a toll-free number); (2) enter

the attendee phone audio access code 974–117–482; and (3) then enter your audio phone pin (shown after joining the webinar). NOTE: We have disabled Mic/Speakers as on option and require all participants to use a telephone or cell phone to participate. Technical Information and System Requirements: PC-based attendees are required to use Windows® 7, Vista, or XP; Mac®-based attendees are required to use Mac OS® X 10.5 or newer; Mobile attendees are required to use iPhone®, iPad®, Android™ phone or Android tablet (See the *https://www.gotomeeting.com/webinar/ipad-iphone-android-webinar-apps*). You may send an email to Mr. Kris Kleinschmidt at *Kris.Kleinschmidt@noaa.gov* or contact him at 503–820–2280, extension 411 for technical assistance. A public listening station will also be available at the Pacific Council office.

Council address: Pacific Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384; telephone: (503) 820–2280.

FOR FURTHER INFORMATION CONTACT: Ms. Kelly Ames, Pacific Council, (503) 820–2426.

SUPPLEMENTARY INFORMATION: The primary purpose of the GMT webinar is to prepare for the November 2017 Pacific Council meeting. A detailed agenda for the webinar will be available on the Pacific Council's Web site prior to the meeting. The GMT may also address other assignments relating to groundfish management. No management actions will be decided by the GMT. The GMT's task will be to develop recommendations for consideration by the Pacific Council at its November 2017 meeting.

Although nonemergency issues not contained in the meeting agenda may be discussed, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

The public listening station is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt at (503) 820–2411 at least 10 business days prior to the meeting date.

Dated: October 18, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017–22906 Filed 10–20–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF770

Fisheries of the South Atlantic; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

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

ACTION: Notice of SEDAR 56 Assessment Scoping Webinar II.

SUMMARY: The SEDAR 56 assessment of the South Atlantic stock of black seabass will consist of a series webinars. See **SUPPLEMENTARY INFORMATION**.

DATES: The SEDAR 56 Assessment Scoping Webinar II will be held on Wednesday, November 15, 2017, from 9 a.m. until 1 p.m.

ADDRESSES:

Meeting address: The meeting will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact Julia Byrd at SEDAR (see **FOR FURTHER INFORMATION CONTACT**) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of each webinar.

SEDAR address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405; *www.sedarweb.org.*

FOR FURTHER INFORMATION CONTACT: Julia Byrd, SEDAR Coordinator, 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405; phone: (843) 571–4366; email: *julia.byrd@safmc.net.*

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions, have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. The product of the SEDAR webinar series will be a report which compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses, and describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, Highly Migratory Species Management Division, and Southeast Fisheries Science Center. Participants include: data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and non-governmental organizations (NGOs); international experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion in the SEDAR 56 Assessment Scoping Webinar II are as follows:

Participants will review data and continue discussions on data issues, as necessary, and initial model issues.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

This meeting is accessible to people with disabilities. Requests for auxiliary aids should be directed to the SAFMC office (see **ADDRESSES**) at least 10 business days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: October 18, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017–22904 Filed 10–20–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF749

Atlantic Highly Migratory Species; Advisory Panel

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

ACTION: Notice; solicitation of nominations.

SUMMARY: NMFS solicits nominations for the Atlantic Highly Migratory Species (HMS) Advisory Panel (AP). NMFS consults with and considers the comments and views of the HMS AP when preparing and implementing Fishery Management Plans (FMPs) or FMP amendments for Atlantic tunas, swordfish, sharks, and billfish. Nominations are being sought to fill approximately one-third (11) of the seats on the HMS AP for a 3-year appointment. Individuals with definable interests in the recreational and commercial fishing and related industries, environmental community, academia, and non-governmental organizations are considered for membership on the HMS AP.

DATES: Nominations must be received on or before November 22, 2017.

ADDRESSES: You may submit nominations and requests for the Advisory Panel Statement of Organization, Practices, and Procedures by any of the following methods:

- *Email: HMSAP.Nominations@noaa.gov*. Include in the subject line the following identifier: ''HMS AP Nominations.''
- *Mail:* Margo Schulze-Haugen, Highly Migratory Species Management Division, NMFS SF1, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Peter Cooper at (301) 427–8503.

SUPPLEMENTARY INFORMATION:

Introduction

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1801 *et seq.,* as amended by the Sustainable Fisheries Act, Public Law 104–297, provided that the Secretary may establish Advisory Panels to assist in the collection and evaluation of information relevant to the development of any Fishery Management Plan (FMP) or FMP amendment for any highly migratory species fishery that is under the Secretary's authority. NMFS has consulted with the HMS AP on: Amendment 1 to the Billfish FMP (1999); the HMS FMP (1999); Amendment 1 to the HMS FMP (2003); the 2006 Consolidated HMS FMP (2006); and Amendments 1 (2009), 2 (2008), 3 (2010), 4 (2012), 5a (2013), 5b (2017), 6 (2015), 7 (2014), 8 (2013), 9 (2015), and 10 (2017) to the 2006 Consolidated HMS FMP; among other relevant fishery management issues.

Procedures and Guidelines

A. Nomination Procedures for Appointments to the Advisory Panel

Nomination packages should include:

1. The name of the nominee and a description of his/her interest in HMS or HMS fisheries, or in particular species of sharks, swordfish, tunas, or billfish;
2. Contact information, including mailing address, phone, and email of the nominee;
3. A statement of background and/or qualifications;
4. A written commitment that the nominee shall actively participate in good faith, and consistent with ethics obligations, in the meetings and tasks of the HMS AP; and
5. A list of outreach resources that the nominee has at his/her disposal to communicate Qualifications for HMS AP Membership

Qualification for membership includes one or more of the following: (1) Experience in HMS recreational fisheries; (2) experience in HMS commercial fisheries; (3) experience in fishery-related industries (*e.g.,* marinas, bait and tackle shops); (4) experience in the scientific community working with HMS; and/or (5) representation of a private, non-governmental, regional, national, or international organization representing marine fisheries, or environmental, governmental, or academic interests dealing with HMS.

Tenure for the HMS AP

Member tenure will be for 3 years (36 months), with approximately one-third of the members' terms expiring on December 31 of each year. Nominations are sought for terms beginning January 2018 and expiring December 2020.

B. Participants

Nominations for the HMS AP will be accepted to allow representation from commercial and recreational fishing interests, academic/scientific interests, and the environmental/non-governmental organization community, who are knowledgeable about Atlantic HMS and/or Atlantic HMS fisheries. Current representation on the HMS AP, as shown in Table 1, consists of 12 members representing commercial interests, 12 members representing recreational interests, 4 members representing environmental interests, 4 academic representatives, and the International Commission for the Conservation of Atlantic Tunas (ICCAT) Advisory Committee Chairperson. Each HMS AP member serves a 3-year term with approximately one-third of the total number of seats (33) expiring on December 31 of each year. NMFS seeks to fill 6 commercial, 3 recreational, 1 academic and 1 environmental organization vacancies by December 31, 2017. NMFS will seek to fill vacancies based primarily on maintaining the current representation from each of the sectors. NMFS also considers species expertise and representation from the fishing regions (Northeast, Mid-Atlantic, Southeast, Gulf of Mexico, and Caribbean) to ensure the diversity and balance of the AP. Table 1 includes the current representation on the HMS AP by sector, region, and species with terms that are expiring identified in bold. It is not meant to indicate that NMFS will only consider persons who have expertise in the species or fishing regions that are listed. Rather, NMFS will aim toward having as diverse and balanced an AP as possible.

TABLE 1—CURRENT REPRESENTATION ON THE HMS AP BY SECTOR, REGION, AND SPECIES

[Terms that are expiring or for whom current members are stepping down are marked as ''Expiring''. NMFS tries to maintain diversity and balance in representation among fishing regions and species.]

Sector	Fishing region	Species	Date appointed	Date term expires	Member status
Academic	All	Swordfish/Tuna	1/1/2015	12/31/2017	Expiring.
Academic	All	Tuna	1/1/2016	12/31/2018	Active.
Academic	Gulf of Mexico/Southeast	Shark	1/1/2016	12/31/2018	Active.
Academic	Southeast	Swordfish/HMS	1/1/2016	12/31/2018	Active.

TABLE 1—CURRENT REPRESENTATION ON THE HMS AP BY SECTOR, REGION, AND SPECIES—Continued

[Terms that are expiring or for whom current members are stepping down are marked as ''Expiring''. NMFS tries to maintain diversity and balance in representation among fishing regions and species.]

Sector	Fishing region	Species	Date appointed	Date term expires	Member status
Commercial	Gulf of Mexico	Shark	1/1/2015	12/31/2017	Expiring.
Commercial	All	HMS	1/1/2015	12/31/2017	Expiring.
Commercial	Northeast	Swordfish/Tuna	1/1/2015	12/31/2017	Expiring.
Commercial	Gulf of Mexico/Southeast	Swordfish/Tuna	1/1/2015	12/31/2017	Expiring.
Commercial	Northeast	Tuna	1/1/2015	12/31/2017	Expiring.
Commercial	Northeast	Tuna	1/1/2015	12/31/2017	Expiring.
Commercial	Southeast	Shark	1/1/2016	12/31/2018	Active.
Commercial	Southeast	Swordfish/Tuna	1/1/2016	12/31/2018	Active.
Commercial	Northeast	Tuna	1/1/2016	12/31/2018	Active.
Commercial	Mid-Atlantic	HMS/Shark	1/1/2017	12/31/2019	Active.
Commercial	Mid-Atlantic	Swordfish/Tuna	1/1/2017	12/31/2019	Active.
Commercial	Gulf of Mexico	Shark	1/1/2017	12/31/2019	Active.
Environmental	All	Shark	1/1/2015	12/31/2017	Expiring.
Environmental	All	HMS	1/1/2016	12/31/2018	Active.
Environmental	All	Tuna	1/1/2017	12/31/2019	Active.
Environmental	All	HMS	1/1/2017	12/31/2019	Active.
Recreational	Gulf of Mexico/Southeast	Billfish	1/1/2015	12/31/2017	Expiring.
Recreational	Mid-Atlantic	Shark	1/1/2015	12/31/2017	Expiring.
Recreational	Mid-Atlantic	Tuna	1/1/2015	12/31/2017	Expiring.
Recreational	Northeast	Tuna/Shark	1/1/2016	12/31/2018	Active.
Recreational	Northeast	HMS	1/1/2016	12/31/2018	Active.
Recreational	Mid-Atlantic	HMS	1/1/2016	12/31/2018	Active.
Recreational	Southeast	Billfish/HMS	1/1/2016	12/31/2018	Active.
Recreational	Northeast	HMS	1/1/2017	12/31/2019	Active.
Recreational	Mid-Atlantic	Tuna	1/1/2017	12/31/2019	Active.
Recreational	Mid-Atlantic	HMS	1/1/2017	12/31/2019	Active.
Recreational	Southeast	Billfish	1/1/2017	12/31/2019	Active.
Recreational	Gulf of Mexico	HMS	1/1/2017	12/31/2019	Active.

The intent is to have a group that, as a whole, reflects an appropriate and equitable balance and mix of interests given the responsibilities of the HMS AP.

Five additional members on the HMS AP include one member representing each of the following Councils: New England Fishery Management Council, the Mid-Atlantic Fishery Management Council, the South Atlantic Fishery Management Council, the Gulf of Mexico Fishery Management Council, and the Caribbean Fishery Management Council. The HMS AP also includes 22 ex-officio participants: 20 representatives of the coastal states and two representatives of the interstate commissions (the Atlantic States Marine Fisheries Commission and the Gulf States Marine Fisheries Commission).

NMFS will provide the necessary administrative support, including technical assistance, for the HMS AP. However, NMFS will not compensate participants with monetary support of any kind. Depending on availability of funds, members may be reimbursed for travel costs related to the HMS AP meetings.

C. Meeting Schedule

Meetings of the HMS AP will be held as frequently as necessary but are routinely held twice each year—once in the spring, and once in the fall. The meetings may be held in conjunction with public hearings.

Dated: October 17, 2017.

Emily H. Menashes,

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

[FR Doc. 2017–22880 Filed 10–20–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF716

Fisheries of the South Atlantic; South Atlantic Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of a public meeting.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold a meeting of its Habitat Protection and Ecosystem-Based Management (Habitat) Advisory Panel (AP) in St. Petersburg, FL. The meeting is open to the public.

DATES: The meeting will be held on Tuesday, November 14, 2017, from 9 a.m. to 4:30 p.m., Wednesday, November 15, 2017, from 9 a.m. until 4:30 p.m., and Thursday, November 16, 2017, from 9 a.m.to 12 noon.

ADDRESSES:

Meeting address: The meeting will be held at the Florida Fish and Wildlife Research Institute, 100 Eighth Avenue SE., St. Petersburg, FL 33701; phone: (727) 896–8626.

Council address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer, South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405; phone: (843) 571–4366 or toll free (866) SAFMC–10; fax: (843) 769–4520; email: *kim.iverson@safmc.net.*

SUPPLEMENTARY INFORMATION: Items to be addressed or sessions to be conducted during this meeting include: Draft Fishery Ecosystem Plan (FEP) II Implementation Plan; FEP II Dashboard links and tools; the SAFMC Ecospecies Species Information System; the Council's Habitat and Ecosystem Atlas/

Dashboard; and South Atlantic Ecosystem Modeling.

Members of the AP will discuss items and provide recommendations as appropriate.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the council office (see **ADDRESSES**) 5 days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

Dated: October 18, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017–22900 Filed 10–20–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Notice of Intent To Grant an Exclusive Patent License

AGENCY: Air Force Materiel Command, Department of the Air Force.

ACTION: Notice of intent.

SUMMARY: Pursuant to the Bayh-Dole Act and implementing regulations, the Department of the Air Force hereby gives notice of its intent to grant an exclusive patent license agreement to The University of North Carolina at Charlotte, a public university duly organized, validly existing, and in good standing in the State of North Carolina, having a place of business at 9201 University City Blvd., Charlotte, NC 28223, for any right, title and interest the Air Force has in: U.S. Patent Application No. 62/518,896, filed on June 13, 2017, entitled ''Photodetector Focal Plane Array Systems and Methods Based on Microcomponents with Arbitrary Shapes,'' by Vasily N. Astratov et al.

DATES: Written objections must be filed no later than fifteen (15) calendar days after the date of publication of this Notice.

ADDRESSES: Submit written objections to the Air Force Materiel Command Law Office, AFMCLO/JAZ, 2240 B Street, Room 260, Wright-Patterson AFB, OH 45433–7109; Facsimile: (937) 255–3733; or Email: *afmclo.jaz.tech@us.af.mil.* Include Docket No. AFD 1743 in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: Air Force Materiel Command Law Office, AFMCLO/JAZ, 2240 B Street, Rm. 260, Wright-Patterson AFB, OH 45433–7109; Facsimile: (937) 255–3733; Email: *afmclo.jaz.tech@us.af.mil.*

SUPPLEMENTARY INFORMATION:

Authority: 35 U.S.C. 209; 37 CFR 404.

Docket No. AFD 1743

The University of North Carolina at Charlotte is a joint owner of this invention and the Air Force intends to license its rights to enable consolidation of such rights for future license agreements. The Department of the Air Force intends to grant the exclusive patent license agreement for the invention described in:

U.S. Patent Application No. 62/518,896, filed on June 13, 2017, entitled ''Photodetector Focal Plane Array Systems and Methods Based on Microcomponents with Arbitrary Shapes.''

The Department of the Air Force may grant the prospective license unless a timely objection is received that sufficiently shows the grant of the license would be inconsistent with the Bayh-Dole Act or implementing regulations. A competing application for a patent license agreement, completed in compliance with 37 CFR 404.8 and received by the Air Force within the period for timely objections, will be treated as an objection and may be considered as an alternative to the proposed license.

Henry Williams,

Acting Air Force Federal Register Liaison Officer.

[FR Doc. 2017–22958 Filed 10–20–17; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Board of Visitors (BoV) of the U.S. Air Force Academy; Notice of Meeting

AGENCY: U.S. Air Force Academy Board of Visitors, Department of the Air Force.

ACTION: Meeting notice.

SUMMARY: The U.S. Air Force Academy (USAFA) Board of Visitors (BoV) will hold a meeting at the Capitol Building, Room 212 in Washington, DC on Wednesday, 15 November 2017. The purpose of this meeting is to review morale and discipline, social climate, strategic communications, diversity, and other matters relating to the Academy. Specific topics for this meeting include a Superintendent's Update; Commandant's Update; Dean's Update; IT Modernization; Attrition and Diversity; Performance Measures for USAFA.

DATES: The meeting will be held from 1010 to 1430 on Wednesday, November 15 2017.

ADDRESSES: Capitol Building, Room 212, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Captain Natalie Campos, Officer of the Deputy Assistant Secretary of the Air Force, SAF/MRM, Executive Officer and Force Management Action Officer, 1660 Air Force Pentagon, Washington, DC 20330, (703) 697–7058, *natalie.m.campos.mil@mail.mil.*

SUPPLEMENTARY INFORMATION: In accordance with 10 U.S.C. Section 9355, the U.S. Air Force Academy BoV will hold a meeting at the Capitol Building, Room 212, in Washington, DC. The purpose of this meeting is to review morale and discipline, social climate, strategic communications, diversity, and other matters relating to the Academy. Specific topics for this meeting include a Superintendent's Update; Commandant's Update; Dean's Update; IT Modernization; Attrition and Diversity; Performance Measures for USAFA.

Public Accessibility to the Meeting: Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.140 through 102–3.165, and subject to the availability of space, this meeting is open to the public. Registration of members of the public who wish to attend the meeting will begin upon publication of this meeting notice and end three business days (Nov 10) prior to the start of the meeting. All members of the public must contact Capt. Campos at the phone number or email listed in the **FOR FURTHER INFORMATION CONTACT**. Seating is limited and is on a first-to-arrive basis. Attendees will be asked to provide their name, title, affiliation, and contact information to include email address and daytime telephone number to the POC listed in the **FOR FURTHER INFORMATION CONTACT** section. Any interested person may attend the meeting, file written comments or statements with the committee, or make verbal comments from the floor during the public meeting, at the times, and in the manner, permitted by the BoV.

Written Comments or Statements: Pursuant to 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of the Federal Advisory Committee Act, the public or interested organizations may submit written comments or statements to the BoV about its mission and/or the topics to be addressed in this public meeting. Written comments or statements should be submitted to Capt. Campos, via electronic mail, the preferred mode of submission, at the email address listed in the **FOR FURTHER**

INFORMATION CONTACT section in the following formats: Adobe Acrobat or Microsoft Word. The comment or statement must include the author's name, title, affiliation, address, and daytime telephone number. Written comments or statements being submitted in response to the agenda set forth in this notice must be received by the committee DFO at least five (5) business days prior to the meeting so that they may be made available to the BoV Chairman for their consideration prior to the meeting. Written comments or statements received after this date may not be provided to the BoV until its next meeting. Please note that because the BoV operates under the provisions of the Federal Advisory Committee Act, as amended, all written comments will be treated as public documents and will be made available for public inspection.

Verbal Comments: Members of the public will be permitted to make verbal comments during the meeting only at the time and in the manner allowed herein. If a member of the public is interested in making a verbal comment at the open meeting, that individual must submit a request, with a brief statement of the subject matter to be addressed by the comment, at least three (3) business days in advance, via electronic mail, the preferred mode of submission, at the email address listed in the **FOR FURTHER INFORMATION CONTACT** section. The BoV DFO will log each request to make a comment, in the order received, and the DFO and BoV Chairman will determine whether the subject matter of each comment is relevant to the BoV's mission and/or the topics to be addressed in this public meeting.

A period near the end of the meeting will be available for verbal public comments. Members of the public who have requested to make a verbal comment and whose comments have been deemed relevant under the process described in this paragraph, will be allotted no more than five (5) minutes during this period, and will be invited to speak in the order in which their requests were received by the DFO. For the benefit of the public, rosters that list the names of BoV members and any releasable materials presented during the open portions of this BoV meeting shall be made available upon request.

Henry Williams,

Acting Air Force Federal Register Liaison Officer.

[FR Doc. 2017–22956 Filed 10–20–17; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Notice of Intent To Grant an Exclusive Patent License

AGENCY: Air Force Materiel Command, Department of the Air Force, DoD.

ACTION: Notice of intent.

SUMMARY: Pursuant to the Bayh-Dole Act and implementing regulations, the Department of the Air Force hereby gives notice of its intent to grant an exclusive patent license agreement to Ohio State Innovation Foundation, a non-profit, duly organized, validly existing, and in good standing in the State of Ohio, having a place of business at 1524 North High Street, Columbus, OH 43201, in any right, title and interest the Air Force has in: Air Force Disclosure Docket No. AFD 1677, entitled ''Unmanned Aerial System Stinger-Suspended Crop Health Sensing,'' by Shearer et al., and Air Force Disclosure Docket No. AFD 1679, entitled ''Remote Sensing Image Processing Algorithm for Assessing Plant Population at Emergence,'' by Wolters, et al.

DATES: Written objections must be filed no later than fifteen (15) calendar days after the date of publication of this Notice.

ADDRESSES: Submit written objections to the Air Force Materiel Command Law Office, AFMCLO/JAZ, 2240 B Street, Room 260, Wright-Patterson AFB, OH 45433–7109; Facsimile: (937) 255–3733; or Email: *afmclo.jaz.tech@us.af.mil.* Include Docket No. AFD 1677 & 1679 in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: Air Force Materiel Command Law Office, AFMCLO/JAZ, 2240 B Street, Rm. 260, Wright-Patterson AFB, OH 45433–7109; Facsimile: (937) 255–3733; Email: *afmclo.jaz.tech@us.af.mil.*

SUPPLEMENTARY INFORMATION:

Authority: 35 U.S.C. 209; 37 CFR 404.

The Department of the Air Force intends to grant the [exclusive] [partially exclusive] patent license agreement for the invention described in:

—Air Force Disclosure Docket No. AFD 1677, entitled ''Unmanned Aerial System Stinger-Suspended Crop Health Sensing,'' by Shearer et al.

—Air Force Disclosure Docket No. AFD 1679, entitled ''Remote Sensing Image Processing Algorithm for Assessing Plant Population at Emergence,'' by Wolters, et al.

The Ohio State University is a joint owner of the aforementioned inventions and the Air Force intends to license its rights to enable consolidation of such rights for future license agreements.

The Department of the Air Force may grant the prospective license unless a timely objection is received that sufficiently shows the grant of the license would be inconsistent with the Bayh-Dole Act or implementing regulations. A competing application for a patent license agreement, completed in compliance with 37 CFR 404.8 and received by the Air Force within the period for timely objections, will be treated as an objection and may be considered as an alternative to the proposed license.

Henry Williams,

Acting Air Force Federal Register Liaison Officer.

[FR Doc. 2017–22959 Filed 10–20–17; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 17–46]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Arms sales notice.

SUMMARY: The Department of Defense is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Pamela Young, (703) 697–9107, *pamela.a.young14.civ@mail.mil* or Kathy Valadez, (703) 697–9217, *kathy.a.valadez.civ@mail.mil;* DSCA/DSA–RAN.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 17–46 with attached Policy Justification and Sensitivity of Technology.

Dated: October 17, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

OCT 11 2017

The Honorable Paul D. Ryan
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 17-46, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of the Netherlands for defense articles and services estimated to cost $53 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

Charles W. Hooper
Lieutenant General, USA
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 5001-06-C

Transmittal No. 17-46

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* The Government of the Netherlands

(ii) *Total Estimated Value:*

Major Defense Equipment * ..	$48 million
Other	$ 5 million
Total	$53 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Twenty-six (26) AIM-120 C-7 Advanced Medium Range Air-to-Air Missiles (AMRAAM)

One (1) AMRAAM Spare Guidance Section

Non-MDE:

Twenty (20) AMRAAM Captive Air Training Missiles (CATM), missile containers, control section spares, weapon systems support, test equipment, spare and repair parts, publications and technical documentation, personnel training, training equipment, U.S. Government

and contractor engineering, logistics, technical support services, and other related elements of logistics and program support.

(iv) *Military Department:* Air Force (X7–D–YAE)

(v) *Prior Related Cases, if any:* NE–D–YME for two hundred (200) AIM–120B

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* October 11, 2017

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Government of the Netherlands—AIM–120 C–7 Advanced Medium Range Air-to-Air Missile (AMRAAM)

The Government of the Netherlands has requested a possible sale of twenty-six (26) AIM–120 C–7 Advanced Medium Range Air-to-Air Missiles (AMRAAM), one (1) AMRAAM Guidance Section Spare (MDE items), twenty (20) AMRAAM Captive Air Training Missiles (CATM), missile containers, control section spares, weapon systems support, test equipment, spare and repair parts, publications and technical documentation, personnel training, training equipment, U.S. Government and contractor engineering, logistics, technical support services, and other related elements of logistics and program support. The estimated total case value is $53 million.

This proposed sale will support the foreign policy and national security objectives of the United States by helping to improve the security of a NATO Ally which continues to be an important force for political stability and economic progress in Europe.

The proposed sale will improve the Netherland's capabilities for mutual defense, regional security, force modernization, and U.S. and NATO interoperability. This sale will enhance the Royal Netherlands Air Force's ability to defend the Netherlands against future threats and contribute to current and future NATO operations. The Netherlands maintains the AIM–120B in its inventory and will have no difficulty absorbing these missiles into its armed forces.

The proposed sale of this equipment will not alter the basic military balance in the region.

The prime contractor will be Raytheon Missile Systems, Tucson, AZ. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government personnel or contractor representatives to the Netherlands.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 17–46

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. AIM–120C Advanced Medium Range Air-to-Air Missile (AMRAAM) is a radar-guided missile featuring digital technology and micro-miniature solid-state electronics. AMRAAM capabilities include look-down/shoot-down, multiple launches against multiple targets, resistance to electronic counter measures, and interception of high flying, low flying, and maneuvering targets. The AMRAAM is classified CONFIDENTIAL, major components and subsystems range from UNCLASSIFIED to CONFIDENTIAL, and technology data and other documentation are classified up to SECRET.

2. If a technologically advanced adversary obtains knowledge of the specific hardware and software elements, the information could be used to develop countermeasures or equivalent systems that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

3. A determination has been made that the Government of the Netherlands can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This proposed sale is necessary to the furtherance of the U.S. foreign policy and national security objectives outlined in the policy justification.

4. All defense articles and services listed in this transmittal are authorized for release and export to the Government of the Netherlands.

[FR Doc. 2017–22867 Filed 10–20–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2390–002; ER10–2394–004; ER10–2395–004; ER10–2422–004; ER11–3642–017; ER12–1562–004; ER12–1563–004.

Applicants: Bicent (California) Malburg LLC, BIV Generation Company, L.L.C., Cayuga Operating Company, LLC, Colorado Power Partners, Rocky Mountain Power, LLC, Somerset Operating Company, LLC, Tanner Street Generation, LLC.

Description: Notice of Non-Material Change in Status of Bicent (California) Malburg LLC, et al.

Filed Date: 10/16/17.

Accession Number: 20171016–5154.

Comments Due: 5 p.m. ET 11/6/17.

Docket Numbers: ER17–2414–001.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Tariff Amendment: 2017–10–16_SA 3042 Crowned Ridge-OTP Sub GIA (J442) to be effective 8/21/2017.

Filed Date: 10/16/17.

Accession Number: 20171016–5169.

Comments Due: 5 p.m. ET 10/23/17.

Docket Numbers: ER17–2443–001.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Tariff Amendment: 2017–10–16_SA 3046 Upland Prairie-MEC GIA (J455) Sub Appendices to be effective 8/23/2017.

Filed Date: 10/16/17.

Accession Number: 20171016–5175.

Comments Due: 5 p.m. ET 10/23/17.

Docket Numbers: ER17–2444–001.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Tariff Amendment: 2017–10–16_SA 3045 Ida Grove-MEC Sub GIA (J412) to be effective 8/23/2017.

Filed Date: 10/16/17.

Accession Number: 20171016–5191.

Comments Due: 5 p.m. ET 10/23/17.

Docket Numbers: ER18–76–000.

Applicants: Twin Eagle Resource Management, LLC.

Description: § 205(d) Rate Filing: Amend Market-Based Rate Tariff to be effective 12/16/2017.

Filed Date: 10/16/17.

Accession Number: 20171016–5119.

Comments Due: 5 p.m. ET 11/6/17.

Docket Numbers: ER18–77–000.

Applicants: ISO New England Inc.

Description: § 205(d) Rate Filing: 2018 Capital Budget and Revised Tariff Sheets for Recovery of 2018 Admin. Costs to be effective 1/1/2018.

Filed Date: 10/16/17.

Accession Number: 20171016–5120.

Comments Due: 5 p.m. ET 11/6/17.

Docket Numbers: ER18–78–000.

Applicants: Bicent (California) Malburg LLC.

Description: § 205(d) Rate Filing: Notice of Change in Category Seller to be effective 10/17/2017.

Filed Date: 10/16/17.

Accession Number: 20171016–5124.

Comments Due: 5 p.m. ET 11/6/17.

Docket Numbers: ER18–79–000.

Applicants: Public Service Electric and Gas Company.

Description: § 205(d) Rate Filing: PECO PSE&G Amtrak to be effective 7/1/2017.

Filed Date: 10/16/17.

Accession Number: 20171016–5131.

Comments Due: 5 p.m. ET 11/6/17.

Docket Numbers: ER18–80–000.

Applicants: New York Independent System Operator, Inc.

Description: § 205(d) Rate Filing: NYISO 205: Comprehensive Queue Reform to be effective 12/16/2017.

Filed Date: 10/16/17.

Comments Due: 5 p.m. ET 11/6/17.

Docket Numbers: ER18–81–000.

Applicants: ISO New England Inc.

Description: ISO New England Inc. submits Third Quarter 2017 Capital Budget Report.

Filed Date: 10/16/17.

Accession Number: 20171016–5157.

Comments Due: 5 p.m. ET 11/6/17.

Docket Numbers: ER18–82–000.

Applicants: Southern California Edison Company.

Description: § 205(d) Rate Filing: SCE Two GIAs Syracuse Solar, LLC and Tours Solar, LLC to be effective 10/17/2017.

Filed Date: 10/16/17.

Accession Number: 20171016–5163.

Comments Due: 5 p.m. ET 11/6/17.

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 16, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–22889 Filed 10–20–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER18–38–000]

DV Trading, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding DV Trading, 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 November 6, 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 16, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–22890 Filed 10–20–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL18–22–000]

Wabash Valley Power Association, Inc.; Notice of Petition for Partial Waiver

Take notice that on October 17, 2017, pursuant to section 292.402 of the Federal Energy Regulatory Commission's (Commission) Rules and Regulations,[1] Wabash Valley Power Association, Inc. (WVPA), on behalf of itself and its seventeen participating electric distribution cooperative member-owners (collectively, the Participating Members),[2] filed a partial waiver of certain obligations imposed on WVPA and the Participating Members under sections 292.303(a) and 292.303(b) of the Commission's regulations [3] implementing section 210 of the Public Utility Regulatory Policies Act of 1978, as amended,[4] all as more fully explained in the petition.

Any person desiring to intervene or to protest this filing must file in

[1] 18 CFR 292.402.

[2] The Participating Members joining in this application include the following electric distribution cooperative member-owners of WVPA who have entered into an all-requirements power supply contract with WVPA to purchase from WVPA substantially all of its electric requirements: Boone REMC, Carroll White County REMC, Citizens Electric Corporation, Corn Belt Energy, EnerStar Electric Cooperative, Fulton County REMC, Heartland REMC, Jay County REMC, Kosciusko REMC, LaGrange County REMC, Marshall County REMC, Miami-Cass REMC, M.J.M. Electric Cooperative, Newton County REMC, Noble REMC, Steuben County REMC, and Warren County REMC.

[3] 18 CFR 292.303(a) and (b).

[4] 16 U.S.C. 824a–3.

accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the eFiling link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the eLibrary link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comments: 5:00 p.m. Eastern Time on November 7, 2017.

Dated: October 17, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–22919 Filed 10–20–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP17–471–000]

Paiute Pipeline Company; Notice of Schedule for Environmental Review of the 2018 Expansion Project

On July 5, 2017, Paiute Pipeline Company (Paiute) filed an application in Docket No. CP17–471–000 requesting a Certificate of Public Convenience and Necessity pursuant to Sections 7(b) and (c) of the Natural Gas Act to abandon and construct certain natural gas pipeline facilities. The proposed project is known as the 2018 Expansion Project (Project), and would provide 4,604 dekatherms per day (Dth/d) of new transportation capacity, and shift an additional 1,031 Dth/d of current transportation capacity to a delivery point further downstream.

On July 19, 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 27, 2017.
90-day Federal Authorization Decision Deadline—February 25, 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

The Project would involve construction and replacement of approximately 8.46 miles of pipeline to upsize or loop four segments of Paiute's Carson and South Tahoe Laterals in Douglas and Lyon Counties and Carson City, Nevada. For the two segments where pipeline would be replaced, portions of the existing pipeline would be abandoned in-place and by removal.

Background

On January 26, 2017, the Commission issued a *Notice of Intent to Prepare an Environmental Assessment for the Planned 2018 Expansion Project and Request for Comments on Environmental Issues* (NOI). The NOI was issued during the pre-filing review of the Project in Docket No. PF17–2 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 a total of four comment letters from the U.S. Army Corps of Engineers, the Nevada State Clearinghouse, the Teamsters National Pipeline Training Fund, and one individual. The scoping comments pertained to permitting and consultation processes, information on union pipeline contractors, potential effects on the Carson River and other state of Nevada properties, air quality (dust), and stormwater drainage.

The Bureau of Land Management and the Consolidated Municipality of Carson City, Nevada 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.,* CP17–471), 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 17, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–22918 Filed 10–20–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP17–464–000]

Rover Pipeline LLC; Notice of Schedule for Environmental Review of the Majorsville Compressor Station Amendment

On May 17, 2017, the Federal Energy Regulatory Commission (Commission or FERC) received a variance request from Rover Pipeline LLC (Rover) under Docket No. CP15–93–000 requesting to increase the approved delivery capacity at Rover's Majorsville Compressor Station by 100 million cubic feet per day (MMcf/d). The request requires the issuance of a Certificate of Public Convenience and Necessity pursuant to section 7(c) of the Natural Gas Act and was processed as an amended application rather than a variance.

On June 16, 2017, the Commission issued its Notice of Application for the Majorsville Compressor Station Amendment, now being considered in Docket No. CP17–464–000. 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 1, 2017.
90-day Federal Authorization Decision Deadline—January 30, 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

Rover proposes to install a third 3,550 horsepower natural gas compressor unit at the Majorsville Compressor Station [1] and a new equipment run at the Majorsville Meter Station in Marshall County, West Virginia. The new unit would bring the Majorsville Compressor Station to a total of 10,650 horsepower. The proposal would increase the point capacity of the Majorsville Compressor Station and the Majorsville Meter Station from 300 MMcf/d to 400 MMcf/d. Rover would house the new unit (and the previously approved units) by expanding the length of the currently under construction compressor building. Rover has not proposed to expand the station boundary beyond the previously approved limits.

Background

On August 4, 2017, the Commission issued a *Notice of Intent to Prepare an Environmental Assessment for the Proposed Majorsville Compressor Station Amendment and Request for Comments on Environmental Issues* (NOI). The NOI was sent to federal, state, and local government representatives and agencies; environmental and public interest groups; and other interested parties. It was also sent to all affected landowners (as defined in the Commission's regulations) who are within 0.5 mile of the Majorsville Compressor Station. In response to the NOI, the Commission received comments from the U.S. Environmental Protection Agency (EPA). The primary issues raised by the EPA are purpose and need, alternatives, and air quality and noise.

The EPA is currently participating as a cooperating agency 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.,* CP17–464), 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 17, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–22921 Filed 10–20–17; 8:45 am]

BILLING CODE 6717–01–P

[1] The Majorsville Compressor Station was approved by the Commission on February 2, 2017, in Docket No. CP15–93–000 as a component of the Rover Pipeline Project and is currently under construction.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PF17–6–000]

Columbia Gas Transmission, LLC; Notice of Intent To Prepare an Environmental Assessment for the Planned Buckeye Xpress Project; Request for Comments on Environmental Issues, and Notice of Public Scoping Sessions

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the planned Buckeye Xpress Project (Buckeye Project) involving construction and operation of facilities by Columbia Gas Transmission, LLC (Columbia) in Vinton, Jackson, Gallia, and Lawrence Counties, Ohio. The Commission will use this EA in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the Project. You can make a difference by providing us with your specific comments or concerns about the Project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. Your input will help the Commission staff determine what issues they need to evaluate in the EA. To ensure that your comments are timely and properly recorded, please send your comments so that the Commission receives them in Washington, DC on or before November 16, 2017.

If you sent comments on this Project to the Commission before the opening of this docket on August 1, 2017, you will need to file those comments in Docket No. PF17–6–000 to ensure they are considered as part of this proceeding. This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of this planned Project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the planned facilities. The company would seek to negotiate a mutually acceptable agreement. However, if the Commission approves the project, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings where compensation would be determined in accordance with state law.

A fact sheet prepared by the FERC entitled An Interstate Natural Gas Facility On My Land? What Do I Need To Know? is available for viewing on the FERC Web site (*www.ferc.gov*). This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings.

Public Participation

For your convenience, there are four methods you can use to submit your comments to the Commission. The Commission will provide equal consideration to all comments received, whether filed in written form or provided verbally. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.* Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the *eComment* feature on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* This is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the *eFiling* feature on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on *eRegister.* If you are filing a comment on a particular project, please select ''Comment on a Filing'' as the filing type;

(3) You can file a paper copy of your comments by mailing them to the following address. Be sure to reference the project docket number (PF17–6–000) with your submission: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426; or

(4) In lieu of sending written or electronic comments, the Commission invites you to attend one of the public scoping sessions its staff will conduct in the project area, scheduled as follows:

Date and time	Location
Tuesday, October 24, 2017, 4:30–7:30 p.m	Ironton High School, 1701 South 7th Street, Ironton, Ohio 45638, 740–532–3911.
Wednesday, October 25, 2017, 4:30–7:30 p.m	Jackson High School, 500 Vaughn Street, Jackson, Ohio 45640, 740–286–7575.

The primary goal of these scoping sessions is to have you identify the specific environmental issues and concerns that should be considered in the EA to be prepared for this project. Individual verbal comments will be taken on a one-on-one basis with a court reporter. This format is designed to receive the maximum amount of verbal comments, in a convenient way during the timeframe allotted.

Each scoping session is scheduled from 4:30 p.m. to 7:30 p.m. Eastern time. You may arrive at any time after 4:30 p.m. There will not be a formal presentation by Commission staff when the session opens. If you wish to speak, the Commission staff will hand out numbers in the order of your arrival. Comments will be taken until 6:30 p.m. However, if no additional numbers have been handed out and all individuals who wish to provide comments have had an opportunity to do so, staff may conclude the session at 7:00 p.m. Please see appendix 1 for additional information on the session format and conduct.[1]

Your scoping comments will be recorded by the court reporter (with FERC staff or representative present) and become part of the public record for this proceeding. Transcripts will be publicly available on FERC's eLibrary system (see below for instructions on using eLibrary). If a significant number of people are interested in providing verbal comments in the one-on-one settings, a time limit of 5 minutes may be implemented for each commentor.

It is important to note that verbal comments hold the same weight as written or electronically submitted comments. Although there will not be a formal presentation, Commission staff will be available throughout the comment session to answer your questions about the environmental review process. Representatives from Columbia will also be present to answer project-specific questions.

Summary of the Planned Project

Columbia plans to replace Columbia's aging system with newer and more reliable pipeline facilities in Vinton, Jackson, Gallia, and Lawrence Counties, Ohio. The Project would provide about 275,000 dekatherms per day of additional firm natural gas transportation capacity. According to Columbia, its project would ensure reliability and flexibility for its firm storage and storage transportation services on a system-wide basis.

The Buckeye Project would consist of the following facilities:

- Install 65.7 miles of new, 36-inch-diameter natural gas pipeline and various associated facilities including two tie-ins, four new MLVs, suction and discharge lines to the Oak Hill Compressor Station, and installation of over-pressure protection at five locations (planned R–801 system);
- abandon 58.8 miles of existing 20-inch-diameter natural gas pipeline and associated facilities (R–501 system); and
- abandon 2.0 miles of existing 20-inch-diameter and 24-inch-diameter natural gas pipeline and associated facilities (R–500 system).

The general location of the project facilities is shown in appendix 2.

Land Requirements for Construction

Construction of the planned R–801 facilities would disturb about 1,220 acres of land for the aboveground facilities and the pipeline. Abandonment of the existing R–500 and R–501 systems would affect about 979 acres. Following construction, Columbia would maintain about 402 acres for permanent operation of the project's new R–801 facilities; the remaining acreage would be restored and revert to former uses. About 80 percent of the planned pipeline route would parallel existing pipeline, utility, or road rights-of-way.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us[2] to discover and address concerns the public may have about proposals. This process is referred to as scoping. The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EA. We will consider all filed comments during the preparation of the EA.

[1] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of the appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary'' or from the Commission's Public Reference Room, 888 First Street NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

[2] We, us, and our refer to the environmental staff of the Commission's Office of Energy Projects.

In the EA we will discuss impacts that could occur as a result of the construction and operation of the planned project under these general headings:

- Geology and soils;
- land use;
- water resources, fisheries, and wetlands;
- cultural resources;
- vegetation and wildlife;
- air quality and noise;
- endangered and threatened species;
- public safety; and
- cumulative impacts.

We will also evaluate possible alternatives to the planned Project or portions of the Project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Although no formal application has been filed, we have already initiated our NEPA review under the Commission's pre-filing process. The purpose of the pre-filing process is to encourage early involvement of interested stakeholders and to identify and resolve issues before the FERC receives an application. As part of our pre-filing review, we have begun to contact some federal and state agencies to discuss their involvement in the scoping process and the preparation of the EA.

The EA will present our independent analysis of the issues. The EA will be available in the public record through eLibrary. Depending on the comments received during the scoping process, we may also publish and distribute the EA to the public for an allotted comment period. We will consider all comments on the EA before we make our recommendations to the Commission. To ensure we have the opportunity to consider and address your comments, please carefully follow the instructions in the Public Participation section, beginning on page 2.

With this notice, we are asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues related to this project to formally cooperate with us in the preparation of the EA.[3] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice. Currently, the U.S. Army Corps of Engineers has expressed its intention to participate as a cooperating agency in the preparation of the EA to satisfy its NEPA responsibilities related to this project.

Consultations Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, we are using this notice to initiate consultation with the Ohio State Historic Preservation Office (SHPO), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.[4] We will define the project-specific Area of Potential Effects (APE) in consultation with the SHPO as the project develops. On natural gas facility projects, the APE at a minimum encompasses all areas subject to ground disturbance (examples include construction right-of-way, contractor/pipe storage yards, compressor stations, and access roads). Our EA for this project will document our findings on the impacts on historic properties and summarize the status of consultations under section 106.

Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the planned facilities and the environmental information provided by Columbia. This preliminary list of issues may change based on your comments and our analysis and includes:

- Agriculture and prime farmland;
- water resources;
- crossing of the Wayne National Forest;
- endangered species; and
- steep terrain.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the planned project.

If we publish and distribute the EA, copies of the EA will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of the CD version or would like to remove your name from the mailing list, please return the attached Information Request (appendix 3).

Becoming an Intervenor

Once Columbia files its application with the Commission, you may want to become an ''intervenor'' which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Motions to intervene are more fully described at *http://www.ferc.gov/resources/guides/how-to/intervene.asp.* Instructions for becoming an intervenor are in the Document-less Intervention Guide under the e-filing link on the Commission's Web site. Please note that the Commission will not accept requests for intervenor status at this time. You must wait until the Commission receives a formal application for the project.

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site (*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.,* PF17–6). 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

[3] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, Part 1501.6.

[4] The Advisory Council on Historic Preservation regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Finally, public sessions or site visits will be posted on the Commission's calendar located at *www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Dated: October 16, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–22917 Filed 10–20–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2337–077]

PacifiCorp; Notice of Availability of Draft Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380, the Office of Energy Projects has reviewed the application for new license for the Prospect No. 3 Hydroelectric Project, located on the South Fork of the Rogue River in Jackson County, Oregon, and has prepared a Draft Environmental Assessment (DEA) for the project. The project currently occupies 32.4 acres of federal land managed by the U.S. Forest Service as part of the Rogue River-Siskiyou National Forest.

The DEA contains the staff's analysis of the potential environmental impacts of continued operation and maintenance of the project and concludes that relicensing the project, with appropriate environmental protective measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

A copy of the DEA 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 at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY).

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.

Any comments should be filed within 45 days from the date of this notice.

The Commission strongly encourages electronic filing. Please file comments 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. 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–2337–077.

For further information, contact Dianne Rodman at (202) 502–6077.

Dated: October 17, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–22920 Filed 10–20–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC17–86–001.

Applicants: Green Mountain Power Corporation.

Description: Notice of Non-Material Change in Circumstances of Green Mountain Power Corporation.

Filed Date: 10/13/17.

Accession Number: 20171013–5187.

Comments Due: 5 p.m. ET 11/3/17.

Docket Numbers: EC17–109–000.

Applicants: ALLETE, Inc., ALLETE Clean Energy, Inc.

Description: Response of ALLETE, Inc., et al. to September 15, 2017 letter requesting additional information.

Filed Date: 10/13/17.

Accession Number: 20171013–5184.

Comments Due: 5 p.m. ET 11/3/17.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER12–1923–003; ER10–2334–004; ER12–1924–003; ER11–3406–004; ER11–3407–004; ER10–2897–006; ER12–1865–005; ER12–1925–003.

Applicants: Big Savage, LLC, Big Sky Wind, LLC, EverPower Commercial Services LLC, Highland North LLC, Howard Wind LLC, Krayn Wind LLC, Mustang Hills, LLC, Patton Wind Farm, LLC.

Description: Supplement to June 30, 2017 Triennial Market Power Update for the Northeast Region of the EverPower Companies.

Filed Date: 10/12/17.

Accession Number: 20171012–5153.

Comments Due: 5 p.m. ET 11/2/17.

Docket Numbers: ER15–1456–004; ER11–4634–004; ER17–436–002; ER17–437–004; ER15–1457–004.

Applicants: Beaver Falls, L.L.C., Hazleton Generation LLC, Marcus Hook Energy, L.P., Marcus Hook 50, L.P., Syracuse, L.L.C.

Description: Supplement to June 30, 2017 Triennial Market Power Update for the Northeast Region of Beaver Falls, L.L.C., et al.

Filed Date: 10/12/17.

Accession Number: 20171012–5161.

Comments Due: 5 p.m. ET 11/2/17.

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 16, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–22888 Filed 10–20–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP17–494–000; CP17–495–000]

Jordan Cove Energy Project, L.P., Pacific Connector Gas Pipeline, L.P.; Notice of Meeting

The environmental staff of the Federal Energy Regulatory Commission has scheduled a teleconference with representatives of the Confederated Tribes of Grand Ronde to discuss the proposed Jordan Cove Energy and Pacific Connector Gas Pipeline Projects. This meeting will be held on October 24, 2017 at 12:00 p.m. (EDT).

Members of the public and intervenors in the referenced proceedings may attend the meeting; however, participation will be limited to tribal representatives and Commission staff. A summary of the meeting will be prepared and filed in the Commission's administrative record. If tribal representatives choose to disclose information about a specific location which could create a risk or harm to an archeological site or Native American cultural resource, the public will be excused for the portion of the meeting when such information is disclosed.

If you would like to attend the meeting, please contact Mr. John Peconom, Environmental Project Manager, for the call-in information. Mr. Peconom can be reached by telephone at (202) 502–6352 or by email at *john.peconom@ferc.gov.*

Dated: October 16, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–22922 Filed 10–20–17; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2017–0408; FRL–9969–17]

Certain New Chemicals; Receipt and Status Information for August 2017

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is required under the Toxic Substances Control Act (TSCA) to publish in the **Federal Register** a notice of receipt of a premanufacture notice (PMN); an application for a test marketing exemption (TME), both pending and/or expired; and a periodic status report on any new chemicals under EPA review and the receipt of notices of commencement (NOC) to manufacture those chemicals. This document covers the period from August 1, 2017 to August 31, 2017.

DATES: Comments identified by the specific case number provided in this document, must be received on or before November 22, 2017.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2017–0408, and the specific PMN number or TME number for the chemical related to your comment, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

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

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Jim Rahai, IMD 7407M, Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–8593; email address: *rahai.jim@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?

This action is directed to the public in general. As such, the Agency has not attempted to describe the specific entities that this action may apply to. Although others may be affected, this action applies directly to the submitters of the actions addressed in this document.

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 parts 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. What action is the Agency taking?

This document provides receipt and status reports, which cover the period from August 1, 2017 to August 31, 2017, and consists of the PMNs and TMEs both pending and/or expired, and the NOCs to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period.

III. What is the Agency's authority for taking this action?

Under TSCA, 15 U.S.C. 2601 *et seq.,* EPA classifies a chemical substance as either an ''existing'' chemical or a ''new'' chemical. Any chemical substance that is not on EPA's TSCA Inventory is classified as a ''new chemical,'' while those that are on the TSCA Inventory are classified as an ''existing chemical.'' For more information about the TSCA Inventory, please go to: *http://www.epa.gov/opptintr/newchems/pubs/inventory.htm.*

Anyone who plans to manufacture or import a new chemical substance for a non-exempt commercial purpose is required by TSCA section 5 to provide EPA with a PMN, before initiating the activity. Section 5(h)(1) of TSCA authorizes EPA to allow persons, upon application, to manufacture (includes import) or process a new chemical substance, or a chemical substance subject to a significant new use rule (SNUR) issued under TSCA section 5(a), for ''test marketing'' purposes, which is referred to as a test marketing exemption, or TME. For more

information about the requirements applicable to a new chemical go to: *http://www.epa.gov/oppt/newchems.*

Under TSCA sections 5(d)(2) and 5(d)(3), EPA is required to publish in the **Federal Register** a notice of receipt of a PMN or an application for a TME and to publish in the **Federal Register** periodic reports on the status of new chemicals under review and the receipt of NOCs to manufacture those chemicals.

IV. Receipt and Status Reports

As used in each of the tables in this unit, (S) indicates that the information in the table is the specific information provided by the submitter, and (G) indicates that the information in the table is generic information because the specific information provided by the submitter was claimed as CBI.

For the 42 PMNs received by EPA during this period, Table 1 provides the following information (to the extent that such information is not claimed as CBI): The EPA case number assigned to the PMN; The date the PMN was received by EPA; the projected end date for EPA's review of the PMN; the submitting manufacturer/importer; the potential uses identified by the manufacturer/importer in the PMN; and the chemical identity.

TABLE 1—PMNS RECEIVED FROM AUGUST 1, 2017 TO AUGUST 31, 2017

Case No.	Received date	Projected notice end date	Manufacturer /importer	Use	Chemical
P–17–0003	8/8/2017	11/6/2017	CBI	(G) Printing ink applications	(G) Styrene(ated) copolymer with alkyl(meth)acrylate, and (meth)acrylic acid.
P–17–0228	8/14/2017	11/12/2017	CBI	(G) Coating for displays	(G) 2′-fluoro-4″-alkyl-4-propyl-1,1′:4′,1″-terphenyl.
P–17–0229	8/14/2017	11/12/2017	CBI	(G) Coating for displays	(G) 4-ethyl-2′-fluoro-4″-alkyl-1,1′:4′,1″-terphenyl.
P–17–0235	8/22/2017	11/20/2017	CBI	(G) Anti-agglomerate	(G) Amidoamino quaternary ammonium salt.
P–17–0239	8/11/2017	11/9/2017	CBI	(G) Adhesive for open non-descriptive use.	(G) Substituted carboxylic acid, polymer with 2,4-diisocyanato-1-methylbenzene, hexanedioic acid, alpha-hydro-omega-hydroxypoly[oxy(methyl-1,2-ethanediyl)], 1,1′-methylenebis[4-isocyanatobenzene], 2,2′-oxybis[ethanol], 1,1′-oxybis[2-propanol] and 1,2-propanediol.
P–17–0245	8/15/2017	11/13/2017	CBI	(G) Adhesive for open, non-dispersive use.	(G) Unsaturated polyfluoro ester.
P–17–0270	8/9/2017	11/7/2017	CBI	(G) Low refractive index coating.	(G) Alkyl perfluorinated acryloyl ester.
P–17–0281	8/1/2017	10/30/2017	CBI	(G) Water reducible resin	(G) Polysiloxane-polyester polyol carboxylate.
P–17–0312	8/1/2017	10/30/2017	CBI	(G) Additive for electrocoat formulas.	(G) Organic acid, compds. with bisphenol a-epichlorohydrin-polypropylene glycol diglycidyl ether polymer-disubstituted amine-disubstituted polypropylene glycol reaction products.
P–17–0313	8/1/2017	10/30/2017	CBI	(G) Additive for electrocoat formulas.	(G) Phenol, 4,4′-(1-methylethylidene)bis-, polymer with 2-(chloromethyl)oxirane and alpha-(2-oxiranylmethyl)-omega-(2-oxiranylmethoxy) poly[oxy(methyl-1,2-ethanediyl)], reaction products with disubstituted amine and disubstituted polypropylene glycol, organic acid salts.
P–17–0313	8/1/2017	10/30/2017	CBI	(G) Additive for electrocoat formulas.	(G) Phenol, 4,4′-(1-methylethylidene)bis-, polymer with 2-(chloromethyl)oxirane and alpha-(2-oxiranylmethyl)-omega-(2-oxiranylmethoxy) poly[oxy(methyl-1,2-ethanediyl)], reaction products with disubstituted amine and disubstituted polypropylene glycol, organic acid salts.
P–17–0314	8/1/2017	10/30/2017	CBI	(G) Additive for electrocoat formulas.	(G) Organic acid, 2-substituted-, compds. with bisphenol a-epichlorohydrin-polypropylene glycol diglycidyl ether polymer-disubstituted amine-disubstituted polypropylene glycol reaction products.
P–17–0315	8/1/2017	10/30/2017	CBI	(G) Additive for electrocoat formulas.	(G) Phenol, 4,4′-(1-methylethylidene)bis-, polymer with alpha-(2-substituted-methylethyl)-omega-(2-substituted-methylethoxy)poly[oxy(methyl-1,2-ethanediyl)], 2-(chloromethyl)oxirane and alpha-(2-oxiranylmethyl)-omega-(2-oxiranylmethoxy)poly [oxy(methyl-1,2-ethanediyl)], alkylphenyl ethers, reaction products with disubstituted amine, organic acid salts.
P–17–0316	8/1/2017	10/30/2017	CBI	(G) Additive for electrocoat formulas.	(G) Organic acid, compds. with bisphenol a-epichlorohydrin-disubstituted polypropylene glycol-polypropylene glycol diglycidyl ether polymer alkylphenyl ethers-disubstituted amine reaction products.
P–17–0317	8/1/2017	10/30/2017	CBI	(G) Additive for electrocoat formulas.	(G) Organic acid, compds. with bisphenol a-epichlorohydrin-polypropylene glycol diglycidyl ether polymer-disubstituted polypropylene glycol reaction products.
P–17–0319	8/14/2017	11/12/2017	Inolex Chemical Company.	(S) This material will be used an an emollient for a fabric softener/conditioning product.	(S) L-isoleucine, c18–22-alkyl esters, ethanesulfonates.

TABLE 1—PMNs RECEIVED FROM AUGUST 1, 2017 TO AUGUST 31, 2017—Continued

Case No.	Received date	Projected notice end date	Manufacturer /importer	Use	Chemical
P–17–0320	8/14/2017	11/12/2017	H.B. Fuller Company	(G) Industrial Adhesive	(G) Dodecanedioic acid and 1,6-hexanediol polymer with 3-hydroxy-2,2-dimethylpropyl 2,2-dimethylhydracrylate, neopentylglycol, 1,2 ethanediol, adipic acid, isophthalic acid, terephthalic acid, 2-oxooxopane, bayflex 2002h and 1,1′-methylenebis[isocyanatobenzene].
P–17–0325	8/8/2017	11/6/2017	Cekal Specialties, Inc.	(S) Used in textile industry in bleaching and dyeing operations as a dispersing agent, for professional use according to the instructions in the Technical Bulletin.	(S) 2-propenoic acid, polymer with 2-methyl-2-((1-oxo-2-propenyl)amino)-1-propanesulfonic acid.
P–17–0328	8/9/2017	11/7/2017	AGC Electronics America Inc.	(S) Tetrahydrofuran-2-carboxylic acid is used as an additive for controlling selectivity of Chemical Mechanical Polishing (CMP) Slurry used for Semiconductor wafer polishing. The additive helps to selectively protect certain thin film layers from polishing while some other layers are being polished from the wafer surface during CMP process.	(S) Tetrahydrofuran-2-carboxylic acid.
P–17–0329	8/30/2017	11/28/2017	CBI	(G) Intermediate used in synthesis.	(G) Substituted haloaromatic trihaloalkyl-aromatic alkanone.
P–17–0343	8/9/2017	11/7/2017	CBI	(G) Corrosion Inhibitor in Aqueous Systems.	(G) Modified benzimidazole salt.
P–17–0355	8/23/2017	11/21/2017	CBI	(G) Site intermediate	(G) Benzoic acid, alkyl derivs.
P–17–0366	8/9/2017	11/7/2017	CBI	(G) Dispersant	(G) Fatty acids polymer with alkylamino-alkylsulfonic-poly glycol-blocked compounds with alkylamine.
P–17–0367	8/4/2017	11/2/2017	CBI	(S) Intermediate for use in the manufacture of polymers.	(G) Vegetable oil, polymer with alkanedioic acid, alkali lignin, diethylene glycol- and polyol-depolymd. poly(ethylene terephthalate) waste plastics and arylcarboxylic acid anhydride.
P–17–0368	8/4/2017	11/2/2017	CBI	(S) Intermediate for use in the manufacture of polymers.	(G) Vegetable oil, polymer with alkanedioic acid, alkali lignin, diethylene glycol- and polyol-depolymd. poly(ethylene terephthalate) waste plastics.
P–17–0369	8/4/2017	11/2/2017	CBI	(S) Intermediate for use in the manufacture of polymers.	(G) Waste plastics, poly(ethylene terephthalate), depolymd. with diethylene glycol, polymers with alkanedioic acid, alkali lignin and arylcarboxylic acid anhydride.
P–17–0370	8/4/2017	11/2/2017	CBI	(S) Intermediate for use in the manufacture of polymers.	(G) Waste plastics, poly(ethylene terephthalate), depolymd. with diethylene glycol and polyol, polymers with alkanedioic acid, alkali lignin and arylcarboxylic acid anhydride.
P–17–0371	8/4/2017	11/2/2017	CBI	(S) Intermediate for use in the manufacture of polymers.	(G) Vegetable oil, polymer with alkanedioic acid, alkali lignin, diethylene glycol- and polyol-depolymd. poly(ethylene terephthalate) waste plastics and arylcarboxylic acid anhydride.
P–17–0372	8/4/2017	11/2/2017	CBI	(S) Intermediate for use in the manufacture of polymers.	(G) Vegetable oil, polymer with alkanedioic acid, alkali lignin, diethylene glycol-depolymd. poly(ethylene terephthalate) waste plastics and arylcarboxylic acid anhydride.
P–17–0374	8/17/2017	11/15/2017	Allnex USA Inc.	(S) Ultra Violet curable coating resin.	(G) Polysiloxanes, di alkyl , substituted alky group-terminated, alkoxylated, reaction products with alkanoic acid, isocyanate substituted-alkyl carbomonocycle and polyol.
P–17–0375	8/18/2017	11/16/2017	CBI	(G) Paint additive	(G) 2-oxepanone,polymer with diisocyanatohexane, alkyl-((hydroxyalkyl)-alkanediol and isocyanato-(isocyanatoalkyl)-trialkylcyclohexane, di-alkyl malonate- and polyalkylene glycol mono-me ether-blocked, reaction products with (methylalkyl)-propanamine.
P–17–0376	8/23/2017	11/21/2017	CBI	(G) Processing additive	(G) 2-propenoic acid, 2-methyl-, 2-hydroxyethyl ester polymer with hexadecyl 2-propenoate, octadecyl 2-propenoate and 3,3,4,4,5,5,6,6,7,7,8,8,8-tridecasubstitutedoctyl 2-propenoate.
P–17–0377	8/24/2017	11/22/2017	CBI	(G) Processing additive	(G) 2-propenoic acid, 2-methyl-, 2-hydroxyethyl ester, polymer with hexadecyl 2-propenoate, octadecyl 2-propenoate and 3,3,4,4,5,5,6,6,7,7,8,8,8-tridecasubstitutedoctyl 2-methyl-2-propenoate.
P–17–0378	8/23/2017	11/21/2017	CBI	(G) Processing additive	(G) 2-propenoic acid, 2-methyl-, hexadecyl ester, polymer with 2-hydroxyethyl 2-methyl-2-propenoate, octadecyl 2-methyl-2-propenoate and 3,3,4,4,5,5,6,6,7,7,8,8,8-tridecasubstitutedoctyl 2-propenoate.

TABLE 1—PMNs RECEIVED FROM AUGUST 1, 2017 TO AUGUST 31, 2017—Continued

Case No.	Received date	Projected notice end date	Manufacturer /importer	Use	Chemical
P–17–0379	8/23/2017	11/21/2017	CBI	(G) Processing additive	(G) 2-propenoic acid, 2-methyl-, hexadecyl ester, polymer with 2-hydroxyethyl 2-methyl-2-propenoate, octadecyl 2-methyl-2-propenoate and 3,3,4,4,5,5,6,6,7,7,8,8,8-tridecasubstitutedoctyl 2-methyl-2-propenoate.
P–17–0380	8/24/2017	11/22/2017	CBI	(G) Open, non-dispersive use	(G) Amine- and hydroxy-functional acrylic polymer.
P–17–0381	8/24/2017	11/22/2017	CBI	(G) Open, non-dispersive use	(G) Hydroxy acrylic polymer, methanesulfonates.
P–17–0382	8/24/2017	11/22/2017	Chemtura Corporation.	(S) Friction modifier for motor oil lubricants.	(S) Amides, tallow, n,n-bis(2-ydroxypropyl).
P–17–0383	8/25/2017	11/23/2017	Toagosei America Inc..	(G) Binder	(G) Alkenoic acid, polymer will ammonium alkenoate (1:1) and polyalkylenediol diacrylate.
P–17–0386	8/30/2017	11/28/2017	Durez Corporation	(S) Use as an additive as a processing aid for automotive tire stock.	(S) Cashew, nutshell liquid, polymer with formaldehyde, phenol and resorcinol.
P–17–0387	8/30/2017	11/28/2017	CBI	(G) Paint	(G) Dicarboxylic acids, polymers with alkanoic acid, alkanediol, susbtituted-alkylalkanoic acid, substituted alkyl carbomonocyle, alkanedioic acid and alkanediol, alkanolamine blocked, compds with alkanolamine.
P–17–0388	8/30/2017	11/28/2017	CBI	(G) Paint	(G) Dicarboxylic acids, polymers with alkanoic acid, alkanediol, susbtituted-alkylalkanoic acid, substituted alkyl carbomonocyle, alkanedioic acid and alkanediol, alkanolamine blocked, compds with alkanolamine.

For the 13 NOCs received by EPA during this period, Table 2 provides the following information (to the extent that such information is not claimed as CBI): The EPA case number assigned to the NOC; the date the NOC was received by EPA; the projected date of commencement provided by the submitter in the NOC; and the chemical identity.

TABLE 2—NOCs RECEIVED FROM AUGUST 1, 2017 TO AUGUST 31, 2017

Case No.	Received date	Commencement date	Chemical
J–17–0008	8/2/2017	8/2/2017	(G) Genetically modified microorganism.
P–14–0364	8/16/2017	8/2/2017	(S) Phenol, styrenated, reaction products with polyethylene glycol and 2-[(2-propen-1-yloxy)methyl]oxirane.
P–15–0143	8/1/2017	7/17/2017	(G) Metallic salt of aromatic carboxylic acid.
P–15–0484	8/22/2017	7/28/2017	(G) Amino benzyl acrylic copolymer.
P–15–0535	8/7/2017	7/11/2016	(G) Propanoic acid, 3-hydroxy-2-(hydroxymethyl)-2-methyl-, compds. with hydroxylamine-blocked polymethylenepolyphenylene isocyanate-polymeric diol.
P–15–0660	8/4/2017	8/19/2016	(G) Alicyclic anhydride, polymer with alkanepolyol, 2-(chloromethyl)oxirane, 4,4′-(1-methylethylidene)bis[phenol] and cyclic ester.
P–15–0662	8/7/2017	8/26/2016	(G) Alicyclic anhydride, polymer with alkanepolyol, 2-(chloromethyl)oxirane, , alkanediol,4,4′-(1-methylethylidene)bis[phenol] and cyclic ester.
P–16–0553	8/15/2017	7/20/2017	(G) 2-propenoic acid ester, polymer with alkyl propenoate, reaction products with alkylamine and aldehyde.
P–16–0578	8/1/2017	7/10/2017	(G) Alkenoic acid, alkyester, polymer with n-(dialkyl-oxoalkyl)-alkenamide, alkenylbenzene, alkyl alkenoate and alkenoic acid.
P–17–0118	8/23/2017	8/22/2017	(S) 1,6,10-dodecatriene, 7,11-dimethyl-3-methylene-, 6(e)-, homopolymer, 2-hydroxyethyl-terminated.
P–17–0231	8/4/2017	8/3/2017	(G) Fatty acids, polymers with benzoic acid, cyclohexanedicarboxylic acid anhydride, aliphatic diisocyanate, alkyl diol, alkyl triol, pentaerythritol, phthalic anhydride, polyalkylene glycol amine, and aromatic dicarboxylate sulphonic acid and sodium salt.
P–17–0256	8/29/2017	8/15/2017	(G) Carbopolycyclic dicarboxylic acid, dialkyl ester, polymer with dialkyl carbomonocyclic diester, dialkyl substituted carbomonocyclic diester alkali metal salt and alkanediol.
P–17–0272	8/16/2017	8/2/2017	(G) Fatty acid amide alkyl amine salts.

Authority: 15 U.S.C. 2601 *et seq.*

Dated: October 12, 2017.

Pamela Myrick,

Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 2017–22875 Filed 10–20–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9969–79–OAR]

Acid Rain Program: Notification of Annual Adjustment Factors for Excess Emissions Penalty

AGENCY: Environmental Protection Agency (EPA).

ACTION: Annual adjustment factors for excess emissions penalty.

SUMMARY: The Acid Rain Program under title IV of the Clean Air Act provides for automatic excess emissions penalties in dollars per ton of excess emissions for sources that do not meet their annual Acid Rain emissions limitations. This document states the dollars per ton excess emissions penalty amounts, which must be adjusted for each compliance year commensurate with changes in the Consumer Price Index (CPI), for compliance years 2017 and 2018.

FOR FURTHER INFORMATION CONTACT: Robert L. Miller, Clean Air Markets Division (6204M), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460, at (202) 343–9077 or *miller.robertl@epa.gov.*

SUPPLEMENTARY INFORMATION: The Acid Rain Program under title IV of the Clean Air Act limits annual sulfur dioxide and nitrogen oxide emissions of fossil fuel-fired utility units. Under the Acid Rain Program, affected sources must hold enough allowances to cover their sulfur dioxide emissions, and certain coal-fired sources must meet an emission limit for nitrogen oxides. Under 40 CFR 77.6, sources that do not meet these requirements must pay a penalty without demand to the Administrator based on the number of excess tons emitted times $2,000 as adjusted by an annual adjustment factor, which must be published in the **Federal Register**.

The annual adjustment factor for adjusting the penalty for excess emissions of sulfur dioxide and nitrogen oxides under 40 CFR part 77.6(b) for compliance year 2017 is 1.9330. This value is derived using the CPI for 1990 and 2016 (defined respectively at 40 CFR 72.2 as the CPI for August of the year before the specified year for all urban consumers) and results in an automatic penalty of $3,866 per excess ton of sulfur dioxide or nitrogen oxides emitted for 2017.

The annual adjustment factor for adjusting the penalty for such excess emissions under 40 CFR 77.6(b) for compliance year 2018 is 1.9705. This value is derived using the CPI for 1990 and 2017 and results in an automatic penalty of $3,941 per excess ton of sulfur dioxide or nitrogen oxides emitted for 2018.

Dated: October 10, 2017.

Reid P. Harvey,

Director, Clean Air Markets Division, Office of Atmospheric Programs, Office of Air and Radiation.

[FR Doc. 2017–22873 Filed 10–20–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2017–0006; FRL–9967–37]

Receipt of Several Pesticide Petitions Filed for Residues of Pesticide Chemicals in or on Various Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of filing of petitions and request for comment.

SUMMARY: This document announces the Agency's receipt of several initial filings of pesticide petitions 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 22, 2017.

ADDRESSES: Submit your comments, identified by docket identification (ID) number and the pesticide petition number (PP) 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.,* 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.

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).

If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT** for the division listed at the end of the pesticide petition summary of interest.

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 its receipt of several pesticide petitions 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 requests before responding to the petitioners. EPA is not proposing any particular action at this time. EPA has determined that the pesticide petitions described in this document contain the 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 support granting of the pesticide petitions. 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 these pesticide petitions.

Pursuant to 40 CFR 180.7(f), a summary of each of the petitions that are the subject of this document, prepared by the petitioner, is included in a docket EPA has created for each rulemaking. The docket for each of the petitions 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.

III. Amended Tolerance Exemptions for PIPS

1. *PP 7F8566.* (EPA–HQ–OPP–2017–0401). Monsanto Company, 800 North Lindbergh Blvd., St. Louis, MO 63167, requests to amend an exemption from the requirement of a tolerance in 40 CFR 174.536 for residues of the plant-incorporated protectant (PIP) *Bacillus thuringiensis* Cry51Aa2.834_16 protein in or on cotton to change it from a temporary tolerance exemption to a permanent tolerance exemption. The petitioner believes no analytical method is needed because this petition is for a permanent tolerance exemption without numerical limitation; thus, an analytical detection method should not be required. *Contact:* BPPD.

IV. Amended Tolerances for Non-Inerts

1. *PP 7E8559.* (EPA–HQ–OPP–2017–0273). Interregional Research Project No. 4 (IR–4), Rutgers, The State University of New Jersey, 500 College Road East, Suite 201 W, Princeton, NJ 08540, proposes upon establishment of tolerances referenced under ''New Tolerances'' for PP 7E8559, to remove existing tolerances in 40 CFR 180.593 for residues of the miticide etoxazole (2-(2,6-difluorophenyl)-4-[4-(1,1-dimethylethyl)-2-ethoxyphenyl]-4,5-dihydrooxazole), including its metabolites and degradates, to be determined by measuring only etoxazole in or on the commodities; fruit, pome, group 11 at 0.20 ppm; fruit, stone, group 12, except plum at 1.0 ppm; nut, tree, group 14 at 0.01 ppm; cotton, undelinted seed at 0.05 ppm; pistachio at 0.01 ppm; plum at 0.15 ppm; and plum, prune, dried at 0.30 ppm. Adequate analytical methodologies are available in gas chromatography-mass selective detection (GC–MSD) and gas chromatography-nitrogen phosphorus detection (GC–NPD) for detecting and measuring levels of etoxazole in plant and livestock commodities, respectively, are available to enforce proposed tolerances in or on raw agricultural commodities. *Contact:* RD.

2. *PP 7E8564.* (EPA–HQ–OPP–2017–0310). IR–4, Rutgers, The State University of New Jersey, 500 College Road East, Suite 201 W, Princeton, NJ 08540, requests to amend the tolerances in 40 CFR 180.589 for residues of the fungicide boscalid,3-pyridinecarboxamide, 2-chloro-N-(4′-chloro[1,1′-biphenyl]-2-yl) by removing the established tolerances in or on Brassica, head and stem, subgroup 5A at 3.0 ppm, brassica, leafy greens, subgroup 5B at 18 ppm, cucumber at 0.5 ppm, leaf petioles subgroup 4B at 45 ppm; leafy greens subgroup 4A, except head lettuce and leaf lettuce at 60 ppm, lettuce, head at 6.5 ppm, lettuce, leaf at 11 ppm, pea and bean, dried shelled, except soybean, subgroup 6C, except cowpea, field pea and grain lupin at 2.5 ppm; pea and bean, succulent shelled, subgroup 6B, except cowpea at 0.6 ppm; turnip, greens at 40 ppm, vegetable, cucurbit group 9, except cucumber at 1.6 ppm, and vegetable, root, subgroup 1A, except sugar beet, garden beet, radish and turnip at 1.0 ppm. Amend 40 CFR part 180.589 by removing the established tolerance for indirect or inadvertent residues of boscalid, 3-pyridinecarboxamide, 2-chloro-N-(4′-chloro[1,1′-biphenyl]-2-yl), in or on beet, garden, roots at 0.1 ppm; cowpea, seed at 0.1 ppm; lupin, grain, grain at 0.1 ppm; pea, field, seed at 0.1 ppm; radish, roots at 0.1 ppm; and turnip, roots at 0.1 ppm. Quantitation is by gas chromatography using mass spectrometry (GC/MS). *Contact:* RD.

3. *PP 7E8569.* (EPA–HQ–OPP–2017–0311). IR–4, Rutgers, The State University of New Jersey, 500 College Road East, Suite 201 W, Princeton, NJ 08540, requests to amend the tolerances in 40 CFR 180.582 for residues of the fungicide pyraclostrobin, carbamic acid, [2-[[[1-(4-chlorophenyl)-1H-pyrazol-3-yl]oxy] methyl]phenyl]methoxy-, methyl ester) and its desmethoxy metabolite, methyl-N-[[[1-(4-chlorophenyl)-1H-pyrazol-3-yl]oxy]methyl] phenylcarbamate expressed as parent compound by removing the established tolerances in or on avocado at 0.6 ppm, banana at 0.04 ppm, brassica, head and stem, subgroup 5A at 5.0 ppm, brassica leafy greens, subgroup 5B, at 16.0 ppm, and vegetable, leafy, except brassica, group 4 at 29.0 ppm. In plants the method of analysis is aqueous organic solvent extraction, column clean up and quantitation by liquid chromatography with tandem mass spectrometry (LC/MS/MS). *Contact:* RD.

4. *PP 7E8575.* (EPA–HQ–OPP–2017–0400). IR–4, Rutgers, The State University of New Jersey, 500 College Road East, Suite 201 W, Princeton, NJ 08540, proposes upon establishment of tolerances referenced under ''New Tolerances'' for PP 7E8575, to remove existing tolerances in 40 CFR 180.503 for residues of the fungicide cymoxanil, 2-cyano-N-[(ethylamino)carbonyl]-2-(methoxyimino) acetamide, in or on the following food commodities: Cilantro, leaves at 19 parts per million (ppm); leafy greens, subgroup 4A at 19 ppm;

leaf petioles, subgroup 4B at 6.0 ppm; potato at 0.05 ppm; and vegetables, fruiting, group 8 at 0.2 ppm. An analytical enforcement method is available for determining cymoxanil residues in plants, *i.e.,* high performance level chromatography (HPLC) with ultraviolet (UV) detection. The method's limit of quantitation is 0.05 ppm and allows monitoring of crops with cymoxanil residues at or above the levels proposed in these tolerances. *Contact:* RD

5. *PP 7E8576.* (EPA–HQ–OPP–2017–0397). IR–4, Rutgers, The State University of New Jersey, 500 College Road East, Suite 201 W, Princeton, NJ 08540, proposes upon establishment of tolerances referenced under ''New Tolerances'' for PP 7E8576, to remove existing tolerances in 40 CFR 180.587 for residues of the fungicide famoxadone (3-anilino-5-methyl-5-(4-phenoxyphenyl)-1,3-oxazolidine-2,4-dione), in or on the raw agricultural commodities: Cilantro, leaves at 25 ppm; potato at 0.02 ppm; vegetable, fruiting, group 8, except tomato at 4.0 ppm; vegetable, leafy, except brassica, group 4, except spinach at 25 ppm. An analytical enforcement method is available for determining famoxadone plant residues in or on a variety of food crops using gas-liquid chromatography (GC) with nitrogen phosphorus detection (NPD). The limit of quantitation (LOQ) is 0.02 ppm for leafy vegetables and green onion, and 0.05 ppm for dry bulb onion. The analytical enforcement method for use on tomato processed fractions and also the raw agricultural commodities (RAC), tomato, utilizes column switching liquid chromatography with UV detection. The LOQ is 0.02 ppm which allows monitoring of crops with famoxadone residues at or above the levels of proposed tolerances. *Contact:* RD

6. *PP 7E8581.* (EPA–HQ–OPP–2017–0372). IR–4, Rutgers, The State University of New Jersey, 500 College Road East, Suite 201 W, Princeton, NJ 08540, proposes upon establishment of tolerances referenced above under ''New Tolerances'' to remove existing tolerances in 40 CFR 180.425 for residues of the herbicide clomazone, 2-[(2-chlorophenyl)methyl]-4,4-dimethyl-3-isoxazolidinone in or on the raw agricultural commodities: Asparagus at 0.05 parts per million (ppm); bean, snap, succulent at 0.05 ppm; brassica, head and stem, subgroup 5A at 0.10 ppm; cotton, undelinted seed at 0.05 ppm; cucumber at 0.1 ppm; pea, southern, dry seed at 0.05 ppm; pea, southern, succulent seed at 0.05 ppm; pumpkin at 0.1 ppm; squash, summer at 0.1 ppm; squash, winter at 0.1 ppm; sweet potato, roots at 0.05 ppm; vegetable, cucurbit, group 9 at 0.05 ppm. An analytical method consisting of an acid reflux, a C18 solid phase extraction (SPE), a Florisil SPE clean-up followed by GC–MSD is available for detecting and measuring levels of clomazone in or on raw agricultural commodities. *Contact:* RD.

7. *PP 7E8585.* (EPA–HQ–OPP–2017–659). IR–4, Rutgers, The State University of New Jersey, 500 College Road East, Suite 201 W, Princeton, NJ 08540, proposes, upon establishment of tolerances referenced under ''New Tolerances'' for PP 7E8585, to remove established tolerances in 40 CFR 180.659 (a) General (1) for residues of the herbicide pyroxasulfone, including its metabolites and degradates, determined by measuring only the sum of pyroxasulfone, 3-[[[5-(difluoromethoxy)-1-methyl-3-(trifluoromethyl)-1H-pyrazol-4-yl]methyl]sulfonyl]-4,5-dihydro-5,5-dimethylisoxazole, and its metabolite, 5-(difluoromethoxy)-1-methyl-3-(trifluoromethyl)-1H-pyrazol-4-carboxylic acid (M–3), calculated as the stoichiometric equivalent of pyroxasulfone, in or on the commodity cotton, undelinted seed at 0.04 ppm. Analytical enforcement methodology including LC/MS/MS is available to enforce the tolerance expression for pyroxasulfone. *Contact:* RD

V. New Tolerance Exemptions for Inerts (Except PIPS)

1. *PP IN–10867.* (EPA–HQ–OPP–2017–0374). BASF Corporation, 100 Park Avenue, Florham Park, NJ 07932, requests to establish an exemption from the requirement of a tolerance for residues of *N,N*-dimethyldodecanamide (CAS Reg. No. 3007–53–2) when used as an inert ingredient (solvent or co-solvent) in pesticide formulations applied to growing crops under 40 CFR 180.920. The petitioner believes no analytical method is needed because it is not required for an exemption from the requirement of a tolerance. *Contact:* RD.

VI. New Tolerance Exemptions for Non-Inerts (Except PIPS)

1. *PP 5E8405.* (EPA–HQ–OPP–2017–0335). IR–4, Rutgers, The State University of New Jersey, 500 College Rd. East, Suite 201W, Princeton, NJ 08540, requests to establish an exemption from the requirement of a tolerance in 40 CFR part 180 for residues of the herbicide *Pseudomonas fluorescens* strain ACK55 in or on all food commodities. The petitioner believes no analytical method is needed because an exemption from the requirement of a tolerance is being proposed. *Contact:* BPPD.

2. *PP 6F8531.* (EPA–HQ–OPP–2017–0294). International Animal Health Products Pty. Ltd., 18 Healey Circuit, Huntingwood, New South Wales 2148 Australia (in care of SciReg, Inc., 12733 Director's Loop, Woodbridge, VA 22192), requests to establish an exemption from the requirement of a tolerance in 40 CFR part 180 for residues of the nematocide *Duddingtonia flagrans* strain IAH 1297 in or on all raw and processed agricultural commodities. The petitioner believes no analytical method is needed because an exemption from the requirement of a tolerance is being proposed. *Contact:* BPPD.

VII. New Tolerances for Non-Inerts

1. *PP 7E8549.* (EPA–HQ–OPP–2017–0226). IR–4, Rutgers, The State University of New Jersey, 500 College Road East, Suite 201 W, Princeton, NJ 08540, requests to establish a tolerance in 40 CFR part 180 for residues of the herbicide florasulam N-(2,6-difluorophenyl)-8-fluoro-5-methoxy (1,2,4)triazolo(1,5-c)pyrimidine-2-sulfonamide in or on the raw agricultural commodities teff, forage at 0.05 ppm; teff, grain at 0.01 ppm; teff, straw at 0.05 ppm; and teff, hay at 0.05 ppm. The analytical method uses capillary GC–MSD. *Contact:* RD.

2. *PP 7E8550.* (EPA–HQ–OPP–2017–0225). IR–4, Rutgers, The State University of New Jersey, 500 College Road East, Suite 201 W, Princeton, NJ 08540, requests to establish a tolerance in 40 CFR part 180 for residues of the herbicide fluroxypyr 1-methylheptyl ester [1-methylheptyl ((4-amino-3,5-dichloro-6-fluoro-2-pyridinyl)oxy) acetate] and its metabolite fluroxypyr [((4-amino-3,5-dichloro-6-fluoro-2-pyridinyl)oxy)acetic acid] in or on teff, forage at 12.0 ppm; teff, grain at 0.5 ppm; teff, straw at 12.0 ppm; teff, hay at 20.0 ppm. The analytical method uses HPLC with Tandem Mass Spectrometry (MS/MS) with LOQ of 0.01 ppm. *Contact:* RD.

3. *PP 7E8551.* (EPA–HQ–OPP–2017–0227). IR–4, Rutgers, The State University of New Jersey, 500 College Road East, Suite 201 W, Princeton, NJ 08540, requests to establish a tolerance in 40 CFR part 180 for residues of the herbicide pyroxsulam, N-(5,7-dimethoxy[1,2,4]triazolo[1,5-a]pyrimidin-2-yl)-2-methoxy-4-(trifluoromethyl)-3-pyridinesulfonamide in or on the raw agricultural commodities teff, forage at 0.06 ppm; teff, grain at 0.01 ppm; teff, straw at 0.03 ppm; and teff, hay at 0.01 ppm. LC/MS/MS detection is used to measure and

evaluate the chemical residues. *Contact:* RD.

4. *PP 7E8554.* (EPA–HQ–OPP–2017–0352). Dow Agro Sciences LLC, 9330 Zionsville Road, Indianapolis, Indiana 46268–1054, requests to establish import tolerances in 40 CFR part 180.635 for the combined residues of the insecticide spinetoram, expressed as a combination of XDE-175-J: 1-H-as-indaceno[3,2-d]oxacyclododecin-7,15-dione, 2-[(6-deoxy-3–O-ethyl-2,4-di-O-methyl-α-L-mannopyranosyl)oxy]-13-[[(2R,5S,6R)-5-(dimethylamino) tetrahydro-6-methyl-2H-pyran-2-yl] oxy]-9-ethyl-2,3,3a,4,5,5a,5b,6,9, 10,11,12,13,14,16a,16b-hexadecahydro 14-methyl-, (2R,3aR,5aR,5bS,9S,13S, 14R,16aS,16bR); XDE-175-L: 1H-as-indaceno[3,2-d]oxacyclododecin-7,15-dione, 2-[(6-deoxy-3-O-ethyl-2,4-di-O-methyl-α-L-mannopyranosyl)oxy]-13-[[(2R,5S,6R)-5-(dimethylamino) tetrahydro-6-methyl-2H-pyran-2-yl]oxy]-9-ethyl-2,3,3a,5a,5b,6,9,10,11, 12,13,14,16a,16b-tetradecahydro-4,14-dimethyl- (2S,3aR,5aS,5bS,9S,13S,14R, 16aS, 16bS); ND-J: (2R,3aR,5aR,5bS,9S, 13S,14R,16aS,16bR)-9-ethyl-14-methyl-13 [[(2S,5S,6R)-6-methyl-5-(methylamino)tetrahydro-2H-pyran-2-yl] oxy]-7,15-dioxo-2,3,3a,4,5, 5a,5b,6,7,9,10,11,12,13,14,15,16a,16b-octadecahydro-1H-as-indaceno[3,2-d]oxacyclododecin-2-yl 6-deoxy-3-O-ethyl-2,4-di-O-methyl-α-L-mannopyranoside; and NF-J: (2R,3S,6S) -6-([(2R,3aR,5aR,5bS,9S,13S,14R, 16aS,16bR)-2-[(6-deoxy-3-O-ethyl-2,4-di-O-methyl-α-L-mannopyranosyl) oxy]-9-ethyl-14-methyl-7,15-dioxo-2, 3,3a,4,5,5a,5b,6,7,9,10,11,12,13,14, 15,16a,16b-octadecahydro-1H-as-indaceno[3,2-d]oxacyclododecin-13-yl]oxy)-2-methyltetrahydro-2H-pyran-3-yl(methyl)formamide in or on tea, dried at 70 ppm and tea, instant at 70 ppm. The EPA has determined adequate tolerance enforcement methods are available for spinetoram residues in a variety of plant and animal matrices including a number of HPLC/Mass Spectrometry (MS) methods. Additional details on the analytical methods can be found in the supporting documentation in docket ID EPA–HQ–OPP–2011–0666 –0025. *Contact:* RD.

5. *PP 7E8559.* (EPA–HQ–OPP–2017–0273). IR–4, Rutgers, The State University of New Jersey, 500 College Road East, Suite 201 W, Princeton, NJ 08540, requests to establish tolerances in 40 CFR 180.593 for residues of the miticide etoxazole (2-(2,6-difluorophenyl)-4-[4-(1,1-dimethylethyl) -2-ethoxyphenyl]-4,5-dihydrooxazole), including its metabolites and degradates, to be determined by measuring only etoxazole in or on the commodities; corn, sweet, kernel plus cob with husks removed at 0.01 ppm; corn, sweet, forage at 1.5 ppm; corn, sweet, stover at 5.0 ppm; fruit, pome, group 11–10 at 0.20 ppm; nut, tree, group 14–12 at 0.01 ppm; fruit, stone, group 12–12 at 1.0 ppm; and Cottonseed subgroup 20C at 0.05 ppm. Adequate analytical methodology is available in GC–MSD for detecting and measuring levels of etoxazole is available to enforce proposed tolerances in/on the sweet corn commodities. Gas Chromatography with Nitrogen-Phosphorus Detection (GC–NPD) methodology is also available to enforce proposed livestock commodity tolerances. *Contact:* RD.

6. *PP 7E8564.* (EPA–HQ–OPP–2017–0310). IR–4, Rutgers, The State University of New Jersey, 500 College Road East, Suite 201 W, Princeton, NJ 08540, requests to establish a tolerance in 40 CFR part 180 for residues of the fungicide boscalid,3-pyridinecarboxamide, 2- chloro-N-(4′-chloro[1,1′-biphenyl] -2-yl) in or on brassica leafy greens subgroup 4–16B at 50 ppm; celtuce at 45 ppm; Florence, fennel at 45 ppm; kohlrabi at 6 ppm; leaf petiole vegetable subgroup 22B at 45 ppm; leafy greens subgroup 4–16A at 70 ppm; pea and bean, dried shelled, except soybean, subgroup 6C at 2.5 ppm; pea and bean, succulent shelled, subgroup 6B at 0.6 ppm; vegetable, brassica head and stem group 5–16 at 6 ppm; vegetable, cucurbit group 9 at 3 ppm; and vegetable root, except sugar beet, subgroup 1B at 2.0 ppm. Quantitation is by GC/MS. *Contact:* RD.

7. *PP 7E8565.* (EPA–HQ–OPP–2017–0333). IR–4, Rutgers, The State University of New Jersey, 500 College Road East, Suite 201 W, Princeton, NJ 08540, requests to establish tolerances with regional registrations in 40 CFR 180.568 (c) for residues of the herbicide flumioxazin, 2-[7-fluoro-3,4-dihydro-3-oxo-4-(2-propynyl)-2 6-yl]-4,5,6,7-tetrahydro-1 1,3(2*H*)-dione, including its metabolites and degradates, determined by measuring only flumioxazin in or on the commodities: Grass, forage at 0.4 ppm and grass, hay at 0.05 ppm. Practical analytical methods for detecting and measuring levels of flumioxazin have been developed and validated in or on all appropriate agricultural commodities and respective processing fractions. The limit of quantitation of flumioxazin in the methods is 0.02 ppm which will allow monitoring and enforcement of residues of the chemical in food commodities. *Contact:* RD.

8. *PP 7E8569.* (EPA–HQ–OPP–2017–0311). IR–4, Rutgers, The State University of New Jersey, 500 College Road East, Suite 201 W, Princeton, NJ 08540, requests to establish a tolerance in 40 CFR part 180 for residues of the fungicide pyraclostrobin, carbamic acid, [2-[[[1-(4-chlorophenyl)-1H-pyrazol-3-yl]oxy] methyl]phenyl]methoxy-, methyl ester) and its desmethoxy metabolite, methyl-N-[[[1-(4-chlorophenyl)-1H-pyrazol-3-yl]oxy]methyl] phenylcarbamate expressed as parent compound in or on brassica, leafy greens, subgroup 4–16B at 16.0 ppm, celtuce at 29.0 ppm, Florence, fennel at 29.0 ppm, kohlrabi at 5.0 ppm, leaf petiole vegetable subgroup 22B at 29.0 ppm, leafy greens subgroup 4–16A at 40 ppm, tropical and subtropical, medium to large fruit, smooth, inedible peel, subgroup 24B at 0.6 ppm, and vegetable, brassica, head and stem, group 5–16 at 5.0 ppm. In plants the method of analysis is aqueous organic solvent extraction, column clean up and quantitation by LC/MS/MS. *Contact:* RD.

9. *PP 7E8570.* (EPA–HQ–OPP–2017–0334). IR–4, Rutgers, The State University of New Jersey, 500 College Road East, Suite 201 W, Princeton, NJ 08540, requests to establish tolerances in 40 CFR 180.659, as follows:

a. Amend 180.659 (a) General. (5) by establishing a tolerance for residues of the herbicide pyroxasulfone, including its metabolites and degradates, determined by measuring only the sum of pyroxasulfone, (3-[(5-difluoromethoxy-1-methyl-3-(trifluoromethyl)pyrazol-4-ylmethylsulfonyl]-4,5-dihydro-5,5-dimethyl-1,2-oxazole), and its metabolites, M-1 (5-difluoromethoxy-1-methyl-3-trifluoromethyl-1H-pyrazol-4-yl) methanesulfonic acid), M-3 (5-difluoromethoxy-1-methyl-3-trifluoromethyl-1H-pyrazol-4-carboxylic acid), M-25 (5-difluoromethoxy-3-trifluoromethyl-1H-pyrazol-4-yl)methanesulfonic acid) and M-28 (3-[1-carboxy-2-(5,5-dimethyl-4,5-dihydroisoxazol-3-ylthio)ethylamino]-3-oxopropanoic acid) calculated as the stoichiometric equivalent of pyroxasulfone, in or on the commodities: Peppermint, oil at 0.48 ppm; peppermint, tops at 0.15 ppm; spearmint, oil at 0.48 ppm; spearmint, tops at 0.15 ppm and soybean, vegetable, succulent at 0.2 ppm.

b. Amend 180.659 (c) Tolerances with regional registrations, by establishing a tolerance for residues of the herbicide pyroxasulfone, including its metabolites and degradates, determined by measuring only the sum of pyroxasulfone, (3-[(5-difluoromethoxy-1-methyl-3-(trifluoromethyl)pyrazol-4-ylmethylsulfonyl]-4,5-dihydro-5,5-dimethyl-1,2-oxazole), and its

metabolites, M-1 (5-difluoromethoxy-1-methyl-3-trifluoromethyl-1H-pyrazol-4-yl) methanesulfonic acid), M-3 (5-difluoromethoxy-1-methyl-3-trifluoromethyl-1H-pyrazol-4-carboxylic acid), M-25 (5-difluoromethoxy-3-trifluoromethyl-1H-pyrazol-4-yl)methanesulfonic acid) and M-28 (3-[1-carboxy-2-(5,5-dimethyl-4,5-dihydroisoxazol-3-ylthio)ethylamino]-3-oxopropanoic acid) calculated as the stoichiometric equivalent of pyroxasulfone, in or on the commodities: Grass, forage at 0.5 ppm and grass, hay at 1.0 ppm.

Analytical enforcement methodology including LC/MS/MS is available to enforce the tolerance expression for pyroxasulfone. *Contact:* RD.

10. *PP 7E8575.* (EPA–HQ–OPP–2017–0400). IR–4, Rutgers, The State University of New Jersey, 500 College Road East, Suite 201 W, Princeton, NJ 08540, requests to establish tolerances in 40 CFR 180.503, as follows:

a. Amend 40 CFR 180.503 (a) General, by establishing a tolerance for residues of the fungicide cymoxanil, 2-cyano-N-[(ethylamino)carbonyl]-2-(methoxyimino) acetamide, in or on the following food commodities: Carrot, roots at 0.03 ppm; ginseng at 0.02 ppm; mango at 0.02 ppm; brassica, leafy greens, subgroup 4–16B at 15.0 ppm; leafy greens subgroup 4–16A at 19.0 ppm; leaf petiole vegetable subgroup 22B at 6.0 ppm; vegetable, tuberous and corm, subgroup 1C at 0.05 ppm; vegetable, fruiting, group 8–10 at 0.2 ppm; arugula at 19.0 ppm; upland cress at 19.0 ppm; garden cress at 19.0 ppm; celtuce at 6.0 ppm; and Florence, fennel at 6.0 ppm.

b. Amend 40 CFR 180.503 (c) Tolerances with regional registrations by establishing a tolerance for residues of the fungicide cymoxanil, 2-cyano -*N*-[(ethylamino)carbonyl]-2-(methoxyimino) acetamide, in or on Bean, succulent at 0.05 ppm.

An analytical enforcement method is available for determining cymoxanil residues in plants, *i.e.,* HPLC with UV detection. The method's limit of quantitation is 0.05 ppm and allows monitoring of crops with cymoxanil residues at or above the levels proposed in these tolerances. *Contact:* RD.

11. *PP 7E8576.* (EPA–HQ–OPP–2017–0397). IR–4, Rutgers, The State University of New Jersey, 500 College Road East, Suite 201 W, Princeton, NJ 08540, requests to establish tolerances in 40 CFR 180.587, as follows:

a. Amend 40 CFR 180.587 (a) General, by establishing a tolerance for residues of the fungicide famoxadone (3-anilino-5-methyl-5-(4-phenoxyphenyl)-1,3-oxazolidine-2,4-dione), in or on the raw agricultural commodities: Carrot, roots at 0.6 ppm; ginseng at 0.3 ppm; mango at 0.9 ppm; brassica, leafy greens, subgroup 4–16B at 40.0 ppm; vegetable, tuberous and corm, subgroup 1C at 0.02 ppm; vegetable, fruiting, group 8–10, except tomato at 4.0 ppm; leafy greens subgroup 4–16A, except spinach at 25.0 ppm; leaf petiole vegetable subgroup 22B at 25.0 ppm; arugula at 25.0 ppm; upland cress at 25.0 ppm; garden cress at 25.0 ppm; celtuce at 25.0 ppm; and Florence, fennel at 25.0 ppm.

b. Amend 40 CFR 180.587 (c) Tolerances with regional registrations, by establishing a tolerance for residues of the fungicide famoxadone (3-anilino-5-methyl-5-(4-phenoxyphenyl)-1,3-oxazolidine-2,4-dione), in or on the raw agricultural commodities: Bean, succulent at 0.15 ppm.

An analytical enforcement method is available for determining famoxadone plant residues in or on a variety of food crops using GC with NPD. The LOQ is 0.02 ppm for leafy vegetables and green onion and 0.05 ppm for dry bulb onion. The analytical enforcement method for use on tomato processed fractions and also the RAC, tomato, utilizes column switching liquid chromatography with UV detection. The LOQ is 0.02 ppm which allows monitoring of crops with famoxadone residues at or above the levels of proposed tolerances. *Contact:* RD.

12. *PP 7E8579.* (EPA–HQ–OPP–2017–0376). IR–4, 500 College Road East, Suite 201 W, Princeton, NJ 08540, requests to establish a tolerance in 40 CFR part 180 for residues of the insecticide acequinocyl, 2-(acetyloxy)-3-dodecyl-1,4-naphthalenedione and its metabolite, 2-dodecyl-3-hydroxy-1,4-naphthoquinone (acequinocyl-OH) expressed as acequinocyl equivalents in or on guava at 0.9 ppm and the tropical and subtropical, small fruit, inedible peel, subgroup 24A at 2.0 ppm. The analytical method to quantitate residues of acequinocyl and acequinocyl-OH in/on fruit crops utilizes HPLC using mass spectrometric (MS/MS) detection. The target LOQ is 0.01 ppm. *Contact:* RD.

13. *PP 7E8580.* (EPA–HQ–OPP–2017–0420). IR–4, Rutgers, The State University of New Jersey, 500 College Road East, Suite 201 W, Princeton, NJ 08540, requests to establish a tolerance in 40 CFR part 180 for residues of the herbicide trifluralin α,α,α-trifluoro-2,6-dinitro-*N,N*-dipropyl-p-toluidine in or on rosemary, fresh leaves at 0.1 ppm; rosemary, dry leaves at 0.1 ppm; and rosemary, oil at 2.18 ppm. The Pesticide Analytical Manual (PAM, Vol. II, Section 180.207) lists four GC methods (designated as Methods I, II, III, and A) with electron capture detection (ECD) and a detection limit of 0.005–0.01 ppm, as available for determination of trifluralin per se in/on plant commodities. *Contact:* RD.

14. *PP 7E8581.* (EPA–HQ–OPP–2017–0372). IR–4, Rutgers, The State University of New Jersey, 500 College Road East, Suite 201 W, Princeton, NJ 08540, requests to establish a tolerance in 40 CFR part 180.425 for residues of the herbicide clomazone, 2-[(2-chlorophenyl)methyl]-4,4-dimethyl-3-isoxazolidinone in or on the raw agricultural commodities: Bean, dry at 0.05 ppm; bean, succulent at 0.05 ppm; Chinese, broccoli at 0.10 ppm; cilantro, dried leaves at 0.3 ppm; cilantro, fresh leaves at 0.05 ppm; coriander, seed at 0.05 ppm; cottonseed subgroup 20C at 0.05 ppm; dill, dried leaves at 0.4 ppm; dill, fresh leaves at 0.08 ppm; dill, oil at 0.06 ppm; dill, seed at 0.05 ppm; kohlrabi at 0.10 ppm; rapeseed subgroup 20A at 0.05 ppm; stalk and stem vegetable subgroup 22A, except kohlrabi at 0.05 ppm; vegetable, brassica, head and stem, group 5–16 at 0.10 ppm; vegetable, cucurbit, group 9 at 0.1 ppm. An analytical method consisting of an acid reflux, a C_{18} SPE, a Florisil SPE clean-up followed by GC–MSD is available for detecting and measuring levels of clomazone in or on raw agricultural commodities. *Contact:* RD.

15. *PP 7E8585.* (EPA–HQ–OPP–2017–0334). IR–4, Rutgers, The State University of New Jersey, 500 College Road East, Suite 201 W, Princeton, NJ 08540, requests to establish tolerances in 40 CFR 180.659, as follows:

a. Amend 180.659 (a) General. (1), by establishing a tolerance for residues of the herbicide pyroxasulfone, including its metabolites and degradates, determined by measuring only the sum of pyroxasulfone, 3-[[[5-(difluoromethoxy)-1-methyl-3-(trifluoromethyl)-1*H*-pyrazol-4-yl]methyl]sulfonyl]-4,5-dihydro-5,5-dimethylisoxazole, and its metabolite, 5-(difluoromethoxy)-1-methyl-3-(trifluoromethyl)-1*H*-pyrazol-4-carboxylic acid (M–3), calculated as the stoichiometric equivalent of pyroxasulfone, in or on the commodity: Cottonseed subgroup 20C at 0.04 ppm.

b. Amend 180.659 (a) General. (5), by establishing a tolerance for residues of the herbicide pyroxasulfone, including its metabolites and degradates, determined by measuring only the sum of pyroxasulfone, (3-[(5-difluoromethoxy-1-methyl-3-(trifluoromethyl)pyrazol-4-ylmethylsulfonyl]-4,5-dihydro-5,5-dimethyl-1,2-oxazole), and its metabolites, M-1 (5-difluoromethoxy-1-methyl-3-trifluoromethyl-1H-pyrazol-4-

yl) methanesulfonic acid), M-3 (5-difluoromethoxy-1-methyl-3-trifluoromethyl-1H-pyrazol-4-carboxylic acid), M-25 (5-difluoromethoxy-3-trifluoromethyl-1H-pyrazol-4-yl)methanesulfonic acid) and M-28 (3-[1-carboxy-2-(5,5-dimethyl-4,5-dihydroisoxazol-3-ylthio)ethylamino]-3-oxopropanoic acid) calculated as the stoichiometric equivalent of pyroxasulfone, in or on the following commodity: Leaf petiole vegetable subgroup 22B at 0.3 ppm.

Analytical enforcement methodology including LC/MS/MS is available to enforce the tolerance expression for pyroxasulfone. *Contact:* RD.

Authority: 21 U.S.C. 346a.

Dated: September 11, 2017.

Delores Barber,

Director, Information Technology and Resources Management Division, Office of Pesticide Programs.

[FR Doc. 2017–22865 Filed 10–20–17; 8:45 am]

BILLING CODE 6560–50–P

EXPORT-IMPORT BANK

[Public Notice: 2017–6014]

Agency Information Collection Activities: Comment Request

AGENCY: Export-Import Bank of the United States.

ACTION: Submission for OMB review and comments request.

SUMMARY: The Export-Import Bank of the United States (EXIM), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal Agencies to comment on the proposed information collection, as required by the Paperwork Reduction Act of 1995.

Pursuant to the Export-Import Bank Act of 1945, as amended, the Export-Import Bank of the United States (EXIM), facilitates the finance of the export of U.S. goods and services by providing insurance or guarantees to U.S. exporters or lenders financing U.S. exports. By neutralizing the effect of export credit insurance or guarantees offered by foreign governments and by absorbing credit risks that the private sector will not accept, EXIM enables U.S. exporters to compete fairly in foreign markets on the basis of price and product. In the event that a borrower defaults on a transaction insured or guaranteed by EXIM, the insured or guaranteed exporter or lender may seek payment from EXIM by the submission of a claim.

DATES: Comments must be received on or before December 22, 2017 to be assured of consideration.

ADDRESSES: Comments may be submitted electronically on *WWW.REGULATIONS.GOV* or by mail to Mia Johnson, Export-Import Bank of the United States, 811 Vermont Ave. NW., Washington, DC 20571. The information collection tool can be reviewed at: *https://www.exim.gov/sites/default/files/pub/pending/eib10-05.pdf.*

SUPPLEMENTARY INFORMATION: This collection of information is necessary, pursuant to 12 U.S.C. 635 (a)(1), to determine if such claim complies with the terms and conditions of the relevant guarantee. The Notice of Claim and Proof of Loss, Medium Term Guarantee is used to determine compliance with the terms of the guarantee and the appropriateness of paying a claim. EXIM customers are able to submit this form on paper or electronically.

Title and Form Number: EIB 10–05 Notice of Claim and Proof of Loss, Medium Term Guarantee.

OMB Number: 3048–0034.

Type of Review: Regular.

Need and Use: This collection of information is necessary, pursuant to 12 U.S.C. 635 (a)(1), to determine if such claim complies with the terms and conditions of the relevant guarantee.

Affected Public: This form affects entities involved in the export of U.S. goods and services.

Annual Number of Respondents: 65.

Estimated Time per Respondent: 1½ hours.

Annual Burden Hours: 97.5 hours.

Frequency of Reporting of Use: As needed to request a claim payment.

Government Expenses:

Reviewing time per year: 65 hours.

Average Wages per Hour: $42.50.

Average Cost per Year: $2,762 (time * wages).

Benefits and Overhead: 20%.

Total Government Cost: $3,315.

Bassam Doughman,

IT Specialist.

[FR Doc. 2017–22874 Filed 10–20–17; 8:45 am]

BILLING CODE 6690–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

TIME AND DATE: Thursday, October 26, 2017 at 10:00 a.m.

PLACE: 999 E Street NW., Washington, DC (Ninth Floor)

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Draft Advisory Opinion 2017–11: Gallegly for Congress

Campaign Guide for Corporations and Labor Organizations

Audit Division Recommendation Memorandum on the Freedom's Defense Fund (FDF) (A13–14)

Audit Division Recommendation Memorandum on the Conservative Majority Fund (CMF) (A13–17)

Management and Administrative Matters

CONTACT PERSON FOR MORE INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Individuals who plan to attend and require special assistance, such as sign language interpretation or other reasonable accommodations, should contact Dayna C. Brown, Secretary and Clerk, at (202) 694–1040, at least 72 hours prior to the meeting date.

Dayna C. Brown,

Secretary and Clerk of the Commission.

[FR Doc. 2017–23085 Filed 10–19–17; 4:15 pm]

BILLING CODE 6715–01–P

GENERAL SERVICES ADMINISTRATION

[Notice–CX–2017–01; Docket No. 2017–0002; Sequence 18]

Office of Human Resources Management; SES Performance Review Board

AGENCY: Office of Human Resources Management (OHRM), General Services Administration (GSA).

ACTION: Notice.

SUMMARY: Notice is hereby given of the appointment of new members to the General Services Administration Senior Executive Service Performance Review Board. The Performance Review Board assures consistency, stability, and objectivity in the performance appraisal process.

DATES: *Applicable:* October 23, 2017.

FOR FURTHER INFORMATION CONTACT: Ms. Shonna James, Director, Executive Resources Division, Office of Human Resources Management, General Services Administration, 1800 F Street NW., Washington, DC 20405, 202–230–7005.

SUPPLEMENTARY INFORMATION: Section 4314(c)(1) through (5) of title 5 U.S.C requires each agency to establish, in accordance with regulation prescribed by the Office of Personnel Management, one or more SES performance review board(s).

The board is responsible for making recommendations to the appointing and

awarding authority on the performance appraisal ratings and performance awards for the Senior Executive Service employees.

The following have been designated as members of the Performance Review Board of GSA:

- Anthony Costa, Acting Deputy Administrator, Office of the Administrator—Chair.
- Antonia Harris, Chief Human Capital Officer, Office of Human Resources Management.
- Allison Brigati, Associate Administrator for Government-wide Policy, Office of Government-Wide Policy.
- Alan Thomas Jr., Commissioner, Federal Acquisition Service.
- Mary Davie, Deputy Commissioner, Federal Acquisition Service.
- Daniel Mathews, Commissioner, Public Buildings Service.
- Michael Gelber, Deputy Commissioner, Public Buildings Service.
- Giancarlo Brizzi, Principal Deputy Associate Administrator for Government-wide Policy, Office of Government-Wide Policy.
- Joanna Rosato, Regional Commissioner, Public Buildings Service, Mid-Atlantic Region.
- Kim Brown, Regional Commissioner, Federal Acquisition Service, Great Lakes Region.

Dated: October 17, 2017.

Timothy O. Horne,

Acting Administrator, General Services Administration.

[FR Doc. 2017–22960 Filed 10–20–17; 8:45 am]

BILLING CODE 6820–FM–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–17–17ND]

Agency Forms Undergoing Paperwork Reduction Act Review—Evaluation of the National Tobacco Prevention and Control Public Education Campaign; Correction

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice; correction.

SUMMARY: The Centers for Disease Control and Prevention (CDC) published a document in the **Federal Register** on October 13, 2017, concerning request for comments on Agency Forms Undergoing Paperwork Reduction Act Review—Annual Progress Report (APR) for Injury Control Research Centers (ICRC). The document provided the incorrect proposed project title, number of annual reporting responses for each respondent and average burden per response estimate.

FOR FURTHER INFORMATION CONTACT: Leroy Richardson, 1600 Clifton Road, MS D–74, Atlanta, GA 30333; telephone (404) 639–4965; email: *omb@cdc.gov.*

Correction

In the **Federal Register** of October 13, 2017, in FR Doc. 2017–22197, on page 47746, in the second column (first heading), correct the proposed project type to read:

Progress Report for Injury Control Research Centers (ICRC)—New—National Center for Injury Prevention and Control (NCIPC), Centers for Disease Control and Prevention (CDC).

CDC also requests the correction of the following: On page 47746, in the third column (second paragraph), correct the second sentence as follows: ICRC awardees will report activity information to CDC twice per year using three fillable electronic templates.

Also on page 47746 (third column and last paragraph), correct the paragraph to read as follows: Submission of the Annual Progress Report information is required for cooperative agreement grantees. The **Federal Register** Notice published on February 10, 2017, described each grantee's total annualized burden as 50 hours, with a reporting frequency of once per year. In the information collection request submitted to OMB for review, CDC still estimates each grantee's total annualized burden at 50 hours, but CDC will distribute burden over two reports per year. CDC has made the appropriate adjustments in the estimated burden per response and number of responses per respondent. The total estimated annualized burden hours are 500. There is no cost to respondents other than their time.

Finally, on page 47747, correct the table for the Estimated Annualized Burden Hours as follows:

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Injury Control Research Center (ICRC) Grantees.	ICRC Indicators Data Collection	10	2	10
	ICRC Indicators Data Collection: Non-CDC Study Supplement.	10	2	5
	ICRC Personnel and Publication Excel Data Collection.	10	2	10

Dated: October 17, 2017.

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2017–22893 Filed 10–20–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

Agency Information Collection Activities; Proposed Collection; Public Comment Request; Revision of a Currently Approved Information Collection (ICR-Rev) (OMB Approval Number 0985–0004); Maintenance of Effort for Title III and Extension of, and Minor Revisions Due to Statutory Language Changes to the Certification of Long-Term Care Ombudsman Program Expenditures

AGENCY: Administration for Community Living, HHS.

ACTION: Notice.

SUMMARY: Under the PRA, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The Administration for Community Living (ACL) is announcing that the proposed collection of information listed above has been submitted to the Office of Management and Budget (OMB) for review and clearance as required under section 506(c)(2)(A) of the Paperwork Reduction Act of 1995 (the PRA). This 30-Day notice requests comments on the information collection requirements related to the proposed revision of an existing data collection regarding the information collection requirements in the Maintenance of Effort collection form for all ACL/AoA Title III Grantees.

DATES: Submit written or electronic comments on the collection of information by November 22, 2017.

ADDRESSES: Submit written comments on the collection of information: By fax at 202.395.5806 or by email to *OIRA_submission@omb.eop.gov,* Attn: OMB Desk Officer for ACL.

FOR FURTHER INFORMATION CONTACT: Jesse Moore at (202) 795–7578 or *Jesse.Moore@acl.hhs.gov*.

SUPPLEMENTARY INFORMATION: In compliance with Section 44 U.S.C. 3507, ACL has submitted the following proposed collection of information to OMB for review and clearance. ACL is requesting approval for three years of an extension of the currently approved data collection with modifications.

The Certification of Maintenance of Effort under Tittle III and Certification of Long-Term Care Ombudsman (LTCO) Program Expenditures provide statutorily required information regarding each state's contribution to programs funded under the Older Americans Act and compliance with legislative requirements, pertinent Federal regulations, and other applicable instructions and guidelines issued by ACL.

In addition to renewing OMB approval of these data collection instruments, minor changes are being proposed to the LTCO Expenditures Certification and an accompanying document which provides specific statutory references related to Ombudsman program minimum funding, non-supplanting requirements, and state authorization to expend Title III–B funds on Ombudsman activities. Specifically, changes include making the reference to the Fiscal Year at the bottom of the form a fillable field to allow the date to be changed annually; listing the ''Administration for Community Living (ACL)'' as the intended recipient of the completed form; and updating statutory language references, *i.e.,* Section 306(a)(9), which is provided on the second page, to reflect changes made during the 2016 reauthorization of the OAA.

Comments in Response to the 60-Day Federal Register Notice

A 60-Day notice was published in the **Federal Register** in Vol. 82, No. 137, on June 19, 2017. No comments were received.

Annual Burden Estimates

ACL estimates the burden of this collection of information as follows: 56 State Agencies on Aging respond annually, and it takes each agency an average of one half (½) hour per State agency per year to complete each form for a total of twenty-eight hours for all state agencies annually. The half hour estimate is based on prior years' experience with States in completing these forms.

The proposed data collection tool may be found on the ACL Web site for review at: *https://www.acl.gov/about-acl/public-input.*

Respondent/data collection activity	Number of respondents	Responses per respondent	Hours per response	Annual burden hours
Certification on Maintenance of Effort under Title III	56	1/year	½	28
Certification of Long-Term Care Ombudsman Program Expenditures	56	1/year	½	28
Total	112	2	1	56

Dated: October 12, 2017.

Mary Lazare,

Principal Deputy Administrator.

[FR Doc. 2017–22914 Filed 10–20–17; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA–2014–E–2358 and FDA–2014–E–2359]

Determination of Regulatory Review Period for Purposes of Patent Extension; MITRACLIP CDS

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) has determined the regulatory review period for MITRACLIP CDS and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of applications to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that medical device.

DATES: Anyone with knowledge that any of the dates as published (in the

SUPPLEMENTARY INFORMATION section) are incorrect may submit either electronic or written comments and ask for a redetermination by December 22, 2017. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by April 23, 2018. See ''Petitions'' in the **SUPPLEMENTARY INFORMATION** section for more information.

ADDRESSES: 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 December 22, 2017. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of December 22, 2017. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, 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 Nos. FDA–2014–E–2358 and FDA–2014–E–2359 for ''Determination of Regulatory Review Period for Purposes of Patent Extension; MITRACLIP CDS.'' 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 § 10.20 (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: Beverly Friedman, Office of Regulatory Policy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6250, Silver Spring, MD 20993, 301–796–3600.

SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For medical devices, the testing phase begins with a clinical investigation of the device and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the device and continues until permission to market the device is granted. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of USPTO may award (half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a medical device will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(3)(B).

FDA has approved for marketing the medical device MITRACLIP CDS. MITRACLIP CDS is indicated for the percutaneous reduction of significant symptomatic mitral regurgitation (MR ≥ 3+) due to primary abnormality of the mitral apparatus (degenerative MR) in patients who have been determined to be at prohibitive risk for mitral valve surgery by a heart team, which includes a cardiac surgeon experienced in mitral valve surgery and a cardiologist experienced in mitral valve disease, and in whom existing comorbidities would not preclude the expected benefit from reduction of the mitral regurgitation. Subsequent to this approval, the USPTO received patent term restoration applications for MITRACLIP CDS (U.S.

Patent No. 7,288,097 from Abbott Vascular Inc., and U.S. Patent No. 7,464,712, from The Trustees of Columbia University in the City of New York), and the USPTO requested FDA's assistance in determining the patents' eligibility for patent term restoration. In a letter dated November 2, 2015, FDA advised the USPTO that this medical device had undergone a regulatory review period and that the approval of MITRACLIP CDS represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for MITRACLIP CDS is 3,846 days. Of this time, 2,515 days occurred during the testing phase of the regulatory review period, while 1,331 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 520(g) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 360j(g)) involving this device became effective:* April 16, 2003. FDA has verified the applicants' claims that the date the investigational device exemption required under section 520(g) of the FD&C Act for human tests to begin became effective was April 16, 2003.

2. *The date an application was initially submitted with respect to the device under section 515 of the FD&C Act (21 U.S.C. 360e):* March 4, 2010. The applicants claim March 30, 2009, as the date the premarket approval application (PMA) for MITRACLIP CDS (PMA P100009) was initially submitted. However, FDA records indicate that the PMA submitted on March 30, 2009, was incomplete. The complete PMA was submitted on March 4, 2010, which is considered to be the PMA initially submitted date.

3. *The date the application was approved:* October 24, 2013. FDA has verified the applicants' claims that PMA P100009 was approved on October 24, 2013.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In the applications for patent extension, the applicants seek 1,827 days or 1,721 days of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and, under 21 CFR 60.24, ask for a redetermination (see **DATES**). Furthermore, as specified in § 60.30 (21 CFR 60.30), any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must comply with all the requirements of § 60.30, including but not limited to: Must be timely (see **DATES**), must be filed in accordance with § 10.20, must contain sufficient facts to merit an FDA investigation, and must certify that a true and complete copy of the petition has been served upon the patent applicant. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to *https://www.regulations.gov* at Docket No. FDA–2013–S–0610. Submit written petitions (two copies are required) to the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Dated: October 17, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017–22895 Filed 10–20–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–E–3529]

Determination of Regulatory Review Period for Purposes of Patent Extension; Inspire Upper Airway Stimulation System

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) has determined the regulatory review period for Inspire Upper Airway Stimulation System (Inspire UAS System) and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that medical device.

DATES: Anyone with knowledge that any of the dates as published (in the **SUPPLEMENTARY INFORMATION** section) are incorrect may submit either electronic or written comments and ask for a redetermination by December 22, 2017. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by April 23, 2018. See ''Petitions'' in the **SUPPLEMENTARY INFORMATION** section for more information.

ADDRESSES: 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 December 22, 2017. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of December 22, 2017. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, 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–2015–E–3529 for ''Determination of Regulatory Review Period for Purposes of Patent Extension; INSPIRE UAS SYSTEM.'' 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 § 10.20 (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: Beverly Friedman, Office of Regulatory Policy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6250, Silver Spring, MD 20993, 301–796–3600.

SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For medical devices, the testing phase begins with a clinical investigation of the device and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the device and continues until permission to market the device is granted. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of USPTO may award (half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a medical device will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(3)(B).

FDA has approved for marketing the medical device INSPIRE UAS SYSTEM. INSPIRE UAS SYSTEM is indicated for treatment of a subset of patients with moderate to severe obstructive sleep apnea (apnea-hypopnea index of greater than or equal to 20 and less than or equal to 65). Subsequent to this approval, the USPTO received a patent term restoration application for INSPIRE UAS SYSTEM (U.S. Patent No. 6,021,352) from Inspire Medical Systems, Inc., and the USPTO requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated October 30, 2015, FDA advised the USPTO that this medical device had undergone a regulatory review period and that the approval of INSPIRE UAS SYSTEM represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for INSPIRE UAS SYSTEM is 2,002 days. Of this time, 1,653 days occurred during the testing phase of the regulatory review period, while 349 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 520(g) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 360j(g)) involving this device became effective:* November 7, 2008. FDA has verified the applicant's claim that the date the investigational device exemption required under section 520(g) of the FD&C Act for human tests to begin became effective on November 7, 2008.

2. *The date an application was initially submitted with respect to the device under section 515 of the FD&C Act (21 U.S.C. 360e):* May 17, 2013. The applicant claims May 1, 2013, as the date the premarket approval application (PMA) for INSPIRE UAS SYSTEM (PMA P130008) was initially submitted. However, FDA records indicate that the PMA submitted May 1, 2013 was incomplete. The completed PMA was then submitted on May 17, 2013, which is considered to be the initially submitted date.

3. *The date the application was approved:* April 30, 2014. FDA has verified the applicant's claim that PMA P130008 was approved on April 30, 2014.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 1,184 days of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and, under 21 CFR 60.24, ask for a redetermination (see **DATES**). Furthermore, as specified in § 60.30 (21 CFR 60.30), any interested person may

petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must be timely (see **DATES**), must be filed in accordance with § 10.20, must contain sufficient facts to merit an FDA investigation, and must certify that a true and complete copy of the petition has been served upon the patent applicant. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to *https://www.regulations.gov* at Docket No. FDA–2013–S–0610. Submit written petitions (two copies are required) to the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Dated: October 17, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017–22897 Filed 10–20–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA–2015–E–2660, FDA–2015–E–2662, FDA–2015–E–2722, and FDA–2015–E–2965]

Determination of Regulatory Review Period for Purposes of Patent Extension; OBIZUR

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) has determined the regulatory review period for OBIZUR and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of applications to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that human biological product.

DATES: Anyone with knowledge that any of the dates as published (in the **SUPPLEMENTARY INFORMATION** section) are incorrect may submit either electronic or written comments and ask for a redetermination by December 22, 2017. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by April 23, 2018. See ''Petitions'' in the **SUPPLEMENTARY INFORMATION** section for more information.

ADDRESSES: 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 December 22, 2017. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of December 22, 2017. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, 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 Nos. FDA–2015–E–2660, FDA–2015–E–2662, FDA–2015–E–2722, and FDA–2015–E–2965 for ''Determination of Regulatory Review Period for Purposes of Patent Extension; OBIZUR.'' 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 § 10.20 (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: Beverly Friedman, Office of Regulatory Policy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51,

Rm. 6250, Silver Spring, MD 20993, 301–796–3600.

SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human biological products, the testing phase begins when the exemption to permit the clinical investigations of the biological product becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human biological product and continues until FDA grants permission to market the biological product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of USPTO may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human biological product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human biologic product OBIZUR (rpFVIII). OBIZUR is indicated for the treatment of bleeding episodes in adults with acquired hemophilia A. Subsequent to this approval, the USPTO received patent term restoration applications for OBIZUR (U.S. Patent Nos. 6,180,371; 6,458,563; and 7,560,107) from Emory University and (U.S. Patent No. 7,576,181) from Emory University, Baxter International, Inc., and Baxter Healthcare SA; and the USPTO requested FDA's assistance in determining the patents' eligibility for patent term restoration. In letters dated October 19, 2015, and January 11, 2016, FDA advised the USPTO that this human biological product had undergone a regulatory review period and that the approval of OBIZUR represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for OBIZUR is 4,216 days. Of this time, 3,883 days occurred during the testing phase of the regulatory review period, while 333 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) became effective:* April 10, 2003. The applicant claims May 27, 2003, as the date the investigational new drug application (IND) became effective. However, FDA records indicate that the IND effective date was April 10, 2003.

2. *The date the application was initially submitted with respect to the human biological product under section 351 of the Public Health Service Act (42 U.S.C. 262):* November 25, 2013. The applicant claims October 10, 2013, as the date the biologics license application (BLA) for OBIZUR (BLA 125512/0) was initially submitted. However, FDA records indicate that BLA 125512/0 was submitted on November 25, 2013.

3. *The date the application was approved:* October 23, 2014. FDA has verified the applicant's claim that BLA 125512/0 was approved on October 23, 2014.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its applications for patent extension, this applicant seeks 5 years of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and, under 21 CFR 60.24, ask for a redetermination (see **DATES**). Furthermore, as specified in § 60.30 (21 CFR 60.30), any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must comply with all the requirements of § 60.30, including but not limited to: Must be timely (see **DATES**), must be filed in accordance with § 10.20, must contain sufficient facts to merit an FDA investigation, and must certify that a true and complete copy of the petition has been served upon the patent applicant. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to *https://www.regulations.gov* at Docket No. FDA–2013–S–0610. Submit written petitions (two copies are required) to the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Dated: October 17, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017–22898 Filed 10–20–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–P–3581]

Determination That ELAVIL (Amitriptyline Hydrochloride) Oral Tablets, 10, 25, 50, 75, 100, and 150 Milligrams, Were Not Withdrawn From Sale for Reasons of Safety or Effectiveness

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) has determined that ELAVIL (amitriptyline hydrochloride) oral tablets, 10 milligrams (mg), 25 mg, 50 mg, 75 mg, 100 mg, and 150 mg, were not withdrawn from sale for reasons of safety or effectiveness. This determination will allow FDA to approve abbreviated new drug applications (ANDAs) for amitriptyline hydrochloride oral tablets, 10 mg, 25 mg, 50 mg, 75 mg, 100 mg, and 150 mg, if all other legal and regulatory requirements are met.

FOR FURTHER INFORMATION CONTACT: Stacy Kane, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6236, Silver Spring, MD 20993–0002, 301–796–8363, *stacy.kane@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In 1984, Congress enacted the Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) (the 1984 amendments), which authorized the approval of duplicate versions of drug products under an

ANDA procedure. ANDA applicants must, with certain exceptions, show that the drug for which they are seeking approval contains the same active ingredient in the same strength and dosage form as the ''listed drug,'' which is a version of the drug that was previously approved. ANDA applicants do not have to repeat the extensive clinical testing otherwise necessary to gain approval of a new drug application (NDA).

The 1984 amendments include what is now section 505(j)(7) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(7)), which requires FDA to publish a list of all approved drugs. FDA publishes this list as part of the ''Approved Drug Products With Therapeutic Equivalence Evaluations,'' which is known generally as the ''Orange Book.'' Under FDA regulations, drugs are removed from the list if the Agency withdraws or suspends approval of the drug's NDA or ANDA for reasons of safety or effectiveness or if FDA determines that the listed drug was withdrawn from sale for reasons of safety or effectiveness (21 CFR 314.162).

A person may petition the Agency to determine, or the Agency may determine on its own initiative, whether a listed drug was withdrawn from sale for reasons of safety or effectiveness. This determination may be made at any time after the drug has been withdrawn from sale, but must be made prior to approving an ANDA that refers to the listed drug (§ 314.161 (21 CFR 314.161)). FDA may not approve an ANDA that does not refer to a listed drug.

ELAVIL (amitriptyline hydrochloride) oral tablets, 10 mg, 25 mg, 50 mg, 75 mg, 100 mg, and 150 mg, are the subject of NDA 012703, held by AstraZeneca, and initially approved on April 7, 1961. ELAVIL is indicated for the relief of symptoms of depression. ELAVIL (amitriptyline hydrochloride) oral tablets, 10 mg, 25 mg, 50 mg, 75 mg, 100 mg, and 150 mg, are currently listed in the ''Discontinued Drug Product List'' section of the Orange Book. In the **Federal Register** of June 16, 2006 (71 FR 34940), FDA announced that it was withdrawing approval of NDA 012703, effective June 16, 2006.

Alembic Pharmaceuticals Limited submitted a citizen petition dated June 5, 2017 (Docket No. FDA–2017–P–3581), under 21 CFR 10.30, requesting that the Agency determine whether ELAVIL (amitriptyline hydrochloride) oral tablets, 10 mg, 25 mg, 50 mg, 75 mg, 100 mg, and 150 mg, were withdrawn from sale for reasons of safety or effectiveness.

After considering the citizen petition and reviewing Agency records and based on the information we have at this time, FDA has determined under § 314.161 that ELAVIL (amitriptyline hydrochloride) oral tablets, 10 mg, 25 mg, 50 mg, 75 mg, 100 mg, and 150 mg, were not withdrawn for reasons of safety or effectiveness. The petitioner has identified no data or other information suggesting that these products were withdrawn for reasons of safety or effectiveness. We have carefully reviewed our files for records concerning the withdrawal of ELAVIL (amitriptyline hydrochloride) oral tablets, 10 mg, 25 mg, 50 mg, 75 mg, 100 mg, and 150 mg, from sale. We have also independently evaluated relevant literature and data for possible postmarketing adverse events. We have found no information that would indicate that this drug product was withdrawn from sale for reasons of safety or effectiveness.

Accordingly, the Agency will continue to list ELAVIL (amitriptyline hydrochloride) oral tablets, 10 mg, 25 mg, 50 mg, 75 mg, 100 mg, and 150 mg, in the ''Discontinued Drug Product List'' section of the Orange Book. The ''Discontinued Drug Product List'' delineates, among other items, drug products that have been discontinued from marketing for reasons other than safety or effectiveness. ANDAs that refer to ELAVIL (amitriptyline hydrochloride) oral tablets, 10 mg, 25 mg, 50 mg, 75 mg, 100 mg, and 150 mg, may be approved by the Agency as long as they meet all other legal and regulatory requirements for the approval of ANDAs. If FDA determines that labeling for this drug product should be revised to meet current standards, the Agency will advise ANDA applicants to submit such labeling.

Dated: October 17, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017–22892 Filed 10–20–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2007–D–0369]

Product-Specific Guidance for Methylphenidate Hydrochloride; New Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA, the Agency, or we) is announcing the availability of a new draft guidance for industry on generic methylphenidate hydrochloride oral extended-release tablets entitled ''Draft Guidance on Methylphenidate Hydrochloride.'' The new draft guidance, when finalized, will provide product-specific recommendations on, among other things, the design of bioequivalence (BE) studies to support abbreviated new drug applications (ANDAs) for methylphenidate hydrochloride oral extended-release tablets.

DATES: Submit either electronic or written comments on the draft guidance by December 22, 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–2007–D–0369 for ''Draft Guidance on Methylphenidate Hydrochloride.'' 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: Xiaoqiu Tang, Center for Drug Evaluation and Research (HFD–600), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 75, Rm. 4730, Silver Spring, MD 20993–0002, 301–796–5850.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of June 11, 2010 (75 FR 33311), FDA announced the availability of a guidance for industry entitled ''Bioequivalence Recommendations for Specific Products,'' which explained the process that would be used to make product-specific guidances available to the public on FDA's Web site at *https://www.fda.gov/Drugs/GuidanceCompliance RegulatoryInformation/Guidances/default.htm.*

As described in that guidance, FDA adopted this process to develop and disseminate product-specific guidances and to provide a meaningful opportunity for the public to consider and comment on the guidances. This notice announces the availability of a new draft guidance for generic methylphenidate hydrochloride oral extended-release tablets.

FDA initially approved new drug application 018029 for RITALIN–SR (methylphenidate hydrochloride oral extended-release tablets) in March 1982. We are now issuing a new draft guidance for industry on methylphenidate hydrochloride oral extended-release tablets (''Draft Guidance on Methylphenidate Hydrochloride'').

In May 2016, KVK-Tech, Inc. (KVK-Tech) submitted a citizen petition requesting, among other things, that FDA not accept for filing any new ANDAs or approve any already received ANDAs for methylphenidate hydrochloride oral extended-release tablets unless certain BE criteria are met. FDA will consider any comments on the draft guidance on BE recommendations for generic methylphenidate hydrochloride oral extended-release tablets before responding to KVK-Tech's citizen petition. (Docket No. FDA–2016–P–1247, available at *https://www.regulations.gov*).

The new draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The new draft guidance, when finalized, will represent the current thinking of FDA on the design of BE studies to support ANDAs for methylphenidate hydrochloride oral extended-release tablets. 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. Electronic Access

Persons with access to the internet may obtain the draft guidance at either *https://www.fda.gov/Drugs/GuidanceCompliance RegulatoryInformation/Guidances/default.htm* or *https://www.regulations.gov.*

Dated: October 17, 2017.

Anna K. Abram,

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

[FR Doc. 2017–22891 Filed 10–20–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Performance Review Board Members

Title 5, U.S.C. Section 4314(c)(4) of the Civil Service Reform Act of 1978, Public Law 95–454, requires that the appointment of Performance Review Board Members be published in the **Federal Register**. The following persons may be named to serve on the Performance Review Boards or Panels, which oversee the evaluation of performance appraisals of Senior Executive Service members of the Department of Health and Human Services.

Employee Name

Barry, Daniel
Barlow, Amanda
Coughlin, Janis
Fantinato, Jessica
Gentile, John
Johnson, Jeffrey
Katz, Ruth
Kretschmaier, Michon
Lewis, Lisa
McDaniel, Eileen
Novy, Steve
Sample, Allen
Skeadas, Christos
Tobias, Constance
Weber, Mark

Dated: October 16, 2017.

Charles H. McEnerney III,

Director, Executive and Scientific Resources Division.

[FR Doc. 2017–22863 Filed 10–20–17; 8:45 am]

BILLING CODE 4151–17–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Division of Behavioral Health; Youth Regional Treatment Center Aftercare Pilot Project; Correction of Due Dates

AGENCY: Indian Health Service, HHS.

ACTION: Notice; correction of due dates.

SUMMARY: The Indian Health Service published a notice in the **Federal Register** (FR) on October 11, 2017, for the Fiscal Year 2018 Youth Regional Treatment Center Aftercare Pilot Project, Funding Announcement Number: HHS–2018–IHS–YRTC–0001. Several Key Dates have been modified. The *Application Due Date* is November 12, 2017 and the *Earliest Anticipated Start Date* is December 1, 2017.

FOR FURTHER INFORMATION CONTACT: Paul Gettys, Grant Systems Coordinator, 5600 Fishers Lane, Mail Stop: 09E70, Rockville, MD 20857, Phone: (301) 443–2114; or the Division of Grants Management main line (301) 443–5204, or Fax: (301) 594–0899.

Correction

In the FR notice of October 11, 2017 (FR 2017–21786), the corrections are:

Key Dates

Under the heading *Key Dates,* the notice should include the dates for *Review Date, Signed Tribal Resolutions Due Date, and Proof of Non-Profit Status Due Date* should read as:

- *Review Date:* November 20–24, 2017.
- *Signed Tribal Resolutions Due Date:* November 12, 2017.
- *Proof of Non-Profit Status Due Date:* November 12, 2017.

The *Application Due Date* remains as November 12, 2017.

Project Period

Under Project Period, the sentence corrections reflects a start date of December 1, 2017:

- ''The project period is for three years and will run consecutively from December 1, 2017 to October 31, 2020.''

Submission Dates

Under Submission Dates and time: ''Eastern Daylight Time (EDT)'' should be used instead of ''Eastern Savings Time (EST).''

Dated: October 13, 2017.

Michael D. Weahkee,

Assistant Surgeon General, U.S. Public Health Service, Acting Director, Indian Health Service.

[FR Doc. 2017–22864 Filed 10–20–17; 8:45 am]

BILLING CODE 4165–16–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Nursing Research; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Nursing Research Special Emphasis Panel; Palliative Care Research Cooperative.

Date: November 3, 2017.

Time: 8:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817 (Telephone Conference Call).

Contact Person: Mario Rinaudo, MD, Scientific Review Officer, Office of Review, National Inst of Nursing Research, National Institutes of Health, 6701 Democracy Blvd. (DEM 1), Suite 710, Bethesda, MD 20892, 301–594–5973, *mrinaudo@mail.nih.gov.*

Name of Committee: National Institute of Nursing Research Special Emphasis Panel; Lasker Clinical Research Scholars Program.

Date: November 7, 2017.

Time: 11:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, One Democracy Plaza, 6701 Democracy Boulevard, Room 703, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Weiqun Li, MD, Scientific Review Officer, National Institute of Nursing Research, National Institutes of Health, 6701 Democracy Blvd., Room 710, Bethesda, MD 20892, (301) 594–5966, *wli@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.361, Nursing Research, National Institutes of Health, HHS)

Dated: October 18, 2017.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–22911 Filed 10–20–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the NHLBI Special Emphasis Panel.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel; SPIROMICS Genomics and Informatics Center (U24).

Date: November 15, 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, Suite 7182, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Susan Wohler Sunnarborg, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National, Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7182, Bethesda, MD 20892, *susan.sunnarborg@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: October 17, 2017.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–22908 Filed 10–20–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel; NIH Small research Grant Program FOA: PA 16–162.

Date: November 7, 2017.

Time: 1:00 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6710B, 2133, 6710B Rockledge Drive, Bethesda, MD 20817 (Telephone Conference Call).

Contact Person: Minki Chatterji, Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, DHHS, 6710B Rockledge Drive, Rm. 2121D, Bethesda, MD 20892–7501, 301–827–5435, *minki.chatterji@nih.gov*.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel; Demography of Multigenerational Social Stratification. November 21, 2017.

Time: 2:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge 6710B, 6710B Rockledge Drive, Bethesda, MD 20817 (Telephone Conference Call).

Contact Person: Minki Chatterji, Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, DHHS, 6710B Rockledge Drive, Rm. 2121D, Bethesda, MD 20892–7501, 301–827–5435, *minki.chatterji@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: October 17, 2017.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–22910 Filed 10–20–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute of Child Health and Human Development Special Emphasis Panel, November 13, 2017, 01:00 p.m. to November 13, 2017, 04:00 p.m., National Institutes of Health, 6710 B Rockledge Drive, Bethesda, MD 20892 which was published in the **Federal Register** on October 03, 2017, 82 FR 46084.

The meeting date has changed from November 13, 2017, 1:00 p.m. to 4:00 p.m. to November 27, 2017, 1:00 p.m. to 4:00 p.m. The meeting is closed to the public.

Dated: October 17, 2017.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–22909 Filed 10–20–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2017–0104]

Collection of Information Under Review by Office of Management and Budget; OMB Control Number: 1625–0019

AGENCY: Coast Guard, DHS.

ACTION: Thirty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 the U.S. Coast Guard is forwarding an Information Collection Request (ICR), abstracted below, to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting approval for reinstatement, without change, of the following collection of information: 1625–0019, Alternative Compliance for International and Inland Navigation Rules. Our ICR describes the information we seek to collect from the public. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: Comments must reach the Coast Guard and OIRA on or before November 22, 2017.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2017–0104] to the Coast Guard using the Federal eRulemaking Portal at *http://www.regulations.gov.* Alternatively, you may submit comments to OIRA using one of the following means:

(1) *Email: dhsdeskofficer@omb.eop.gov.*

(2) *Mail:* OIRA, 725 17th Street NW., Washington, DC 20503, attention Desk Officer for the Coast Guard.

A copy of the ICR is available through the docket on the Internet at *http://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–612), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King, Jr. Ave. SE., Stop 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection. The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. These

comments will help OIRA determine whether to approve the ICR referred to in this Notice.

We encourage you to respond to this request by submitting comments and related materials. Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, [USCG–2017–0104], and must be received by November 22, 2017

Submitting Comments

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. Documents mentioned in this notice, and all public comments, are 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.

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, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

OIRA posts its decisions on ICRs online at *http://www.reginfo.gov/public/do/PRAMain* after the comment period for each ICR. An OMB Notice of Action on each ICR will become available via a hyperlink in the OMB Control Number: 1625–0019.

Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard published the 60-day notice (82 FR 37463, August 10, 2017) required by 44 U.S.C. 3506(c)(2). That Notice elicited no comments. Accordingly, no changes have been made to the Collections.

Information Collection Request

Title: Alternative Compliance for International and Inland Navigation Rules—33 CFR 81 through 89.

OMB Control Number: 1625–0019.

Summary: The information collected provides an opportunity for an owner, operator, builder, or agent of a unique vessel to present their reasons why the vessel cannot comply with existing International/Inland Navigation Rules and how alternative compliance can be achieved. If appropriate, a Certificate of Alternative Compliance is issued.

Need: Certain vessels cannot comply with the International Navigation Rules (see 33 U.S.C. 1601 through 1608; 28 U.S.T. 3459, and T.I.A.S. 8587) and Inland Navigation Rules (33 U.S.C. 2001 through 2073). The Coast Guard thus provides an opportunity for alternative compliance. However, it is not possible to determine whether alternative compliance is appropriate, or what kind of alternative procedures might be necessary, without this collection.

Forms: None.

Respondents: Vessel owners, operators, builders and agents.

Frequency: One-time application.

Hour Burden Estimate: The estimated burden has decreased from 230 hours to 207 hours a year due to a decrease in the estimated annual number of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. 35, as amended.

Dated: October 12, 2017.

James D. Roppel,

U.S. Coast Guard, Acting Chief, Office of Information Management.

[FR Doc. 2017–22912 Filed 10–20–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2017–0898]

Information Collection Request to Office of Management and Budget; OMB Control Number: 1625–0092

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting approval for reinstatement, without change, of the following collection of information: 1625–0092, Sewage and Graywater Discharge Records for Certain Cruise Vessels Operating on Alaskan Waters. Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before December 22, 2017.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2017–0898] to the Coast Guard using the Federal eRulemaking Portal at *http://www.regulations.gov.* See the ''Public participation and request for comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

A copy of the ICR is available through the docket on the Internet at *http://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–612), ATTN: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE., Stop 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. In response to your comments, we may revise this ICR or decide not to seek an extension of approval for the Collection. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, [USCG–2017–0898], and must be received by December 22, 2017.

Submitting Comments

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. Documents mentioned in this notice, and all public comments, are 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.

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, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

Information Collection Request

Title: Sewage and Graywater Discharge Records for Certain Cruise Vessels Operating on Alaskan Waters.

OMB Control Number: 1625–0092.

Summary: To comply with the Title XIV of Public Law 106–554, this information collection is needed to enforce sewage and graywater discharges requirements from certain cruise ships operating on Alaskan waters.

Need: Title 33 CFR part 159, subpart E prescribe regulations governing the discharge of sewage and graywater from cruise vessels, requires sampling and testing of sewage and graywater discharges, and establishes reporting and recordkeeping requirements.

Forms: Not applicable.

Respondents: Owners, operators and masters of vessels.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has decreased from 1,218 hours to 404 hours a year due to a decrease in the number of respondents.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: October 16, 2017.

James D. Roppel,

Acting Chief, Office of Information Management, U.S. Coast Guard.

[FR Doc. 2017–22913 Filed 10–20–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2017–0950]

Information Collection Request to Office of Management and Budget; OMB Control Number: 1625–0024

AGENCY: Coast Guard, DHS.

ACTION: Sixty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the U.S. Coast Guard intends to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information: 1625–0024, Safety Approval of Cargo Containers; without change. Our ICR describes the information we seek to collect from the public. Before submitting this ICR to OIRA, the Coast Guard is inviting comments as described below.

DATES: Comments must reach the Coast Guard on or before December 22, 2017.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2017–0950] to the Coast Guard using the Federal eRulemaking Portal at *http://www.regulations.gov.* See the ''Public participation and request for comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

A copy of the ICR is available through the docket on the Internet at *http://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–612), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE., Stop 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Contact Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. In response to your comments, we may revise this ICR or decide not to seek an extension of approval for the Collection. We will consider all comments and material received during the comment period.

We encourage you to respond to this request by submitting comments and related materials. Comments must contain the OMB Control Number of the ICR and the docket number of this request, [USCG–2017–0950], and must be received by December 22, 2017.

Submitting Comments

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. Documents mentioned in this notice, and all public comments, are 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.

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, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

Information Collection Request

Title: Safety Approval of Cargo Containers.

OMB Control Number: 1625–0024.

Summary: This information collection is associated with requirements for owners and manufacturers of cargo containers to submit information and keep records associated with the approval and inspection of those containers. This information is required to ensure compliance with the International Convention for Safe Containers (CSC), 29 U.S.T. 3707; T.I.A.S. 9037.

Need: This collection of information addresses the reporting and recordkeeping requirements for containers in 49 CFR parts 450 through 453. These rules are necessary since the U.S. is signatory to the CSC. The CSC requires all containers to be safety approved prior to being used in trade. These rules prescribe only the minimum requirements of the CSC.

Forms: None.

Respondents: Owners and manufacturers of containers, and organizations that the Coast Guard delegates to act as an approval authority.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has increased from 98,452 hours to 117,271 hours a year due to an increase in the estimated number of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: October 16, 2017.

James D. Roppel,

U.S. Coast Guard, Acting Chief, Office of Information Management.

[FR Doc. 2017–22896 Filed 10–20–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2017–0129]

Collection of Information Under Review by Office of Management and Budget; OMB Control Number: 1625—New

AGENCY: Coast Guard, DHS.

ACTION: Thirty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 the U.S. Coast Guard is forwarding an Information Collection Request (ICR), abstracted below, to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting approval for the following collection of information: 1625—New, GOCOASTGUARD.COM Prospect Questionnaire, Chat Now Questionnaire, and The Officer Program Application. Our ICR describes the information we seek to collect from the public. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: Comments must reach the Coast Guard and OIRA on or before November 22, 2017.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2017–0129] to the Coast Guard using the Federal eRulemaking Portal at *http://www.regulations.gov.* Alternatively, you may submit comments to OIRA using one of the following means:

(1) *Email: dhsdeskofficer@omb.eop.gov.*

(2) *Mail:* OIRA, 725 17th Street NW., Washington, DC 20503, attention Desk Officer for the Coast Guard.

A copy of the ICR is available through the docket on the Internet at *http://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–612), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King, Jr. Ave. SE., Stop 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532, or fax 202–372–8405, for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. These comments will help OIRA determine whether to approve the ICR referred to in this Notice.

We encourage you to respond to this request by submitting comments and related materials. Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, [USCG–2017–0129], and must be received by November 22, 2017.

Submitting Comments

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. Documents mentioned in this notice, and all public comments, are 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.

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, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

OIRA posts its decisions on ICRs online at *http://www.reginfo.gov/public/do/PRAMain* after the comment period for each ICR. An OMB Notice of Action on each ICR will become available via a hyperlink in the OMB Control Number: 1625—New.

Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard published the 60-day notice (82 FR 33140, July 19, 2017) required by 44 U.S.C. 3506(c)(2). That Notice elicited no comments. Accordingly, no changes have been made to the Collection.

Information Collection Request

Title: GOCOASTGUARD.COM Prospect Questionnaire, Chat Now Questionnaire, and Officer Program Application.

OMB Control Number: 1625—New.

Summary: This collection contains the recruiting Web site: *gocoastguard.com* Prospect Questionnaire (CGRC–1130), the Officer Program Application (CGRC–1131), and the Chat Now Questionnaire (CGRC–1132) that are used to screen active duty and reserve enlisted and officer applicants.

Need: The information is needed to initiate the recruiting and commissioning of active duty and reserve, enlisted and officer members. Title 14 U.S.C. 468 authorizes the United States Coast Guard to recruit personnel for military service. The information requested on the *gocoastguard.com* Web site is collected in accordance with section 503 of Title 10 U.S.C. and may be used to identify and process individuals interested in applying for enlistment or commission into the United States Coast Guard or Coast Guard Reserve.

Forms: Prospect Questionnaire (CGRC–1130), the Officer Program Application (CGRC–1131), and the Chat Now Questionnaire (CGRC–1132).

Respondents: Approximately 50,000 applicants apply annually to initiate the screening process.

Frequency: On occasion. Applicants may apply more than once, by initially completing the Chat Now Questionnaire (CGRC–1132) to answer questions on eligibility and may apply for both enlisted and officer programs through the Prospect Questionnaire (CGRC–1130) and/or Officer Program Application (CGRC–1131).

Hour Burden Estimate: This is a new collection. The estimated annual burden is 25,000 annual hours.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: October 12, 2017.

James D. Roppel,

U.S. Coast Guard, Acting Chief, Office of Information Management.

[FR Doc. 2017–22916 Filed 10–20–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6061–N–01]

Rental Assistance Demonstration: Notice of Extensions for PHAs in Presidentially Declared Disaster Areas

AGENCY: Office of the Assistant Secretary for Public and Indian Housing and Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: This notice allows Public Housing Authorities (PHAs) that are in Presidentially declared disaster areas and that either (a) have submitted Letters of Interest (LOI) to reserve their position on the Rental Assistance Demonstration (RAD) waiting list and that have subsequently been notified that they are eligible for award if they submit a complete RAD Application, Portfolio Award proposal, or Multi-phase Award Application within 60 days of notification or (b) have received a Portfolio Award and have been provided 365 days from issuance of the Portfolio Award to submit acceptable RAD Applications for the remaining projects included in the Portfolio Award, to request an extension to the due date for making submissions.

DATES: This notice is effective on October 23, 2017.

ADDRESSES: Interested persons are invited to submit questions or comments electronically to *rad@hud.gov.*

FOR FURTHER INFORMATION CONTACT: To assure a timely response, please direct requests for further information electronically to the email address *rad@hud.gov.* Written requests may also be directed to the following address: Office of Housing—Office of Recapitalization; Department of Housing and Urban Development; 451 7th Street SW., Room 6230; Washington, DC 20410.

SUPPLEMENTARY INFORMATION:

I. Background

The RAD program notice, Rental Assistance Demonstration—Final Implementation, Revision 3 (H–2017–03, REV–3, PIH–2012–32 (HA) January 12, 2017) (Program Notice) permits a PHA to submit a letter of interest (LOI) in lieu of a RAD Application in order to reserve the PHA's spot on the RAD waiting list. It further states that in anticipation of HUD's ability to make additional awards, HUD will notify the PHA that it must submit a complete RAD Application, Portfolio Award, or Multi-phase Award and comply with all the application provisions of the Program Notice within 60 days of such notification or forfeit its position on the waiting list. In a **Federal Register** notice published on August 23, 2017 (82 FR 40013), HUD provided notice to PHAs that had submitted LOIs to reserve their position on the RAD waiting list that they must provide a complete submission for the reserved units (that is, submit a complete RAD Application, Portfolio Award or Multi-phase Award and comply with all applications requirements of the Program Notice) within 60 days.

The Program Notice also permits a PHA to apply for a Portfolio Award, which allows a PHA to reserve RAD conversion authority for a set of projects, as long as the PHA submits a RAD Application for at least 50 percent of the projects identified in the portfolio. HUD issues a Portfolio Award Letter, which provides the PHA 365 days from issuance of the letter to submit acceptable RAD Applications for the remaining projects included in the Portfolio Award.

II. Extension of Submission Due Date for Units Reserved Through a Letter of Interest or Portfolio Award

Due to the difficulties PHAs may face in meeting the deadline for submitting application materials, HUD may approve extensions on a case-by-case basis to PHAs that are located in Presidentially declared disaster areas in accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act at 42 U.S.C. 5170 and that either (a) had submitted LOIs, and that have subsequently been notified that they are eligible for award if they submit a complete RAD Application, Portfolio Award proposal, or Multi-phase Application within 60 days of notification or (b) have received a Portfolio Award and have been provided 365 days from issuance of the Portfolio Award to submit acceptable RAD Applications for the remaining projects included in the Portfolio Award.

III. Finding of No Significant Impact

A Finding of No Significant Impact (FONSI) with respect to the environment has been made in accordance with HUD regulations in 24 CFR part 50, which implemented section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). The FONSI is available for public inspection during regular business hours in the Regulations Division, Office of General Counsel, Department of Housing and Urban Development; 451 7th Street SW., Room 10276; Washington, DC 20410–0500. Due to security measures at the HUD Headquarters building, please schedule an appointment to review the FONSI by calling the Regulations Division at (202) 708–3055 (this is not a toll-free number).

Individuals with speech or hearing impairments may access this number via TTY by calling the Federal Relay Service at (800) 877–8339 (this is a toll-free number).

Dated: October 16, 2017.

Dominique G. Blom,

General Deputy Assistant Secretary for Public and Indian Housing.

Dana T. Wade,

General Deputy Assistant Secretary for Housing.

[FR Doc. 2017–23042 Filed 10–20–17; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–HQ–IA–2017–0064; 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 22, 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–2017–0064.
- *U.S. mail or hand-delivery:* Public Comments Processing, Attn: Docket No. FWS–HQ–IA–2017–0064; 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, the ESA prohibits activities with listed species unless Federal authorization is acquired that allows such activities.

Applicant: Denver Zoological Foundation, d/b/a Denver Zoo, Denver, CO; PRT–32977C

The applicant requests a permit to import two male captive-bred Asian elephants (*Elephas maximus*) from African Lion Safari, Ontario, Canada, to enhance the propagation or survival of the species. This notification is for a single import.

Applicant: Six Flags Discovery Kingdom, Vallejo, CA; PRT–47979C

The applicant requests a captive-bred wildlife registration under 50 CFR 17.21(g) to enhance propagation or survival of the following species: African penguin (*Spheniscus demersus*), cheetah (*Acinonyx jubatus*), bengal tiger (*Panthera tigris tigris*), Siberian tiger (*Panthera tigris altaica*), and snow leopard (*Uncia uncia*). This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: New England Aquarium Corporation, Boston, MA; PRT–59781A

The applicant requests renewal of a captive-bred wildlife registration under

50 CFR 17.21(g) for the African penguin (*Spheniscus demersus*) to enhance species propagation or survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Applicant: 777 Ranch, Hondo, TX; PRT–013008

The applicant requests renewal of their permit authorizing the culling of excess Barasingha (*Rucervus duvauceli*), Eld's Deer (*Rucervus eldi*), Arabian oryx (*Oryx leucoryx*), and Red lechwe (*Kobus leche*), from the captive herd maintained at their facility, to enhance the species' propagation and survival. This notification covers activities to be conducted by the applicant over a 5-year period.

Trophy Applicants

The following applicants each request 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.

Applicant: William David Wrobel, Sonoma, CA; PRT–45243C

Applicant: Verne Caret Williamson, Ashland, VA; PRT–46104C

Applicant: James R. Rhymer, Jones, OK; PRT–45743C

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. 2017–22879 Filed 10–20–17; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

[OMB Number 1110–0048]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Cargo Theft Incident Report

AGENCY: Federal Bureau of Investigation, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Federal Bureau of Investigation (FBI), Criminal Justice Information Services Division (CJIS), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until December 22, 2017.

FOR FURTHER INFORMATION CONTACT: All comments, suggestions, or questions regarding additional information, to include obtaining a copy of the proposed information collection instrument with instructions, should be directed to Mrs. Amy C. Blasher, Unit Chief, Federal Bureau of Investigation, Criminal Information Services Division, Module E–3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306; facsimile (304) 625–3566.

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 Federal Bureau of Investigation, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this information collection:

1. *Type of Information Collection:* Extension of a currently approved collection.

2. *The Title of the Form/Collection:* Cargo Theft Incident Report.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form number is 1110–0048. The applicable component within the Department of Justice is the Criminal Justice Information Services Division, in the Federal Bureau of Investigation.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: City, county, state, tribal and federal law enforcement agencies. Abstract: This collection is needed to collect information on cargo theft incidents committed throughout the United States.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* UCR Participation Burden Estimation: There is a potential of 9,432 law enforcement agency respondents that submit monthly for a total of 217,860 responses with an estimated response time of 5 minutes per response.

6. *An estimate of the total public burden (in hours) associated with the collection:* There are approximately 9,078 hours, annual burden, associated with this information 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., 3E.405A, Washington, DC 20530.

Dated: October 18, 2017.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2017–22933 Filed 10–20–17; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Refuse Piles and Impoundment Structures—Recordkeeping and Reporting Requirements

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting the Mine Safety and Health Administration (MSHA) sponsored information collection request (ICR) titled, ''Refuse Piles and Impoundment Structures—Recordkeeping and Reporting Requirements,'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before November 22, 2017.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201708-1219-001* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–MSHA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor—OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the Refuse Piles and Impoundment Structures—Recordkeeping and Reporting Requirements information collection requirements codified in regulations 30 CFR 77.215 and 77.216. These regulations require a coal mine operator to submit an annual report and certification on refuse piles and impoundments to the MSHA and to develop and maintain a record of the results of each weekly examination and instrumentation monitoring. Federal Mine Safety and Health Act of 1977 sections 101(a) and 103(h) authorize this information collection. *See* 30 U.S.C. 811(a) and 813(h).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1219–0015.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on October 31, 2017. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on June 16, 2017 (82 FR 27730).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1219–0015. The OMB is particularly interested in comments that:

- 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;
- 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.

Agency: DOL–MSHA.

Title of Collection: Refuse Piles and Impoundment Structures—Recordkeeping and Reporting Requirements.

OMB Control Number: 1219–0015.

Affected Public: Private Sector—businesses or other for-profits.

Total Estimated Number of Respondents: 632.

Total Estimated Number of Responses: 31,414.

Total Estimated Annual Time Burden: 76,863 hours.

Total Estimated Annual Other Costs Burden: $2,034,585.

Dated: October 13, 2017.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2017–22869 Filed 10–20–17; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2007–0042]

TUV Rheinland of North America, Inc.: Grant of Expansion of Recognition and Notice of Voluntary Reduction in Scope

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: In this notice, OSHA announces its final decision to expand the scope of recognition for TUV Rheinland of North America, Inc. as a Nationally Recognized Testing Laboratory (NRTL). Additionally, OSHA announces the voluntary removal of a

test standard from TUV Rheinland of North America, Inc.'s scope of recognition.

DATES: The expansion of the scope of recognition becomes effective on October 23, 2017.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3647, Washington, DC 20210; telephone: (202) 693–1999; email: *meilinger.francis2@dol.gov.*

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3655, Washington, DC 20210; telephone: (202) 693–2110; email: *robinson.kevin@dol.gov.* OSHA's Web page includes information about the NRTL Program (see *http://www.osha.gov/dts/otpca/nrtl/index.html*).

SUPPLEMENTARY INFORMATION:

I. Notice of Final Decision

OSHA hereby gives notice of the expansion of the scope of recognition of TUV Rheinland of North America, Inc. (TUVRNA) as a NRTL. TUVRNA's expansion covers the addition of one test standard to its scope of recognition.

OSHA recognition of a NRTL signifies that the organization meets the requirements specified by 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition and is not a delegation or grant of government authority. As a result of recognition, employers may use products properly approved by the NRTL to meet OSHA standards that require testing and certification of the products.

The Agency processes applications by a NRTL for initial recognition, or for expansion or renewal of this recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the Agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides its preliminary finding and, in the second notice, the Agency provides its final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational Web page for each NRTL that details its scope of recognition. These pages are available from the Agency's Web site at *http://www.osha.gov/dts/otpca/nrtl/index.html.*

TUVRNA submitted an application, dated September 30, 2015, (OSHA–2007–0042–0022) to expand its recognition to include one additional test standard. OSHA staff performed a comparability analysis and reviewed other pertinent information. OSHA did not perform any on-site reviews in relation to this application.

OSHA published the preliminary notice announcing TUVRNA's expansion application in the **Federal Register** on July 27, 2017 (82 FR 34980). The Agency requested comments by August 11, 2017, but it received no comments in response to this notice. OSHA now is proceeding with this final notice to grant expansion of TUVRNA's scope of recognition.

To obtain or review copies of all public documents pertaining to TUVRNA's application, go to *www.regulations.gov* or contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Room N–3655, Washington, DC 20210. Docket No. OSHA–2007–0042 contains all materials in the record concerning TUVRNA's recognition.

II. Final Decision and Order

OSHA staff examined TUVRNA's expansion application, its capability to meet the requirements of the test standards, and other pertinent information. Based on its review of this evidence, OSHA finds that TUVRNA meets the requirements of 29 CFR 1910.7 for expansion of its recognition, subject to the limitation and conditions listed below. OSHA, therefore, is proceeding with this final notice to grant TUVRNA's scope of recognition. OSHA limits the expansion of TUVRNA's recognition to testing and certification of products for demonstration of conformance to the test standard listed in Table 1 below.

TABLE 1—APPROPRIATE TEST STANDARD FOR INCLUSION IN TUVRNA'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
UL 2202	Electric Vehicle (EV) Charging System Equipment.

Additionally, TUVRNA submitted a voluntary withdrawal letter on April 7, 2017, (OSHA–2007–0042–0025) to reduce its scope of recognition by one test standard. Table 2 below lists the recognized test standard that will be removed from TUVRNA's scope of recognition.

TABLE 2—APPROPRIATE TEST STANDARD FOR REMOVAL FROM TUVRNA'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
UL 913	Standard for Intrinsically Safe Apparatus and Associated Apparatus for Use in Class I, II, III, Division 1, Hazardous (Classified) Location.

OSHA's recognition of any NRTL for a particular test standard is limited to equipment or materials for which OSHA standards require third-party testing and certification before using them in the workplace. Consequently, if a test standard also covers any products for which OSHA does not require such testing and certification, a NRTL's scope of recognition does not include these products.

The American National Standards Institute (ANSI) may approve the test standard listed above in Table 1 as an American National Standard. However, for convenience, we may use the designation of the standards-developing organization for the standard as opposed to the ANSI designation. Under the NRTL Program's policy (see OSHA Instruction CPL 1–0.3, Appendix C, paragraph XIV), any NRTL recognized for a particular test standard may use either the proprietary version of the test standard or the ANSI version of that standard. Contact ANSI to determine whether a test standard is currently ANSI-approved.

A. Conditions

In addition to those conditions already required by 29 CFR 1910.7, TUVRNA must abide by the following conditions of the recognition:

1. TUVRNA must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major change in its operations as a NRTL, and provide details of the change(s);

2. TUVRNA must meet all the terms of its recognition and comply with all OSHA policies pertaining to this recognition; and

3. TUVRNA must continue to meet the requirements for recognition,

including all previously published conditions on TUVRNA's scope of recognition, in all areas for which it has recognition.

Pursuant to the authority in 29 CFR 1910.7, OSHA hereby expands the scope of recognition of TUVRNA, subject to the limitation and conditions specified above. Additionally, pursuant to the authority in 29 CFR 1910.7, OSHA further reduces the scope of recognition of TUVRNA per its request of voluntary withdrawal by removing the standard outlined in Table 2 above. TUVRNA has notified the NRTL clients for which TUVRNA certified products conforming to UL 913 of this reduction in NRTL scope.

III. Authority and Signature

Loren Sweatt, Deputy Assistant Secretary of Labor for Occupational Safety and Health, authorized the preparation of this notice. Accordingly, the Agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 1–2012 (77 FR 3912, Jan. 25, 2012), and 29 CFR 1910.7.

Signed at Washington, DC, on October 12, 2017.

Loren Sweatt,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2017–22866 Filed 10–20–17; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meeting; National Science Board

The National Science Board's Committee on Honorary Awards, pursuant to NSF regulations (45 CFR part 614), the National Science Foundation Act, as amended (42 U.S.C. 1862n–5), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice of the scheduling of a teleconference for the transaction of National Science Board business, as follows:

TIME AND DATE: October 30, 2017 from 3:00 p.m. to 4:00 p.m. EDT.

PLACE: This meeting will be held by teleconference at the National Science Foundation, 2415 Eisenhower Ave., Alexandria, VA 22314.

STATUS: Closed.

MATTERS TO BE CONSIDERED: (1) Subcommittee Chair's opening remarks; (2) Review and discuss candidates for the 2018 National Science Board Honorary Awards—the Vannevar Bush Award and the NSB Public Service Award; and subcommittee Chair's closing remarks.

CONTACT PERSON FOR MORE INFORMATION: Point of contact for this meeting is: Nadine Lymn, 2415 Eisenhower Ave., Alexandria, VA 22314, *nlymn@nsf.gov,* (703) 292–7000. Meeting information and updates may be found at *http://www.nsf.gov/nsb/meetings/notices.jsp#sunshine.* Please refer to the National Science Board Web site *www.nsf.gov/nsb* for general information.

Chris Blair,

Executive Assistant to the NSB Office.

[FR Doc. 2017–23045 Filed 10–19–17; 4:15 pm]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Permits Issued Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permits issued.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978, Public Law 95–541. This is the required notice.

FOR FURTHER INFORMATION CONTACT: Nature McGinn, ACA Permit Officer, Office of Polar Programs, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314; 703–292–8224; email: *ACApermits@nsf.gov.*

SUPPLEMENTARY INFORMATION: On September 14, 2017, the National Science Foundation published a notice in the **Federal Register** of a permit applications received. The permits were issued on October 17, 2017 to:

1. Jill Mikucki, Permit No. 2018–008
2. Greg Neri, Permit No. 2018–006
3. Kirsten Carlson, Permit No. 2018–009
4. Kenneth Sims, Permit No. 2018–011

Nadene G. Kennedy,

Polar Coordination Specialist, Office of Polar Programs.

[FR Doc. 2017–22915 Filed 10–20–17; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Permit Modification Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permit modification request.

SUMMARY: The National Science Foundation (NSF) is required to publish a notice of requests to modify permits issued to conduct activities regulated under the Antarctic Conservation Act of 1978. This is the required notice of a requested permit modification.

DATES: Interested parties are invited to submit written data, comments, or views with respect to this permit application by November 22, 2017. Permit applications may be inspected by interested parties at the Permit Office, address below.

ADDRESSES: Comments should be addressed to Permit Office, Office of Polar Programs, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, Virginia 22314.

FOR FURTHER INFORMATION CONTACT: Nature McGinn, ACA Permit Officer, at the above address, 703–292–8030, or *ACApermits@nsf.gov.*

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95–541), as amended by the Antarctic Science, Tourism and Conservation Act of 1996, has developed regulations for the establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas a requiring special protection. The regulations establish such a permit system to designate Antarctic Specially Protected Areas.

Description of Permit Modification Requested: The Foundation issued a permit (ACA 2016–020) to Laura K.O. Smith, Owner, Operator Quixote Expeditions, on December 23, 2015. The issued permit allows the permit holder to conduct waste management activities associated with the operation of the ''Ocean Tramp,'' a reinforced ketch rigged sailing yacht in the Antarctic Peninsula region. Activities to be conducted by Quixote include: Passenger landings, hiking, photography, wildlife viewing, and possible station visits.

A recent modification to this permit, dated November 9, 2016, permitted the permit holder to continue permitted activities, including minimization, mitigation, and monitoring of waste, for the 2016–2017 Antarctic season. The Environmental Officer reviewed the modification request and determined that the amendment was not a material change to the permit, and it will have a less than a minor or transitory impact.

Now the permit holder proposes a modification to the permit to continue the permitted activities for the 2017–2018 Antarctic season and add coastal camping activities as well as resupply of fresh food as part of Quixote's new fly/

cruise operations. The maximum number of camping participants would be 12. Camping would be away from vegetated sites and >150m from wildlife concentrations or lakes, protected areas, historical sites, and scientific stations. Tents would be pitched on snow, ice, or bare smooth rock, at least 15m from the high-water line. No food, other than emergency rations, would be brought onshore and all wastes, including human waste, would be collected and returned to the ship for proper disposal. The permit holder is seeking a waste permit modification to cover any accidental releases that may result from camping and other activities.

Location: Antarctic Peninsula; For camping, possible locations include Dorian Cove, Enterprize Isand, Cuverville are/Errera Channel, Damoy Point/Dorian Bay, Danco Island, Rongé Island, Paradise Bay, Argentine Islands, Andvord Bay, Pleneau Island, Hovgaard Island, Orne Harbour, Leith Cove, Prospect Point, Portal Point.

Dates: December 1, 2017–February 6, 2021.

Nadene G. Kennedy,

Polar Coordination Specialist, Office of Polar Programs.

[FR Doc. 2017–22944 Filed 10–20–17; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL TRANSPORTATION SAFETY BOARD

Sunshine Act Meeting

TIME AND DATE: 9:30 a.m., Tuesday, November 14, 2017.

PLACE: NTSB Conference Center, 429 L'Enfant Plaza SW., Washington, DC 20594.

STATUS: The one item is open to the public.

MATTER TO BE CONSIDERED:

57150 Railroad Accident Report: Amtrak Train Collision with Maintenance-of-Way Equipment, Chester, Pennsylvania, April 3, 2016

NEWS MEDIA CONTACT: Telephone: (202) 314–6100.

The press and public may enter the NTSB Conference Center one hour prior to the meeting for set up and seating.

Individuals requesting specific accommodations should contact Rochelle McCallister at (202) 314–6305 or by email at *Rochelle.McCallister@ntsb.gov* by Wednesday, November 7, 2017.

The public may view the meeting via a live or archived webcast by accessing a link under ''News & Events'' on the NTSB home page at *www.ntsb.gov*.

Schedule updates, including weather-related cancellations, are also available at *www.ntsb.gov*.

FOR MORE INFORMATION CONTACT: Candi Bing at (202) 314–6403 or by email at *bingc@ntsb.gov*.

FOR MEDIA INFORMATION CONTACT: Terry Williams at (202) 314–6100 or by email at *terry.williams@ntsb.gov*.

Thursday, October 19, 2017.

Candi R. Bing,

Federal Register Liaison Officer.

[FR Doc. 2017–23005 Filed 10–19–17; 11:15 am]

BILLING CODE 7533–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81890; File No. SR–NYSEArca–2017–120]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Changes to Certain Representations Relating to Five PIMCO Exchange-Traded Funds Currently Listed Under NYSE Arca Rule 8.600–E

October 17, 2017.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on October 5, 2017, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the 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 reflect changes to certain representations made in the respective proposed rule changes previously filed with the Commission pursuant to Rule 19b–4 relating to the PIMCO Active Bond Exchange-Traded Fund, PIMCO Enhanced Low Duration Active Exchange-Traded Fund, PIMCO Short Term Municipal Bond Active Exchange-Traded Fund, PIMCO Intermediate Municipal Bond Active Exchange-Traded Fund, and PIMCO Enhanced Short Maturity Active Exchange-Traded Fund (each a ''Fund'' and, collectively, the ''Funds''). Shares of the Funds are currently listed and traded on the Exchange under NYSE Arca Rule 8.600–E. The proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Commission has approved the listing and trading on the Exchange of shares (''Shares'') of the Funds, under NYSE Arca Rule 8.600–E (formerly NYSE Arca Equities Rule 8.600), which governs the listing and trading of Managed Fund Shares.[4] The Shares are offered by PIMCO ETF Trust (the ''Trust''), a statutory trust organized under the laws of the State of Delaware and registered with the Commission as an open-end management investment company.[5] The investment manager to

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] A Managed Fund Share is a security that represents an interest in an investment company registered under the Investment Company Act of 1940 (15 U.S.C. 80a–1) (''1940 Act'') organized as an open-end investment company or similar entity that invests in a portfolio of securities selected by its investment adviser consistent with its investment objectives and policies. In contrast, an open-end investment company that issues Investment Company Units, listed and traded on the Exchange under NYSE Arca Rule 5.2–E(j)(3), seeks to provide investment results that correspond generally to the price and yield performance of a specific foreign or domestic stock index, fixed income securities index or combination thereof.

[5] The Trust is registered under the 1940 Act. On October 28, 2016 the Trust filed with the Commission the most recent post-effective amendment to its registration statement under the Securities Act of 1933 (15 U.S.C. 77a) (''1933 Act'') and under the 1940 Act relating to the Funds (File Nos. 333–155395 and 811–22250) (the ''Registration Statement''). The description of the operation of the Trust and the Funds herein is based, in part, on the Registration Statement. In addition, the Commission has issued an order granting certain exemptive relief to the Trust under the 1940 Act. *See* Investment Company Act Release No. 28993

the Funds is Pacific Investment Management Company LLC (''PIMCO'' or the ''Adviser''). The Funds' Shares are currently listed and traded on the Exchange under NYSE Arca Rule 8.600–E.

In this proposed rule change, the Exchange proposes to reflect changes to certain representations made in the respective proposed rule changes previously filed with the Commission pursuant to Rule 19b–4(e) relating to the Funds, as described below.[6]

PIMCO Active Bond Exchange-Traded Fund [7]

The 2017 Bond Release stated that the Fund will primarily (under normal market circumstances, at least 65% of its total assets) invest in a diversified portfolio of Fixed Income Instruments of varying maturities, which may be represented by derivatives related to Fixed Income Instruments, but may invest up to 30% of its total assets in high yield Fixed Income Instruments (which may be represented by derivatives related to Fixed Income Instruments) rated B3 through Ba1 by Moody's, or equivalently rated by S&P or Fitch, or, if unrated, determined by PIMCO to be of comparable credit quality. The Adviser proposes to revise this representation to state that the Fund will primarily (under normal market circumstances, at least 65% of its total assets) invest in a diversified portfolio of Fixed Income Instruments of varying maturities, which may be represented by derivatives related to Fixed Income Instruments, and may invest in high yield Fixed Income Instruments (which may be represented by derivatives related to Fixed Income Instruments) of any credit quality.[8]

The 2017 Bond Release stated that the average portfolio duration of PIMCO Active Bond Exchange-Traded Fund normally will vary from zero to eight years based on PIMCO's market forecasts. The Adviser proposes to revise this representation to state that the average portfolio duration of this Fund normally will vary from zero to nine years based on PIMCO's market forecasts.[9]

The First Prior Bond Notice stated that the Fund may invest up to 15% of its total assets in securities and instruments that are economically tied to emerging market countries.[10] The Adviser proposes to revise this representation to state that the Fund may invest in securities and instruments that are economically tied to emerging market countries. Thus, going forward, there would not be a specified limit in the Fund's investments in emerging markets securities.[11]

The Adviser represents that the proposed changes to the Fund's investments referenced above are consistent with the Fund's investment objective, and will further assist the Adviser to achieve such investment objective.

PIMCO Enhanced Low Duration Active Exchange-Traded Fund [12]

The Prior Low Duration Notice stated that the Fund will invest primarily in investment grade debt securities, but may invest up to 10% of its total assets in high yield debt securities rated B to Ba by Moody's, or equivalently rated by S&P or Fitch, or, if unrated, determined by PIMCO to be of comparable credit quality. The Adviser proposes to revise this representation to state that the Fund will invest primarily in investment grade debt securities, and may invest in

(November 10, 2009) (File No. 812–13571) (''Exemptive Order'').

[6] The Adviser represents that it will manage the Funds in the manner described in the applicable proposed rule changes for the Funds referenced below, and will not implement the changes described herein until the proposed rule change is operative.

[7] *See* Securities Exchange Act Release Nos. 65988 (December 16, 2011), 76 FR 79741 (December 22, 2011) (SR–NYSEArca–2011–95) (notice of filing of proposed rule change relating to Exchange listing and trading of shares of the PIMCO Total Return Exchange Traded Fund (now the PIMCO Active Bond Exchange Traded Fund)) (''First Prior Bond Notice''); 66321 (February 3, 2012), 77 FR 6850 (February 9, 2012) (SR–NYSEArca–2011–95) (order approving listing and trading of Shares of the Fund on the Exchange). *See also* Securities Exchange Act Release Nos. 70905 (November 20, 2013), 78 FR 70610 (November 26, 2013) (SR–NYSEArca–2013–122) (notice of filing of proposed rule change relating to use of derivative instruments by the Fund); 72666 (July 24, 2014), 79 FR 44224 (July 30, 2014) (SR–NYSEArca–2013–122) (order approving proposed rule change relating to use of derivative instruments by the Fund; 73331 (October 9, 2014), 79 FR 62213 (October 16, 2014) (SR–NYSEArca–2014–104) (notice of filing and immediate effectiveness of proposed rule change relating to use of derivatives by certain PIMCO exchange traded funds); 75475 (July 16, 2015), 80 FR 43507 (July 22, 2015) (SR–NYSEArca–2015–63) (notice of filing and immediate effectiveness of proposed rule change relating to a change in the size of a Creation Unit applicable to Shares of the Fund); 80534 (April 26, 2017), 82 FR 20525 (May 2, 2017) (SR–NYSEArca–2017–41) (notice of filing and immediate effectiveness of proposed rule change to reflect changes in the name of, the investment objective for, and the means of achieving the investment objective applicable to the PIMCO Total Return Active Exchange-Traded Fund) (''2017 Bond Release'' and, together with the other releases referenced in this footnote, the ''Prior Bond Releases'').

[8] The Exchange notes that the Commission previously has approved the listing and trading of issues of Managed Fund Shares where there is not a specified limit to a fund's holdings that may be in high yield bonds or a specified credit quality. *See, e.g.,* Securities Exchange Act Release Nos. 75540 (July 28, 2015), 80 FR 46359 (August 4, 2015) (SR–NYSEArca–2015–50) (order approving listing and trading on the Exchange of shares of the Cambria Sovereign High Yield Bond ETF and Cambria Value and Momentum ETF under NYSE Arca Equities Rule 8.600); 77904 (May 25, 2016), 81 FR 35101 (June 1, 2016) (SR–NYSEArca–2016–17) (order approving proposed rule change to list and trade shares of the JPMorgan Diversified Alternative ETF under NYSE Arca Equities Rule 8.600).

[9] The Exchange notes that the Commission has approved the listing and trading of other issues of Managed Fund Shares that have a duration range comparable to those proposed for the Fund. *See, e.g.,* Securities Exchange Act Release Nos. 79293 (November 10, 2016), 81 FR 81189 (November 17, 2016) (SR–NYSEArca–2016–107) (order approving listing and trading of shares of Cumberland Municipal Bond ETF under NYSE Arca Equities Rule 8.600, which states that ''At least 80% of the weight of the Fund's assets will be in Municipal Bonds with a modified duration of 15 years or less''); 71617 (February 26, 2014), 79 FR 12257 (March 4, 2014) (SR–NYSEArca–2013–135) (Order Granting Approval of Proposed Rule Change to List and Trade Shares of db-X Ultra-Short Duration Fund and db-X Managed Municipal Bond Fund under NYSE Arca Equities Rule 8.600, which states that ''[a]lthough the [db-X Managed Municipal Bond Fund] may adjust duration of its holdings over a wider range, it generally intends to keep it between five and nine years''); 77522 (April 5, 2016), 81 FR 21420 (April 11, 2016) (SR–NYSEArca–2015–125) (order approving proposed rule change to list and trade shares of the Riverfront Dynamic Unconstrained Income ETF and Riverfront Dynamic Core Income ETF under NYSE Arca Equities Rule 8.600, which states that ''the Sub-Adviser intends to manage the [Riverfront Dynamic Unconstrained Income ETF's] portfolio so that it has an average duration of between two and ten years, under normal circumstances'').

[10] The First Prior Bond Notice stated that ''[w]hile corporate debt securities and debt securities economically tied to an emerging market country generally must have $200 million or more par amount outstanding and significant par value traded to be considered as an eligible investment for the Fund, at least 80% of issues of such securities held by the Fund must have $200 million or more par amount outstanding.'' This condition will continue to apply.

[11] The Exchange notes that the Commission has approved the listing and trading of other issues of Managed Fund Shares for which there was not a specified limit in investments in foreign fixed income securities, which would include emerging markets securities. *See, e.g.,* Securities Exchange Act Release Nos. 79683 (December 23, 2016) 81 FR 96539 (December 30, 2016) (SR–NYSEArca–2016–82) (order approving proposed rule change to list and trade shares of the JPMorgan Diversified Event Driven ETF under NYSE Arca Equities Rule 8.600); 80657 (May 11, 2017) (SR–NYSEArca–2017–09) (order approving proposed rule change to list and trade shares of the Janus Short Duration Fund under NYSE Arca Equities Rule 8.600).

[12] *See* Securities Exchange Act Release Nos. 70774 (October 30, 2013), 78 FR 66396 (November 5, 2013) (SR–NYSEArca–2013–106) (notice of filing of proposal relating to PIMCO Diversified Income Exchange-Traded Fund, PIMCO Low Duration Exchange-Traded Fund and PIMCO Real Return Exchange-Traded Fund) (''Prior Low Duration Notice''); 71125 (December 18, 2013), 78 FR 77743 (December 24, 2013) (SR–NYSEArca–2013–106) (order approving listing and trading of PIMCO Diversified Income Exchange-Traded Fund, PIMCO Low Duration Exchange-Traded Fund and PIMCO Real Return Exchange-Traded Fund); 73331 (October 9, 2014), 79 FR 62213 (October 16, 2014) (SR–NYSEArca–2014–104) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Use of Derivative Instruments by Certain PIMCO Exchange-Traded Funds) (collectively, ''Prior Bond Low Duration Releases'').

high yield debt securities of any credit quality.[13]

The Prior Low Duration Notice stated that the average portfolio duration of the Fund normally will vary from one to three years based on PIMCO's forecast for interest rates. The Adviser proposes to revise this representation to state that the average portfolio duration of the Fund normally will vary from zero to four years based on PIMCO's forecast for interest rates.[14]

The Prior Low Duration Notice stated that the Fund may invest up to 10% of its total assets in securities and instruments that are economically tied to emerging market countries, subject to the Fund's investment limitations relating to particular asset classes.[15] The Adviser proposes to revise this representation to state that the Fund may invest in securities and instruments that are economically tied to emerging market countries, subject to the Fund's investment limitations relating to particular asset classes. Thus, going forward, there would not be a specified limit in investments in the Fund's investments in emerging markets securities.[16]

The Adviser represents that the proposed changes to the Fund's investments referenced above are consistent with the Fund's investment objective, and will further assist the Adviser to achieve such investment objective.

PIMCO Short Term Municipal Bond Active Exchange-Traded Fund [17]

The Prior Short Term Municipal Bond Notice [sic] stated that the Fund may only invest in U.S. dollar-denominated investment grade debt securities. The Adviser proposes to revise this representation to state that the Fund may only invest in U.S. dollar-denominated debt securities, which may be of any credit quality.[18]

The Prior Short Term Municipal Bond Notice [sic] stated that the average portfolio duration of this Fund varies based on PIMCO's forecast for interest rates and under normal market conditions is not expected to exceed three years. The Adviser proposes to revise this representation to state that the average portfolio duration of this Fund varies based on PIMCO's forecast for interest rates and under normal market conditions is not expected to exceed four years.[19]

The Prior Short Term Municipal Bond Notice [sic] stated that the dollar-weighted average portfolio maturity of the Fund is normally not expected to exceed three years. The Adviser proposes to revise this representation to state that the Fund will not have any portfolio maturity limitation and may invest its assets in instruments with short-term, medium-term, or long-term maturities.[20]

The Adviser represents that the proposed changes to the Fund's investments referenced above are consistent with the Fund's investment objective, and will further assist the Adviser to achieve such investment objective.

PIMCO Intermediate Municipal Bond Active Exchange-Traded Fund [21]

The First Prior Intermediate Municipal Bond Notice stated that the Fund may only invest in U.S. dollar-denominated investment grade debt securities. The Adviser proposes to revise this representation to state the Fund may only invest in U.S. dollar-denominated debt securities, which may be of any credit quality.[22]

The Second Prior Intermediate Municipal Bond Notice stated that the average portfolio duration of the Fund normally would vary within (negative) 2 years to positive 4 years of the portfolio duration of the securities comprising the Barclays 1–15 Year Municipal Bond Index, as calculated by PIMCO (the ''Index''). The Adviser proposes to revise this representation to state the average portfolio duration of the Fund normally would vary within (negative) 3 years to positive 5 years of the portfolio duration of the securities comprising the Index.[23] As of August 31, 2017, the average portfolio duration of the Index was 4.91 years. Thus, as of August 31, 2017, the average portfolio duration of the Fund normally would vary within approximately 1.9 years and 9.9 years if the proposed revised representation were operative on that date.

The Adviser represents that the proposed changes to the Fund's investments referenced above are consistent with the Fund's investment objective, and will further assist the Adviser to achieve such investment objective.

PIMCO Enhanced Short Maturity Active Exchange-Traded Fund [24]

The Prior Short Maturity Notice stated that the Fund primarily invests in U.S. dollar-denominated investment grade debt securities, rated Baa or higher by Moody's, or equivalently rated by S&P or Fitch, or, if unrated, determined by PIMCO to be of comparable credit quality. The Adviser proposes to revise this representation to state the Fund primarily will invest in U.S. dollar-

[13] *See* note 8, *supra.*

[14] *See* note 9, *supra.*

[15] The Prior Low Duration Notice stated that ''[w]hile emerging markets corporate debt securities (excluding commercial paper) generally must have $200 million or more par amount outstanding and significant par value traded to be considered as an eligible investment for the Fund, at least 80% of issues of such securities held by the Fund must have $200 million or more par amount outstanding at the time of investment. This condition will continue to apply.

[16] *See* note 11, *supra.*

[17] Securities Exchange Act Release No. 60619, (September 3, 2009), 74 FR 46820 (September 11, 2009) (SR–NYSEArca–2009–79) (notice of filing of proposal relating to PIMCO Intermediate Municipal Bond Strategy Exchange-Traded Fund and PIMCO Short-Term Municipal Bond Strategy Exchange-Traded Fund) (''Prior Short Term Notice''); 60981 (November 10, 2009) 74 FR 59594 (November 18, 2009) (SR–NYSEArca–2009–79) (order approving proposed rule change relating to listing of five fixed income funds of the PIMCO ETF Trust) (''Prior Short Term Order''); 73331 (October 9, 2014), 79 FR 62213 (October 16, 2014) (SR–NYSEArca–2014–104) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Use of Derivative Instruments by Certain PIMCO Exchange-Traded Funds) (collectively, ''Prior Short Term Releases'').

[18] *See* note 8, *supra.*

[19] *See* note 9, *supra.*

[20] The Exchange notes that the Commission previously has approved listing and trading of issues of Managed Fund Shares for which there was no limitation on portfolio maturity for debt instruments. *See, e.g.,* Securities Exchange Act Release Nos. 76126 (October 9, 2015) (SR–Nasdaq–2015–095) (Order Granting Approval of Proposed Rule Change Relating to the Listing and Trading of the Shares of the AltShares Long/Short High Yield Fund of ETFis Series Trust I); 68972 (February 22, 2013) (SR–Nasdaq–2012–147) (Order Granting Approval of Proposed Rule Change Relating to the Listing and Trading of the Shares of the First Trust High Yield Long/Short ETF of First Trust Exchange-Traded Fund IV).

[21] Securities Exchange Act Release No. 60619, (September 3, 2009), 74 FR 46820 (September 11, 2009) (SR–NYSEArca–2009–79) (notice of filing of proposal relating to PIMCO Intermediate Municipal Bond Strategy Exchange-Traded Fund and PIMCO Short-Term Municipal Bond Strategy Exchange-Traded Fund) (''First Prior Intermediate Municipal Bond Notice''); 60981 (November 10, 2009) 74 FR 59594 (November 18, 2009) (SR–NYSEArca–2009–79) (order approving proposed rule change relating to listing of five fixed income funds of the PIMCO ETF Trust); 75978 (September 24, 2015) (SR–NYSEArca–2015–79) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change Regarding the PIMCO Intermediate Municipal Bond Active Exchange-Traded Fund) (''Second Prior Intermediate Municipal Bond Notice''); 73331 (October 9, 2014) (SR–NYSEArca–2014–104) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Use of Derivative Instruments by Certain PIMCO Exchange-Traded Funds) (collectively, ''Prior Intermediate Municipal Bond Releases'').

[22] *See* note 8, *supra.*

[23] *See* note 9, *supra.*

[24] Securities Exchange Act Release No. 60619 (September 3, 2009), 74 FR 46820 (September 11, 2009) (SR–NYSEArca–2009–79) (notice of filing of proposed rule change relating to listing of five fixed income funds of the PIMCO ETF Trust, including the PIMCO Enhanced Short Maturity Strategy Fund) (''Prior Short Maturity Notice''); 60981 (November 10, 2009), 74 FR 59594 (November 18, 2009) (SR–NYSEArca–2009–79) (order approving proposed rule change relating to listing of five fixed income funds of the PIMCO ETF Trust) (collectively, ''Prior Short Maturity Releases'').

denominated debt securities, which may be of any credit quality.[25]

The Prior Short Maturity Notice stated that the average portfolio duration of this Fund will vary based on PIMCO's forecast for interest rates and will normally not exceed one year. The Adviser proposes to revise this representation to state the average portfolio duration of this Fund will vary based on PIMCO's forecast for interest rates and will normally not exceed one and one half years.[26]

The Prior Short Maturity Notice stated that the dollar-weighted average portfolio maturity of the Fund is normally not expected to exceed three years. The Adviser proposes to revise this representation to state the Fund will not have any portfolio maturity limitation and may invest its assets in instruments with short-term, medium-term, or long-term maturities.[27]

The Prior Short Maturity Notice stated that the Fund may invest up to 5% of its total assets in U.S. dollar-denominated fixed-income securities and instruments that are economically tied to emerging market countries. The Adviser proposes to revise this representation to state the Fund may invest up to 10% of its total assets in U.S. dollar-denominated fixed-income securities and instruments that are economically tied to emerging market countries.[28]

The Adviser represents that the proposed changes to the Fund's investments referenced above are consistent with the Fund's investment objective, and will further assist the Adviser to achieve such investment objective.

Except for the changes noted above, all other representations made in the Prior Bond Releases, the Prior Bond Low Duration Releases, the Prior Short Term Releases, the Prior Intermediate Municipal Bond Releases, and the Prior Short Maturity Releases, respectively, remain unchanged.

All terms referenced but not defined herein are defined in the Prior Bond Releases, the Prior Low Duration Releases [sic], the Prior Short Term Releases, the Prior Intermediate Municipal Bond Releases, and the Prior Short Maturity Releases, respectively.

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under Section 6(b)(5)[29] that an exchange have rules that are 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, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices, and is designed to promote just and equitable principles of trade and to protect investors and the public interest.

With respect to changes in the representations regarding investments in investment grade and high yield debt securities for each of the Funds' portfolios, such changes will provide each Fund with additional flexibility in selecting fixed income securities investments in view of changing market conditions and consistent with a Fund's investment objectives. The Exchange believes that the changes to representations regarding investments in investment grade or high yield fixed income securities in the applicable Funds' portfolios are consistent with prior Commission approvals of proposed rule changes for other issues of Managed Fund Shares and will not adversely impact investors or Exchange trading.[30]

With respect to the proposed changes to the representations regarding the average portfolio duration regarding the portfolios of each of the Funds, and the change to the representation regarding the dollar-weighted average portfolio maturity regarding the portfolio of the PIMCO Enhanced Short Maturity Active Exchange-Traded Fund and the PIMCO Short Term Municipal Bond Active Exchange-Traded Fund, the Exchange believes such changes will not adversely impact investors or Exchange trading and will provide such Funds with additional flexibility in managing the Funds' investments based on the Adviser's assessment of market conditions impacting the Funds' investments. Further, a more flexible bandwidth for the average portfolio duration and dollar-weighted average portfolio maturity will allow the Funds to respond more effectively to changing market conditions. The Exchange believes that the change to the average portfolio duration and dollar-weighted average portfolio maturity of the applicable Funds' portfolios are consistent with prior Commission approvals of proposed rule changes for other issues of Managed Fund Shares and will not adversely impact investors or Exchange trading.[31]

With respect to proposed changes in the representations regarding investments in securities and instruments that are economically tied to emerging market countries for the PIMCO Active Bond Exchange-Traded Fund, PIMCO Enhanced Short Maturity Active Exchange-Traded Fund and PIMCO Enhanced Low Duration Active Exchange-Traded Fund, such changes will provide each Fund with additional flexibility in selecting fixed income securities investments of emerging market issuers, which may be appropriate in view of changing market conditions and consistent with a Fund's investment objectives. The Exchange believes that the changes to such representations are consistent with prior Commission approvals of proposed rule changes for other issues of Managed Fund Shares and will not adversely impact investors or Exchange trading.[32]

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes the proposed rule change will enhance competition among issues of exchange-traded funds that invest in fixed income securities to the benefit of investors and the marketplace.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the 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[33] and Rule 19b–4(f)(6) thereunder.[34]

[25] *See* note 8, *supra.*

[26] *See* note 9, *supra.*

[27] *See* note 20, *supra.*

[28] *See* note 11, *supra.*

[29] 15 U.S.C. 78f(b)(5).

[30] *See* note 8, *supra.*

[31] *See* notes 9 and 20, *supra.*

[32] *See* note 11, *supra.*

[33] 15 U.S.C. 78s(b)(3)(A).

[34] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief

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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 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. 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–NYSEArca–2017–120 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–NYSEArca–2017–120. 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–NYSEArca–2017–120 and should be submitted on or before November 13, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[35]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–22885 Filed 10–20–17; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81888; File No. SR–NYSEArca–2017–118]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 6.76A–O To Adopt Additional Self-Trade Prevention Modifiers

October 17, 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 3, 2017, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. 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 the Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 6.76A–O (Order Execution—OX). The proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the filing is to amend Commentary .01 to NYSE Arca Rule 6.76A–O (Order Execution—OX) regarding the Exchange's Self-Trade Prevention (''STP'') functionality.[4] The Exchange currently offers a basic form of self-trade prevention[5] pursuant to which the Exchange cancels any resting Market Maker quote(s) and order(s)[6] to buy (sell) that are priced equal to or higher (lower) than an incoming Market Maker quote, order or both to sell (buy) entered under the same trading permit identification (''TPID'').[7]

The Exchange proposes to expand the self-trade functionality by adopting three STP modifiers. The proposed STP modifiers are designed to prevent incoming Market Maker order(s) or quote(s) designated with an STP

description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[35] 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] Self-Trade Prevention is only applicable to electronic trading on the Exchange.

[5] *See* Securities Exchange Act Release No. 66386 (February 13, 2012), 77 FR 9721 (February 17, 2012) (SR–NYSEArca–2012–08).

[6] Self-Trade Prevention currently is applicable to the following order types used by Market Makers: ''PNP Orders,'' ''PNP–Blind Orders,'' and ''PNP–Light Orders.'' PNP Orders, PNP–Blind Orders, and PNP–Light Orders are defined in NYSE Arca Rule 6.62–O, and each is a type of non-routable Limit Order that is only executed on the Exchange. The Exchange notes that Market Makers primarily use these order types, as opposed to other order types offered by the Exchange, because they are similar to quotes (*i.e.,* they are non-routable Limit Orders). *See* Regulatory Information Bulletin RBO–12–04 at *https://www.nyse.com/publicdocs/nyse/markets/arca-options/rule-interpretations/2012/NYSEArca%20RBO-12-04.pdf.*

[7] The Exchange uses a Market Maker's TPID to monitor for self-trades. TPIDs are assigned to Market Makers, as well as other OTP Firms and OTP Holders, to identify them in the Exchange's systems. Market Makers on the Exchange are not able to submit orders on an agency basis. Thus, a Market Maker within a firm that conducts both an agency and market making business has a unique TPID that could only be used for that Market Maker's quotes and orders.

modifier from executing against an opposite side resting Market Maker order(s) or quote(s) also designated with an STP modifier and entered from the same TPID. As proposed, the STP modifier on the incoming Market Maker order or quote would control the interaction between two orders and/or quotes marked with STP modifiers. The proposed STP modifiers are intended to prevent interaction between the same TPIDs. STP modifiers must be present on both the buy and the sell interest in order to prevent an interaction from occurring and to effect a cancel instruction.

The Exchange believes the proposed functionality will allow OTP Holders to better manage order flow and prevent undesirable or unexpected executions with themselves. Given enhancements in technology in today's trading environment, OTP Holders often have multiple connections into the Exchange. Orders, for example, routed by the same OTP Holder via different connections may, in certain circumstances, trade against each other. The proposed STP modifiers would provide OTP Holders the opportunity to prevent these potentially undesirable interactions occurring under the same TPID on both the buy and sell side of an execution.

The three new STP modifiers are discussed more thoroughly below.

STP Cancel Newest (''STPN'')

An incoming order or quote marked with the STPN modifier will not execute against opposite side resting interest marked with any STP modifier from the same TPID. The incoming order or quote marked with the STPN modifier will be cancelled back to the originating TPID. The resting order(s) or quote(s) will remain on the Consolidated Book.

STPN Example 1: Market Maker 1 is configured for one of the three proposed STP modifiers and submits a quote to sell 100 contracts @ $5.50. A Customer order to sell 5 contracts @ $5.49 is resting on the Consolidated Book. Market Maker 1 enters an order to buy 100 contracts @ $5.60 with an STPN modifier.

STPN Result 1: Market Maker 1 buys 5 contracts @ $5.49 because Market Maker 1 has no interest at $5.49. The remaining quantity of Market Maker 1's order will be cancelled due to Market Maker 1's quote at $5.50.

STPN Example 2: Market Maker 1 is configured for one of the three proposed STP modifiers and submits a quote to sell 100 contracts @ $5.50. A Customer order to sell 5 contracts @ $5.50 is resting on the Consolidated Book. Market Maker 1 enters an order to buy 200 contracts @ $5.60 with an STPN modifier.

STPN Result 2: Market Maker 1's entire order to buy 200 contracts is cancelled due to Market Maker 1's quote at $5.50. No execution with any other interest at $5.50 occurs.

STP Cancel Oldest (''STPO'')

An incoming order or quote marked with the STPO modifier will not execute against opposite side resting interest market with any STP modifier from the same TPID. The resting order(s) or quote(s) marked with the STP modifier will be cancelled back to the originating TPID. The incoming order or quote marked with the STPO modifier will remain on the Consolidated Book.

STPO Example 1: Market Maker 1 is configured for one of the three proposed STP modifiers and submits a quote to sell 100 contracts @ $5.50. Market Maker 1 enters an order to buy 100 contracts @ $5.50 with an STPO modifier.

STPO Result 1: Market Maker 1's buy order cannot trade with Market Maker 1's quote because the buy order is marked for STP and the quotes are configured for STP. Market Maker 1's quote to sell is cancelled and removed from the Consolidated Book. Market Maker 1's buy order will post to the Consolidated Book at $5.50.

STPO Example 2: Market Maker 1 has a resting order on the Consolidated Book to sell 10 contracts @ $5.51 with an STPN modifier. Market Maker 1 is configured for one of the three proposed STP modifiers and submits a quote to sell 100 contracts @ $5.50. Customer 1 has an order to sell 5 contracts @ $5.50 resting on the Consolidated Book. Customer 2 has an order to sell 10 contracts @ $5.51 resting on the Consolidated Book. Market Maker 1 enters an order to buy 100 contracts @ $5.51 with an STPO modifier.

STPO Result 2: Market Maker 1's buy order cannot trade with Market Maker 1's quote because the buy order is marked for STP and the quotes are configured for STP. Market Maker 1's quote to sell 100 contracts @ $5.50 is cancelled and removed from the Consolidated Book. Market Maker 1's buy order will trade 5 contracts with Customer 1 at $5.50, leaving 95 contracts. The remaining 95 contracts will now attempt to trade at the $5.51 price level. Market Maker 1's buy order, however, cannot trade with Market Maker 1's resting sell order and the sell order is therefore cancelled and removed from the Consolidated Book. Market Maker 1's buy order will then trade 10 contracts with the Customer 2 @ $5.51. The remaining 85 contracts of Market Maker 1's buy order will post to the Consolidated Book at $5.51.

STP Cancel Both (''STPC'')

An incoming order or quote marked with the STPC modifier will not execute against opposite side resting interest marked with any STP modifier from the same TPID. The entire size of both orders and/or quotes will be cancelled back to the originating TPID.

STPC Example 1: Market Maker 1 is configured for one of the three proposed STP modifiers and submits a quote to sell 100 contracts @ $5.50. Market Maker 1 enters an order to buy 100 contracts @ $5.50 with an STPC modifier.

STPC Result 1: No execution occurs. Both Market Maker 1's buy order and Market Maker 1's quote to sell are cancelled and removed from the Consolidated Book.

STPC Example 2: Market Maker 1 has a resting order on the Consolidated Book to sell 10 contracts @ $5.51 with an STPN modifier. Market Maker 1 is configured for one of the three proposed STP modifiers and submits a quote to sell 100 contracts @ $5.50. Market Maker 1 enters an additional order to buy 100 contracts @ $5.51 with an STPC modifier.

STPC Result 2: Market Maker 1's buy order cannot trade with Market Maker 1's quote to sell 100 contracts @ $5.50 because the buy order is marked for STP and the quotes are configured for STP. Both the Market Maker 1 buy order and the Market Maker 1 quote to sell are cancelled and removed from the Consolidated Book. Market Maker 1's resting sell order to sell 10 contracts @ $5.51 is not impacted as the incoming Market Maker 1 buy order never attempts to trade at the $5.51 price level and therefore, Market Maker 1's resting sell order remains on the Consolidated Book.

Additional Discussion

As with the current functionality, the enhanced STP functionality would be in effect throughout the trading day for all Market Makers on the Exchange,[8] but not during Trading Auctions.[9] In this regard, the Exchange believes, as it previously noted when STP was first adopted, it is highly unlikely that a Market Maker would trade against its own resting interest during a Trading Auction.[10] The enhanced STP

[8] Market Markers on the Exchange would not have the ability to deactivate Self-Trade Prevention or change any settings related to it.

[9] *See, e.g.,* NYSE Arca Rule 6.64–O.

[10] *See supra,* note 5. The Exchange also previously noted that it would be difficult to

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functionality would also not apply to individual legs of Complex Orders. As previously noted by the Exchange, senders of Complex Orders, including Market Makers, view them as discrete orders with a desire to execute all legs and to prevent the execution of one leg would be contrary to the investment purpose of the Complex Order.[11]

As proposed, the enhanced STP functionality would not be applicable to Qualified Contingent Cross (''QCC'') Orders.[12] QCC Orders are paired orders intended to serve a particular investment purpose that are contingent on the options leg of a QCC Order being executed. Because the non-execution of the options leg is contrary to the investment purpose of a QCC Order, the Exchange has determined not to apply STP in a manner that would prevent the execution of a QCC Order. The Exchange notes that the enhanced STP functionality proposed herein would not relieve or modify a Market Maker's obligations under the Exchange's Rules, such as the Market Maker's quoting obligations, or any other rules and regulations to which the Market Maker is subject.

The enhanced STP functionality proposed herein is similar to functionality currently offered by the Bats Exchange, Inc. (''Bats'').[13] In particular, Bats offers Match Trade Prevention (''MTP''), a self-trade prevention functionality where any incoming order designated with an MTP modifier is prevented from executing against a resting opposite side order also designated with an MTP modifier and originating from the same market participant identifier. Additionally, the Exchange's equities market provides for self-trade prevention order modifiers that prevent orders so designated from executing against resting opposite side orders entered under the same equity trading permit identification that are also designated with the modifier.[14] With two exceptions, the Exchange is proposing to adopt all the STP modifiers that are currently available on Bats.[15] And with one exception, the Exchange is proposing to adopt all the STP modifiers that are currently available on the Exchange's equities market.[16] The Exchange notes that while the Bats rule and the NYSE Arca equities rule apply to orders, and not to orders and quotes, the Exchange's proposal is otherwise similar to functionality offered on Bats and on the Exchange's equities market.

The NASDAQ Options Market (''NOM'') currently offers functionality that applies to orders and quotes, but in a limited manner.[17] Notwithstanding the fact that the STPN and STPC modifiers, as proposed for orders and quotes, are not currently available on an options market, the Exchange does not believe the proposed functionality is novel and does not raise any new regulatory concerns. Further, the STP functionality currently available on the Exchange applies to both orders and quotes, and Market Makers are therefore generally familiar with the application of self-trade prevention to orders and quotes. The Exchange further believes the proposed adoption of the STPN and STPC modifiers would add further specificity to the rule while aligning the proposed functionality with Market Makers' expectation. Self-trade prevention is a risk mechanism tool to prevent inadvertent trading of both orders and quotes that has been widely used for many years in both the equities and options markets. The enhanced functionality proposed herein would provide Market Makers with a method of managing their trading interest that is similar to functionality currently available on other markets.

The Exchange also proposes at this time to make a procedural change for announcements regarding the STP functionality. Presently the Exchange issues Regulatory Information Bulletins when making announcements related to STP functionality. Going forward, the Exchange proposes to issue a Trader Update in lieu of a Regulatory Information Bulletin. Regulatory Information Bulletins generally contain information regarding legal and regulatory matters while a Trader Update deals with issues such as trading, systems changes and real-time market announcements. The Exchange believes that it is more appropriate to make announcements regarding the STP functionality via Trader Update. Trader Updates, like Regulatory Information Bulletins, are electronically distributed to OTP Holders and posted on the Exchange's Web site. Accordingly, the Exchange proposes to amend Commentary .01 to current Rule 6.76A–O by replacing reference to ''Regulatory Information Bulletin'' with ''Trader Update.''

Implementation

Because of the technology changes associated with this proposed rule change, the Exchange will announce by Trader Update the implementation date of the proposed rule change, which will be no later than 60 days from the effective date of this rule filing.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b)[18] of the Securities Exchange Act of 1934 (the ''Act''), in general, and furthers the objectives of Section 6(b)(5),[19] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanisms of a free and open market and a national market system.

As discussed above, the Exchange believes that the proposed rule change is designed to promote just and equitable principles of trade because it would provide Market Makers with a functionality that is similar to functionality currently available on other markets.[20] Additionally, the Exchange believes that the proposed

implement STP from a technological and operational perspective because it would require the Exchange to cancel resting, executable Market Maker trading interest as it is calculating the price at which to conduct the Trading Auction.

[11] *See supra,* note 5.

[12] A QCC Order is comprised of an originating order to buy or sell at least 1,000 contracts, or 10,000 mini-options contracts, that is identified as being part of a qualified contingent trade, as that term is defined in Commentary .02 to Rule 6.62–O, coupled with a contra-side order or orders totaling an equal number of contracts. *See* NYSE Arca Rule 6.62–O(bb).

[13] *See* Bats Rule 21.1(g).

[14] *See* NYSE Arca Rule 7.31–E(i)(2).

[15] Bats currently offers MTP Decrement and Cancel (''MDC'') where an incoming order with the MDC modifier is prevented from executing against opposite side resting interest marked with any MTP modifier originating from the same user on that exchange. If both orders are equal in size, both orders are canceled. For those not equivalent in size, the smaller order is canceled and the larger order is decremented by the size of the smaller order with the balance remaining on the order book. Bats also currently offers MTP Cancel Smallest (''MCS'') where an incoming order with the MCS modifier is prevented from executing against opposite side resting interest marked with any MTP modifier originating from the same user. If both orders are equal in size, both orders are cancelled. For those not equivalent in size, the smaller order is canceled and the larger order remains on the book.

[16] The NYSE Arca equities market also currently offers STP Decrement and Cancel (''STPD'') that provides similar self-trade prevention functionality as the Bats offering. At this time, the Exchange is not proposing to adopt the STPD modifier for the options market.

[17] *See* NOM, Chapter VI, Section 10(6). The NOM anti-internalization (''AIQ'') functionality works similar to the proposed STPO modifier in that quotes and orders entered by NOM market makers using the same market participant identifier are automatically prevented from interacting with each other. Rather than executing quotes and orders from the same market participant identifier, the AIQ functionality cancels the oldest of the quotes and orders.

[18] 15 U.S.C. 78f(b).

[19] 15 U.S.C. 78f(b)(5).

[20] *See supra,* notes 13, 14 and 17.

rule change is designed to prevent fraudulent and manipulative acts and practices, to remove impediments to, and perfect the mechanisms of, a free and open market and a national market system and, in general, to protect investors and the public interest, because it would allow Market Makers to better manage their trading interest and provide a means to prevent executions against their own trading interest.

The Exchange notes that Market Makers have expressed an interest in the proposed functionality as it would prevent them from inadvertently trading with their own interest. In such a situation, OTP Holders currently ask the Exchange to nullify such inadvertent trades, which they are permitted to do under the Exchange's rules because the OTP Holder is on both sides of the trade.[21] While the proposed STP functionality would prevent inadvertent self-trading, the Exchange notes that the functionality would also prevent intentional self-trading. In this regard, the proposed rule change provides a means to prevent manipulative conduct such as ''wash trading.''

Finally, the replacement of reference to Regulatory Information Bulletin with Trader Update, would foster cooperation and coordination with persons engaged in facilitating transactions in securities as Trader Updates deal with issues such as trading, systems changes and real-time market announcements and are electronically distributed to OTP Holders and posted on the Exchange's Web site.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is designed to enhance STP functionality provided to Exchange Market Makers, and will benefit members that wish to protect their orders and quotes against trading with other orders and quotes that originate from the same TPID. The new functionality, which is similar to functionality currently offered on other markets, is also voluntary, and the Exchange therefore does not believe that providing an enhanced offering to prevent against self-trading will have any significant impact on competition. The Exchange believes that the proposed rule change is evidence of the competitive environment in the options industry where exchanges must continually improve their offerings to maintain competitive standing.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6) thereunder.[22]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act [23] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii) [24] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the Exchange can implement the enhanced functionality without delay. The Exchange believes that waiver of the operative delay is consistent with the protection of investors and the public interest because it would enable the Exchange to implement the change when the technology supporting the change is available, which the Exchange anticipates will be no later than 60 days from the effective date of this rule filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because the new functionality is designed to provide market makers with a tool to prevent undesirable executions against themselves and therefore may assist market makers in managing their order flow. Therefore, the Commission hereby waives the operative delay and designates the proposed rule change operative upon filing.[25]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2017–118 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–NYSEArca–2017–118. 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

[21] *See* NYSE Arca Rule 6.77A–O.

[22] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[23] 17 CFR 240.19b–4(f)(6).

[24] 17 CFR 240.19b–4(f)(6)(iii).

[25] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such 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–NYSEArca–2017–118, and should be submitted on or before November 13, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[26]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–22883 Filed 10–20–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81889; File No. SR–IEX–2017–33]

Self-Regulatory Organizations: Investors Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Reflect Name Changes of NYSE MKT to NYSE American LLC and the National Stock Exchange to NYSE National, Inc.

October 17, 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, the Investors Exchange LLC (''IEX'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. 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

Pursuant to the provisions of Section 19(b)(1) under the Securities Exchange Act of 1934 (''Act''),[4] and Rule 19b–4 thereunder,[5] Investors Exchange LLC (''IEX'' or ''Exchange'') is filing with the Commission a proposed rule change to amend Rules 2.220(a)(7) and 11.410(a) to reflect the name change NYSE MKT to NYSE American LLC (''NYSE American'') and the National Stock Exchange to NYSE National, Inc. (''NYSE National''). The Exchange has designated this rule change as ''non-controversial'' under Section 19(b)(3)(A) of the Act[6] and provided the Commission with the notice required by Rule 19b–4(f)(6) thereunder.[7] The text of the proposed rule change is available at the Exchange's Web site at *www.iextrading.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 the 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 these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rules 2.220(a)(7) and 11.410(a) to reflect reflect [sic] the name change NYSE MKT to NYSE American[8] and the National Stock Exchange to NYSE National.[9] IEX Rule 2.220(a)(7) lists the away trading centers that IEX Services LLC (''IEX Services'') routes to as outbound router for the Exchange. Rule 11.410(a) specifies the market data sources for each away trading center that the Exchange uses for necessary price reference points. The proposed changes are nonsubstantive and do not alter the manner in which orders are handled or routed by the Exchange. The Exchange notes that NYSE National ceased operations on February 1, 2017 and has not yet re-launched operations.[10]

2. Statutory Basis

IEX believes that the proposed rule change is consistent with the provisions of Section 6(b)[11] of the Act in general, and furthers the objectives of Section 6(b)(5) of the Act[12] in particular, in that it is 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. The Exchange believes it is consistent with the Act to update the referenced rules to reflect the name changes of NYSE American and NYSE National so that IEX's rules accurately specify away markets referenced, as well as to avoid any potential confusion on the part of market participants. As noted in the Purpose section, the proposed changes are nonsubstantive and do not alter the manner in which orders are handled or routed by the Exchange.

B. Self-Regulatory Organization's Statement on Burden on Competition

IEX 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 Exchange believes that the proposed correction does not impact competition in any respect since it is designed to simply update away market names.

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 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 if consistent with the protection of investors and the public interest, provided that the self-regulatory

[26] 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] 15 U.S.C. 78s(b)(1).

[5] 17 CRF 240.19b–4.

[6] 15 U.S.C. 78s(b)(3)(A).

[7] 17 CFR 240.19b–4.

[8] *See* Securities Exchange Act Release No. Securities Exchange Act Release No. 80283 (March 21, 2017), 82 FR 15244 (March 27, 2017) (SR–NYSEMKT–2017–14).

[9] *See* Securities Exchange Act Release No. 79902 (January 30, 2017), 82 FR 9258 (February 3, 2017) (SR–NSX–2016–16).

[10] *See* NYSE Trader Update dated January 18, 2017 available at: *https://www.nyse.com/publicdocs/nyse/markets/nyse/NYSE_Group_NSX_Member_Notice.pdf.*

[11] 15 U.S.C. 78f.

[12] 15 U.S.C. 78f(b)(5).

organization has given the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change or such shorter time as designated by the Commission,[13] the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[14] and Rule 19b–4(f)(6) thereunder.[15]

A proposed rule change filed under Rule 19b–4(f)(6)[16] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b4(f)(6)(iii),[17] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission notes that the proposed rule change does not present any new, unique or substantive issues, but rather is merely updating references to away markets in two of the Exchange's rules and that waiver of the 30-day operative delay will help prevent potential confusion to market participants. Therefore, the Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest and designates the proposed rule change as operative upon filing.[18]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is 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)[19] 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. 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–IEX–2017–33 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–IEX–2017–33. This file number should be included in 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 will also be available for inspection and copying at the IEX's principal office and on its Internet Web site at *www.iextrading.com.* 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–IEX–2017–33 and should be submitted on or before November 13, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–22884 Filed 10–20–17; 8:45 am]

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[13] The Exchange has fulfilled this requirement.

[14] 15 U.S.C. 78s(b)(3)(A).

[15] 17 CFR 240.19b–4(f)(6).

[16] *Id.*

[17] 17 CFR 240.19b–4(f)(6)(iii).

[18] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[19] 15 U.S.C. 78s(b)(2)(B).

[20] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81892; File No. SR–ICC–2017–013]

Self-Regulatory Organizations; ICE Clear Credit LLC; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change Relating to Changes to the ICC Clearing Rules

October 17, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4[2] notice is hereby given that on October 11, 2017, ICE Clear Credit LLC (''ICC'' or ''ICE Clear Credit'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change described in Items I, II, and III below, which Items have been prepared primarily by ICC. The Commission is publishing this notice and order to solicit comments on the proposed rule change from interested persons and to approve the proposed rule changes on an accelerated basis.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The principal purpose of the proposed rule change is to implement certain amendments to the ICC Clearing Rules (the ''Rules'') relating to implementation of Venezuela sanctions.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, ICC 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. ICC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) Purpose

The purpose of the proposed changes is to modify certain provisions of the Rules applicable to cleared CDS contracts (or components thereof) for which the Bolivarian Republic of Venezuela is a reference entity, in light of the sanctions (the ''Venezuela Sanctions'') imposed by Executive Order 13808 of August 24, 2017

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Imposing Additional Sanctions With Respect to the Situation in Venezuela [3] (the ''Executive Order'') and related implementing actions by the U.S. Treasury Department Office of Foreign Asset Control (''OFAC'').

The amendments will incorporate in the terms and conditions for such contracts the Additional Provisions for Certain Venezuelan Entities: Excluded Obligations and Excluded Deliverable Obligations published by the International Swaps and Derivatives Association, Inc. (''ISDA'') on September 19, 2017 (the ''Venezuela Additional Provisions''). Consistent with the approach expected to be taken throughout the cleared and uncleared CDS market, ICE Clear Credit will make the Venezuela Additional Provisions applicable to relevant CDS contracts cleared by ICE Clear Credit beginning on the industry-wide implementation date (currently expected to be on or around October 20, 2017 (the ''Additional Provisions Effective Date'')).

Among other provisions, the Executive Order prohibits transactions in or relating to certain bonds issued by the government of Venezuela, except to the extent permitted by a license issued by OFAC (''Restricted Debt''). The Venezuela Additional Provisions implement this prohibition by excluding Venezuela government bonds that are Restricted Debt from being ''Obligations'' or ''Deliverable Obligations'' under the terms of a CDS contract. As such, credit events with respect to such Restricted Debt could not be used to trigger credit protection under a CDS contract, and such Restricted Debt could not be used in settlement of a CDS contract. Pursuant to the terms of the Venezuela Additional Provisions, these limitations would cease to apply upon the lifting of sanctions under the Executive Order.

ICE Clear Credit understands, through discussions with market participants, that market participants generally are expected to adhere to a protocol implementing the Venezuela Additional Provisions for existing contracts in the uncleared CDS market, effective as of the Additional Provisions Effective Date. In an effort to maintain consistency across the CDS market, ICE Clear Credit plans to implement the amendments discussed herein as of the same time.

ICE Clear Credit is amending its Rules to incorporate the Venezuela Additional Provisions into existing Contracts. ICE Clear Credit is amending Rule 26C–316, which applies to CDX.EM Contracts, an index CDS contract for which Venezuela may be an index component. New subsection (e) provides that all open positions in CDX.EM Contracts that have a component transaction in which Venezuela is a reference entity will be amended, effective as of the Additional Provisions Effective Date, such that the Venezuela Additional Provisions apply. For clarity, the amendment also updates the transaction terms to reference the updated September 2017 ISDA Credit Derivatives Physical Settlement Matrix that takes into account the Venezuela Additional Provisions.

Similarly, ICE Clear Credit is amending Rule 26D–616, which applies to emerging market sovereign single-name CDS contracts. New subsection (c) provides that a sovereign single-name CDS contract referencing Venezuela will be amended, effective as of the Additional Provisions Effective Date, such that the Venezuela Additional Provisions apply. For clarity, the amendment also updates the transaction terms to reference the updated September 2017 ISDA Credit Derivatives Physical Settlement Matrix that takes into account the Venezuela Additional Provisions.

(b) Statutory Basis

ICE Clear Credit believes that the proposed amendments are consistent with the requirements of Section 17A of the Act [4] and the regulations thereunder applicable to it, including the standards under Rule 17Ad–22.[5] Section 17A(b)(3)(F) of the Act [6] requires, among other things, that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions, the safeguarding of securities and funds in the custody or control of the clearing agency or for which it is responsible, and the protection of investors and the public interest. Consistent with this Section, the amendments revise the terms of single-name and index CDS contracts referencing Venezuela in order to implement the Venezuela Additional Provisions and comply with the relevant restrictions in the Executive Order. In ICE Clear Credit's view, the amendments will therefore facilitate its ability to continue prompt and accurate clearing of such contracts, consistent with applicable law and the public interest as set out in the Executive Order.

Moreover, the amendments are consistent with Rule 17Ad–22(d)(1), [7] which requires that each covered clearing agency establish, implement, maintain and enforce written policies and procedures reasonably designed to provide for a well-founded, clear, transparent, and enforceable legal basis for each aspect of its activities in all relevant jurisdictions. As discussed herein, the amendments are designed to facilitate compliance by ICE Clear Credit and its clearing participants with the Venezuela Sanctions imposed by the Executive Order, by permitting clearing to continue in accordance with the restrictions on Restricted Debt imposed by the Executive Order.

(B) Clearing Agency's Statement on Burden on Competition

ICE Clear Credit does not believe the proposed amendments would have any impact, or impose any burden, on competition not necessary or appropriate in furtherance of the purposes of the Act. The changes will apply to all clearing participants and other market participants. The changes are being proposed in order to comply with the Executive Order and are being made in conjunction with an industry-wide effort to amend relevant CDS contract terms. ICE Clear Credit does not believe the amendments will impact competition among clearing members or other market participants, affect the ability of market participants to access clearing generally, or affect the cost of clearing. ICE Clear Credit further believes that any impact on clearing results from the restrictions imposed under the Executive Order, and is necessary and appropriate to ensure compliance with those restrictions.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change

Written comments relating to the proposed rule change have not been solicited or received. ICC will notify the Commission of any written comments received by ICC.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, security-based swap submission, or advance notice is consistent with the Act. Comments may be submitted by any of the following methods:

[3] 82 FR 41155 (August 29, 2017).

[4] 15 U.S.C. 78q–1.

[5] 17 CFR 240.17Ad–22.

[6] 15 U.S.C. 78q–1(b)(3)(F).

[7] 17 CFR 240.17Ad–22(d)(1).

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–ICC–2017–013 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–ICC–2017–013. 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, security-based swap submission, or advance notice that are filed with the Commission, and all written communications relating to the proposed rule change, security-based swap submission, or advance notice 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 such filings will also be available for inspection and copying at the principal office of ICE Clear Credit and on ICE Clear Credit's Web site at *https://www.theice.com/clear-credit/regulation.*

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–ICC–2017–013 and should be submitted on or before November 13, 2017.

IV. Commission's Findings and Order Granting Accelerated Approval of the Proposed Rule Change

Section 19(b)(2)(C) of the Act directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that such proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to such organization.[8] Section 17A(b)(3)(F) of the Act[9] requires, among other things, that the rules of a registered clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions, to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible, and, in general, to protect investors and the public interest. Rule 17Ad–22(d)(1)[10] requires a registered clearing agency that is not a covered clearing agency to establish, implement, maintain, and enforce written policies and procedures reasonably designed to provide for a well-founded, transparent, and enforceable legal framework for each aspect of its activities in all relevant jurisdictions.

The Commission finds that the proposed rule change is consistent with Section 17A of the Act and the relevant rules thereunder.[11] As described above, the proposed rule change is designed to amend ICC's Rules in order to take into account the Venezuela Sanctions by incorporating the Venezuela Additional Provisions. As a result of the proposed rule changes, credit events involving such bonds will not be permitted to trigger credit protection in connection with a CDS contract, nor may such bonds be used to settle a CDS contract. Consequently, the proposed rule changes are in the public interest because they ensure that ICC will be able to continue to promptly and accurately clear single-name and index CDS contracts referencing the Bolivarian Republic of Venezuela in a manner that comports with the Venezuela Sanctions. Therefore, the Commission finds that the proposed rule changes are consistent with the requirements of Section 17A(b)(3)(F) of the Act.

In addition, by amending its Rules to account for the Venezuela Sanctions described above, the Commission believes ICC's Rules will appropriately establish an enforceable legal framework with respect to the clearance of single-name and index CDS contracts referencing the Bolivarian Republic of Venezuela, and that such framework is transparent as ICC's Clearing Members, as well as other industry participants generally, are aware of such sanctions and restrictions on the relevant contracts. Therefore, the Commission finds that the proposed rule change is consistent with the requirements of Rule 17Ad–22(d)(1).

In its filing, ICC requested that the Commission grant accelerated approval of the proposed rule change pursuant to Section 19(b)(2) of the Act. Under Section 19(b)(2)(C)(iii) of the Act,[12] the Commission may grant accelerated approval of a proposed rule change if the Commission finds good cause for doing so. ICC believes that accelerated approval is warranted because the proposed rule change is designed to ensure that ICC can continue to clear single-name and index CDS referencing the Bolivarian Republic of Venezuela consistent with the terms of the Venezuela Sanctions, thereby promoting the maintenance of fair and orderly markets in such CDS contracts.

The Commission finds good cause, pursuant to Section 19(b)(2)(C)(iii) of the Act, for approving the proposed rule change on an accelerated basis, prior to the 30th day after the date of publication in the **Federal Register** because the proposed rule change is intended to comply with the requirements set forth in an Executive Order binding on ICC. Moreover, the proposed rule change must be in place prior to the 30th day after the date of publication in the **Federal Register** in order to meet the timing of the industry-wide implementation of uniform terms to comply with the Executive Order.

V. Conclusion

On the basis of the foregoing, the Commission finds that the proposal is consistent with the Requirements of the Act and the relevant rules thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[13] that the proposed rule change (File No. SR–ICC–2017–013) be, and hereby is, approved on an accelerated basis.[14]

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–22887 Filed 10–20–17; 8:45 am]

BILLING CODE 8011–01–P

[8] 15 U.S.C. 78s(b)(2)(C).

[9] 15 U.S.C. 78q–1(b)(3)(F).

[10] 17 CFR 240.17Ad–22(d)(1).

[11] 15 U.S.C. 78q–1.

[12] 15 U.S.C. 78s(b)(2)(C)(iii).

[13] 15 U.S.C. 78s(b)(2).

[14] In approving the proposed rule change, the Commission considered the proposal's impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81891; File No. SR–BatsEDGX–2017–29]

Self-Regulatory Organizations; Bats EDGX Exchange, Inc.; Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1, To Adopt New Rules Governing the Trading of Complex Orders on the Exchange

October 17, 2017.

I. Introduction

On June 30, 2017, Bats EDGX Exchange, Inc. (''EDGX'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to adopt rules to govern the trading of complex orders on EDGX. The proposed rule change was published for comment in the **Federal Register** on July 19, 2017.[3] The Commission received no comments regarding the proposal. On August 23, 2017, pursuant to Section 19(b)(2) of the Act,[4] the Commission extended the time for Commission action on the proposal until October 17, 2017.[5] EDGX filed Amendment No. 1 to the proposal on October 16, 2017.[6] The Commission is publishing this notice to solicit comment on Amendment No. 1 to the proposed rule change from interested persons and is approving the proposed rule change, as modified by Amendment No. 1, on an accelerated basis.

II. Description of the Proposed Rule Change, as Modified by Amendment No. 1

A. Definitions

New EDGX Rule 21.20 establishes the following defined terms that will apply to the trading of complex orders: ABBO,[7] BBO,[8] Complex Order Auction (''COA''),[9] COA-Eligible Order,[10] Complex Order,[11] Complex Order Book (''COB''),[12] Complex Strategy,[13] NBBO,[14] Regular Trading,[15] Simple Book,[16] Synthetic Best Bid or Offer (''SBBO''),[17] and Synthetic National Best Bid or Offer (''SNBBO'').[18]

B. Order Types and Times in Force

EDGX proposes to amend EDGX Rule 21.1 to add two new Times in Force that are not currently available on EDGX, Good Til Cancelled (''GTC'') [19] and At the Open (''OPG'') orders.[20] Both GTC and OPG ultimately will be available on both the Simple Book and on the COB.[21] EDGX notes that other exchanges offer GTC orders and orders that, like OPG orders, participate only in the exchange's opening process.[22] Complex orders also may be submitted with a Time in Force of GTD, IOC, or DAY.[23]

EDGX proposes to allow Members to submit limit and market complex orders,[24] COA-eligible and Do Not COA Orders,[25] and Complex Orders with Match Trade Prevention Modifiers.[26]

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 81137 (July 13, 2017), 82 FR 33170 (''Notice'').

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 81468 (August 23, 2017), 82 FR 41079 (August 29, 2017).

[6] Amendment No. 1 revises the proposal to: (1) Limit the availability of Complex Only orders to EDGX Market Makers: (2) Limit to 30 seconds or less the configurable time the Exchange would wait in the event the System cannot determine an equilibrium price or a permissible equilibrium price prior to opening a strategy; (3) provide additional justification and rational for giving first priority to Priority Customer Orders on the Simple Book in the allocation of interest at the conclusion of a COA; (4) expand the discussion and justification for the proposed market data feeds; (5) provide additional clarification of the provisions addressing trading halts, Legging, and the and complex order opening process; (6) provide an example relating to the operation of concurrent COAs, and make other minor structural, technical, and clarifying amendments to improve the understandability of the rules. To promote transparency of its proposed amendment, when EDGX filed Amendment No. 1 with the Commission, it also submitted Amendment No. 1 as a comment letter to the file, which the Commission posted on its Web site and placed in the public comment file for SR–BatsEDGX–2017–29. The Exchange also posted a copy of its Amendment No. 1 on its Web site (available at: *http://cdn.batstrading.com/resources/regulation/rule_filings/pending/2017/SR-BatsEDGX-2017-29-Amendment-No-1.pdf*) when it filed Amendment No. 1 with the Commission.

[7] EDGX Rule 21.20(a)(1) defines the term ABBO to mean the best bid(s) or offer(s) disseminated by other Eligible Exchanges (as defined in Rule 27.1(a)(7)) and calculated by the Exchange based on market information received by the Exchange from OPRA.

[8] EDGX Rule 21.20(a)(2) defines the term BBO to mean the best bid or offer on the Simple Book on the Exchange.

[9] EDGX Rule 21.20(a)(3) defines the Complex Order Auction (''COA'') as an auction of a complex order as set forth in EDGX Rule 21.20(d).

[10] EDGX Rule 21.20(a)(4) defines a COA-eligible order as a complex order designated to be placed into a Complex Order Auction upon receipt that meets the requirements of EDGX Rule 21.20(d)(1).

[11] EDGX Rule 21.20(a)(5) defines a complex order as any order involving the concurrent purchase and/or sale of two or more different options in the same underlying security (the ''legs'' or ''components'' of the complex order), for the same account, in a ratio that is equal to or greater than one-to-three (.333) and less than or equal to three-to-one (3.00) and for the purposes of executing a particular investment strategy. Only those complex orders in the classes designated by the Exchange and communicated to Members with no more than the applicable number of legs, as determined by the Exchange on a class-by-class basis and communicated to Members, are eligible for processing. The Exchange will communicate such information to Members by making publicly available specifications and/or publishing a Regulatory Circular. *See* Notice, 82 FR at 33171.

[12] EDGX Rule 21.20(a)(6) defines the Complex Order Book (''COB'') as the Exchange's electronic book of complex orders.

[13] EDGX Rule 21.20(a)(7) defines the term complex strategy to mean a particular combination of components and their ratios to one another. New complex strategies can be created as the result of the receipt of a complex instrument creation request or complex order for a complex strategy that is not currently in the System. The Exchange may limit the number of new complex strategies that may be in the System at a particular time and will communicate any such limitation to Members via specifications and/or Regulatory Circular. EDGX notes that the two methods for creating a new complex strategy will be equally available to all EDGX Members. *See* Notice, 82 FR at 33171.

[14] EDGX Rule 21.20(a)(8) defines the term NBBO to mean the national best bid or offer as calculated by the Exchange based on market information received by the Exchange from OPRA.

[15] EDGX Rule 21.20(a)(9) defines the term regular trading to mean the trading of complex orders that occurs during a trading session other than: (i) At the opening or re-opening of the COB for trading following a halt; or (ii) during the COA process (as described in EDGX Rule 21.20(d)).

[16] EDG Rule 21.20(a)(10) defines the Simple Book as the Exchange's regular electronic book of orders.

[17] EDGX Rule 21.20(a)(11) states that the Synthetic Best Bid or Offer (''SBBO'') is calculated using the best displayed price for each component of a complex strategy from the Simple Book.

[18] EDGX Rule 21.20(a)(12) states that the Synthetic National Best Bid or Offer (''SNBBO'') is calculated using the NBBO for each component of a complex strategy to establish the best net bid and offer for a complex strategy. The NBBO is the national best bid or offer as calculated by the Exchange based on market information received by the Exchange from OPRA. *See* EDGX Rule 21.20(a)(8).

[19] *See* Notice, 82 FR at 33182. GTC means, for an order so designated, that if after entry into the System, the order is not fully executed, the order (or the unexecuted portion thereof) shall remain available for potential display and/or execution unless cancelled by the entering party, or until the option expires, whichever comes first. *See* EDGX Rule 21.1(f)(4).

[20] OPG means, for an order so designated, an order that shall only participate in the opening process on the Exchange. An OPG order not executed in the opening process will be cancelled. *See* EDGX Rule 21.1(f)(6).

[21] *See* Notice, 82 FR at 33182, and EDGX Rules 21.1(f)(4) and (f)(6), and 21.20(b).

[22] *See* Notice, 82 FR at 33184–33185 (citing C2 Rules 6.10(e)(2) and 610(c)(7) and ISE Rules 715(o) and 715(r)).

[23] *See* EDGX Rule 21.20(b).

[24] *See id.*

[25] Complex orders that are marked as IOC will, by default, not initiate a COA upon arrival, but a Member that submits an order marked IOC may elect to opt-in to initiating a COA and any quantity of the IOC order not executed will be cancelled at the end of the COA. All other Times in Force will by default initiate a COA, but a Member may elect to opt-out of initiating a COA. Orders with instructions to (or which default to) initiate a COA are referred to as COA-eligible orders, subject to the additional eligibility requirements set forth in Rule 21.20, while orders with instructions not to (or which default not to) initiate a COA are referred to as do-not-COA orders. *See* EDGX Rule 21.20(b)(2).

[26] EDGX's System will support, when trading against other complex orders on the COB, complex orders with the following MTP Modifiers defined in

EDGX Market Makers [27] also will be able to submit Complex Only orders.[28] EDGX notes that limiting Complex Only orders to EDGX Market Makers is equivalent to approved functionality on MIAX and will encourage use by participants that are most likely to provide liquidity to EDGX on the COB.[29]

EDGX will communicate to Members via specifications and/or Regulatory Circular when the complex order types, among those listed in EDGX Rule 21.20(b), are available for use on EDGX.[30] EDGX expects to launch the COB with all of the proposed order types, except for orders with a Time in Force of GTC.[31]

C. Trading of Complex Orders

EDGX will determine and communicate to Members via specifications and/or Regulatory Circular which complex order origin codes (*i.e.,* non-broker-dealer customers, broker-dealers that are not Market Makers on an options exchange, and/or Market Makers on an options exchange) are eligible for entry onto the COB.[32] Complex orders will be subject to all other EDGX rules that pertain to orders submitted to EDGX generally, unless otherwise provided in Rule 21.20.[33]

1. Minimum Increments and Trade Prices

Under the proposed rules, bids and offers on complex orders may be expressed in $0.01 increments, and the component(s) of a complex order may be executed in $0.01 increments, regardless of the minimum increments otherwise applicable to individual components of the complex order.[34] If any component of a complex strategy would be executed at a price that is equal to a Priority Customer bid or offer on the Simple Book,[35] at least one other component of the complex strategy must trade at a price that is better than the corresponding BBO.[36] A complex order will not be executed at a net price that would cause any component of the complex strategy to be executed: (i) At a price of zero; or (ii) ahead of a Priority Customer Order on the Simple Book without improving the BBO of at least one component of the complex strategy.[37]

2. Execution of Complex Orders

a. Opening and Reopening

The Opening Process for the COB (''Opening Process'') will operate at the beginning of each trading session and upon re-opening after a halt.[38] Members may submit complex orders to EDGX as set forth in EDGX Rule 21.6(c).[39] Any complex orders designated for the Opening Process for the COB will be queued until 9:30 a.m., at which time they will be eligible to be executed in the Opening Process for the COB.[40] Any complex orders designated for a re-opening following a halt will be queued until the halt has ended, at which time they will be eligible to be executed in the Opening Process for the COB.[41] Beginning at 7:30 a.m. and updated every five seconds thereafter, EDGX will disseminate through the data feeds described in EDGX Rule 21.15 indicative prices and order imbalance information associated with the Opening Process for the COB while complex orders are queued prior to 9:30 a.m. or, in the case of a halt, prior to re-opening.[42]

Complex orders do not participate in the Opening Process for the individual option series conducted pursuant to EDGX Rule 21.7.[43] The Opening Process will commence when all legs of the complex strategy are open on the Simple Book.[44] If there are complex orders in a strategy that have been queued but none that can match, the System [45] will open that strategy without a trade and transition such orders to the COB, subject to Legging into the Simple Book, as described in EDGX Rule 21.20(c)(2)(F).[46]

If there are complex orders that can match, the System will determine the equilibrium price where the most complex orders can trade.[47] When an equilibrium price is established at or within the SNBBO,[48] EDGX will execute matching complex orders in price/time priority at the equilibrium price (*i.e.,* orders better than the equilibrium price are executed first in price/time priority and thereafter orders at the equilibrium price are executed in time priority).[49] Any remaining complex order or the remaining portion thereof will be entered into the COB, subject to the Member's instructions.[50] If, after a configurable time period established by EDGX that may not exceed thirty seconds, the System cannot match orders because it cannot determine an equilibrium price (*i.e.,* all queued orders are Market Orders) or a permissible equilibrium price (*i.e.,* within the SNBBO that also satisfies proposed EDGX Rule 21.20(c)(1)(C)), the System will open the strategy without a trade and transition such orders to the COB.[51]

Rule 21.1(g): MTP Cancel Newest, MTP Cancel Oldest and MTP Cancel Both. When Legging into the Simple Book, a complex order with any MTP Modifier will be cancelled if it would execute against any leg on the Simple Book that includes an order with an MTP Modifier and the same Unique Identifier as the complex order. *See* EDGX Rule 21.20(b)(3).

[27] A Market Maker is an Options Member that is registered with the Exchange for the purpose of making markets in options contracts traded on the Exchange and that is vested with the rights and responsibilities specified in Chapter XXII of EDGX's Rules. *See* EDGX Rule 16.1(a)(37).

[28] *See* Amendment No. 1. Complex Only Orders allow an EDGX Market Maker to designate a complex order with a time in force of DAY or IOC to only check against the COB. Unless designated as Complex Only, and for all other Times in Force and complex order origin codes, a complex order will check against both the COB and the Simple Book. *See* EDGX Rule 21.20(b)(1) and Amendment No. 1.

[29] *See* Amendment No. 1. EDGX believes that Market Makers may use Complex Only orders as part of their strategy to maintain additional control over their executions, in connection with their attempt to provide and not remove liquidity, or in connection with applicable fees for executions. *See id.*

[30] *See* Amendment No. 1 and EDGX Rule 21.20(b).

[31] *See* Amendment No. 1.

[32] *See* EDGX Rule 21.20(c).

[33] *See id.*

[34] *See* EDGX Rule 21.20(c)(l).

[35] The Simple Book is EDGX's regular electronic book of orders. *See* EDGX Rule 21.20(a)(10).

[36] *See* EDGX Rule 21.20(c)(l)(B). The BBO is the best bid or offer on the Simple Book on EDGX. *See* EDGX Rule 21.20(a)(2).

[37] *See* EDGX Rule 21.20(c)(1)(C).

[38] *See* EDGX Rule 21.20(c)(2)(A).

[39] *See id.* and Amendment No. 1.

[40] *See* EDGX Rule 21.20(c)(2)(A).

[41] *See id.*

[42] *See id.* and Amendment No. 1.

[43] *See* EDGX Rule 21.20(c)(2)(A).

[44] *See id.*

[45] The ''System'' is the electronic communications and trading facility designated by EDGX's Board of Directors through which securities orders of Users are consolidated for ranking, execution and, when applicable, routing away. *See* EDGX Rule 1.5(cc).

[46] *See* EDGX Rule 21.20(c)(2)(B) and Amendment No. 1.

[47] *See* EDGX Rule 21.20(c)(2)(C). EDGX Rule 21.20(c)(2)(C) further provides that if there are multiple price levels that would result in the same number of strategies executed, the System will choose the price that would result in the smallest remaining imbalance. If there are multiple price levels that would result in the same number of strategies executed and would leave the same ''smallest'' imbalance, the System will choose the price that is closest to the Volume Based Tie Breaker (''VBTB'') as the opening price. For purposes of Rule 21.20(c)(2)(C), the VBTB is the midpoint of the SNBBO. If there is no valid VBTB available, the System will use the midpoint of the highest and lowest potential opening prices as the opening price. If the midpoint price would result in an invalid increment, the System will round up to the nearest permissible increment and use that as the opening price. If executing at the equilibrium price would require printing at the same price as a Priority Customer on any leg in the Simple Book, the System will adjust the equilibrium price to a price that is better than the corresponding bid or offer in the marketplace by at least a $0.01 increment. *See id.*

[48] *See* footnote 18, *supra.*

[49] *See* EDGX Rule 21.20(c)(2)(D) and Amendment No. 1.

[50] *See* EDGX Rule 21.20(c)(2)(D).

[51] *See* EDGX Rule 21.20(c)(2)(D) and Amendment No. 1. EDGX believes that the proposed configurable time period is important because the

Continued

All complex orders received by EDGX prior to EDGX opening the strategy, including complex orders received during any delay that EDGX applies pursuant to EDGX Rule 21.20(c)(2)(D), will be eligible to be matched in the Opening Process.[52]

b. Pricing

Incoming complex orders will not be executed at prices inferior to the SBBO or at a price that is equal to the SBBO when there is a Priority Customer Order [53] at the best SBBO price.[54] Complex orders will never be executed at a price that is outside of the individual component prices on the Simple Book, and the net price of a complex order executed against another complex order on the COB will never be inferior to the price that would be available if the complex order legged into the Simple Book.[55]

Incoming complex orders that cannot be executed because the executions would be priced (i) outside of the SBBO, or (ii) equal to the SBBO due to a Priority Customer Order at the best SBBO price, will be cancelled if such complex orders are not eligible to be placed on the COB.[56] Complex orders will be executed without consideration of any prices for the complex strategy that might be available on other exchanges trading the same complex strategy provided, however, that such complex order price may be subject to the Drill-Through Price Protection set forth in Interpretation and Policy .04(f) of EDGX Rule 21.20.[57]

3. Priority

A complex order may be executed at a net credit or debit price against another complex order without giving priority to bids or offers established in the marketplace that are no better than the bids or offers comprising such net credit or debit; provided, however, that if any of the bids or offers established in the marketplace consist of a Priority Customer Order, at least one component of the complex strategy must trade at a price that is better than the corresponding BBO by at least a $0.01 increment.[58]

Complex orders will be automatically executed against bids and offers on the COB in price priority, and bids and offers at the same price on the COB will be executed in time priority.[59] Complex orders that leg into the Simple Book will be executed in accordance with EDGX Rule 21.8.[60] EDGX notes that a complex order on EDGX would execute first against orders on the Simple Book (except in the limited circumstances described in EDGX Rule 21.20(c)(2)(F)) if any of the bids or offers established in the simple marketplace consist of a Priority Customer Order.[61]

4. Managed Interest Process

EDGX Rule 21.20(c)(4) sets forth the managed interest process that describes how the System handles a complex order that is not immediately executed upon receipt, including how such an order is priced and re-priced on the COB.[62] The managed interest process, which is initiated when a complex order that is eligible to be placed on the COB cannot be executed against either the COB or the Simple Book at the complex order's net price, is intended to ensure that a complex order to be managed does not result in a locked or crossed market on the Exchange.[63] Once initiated, the managed interest process for complex orders will be based upon the SBBO.[64]

Under the managed interest process, a complex order that is resting on the COB and is either a complex market order, as described in EDGX Rule 21.20(c)(6), or a complex order with a limit price that locks or crosses the current opposite side SBBO when the SBBO is the best price, may be subject to the managed interest process for complex orders.[65] If the order is not a COA-eligible order, as defined in EDGX Rule 21.20(a)(4), the System will first determine if the inbound complex order can be matched against other complex orders resting on the COB at a price that is at or inside the SBBO (provided there are no Priority Customer Orders on the Simple Book at that price).[66] Second, the System will determine if the inbound complex order can be executed by Legging against individual orders resting on the Simple Book at the SBBO. A complex order subject to the managed interest process will never be executed at a price that is through the individual component prices on the Simple Book.[67] The net price of a complex order subject to the managed interest process that is executed against another complex order on the COB will never be inferior to the price that would be available if the complex order legged into the Simple Book.[68] When the opposite side SBBO includes a Priority Customer Order, the System will book and display the booked complex order on the COB at a price (the ''book and display price'') that is $0.01 away from the current opposite side SBBO.[69]

When the opposite side SBBO does not include a Priority Customer Order and is not available for execution in the ratio of the complex order, or cannot be executed through Legging with the Simple Book, as described in EDGX Rule 21.20(c)(2)(F), the System will place the complex order on the COB and display the booked complex order at a book and display price that will lock the current opposite side SBBO (*i.e.,* because it is a price at which another complex order can trade).[70]

If the SBBO changes, the complex order's book and display price will continuously re-price to the new SBBO until: (i) The complex order has been

opening price protections are relatively restrictive (*i.e.,* based on the SNBBO) and EDGX wants to have the ability to periodically adjust the process to improve its operation. EDGX states that it will adjust the process to include the amount of delay that the Exchange believes will allow sufficient opportunity to have Opening Process executions while also transitioning to regular trading as quickly as possible. The Exchange believes that limiting this time period to thirty seconds or less will ensure that the COB opens promptly and efficiently but that the Exchange also allows enough time for the individual leg markets across all options exchanges, including the Exchange, to open and stabilize. EDGX notes that, although not configurable, in an analogous opening process for its equities market (set forth in EDGX Rule 11.7(d)), when a security cannot be opened through such process based on orders received and market conditions, the Exchange waits fifteen minutes before transitioning such orders to its order book. *See* Amendment No. 1.

[52] *See* EDGX Rule 21.20(c)(2)(D) and Amendment No. 1.

[53] A ''Priority Customer'' is any person or entity that is not: (A) A broker or dealer in securities; or (B) a Professional, and a ''Priority Customer Order'' is an order for the account of a Priority Customer. *See* EDGX Rule 16.1(a)(45). A ''Professional'' is any person or entity that: (A) Is not a broker or dealer in securities; and (B) places more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). *See* EDGX Rule 16.1(a)(46).

[54] *See* EDGX Rule 21.20(c)(2)(E).

[55] *See id.*

[56] *See id.*

[57] *See* Section II.G, *infra,* for a discussion of the Drill-Through Price Protection feature.

[58] *See* EDGX Rule 21.20(c)(3)(A). EDGX notes that other options exchanges have adopted similar rules. *See* Notice, 82 FR at 33175, n.34.

[59] *See* EDGX Rule 21.20(c)(3)(B).

[60] *See id.*

[61] *See* Notice, 82 FR at 33184.

[62] Complex orders will not be routed outside of EDGX regardless of the prices displayed by away markets. *See* EDGX Rule 21.20(c)(4).

[63] *See* Notice, 82 FR at 33175.

[64] *See* EDGX Rule 21.20(c)(4). A complex order for which the Drill-Through Price Protection is engaged will be managed to the Drill-Through Price, as described in EDGX Rule 21.20, Interpretations and Policy .04(f). *See* Notice, 82 FR at 33175, n.36.

[65] *See* EDGX Rule 21.20(c)(4)(A).

[66] *See id.*

[67] *See id.*

[68] *See id.*

[69] *See id.* For an example of the complex order managed interest process when the SBBO includes Priority Customer Interest, see Notice, 82 FR at 33176.

[70] *See* EDGX Rule 21.20(c)(4)(A) and Notice, 82 FR at 33176. For an example of the complex order managed interest process when the ratio to allow Legging does not exist and there is no Priority Customer Interest at the SBBO, see Notice, 82 FR at 33176.

executed in its entirety; (ii) if not executed, the complex order's book and display price has reached its limit price or, in the case of a complex market order, the new SBBO, subject to any applicable price protections; (iii) the complex order has been partially executed and the remainder of the order's book and display price has reached its limit price or, in the case of a complex market order, the new SBBO, subject to any applicable price protections; or (iv) the complex order or any remaining portion of the complex order is cancelled.[71] If EDGX receives a new complex order for the complex strategy on the opposite side of the market from the managed complex order that can be executed, the System will immediately execute the remaining contracts from the managed complex order to the extent possible at the complex order's current book and display price.[72] If unexecuted contracts remain from the complex order on the COB, the complex order's size will be revised and disseminated to reflect the complex order's remaining contracts at its current managed book and display price.[73]

5. Evaluation Process

EDGX Rule 21.20(c)(5) describes how and when the System determines to execute or otherwise handle complex orders in the System.[74] EDGX notes that the System will evaluate complex orders initially once all components of the complex strategy are open, upon receipt as set forth in EDGX Rule 21.20(c)(5)(A), and continually, as set forth in EDGX Rule 21.20(c)(5)(B).[75] EDGX Rule 21.20(c)(5)(C) states that if the System determines that a complex order is COA-eligible, the order will be submitted into the COA process described in EDGX Rule 21.20(d).[76] EDGX states that the purpose of the evaluation process for complex orders is to determine (i) their eligibility to initiate, or to participate in, a COA; (ii) their eligibility to participate in the managed interest process; (iii) their eligibility for full or partial execution against a complex order resting on the COB or through the Legging into the Simple Book; (iv) whether the complex order should be cancelled; and (v) whether the complex order or any remaining portion thereof should be placed or remain on the COB.[77] EDGX states that the continual and event-triggered evaluation process ensures that the System is monitoring and assessing the COB for incoming complex orders, and changes in market conditions or events that cause complex orders to re-price and/or execute, and conditions or events that result in the cancellation of complex orders on the COB.[78]

6. Complex Market Orders

EDGX Rule 21.20(c)6) describes the handling of complex market orders. Complex orders may be submitted as market orders and may be designated as COA-eligible.[79] Complex market orders designated as COA-eligible may initiate a COA upon arrival.[80] Complex market orders not designated as COA-eligible will trade with any contra-side complex orders, or against the individual legs, up to and including the SBBO, and if not fully executed due to applicable price protection may be posted to the COB, subject to the managed interest process and the evaluation process.[81]

D. Legging

EDGX Rule 21.20(c)(2)(F) describes the Legging process through which complex orders, under certain circumstances, are executed against the individual components of a complex strategy on the Simple Book.[82] EDGX Rule 21.20(c)(2)(F) provides that complex orders up to a maximum number of legs (determined by the Exchange on a class-by-class basis as either two, three, or four legs and communicated to Members via specifications and/or Regulatory Circular) may be automatically executed against bids and offers on the Simple Book for the individual legs of the complex order (''Legging''), provided the complex order can be executed in full or in a permissible ratio by such bids and offers.[83] Complex orders with two option legs where both legs are buying or both legs are selling and both legs are calls or both legs are puts may only trade against other complex orders on the COB and will not be permitted to leg into the Simple Book.[84] Notwithstanding the foregoing, all two leg COA-eligible Customer complex orders will be allowed to leg into the Simple Book without restriction.[85] Complex orders with three or four option legs where all legs are buying or all legs are selling may only trade against other complex orders on the COB and will not leg into the Simple Book, regardless of whether the option leg is a call or a put.[86]

E. COA Process

EDGX Rule 21.20(d) describes the COA process. All option classes will be eligible to participate in a COA.[87] Upon evaluation, as set forth in EDGX Rule 21.20(c)(5), EDGX may determine to automatically submit a COA-eligible order into a COA.[88]

1. Eligibility and Initiation

A ''COA-eligible order'' is a complex order that, as determined by the Exchange, is eligible to initiate a COA based upon the Member's instructions, the order's marketability (*i.e.,* if the price of such order is equal to or better than the current SBBO, subject to

[71] *See* EDGX Rule 21.20(c)(4)(B).

[72] *See id.*

[73] *See id.*

[74] *See* Notice, 82 FR at 33176.

[75] *See id.* EDGX Rule 21.20(c)(5)(A) states that new complex orders are evaluated upon receipt to determine if they are COA eligible or (i) eligible for full or partial execution against another complex order resting on the COB; (ii) eligible for full or partial execution through Legging with the Simple Book; (iii) whether all or any remaining portion of such an order should be placed on the COB; (iv) the eligibility of such orders for the managed interest process; (v) whether such orders should be cancelled. EDGX Rule 21.20(c)(5)(B) states that the System will continue to evaluate complex orders on the COB and also will continue to evaluate (i) whether such complex orders are eligible for full or partial execution against a complex order resting on the COB; (ii) whether such complex orders are eligible for full or partial execution through Legging with the Simple Book; (iii) whether any remaining portion of a complex order should be placed on the COB; (iv) whether all or the remaining portion of a complex should be placed on the COB; and (v) whether such complex orders should be cancelled. EDGX Rule 21.20(c)(5)(B) also states that the System will continue to evaluate whether there is a trading halt affecting any component of a complex strategy and, if so, the System will handle complex orders as set forth in EDGX Rule 21.20, Interpretation and Policy .05.

[76] *See* EDGX Rule 21.20(c)(5)(C). If the System determines that a complex order is not COA-eligible, the complex order may be (i) immediately matched and executed against a complex order resting on the COB; (ii) executed against the individual components of the complex order on the Simple Book through Legging; (iii) placed on the COB and managed pursuant to the managed interest process; or (iv) cancelled by the System if the time-in-force of the complex order does not allow it to rest on the COB. *See* EDGX Rule 21.20(c)(5)(D).

[77] *See* Notice, 82 FR at 33175.

[78] *See id.*

[79] *See* EDGX Rule 21.20(c)(6).

[80] *See* EDGX Rule 21.20(c)(6)(A).

[81] *See* EDGX Rule 21.20(c)(6)(B). See Sections II.C.4 and II.C.5, *supra,* respectively, for a discussion of the managed interest process and the evaluation process.

[82] *See* Notice, 82 FR at 33174.

[83] *See* EDGX Rule 21.20(c)(2)(F).

[84] *See id.*

[85] *See id.* EDGX notes that Legging against the individual components of a complex order on the Simple Book allows complex orders to access the full liquidity of the Exchange's Simple Book, thus enhancing the possibility of executions at the best available prices on the Exchange. EDGX believes this is particularly true for Customer complex orders and, thus, does not propose to limit the ability of such orders to leg into the Simple Book (when such orders are two-legged orders). *See* Amendment No. 1.

[86] *See* EDGX Rule 21.20(c)(2)(F). EDGX notes that its restrictions on Legging are substantially similar to those in ISE Rules 722(b)(3)(ii)(A) and (B). *See* Amendment No. 1.

[87] *See* EDGX Rule 21.20(d).

[88] *See id.*

applicable restrictions when a Priority Customer Order comprises a portion of the SBBO) as determined by the Exchange, number of components, and complex order origin codes (*i.e.,* non-broker-dealer customers, broker-dealers that are not market makers on an options exchange, and/or market makers on an options exchange as determined by the Exchange).[89] Determinations by the EDGX with respect to COA eligibility will be communicated to Members via specifications and/or Regulatory Circular.[90]

To initiate a COA, a COA-eligible order must be designated as such (either affirmatively or by default)[91] and must meet the criteria described in proposed EDGX Rule 21.20, Interpretation and Policy .02.[92] Dissemination of information related to COA-eligible orders by the submitting Member to third parties will be deemed conduct inconsistent with just and equitable principles of trade, as described in EDGX Rule 3.1.[93]

2. Commencement of a COA

Upon receipt of a COA-eligible order, EDGX will send a COA auction message to all subscribers to EDGX's data feeds that deliver COA Auction messages.[94] The COA auction message will identify the COA auction ID, instrument ID (*i.e.,* the complex strategy), origin code, quantity, and side of the market of the COA-eligible order.[95] EDGX may also determine to include the price in COA auction messages, and if it does so it will announce that determination in published specifications and/or Regulatory Circular to Members.[96]

3. COA Responses

A Member with any origin code, including a Priority Customer, may submit a response to the COA auction message (a ''COA Response'') during the Response Time Interval.[97] COA Responses may be submitted in $0.01 increments and must specify the price, size, side of the market (*i.e.,* a response to a buy COA as a sell or a response to a sell COA as a buy) and COA auction ID for the COA to which the response is targeted.[98] Multiple COA Responses from the same Member may be submitted during the Response Time Interval.[99] COA Responses represent non-firm interest that can be modified or withdrawn at any time prior to the end of the Response Time Interval, though any modification to a COA Response other than a decrease of size will result in a new timestamp and a loss of priority.[100] COA Responses will not be displayed by the Exchange.[101] At the end of the Response Time Interval, COA Responses are firm (*i.e.,* guaranteed at their price and size).[102] Any COA Responses not executed in full will expire at the end of the COA.[103] Any COA Responses not executable based on the price of the COA will be cancelled immediately.[104]

4. Processing of COA-Eligible Orders

At the end of the Response Time Interval, COA-eligible orders may be executed in whole or in part against the best priced contra side interest.[105] Any unexecuted portion of a COA-eligible order remaining at the end of the Response Time Interval will be placed on the COB and ranked pursuant to EDGX Rule 21.20(c)(3) or cancelled, if IOC.[106]

The COA will terminate: (i) Upon receipt of a new non-COA-eligible order on the same side as the COA but with a better price, in which case the COA will be processed and the new order will be posted to the COB; (ii) if an order is received that would improve the SBBO on the same side as the COA in progress to a price better than the auction price, in which case the COA will be processed, the new order will be posted to the Simple Book and the SBBO will be updated; or (iii) if a Priority Customer Order is received that would join or improve the SBBO on the same side as the COA in progress to a price equal to or better than the auction price, in which case the COA will be processed, the new order will be posted to the Simple Book and the SBBO will be updated.[107] In addition, a COA will terminate immediately without trading if any individual component or underlying security of a complex strategy in the COA process is subject to a halt as described in EDGX Rule 21.20, Interpretation and Policy .05.[108]

5. COA Pricing and Allocations at the Conclusion of a COA

A complex strategy will not be executed at a net price that would cause any component of the complex strategy to be executed: (A) At a price of zero; or (B) ahead of a Priority Customer Order on the Simple Book without improving the BBO on at least one component of the complex strategy by at least $.01.[109] Orders executed in a COA will be allocated first in price priority based on their original limit price as follows: (A) Priority Customer Orders resting on the Simple Book; (B) COA Responses and unrelated orders on the COB in time priority; and (C) remaining individual orders in the Simple Book (*i.e.,* non-Priority Customer), which will be allocated pursuant to EDGX Rule 21.8.[110] EDGX believes the priority model to provide highest priority to Priority Customer Orders resting on the

[89] *See* EDGX Rule 21.20(d)(1). EDGX notes that other options exchanges have limited auction eligibility for complex orders based on order origin code (citing MIAX Rule 518(d)(1), CBOE Rule 6.53C(d)(i), and NYSE American Rule 980NY(e)(1)). *See* Notice, 82 FR at 33177.

[90] *See* EDGX Rule 21.20(d)(1).

[91] Complex orders that are marked as IOC will, by default, not initiate a COA upon arrival, but a Member that submits an order marked IOC may elect to opt-in to initiating a COA and any quantity of the IOC order not executed will be cancelled at the end of the COA. All other Times in Force will by default initiate a COA, but a Member may elect to opt-out of initiating a COA. *See* EDGX Rule 21.20(b)(2). As noted above, market orders may be designated as COA-eligible. *See* EDGX Rule 21.20(c)(6). *See also* Notice, 82 FR at 33172.

[92] EDGX Rule 21.20, Interpretation and Policy .02 provides that if a COA-eligible order is priced equal to, or improves, the SBBO and is also priced to improve other complex orders resting at the top of the COB, the complex order will be eligible to initiate a COA, provided that if any of the bids or offers on the Simple Book that comprise the SBBO consists of a Priority Customer Order, the COA will only be initiated if it will trade at a price that is better than the corresponding bid or offer by at least a $0.01 increment. EDGX believes that if a complex order is not priced equal to, or better than, the SBBO or is not priced to improve other complex orders resting at the top of the COB, it would not be reasonable to anticipate that the complex order would generate a meaningful number of COA Responses such that there would be price improvement of the complex order's limit price. Thus, EDGX believes that these criteria ensure that a COA will be conducted only when there is a reasonable and realistic chance for price improvement through the COA. *See* Notice, 82 FR at 33185.

[93] *See* EDGX Rule 21.20, Interpretation and Policy .03.

[94] *See* EDGX Rule 21.20(d)(2). EDGX notes that any Member may subscribe to EDGX's data feeds that include auction notifications. *See* Notice, 82 FR at 33814.

[95] *See* EDGX Rule 21.20(d)(2).

[96] *See id.* The price included in the COA auction message will be the limit order price, unless the COA is initiated by a complex market order, in which case such price will be the SBBO, subject to any applicable price protections. *See id.*

[97] *See* EDGX Rule 21.20(d)(4). The Response Time Interval is the period of time during which responses to the COA may be entered. The Exchange will determine the duration of the Response Time Interval, which shall not exceed 500 milliseconds, and will communicate it to Members via specifications and/or Regulatory Circular. *See* EDGX Rule 21.20(d)(3). EDGX notes that the Response Time Interval is based on MIAX Rule 518(d)(3). *See* Notice, 82 FR at 33177, n.45.

[98] *See* EDGX Rule 21.20(d)(4).

[99] *See id.*

[100] *See id.*

[101] *See id.*

[102] *See id.*

[103] *See id.*

[104] *See id.*

[105] *See* EDGX Rule 21.20(d)(5)(A).

[106] *See* EDGX Rule 21.20(d)(5)(B).

[107] *See* EDGX Rule 21.20(d)(5)(C).

[108] *See* EDGX Rule 21.20, Interpretation and Policy .05(b).

[109] *See* EDGX Rule 21.20(d)(6). For an example of pricing in a COA, see Notice, 82 FR at 33178.

[110] *See* EDGX Rule 21.20(d)(7). For examples of allocations at the conclusion of a COA, see Notice, 82 FR at 33178–79 and Amendment No. 1.

Simple Book is consistent with the long-standing policies of customer protection found throughout the Act and the rules of options exchanges, and maintains the Exchange's current practice by affording such priority.[111] EDGX notes that the current priority model for the Exchange provides first priority to Priority Customers prior to execution of any orders of other participants (''non-Customers'') pursuant to the Customer Overlay set forth in EDGX Rule 21.8(d)(1).[112] Thus, orders of non-Customers on the Simple Book are already afforded last priority as compared to Priority Customers.[113] EDGX states that because all listed options are traded on options exchanges, there is significant retail customer participation directly on exchanges.[114] In turn, because of such direct retail customer participation, EDGX states that the exchanges have taken steps to afford those retail customers—generally Priority Customers—more favorable treatment in some circumstances.[115] EDGX believes this treatment is appropriate to encourage retail participation in the market generally, and in light of the fact that Priority Customers are not necessarily immersed in the day-to-day trading of the markets and may have less understanding of how complex order books operate and interact with leg markets.[116]

6. Overlapping COAs

EDGX Rule 21.20, Interpretation and Policy .02 provides that a COA will be allowed to commence even when a COA for the same strategy is already underway.[117] EDGX represents that it has systems capacity to process multiple overlapping COAs consistent with the proposal, including systems necessary to conduct surveillance of activity occurring in such auctions.[118] EDGX states that if it does not permit overlapping COAs, a Member who wishes to submit a COA-eligible order but has its order rejected because another COA is already underway in the complex strategy must either wait for that COA to conclude and re-submit the order to the Exchange (possibly constantly resubmitting the complex order to ensure it is received by the Exchange before another COA commences) or must send the order to another options exchange that accepts complex orders.[119]

F. Market-Maker Complex Quotes

EDGX has not proposed different standards for participation by Market Makers on the COB (*i.e.,* no specific benefits or obligations).[120] Market Makers are not required to quote on the COB.[121] Complex strategies are not subject to any requirements that are applicable to Market Makers in the simple market for individual options series or classes.[122] Volume executed in complex strategies is not taken into consideration when determining whether Market Makers are meeting quoting obligations applicable to Market Makers in the simple market for individual options.[123]

G. Price and Other Protections

The proposal establishes several price and other protections for complex orders. Exchange believes that the complex order price protections will provide market participants with valuable price and order size protections to enable them to better manage their risk exposure when trading complex orders.[124] In particular, EDGX believes the price protection mechanisms will mitigate potential risks associated with market participants entering orders at clearly unintended prices and orders trading at prices that are extreme and potentially erroneous, which may likely have resulted from human or operational error.[125]

EDGX Rule 21.20, Interpretation and Policy .04 provides several price protection standards that are designed to ensure that certain types of complex strategies will not be executed outside of a preset standard minimum and/or maximum price limit.[126]

Under the Credit-to-Debit parameter in EDGX Rule 21.20, Interpretation and Policy .04(b), market orders that would be executed at a net debit price after receiving a partial execution at a net credit price will be cancelled.[127] The Debit/Credit Price Reasonability Check provisions in EDGX Rule 21.20, Interpretation and Policy .04(c) state that, to the extent a price check parameter is applicable, EDGX will not accept a complex order that is a limit order for a debit strategy with a net credit price that exceeds a pre-set buffer, a limit order for a credit strategy with a net debit price that exceeds a pre-set buffer, or a market order for a credit strategy that would be executed at a net debit price that exceeds a pre-set buffer.[128] EDGX will determine these pre-set buffer amounts and communicate them to Members via specifications and/or Regulatory Circular.[129] The System will reject or cancel back to the Member any limit order or any market order (or any remaining size after partial execution of the order) that does not satisfy the Debit/Credit Price Reasonability check.[130] The Debit/Credit Price Reasonability Check applies to auction responses in the same manner as it does to orders.[131]

The System defines a complex order as a debit or credit as follows: (A) A call butterfly spread [132] for which the

[111] *See* EDGX Rule 21.8 and Amendment No. 1.

[112] *See* Amendment No. 1. EDGX states that the Exchange currently applies the Customer Overlay to all options traded on the Exchange. *See id.*

[113] *See id.*

[114] *See id.*

[115] *See id.*

[116] *See id.*

[117] EDGX Rule 21.20, Interpretation and Policy .02 states that to the extent there is more than one COA for a specific complex strategy underway at a time, each COA will conclude sequentially based on the exact time each COA commenced, unless terminated early pursuant to EDGX Rule 21.20(d)(5)(C). At the time each COA concludes, the COA will be allocated pursuant to this Rule and will take into account all COA Responses and unrelated complex orders on the COB at the exact time of conclusion. In the event there are multiple COAs underway that are each terminated early pursuant to EDGX Rule 21.20(d)(5)(C) of this Rule, the COAs will be processed sequentially based on the order in which they commenced. Because a COA Response must specifically identify the COA for which it is targeted, and if not fully executed will be cancelled back at the conclusion of the COA, COA Responses will only be considered in the specified COA. For examples of the processing of overlapping auctions, see Notice, 82 FR at 33178–79 and Amendment No. 1.

[118] *See* Notice, 82 FR at 33177.

[119] *See id.,* 82 FR at 33186.

[120] *See id.,* 82 FR at 33179.

[121] *See* EDGX Rule 21.20, Interpretation and Policy .01.

[122] *See id.*

[123] *See id.*

[124] *See* Notice, 82 FR at 33186.

[125] *See id.*

[126] *See* Notice, 82 FR at 33180.

[127] *See* EDGX Rule 21.20, Interpretation and Policy .04(b). This functionality is similar to the price protections that are currently operative on other exchanges. *See, e.g.,* CBOE Rule 6.53C, Interpretation and Policy .08(b).

[128] The System would not apply this check to an order for when the System cannot define whether the order is a debit or credit. *See* EDGX Rule 21.20, Interpretation and Policy .04(c)(2). EDGX states that this would primarily occur prior to the opening of trading as orders are being queued because prices may not be available to make such determination. *See* Notice, 82 FR at 33181, n.54.

[129] *See* EDGX Rule 21.20, Interpretation and Policy .04(c)(1). EDGX notes that ISE Rule 722, Supplementary Material .07(c) also includes variable pre-set values in connection with the analogous price protections included in that rule. *See* Notice, 82 FR at 33181, n.55.

[130] *See* EDGX Rule 21.20, Interpretation and Policy .04(c)(3).

[131] *See* EDGX Rule 21.20, Interpretation and Policy .04(c)(4).

[132] A ''butterfly'' spread is a three-legged complex order with two legs to buy (sell) the same number of calls (puts) and one leg to sell (buy) twice as many calls (puts), all with the same expiration date but different exercise prices, and the exercise price of the middle leg is between the exercise prices of the other legs. If the exercise price of the middle leg is halfway between the exercise prices of the other legs, it is a ''true'' butterfly; otherwise, it is

Continued

middle leg is to sell (buy) and twice the exercise price of that leg is greater than or equal to the sum of the exercise prices of the buy (sell) legs is a debit (credit); (B) a put butterfly spread for which the middle leg is to sell (buy) and twice the exercise price of that leg is less than or equal to the sum of the exercise prices of the buy (sell) legs is a debit (credit); and (C) an order for which all pairs and loners are debits (credits) is a debit (credit).[133]

The Buy Strategy Parameters in EDGX Rule 21.20, Interpretation and Policy .04(d) provide that the System will reject a limit order where all the components of the strategy are to buy and the order is priced at zero, any net credit price that exceeds a pre-set buffer, or a net debit price that is less than the number of individual option series legs in the strategy (or applicable ratio) multiplied by the applicable minimum net price increment for the complex order.

The Maximum Value Acceptable Price Range parameter in EDGX Rule 21.20, Interpretation and Policy .04(e) provides that the System will reject an order if the order is a vertical, true butterfly or box spread, or a limit order or market order if it would execute at a price that is outside of an acceptable price range.[134] The acceptable price range is set by the minimum and maximum possible value of the spread, subject to an additional buffer amount determined by EDGX and communicated to Members via specifications and/or a Regulatory Circular.[135] The maximum possible value of a vertical, true butterfly and box spread is the difference between the exercise prices of (A) the two legs; (B) the middle leg and the legs on either side; and (C) each pair of legs, respectively.[136] The minimum possible value of the spread is zero.[137]

EDGX Rule 21.20, Interpretation and Policy .04(f) establishes EDGX's Drill-Through Price Protection feature, a price protection mechanism applicable to all complex orders under which a buy (sell) order will not be executed at a price that is higher (lower) than the SNBBO or the SNBBO at the time of order entry plus (minus) a buffer amount (the ''Drill-Through Price'').[138] EDGX will adopt a default buffer amount for the Drill-Through Price Protection and will publish this amount in publicly available specifications and/or a Regulatory Circular.[139] A Member may modify the buffer amount applicable to Drill-Through Price Protections to either a larger or smaller amount than the Exchange default.[140] If a buy (sell) order would execute or post to the COB at a price higher (lower) than the Drill-Through Price, the System will instead post the order to the COB at the Drill-Through Price, unless the terms of the order instruct otherwise. Any order (or unexecuted portion thereof) will rest in the COB (based on the time at which it enters the book for priority purposes) for a time period in milliseconds that may not exceed three seconds (which the Exchange will determine and communicate to Members via specifications and/or Regulatory Circular) with a price equal to the Drill-Through Price.[141] If the order (or unexecuted portion thereof) does not execute during that time period, the System will cancel it.[142]

H. Risk Monitor Mechanism

EDGX proposes to add Interpretation and Policy .01 to EDGX Rule 21.16 to provide that complex orders will participate in EDGX's existing the Risk Monitor Mechanism. The Risk Monitor Mechanism functions by counting a member's executions, contract volume, and notional value both within a specified time period established by the member and on an absolute basis for the trading day.[143] The Risk Monitor Mechanism rejects or cancels orders that exceed member-designated volume, notional, count, or percentage triggers.[144] EDGX Rule 21.16, Interpretation and Policy .01 states that, for purposes of counting within a specified time period and for purposes of calculating absolute limits, EDGX will count individual trades executed as part of a complex order when determining whether a volume, notional, or count trigger has been reached. For purposes of counting within a specified time period and for purposes of calculating absolute limits, EDGX will count the percentage executed of a complex order when determining whether the percentage trigger has been reached.[145]

I. Additional Risk Protection for Complex Orders

In addition to the protections described above, EDGX proposes to establish the Fat Finger Price Protection and a complex order size protection.[146] These protections will be available for complex orders as determined by the Exchange and communicated to Members via specifications and/or Regulatory Circular.[147]

Under the Fat Finger Price Protection, EDGX will define a price range outside of which the System will not accept a complex limit order.[148] The price range will be a number defined by EDGX and communicated to Members via specifications and/or Regulatory Circular, and a Member may establish a more aggressive or restrictive value than the Exchange default.[149] The default

a ''skewed'' butterfly. *See* EDGX Rule 21.20, Interpretation and Policy .04(a)(2).

[133] *See* EDGX Rule 21.20, Interpretation and Policy .04(c)(2). For purposes of the debit/credit price reasonability checks, a ''pair'' is a pair of legs in an order for which both legs are calls or both legs are puts, one leg is a buy and one leg is a sell, and both legs have the same expiration date but different exercise prices or, for all options except European-style index options, the same exercise price but different expiration dates. A ''loner'' is any leg in an order that the System cannot pair with another leg in the order (including legs in orders for European-style index options that have the same exercise price but different expiration dates). The System first pairs legs to the extent possible within each expiration date, pairing one leg with the leg that has the next highest exercise price; the System then, for all options except European-style index options, pairs legs to the extent possible with the same exercise prices across expiration dates, pairing one leg with the leg that has the next nearest expiration date. *See* EDGX Rule 21.20, Interpretation and Policy .04(c)(2)(C). The rule further provides that a pair of calls is a credit (debit) if the exercise price of the buy (sell) leg is higher than the exercise price of the sell (buy) leg (if the pair has the same expiration date) or if the expiration date of the sell (buy) leg is farther than the expiration date of the buy (sell) leg (if the pair has the same exercise price). A pair of puts is a credit (debit) if the exercise price of the sell (buy) leg is higher than the exercise price of the buy (sell) leg (if the pair has the same expiration date) or if the expiration date of the sell (buy) leg is farther than the expiration date of the buy (sell) leg (if the pair has the same exercise price). A loner to buy is a debit, and a loner to sell is a credit. *See id.*

[134] A ''vertical'' spread is a two-legged complex order with one leg to buy a number of calls (puts) and one leg to sell the same number of calls (puts) with the same expiration date but different exercise prices. *See* EDGX Rule 21.20, Interpretation and Policy .04(a). A ''box'' spread is a four-legged complex order with one leg to buy calls and one leg to sell puts with one strike price, and one leg to sell calls and one leg to buy puts with another strike price, all of which have the same expiration date and are for the same number of contracts. *See id.* See note 132, *supra,* for the definition of butterfly spread.

[135] *See* EDGX Rule 21.20, Interpretation and Policy .04(e).

[136] *See* EDGX Rule 21.20, Interpretation and Policy .04(e)(1).

[137] *See* EDGX Rule 21.20, Interpretation and Policy .04(e)(2).

[138] For an example of the application of the Drill-Through Price Protection, see Notice, 82 FR at 33181–82.

[139] *See* EDGX Rule 21.20, Interpretation and Policy .04(f).

[140] *See id.*

[141] *See id.*

[142] *See id.*

[143] *See* EDGX Rule 21.16(a).

[144] *See* Notice, 82 FR at 33183.

[145] *See* EDGX Rule 21.16, Interpretation and Policy .01.

[146] *See* EDGX Rule 21.20, Interpretation and Policy .06(a) and (b).

[147] *See* EDGX Rule 21.20, Interpretation and Policy .06(c).

[148] *See* EDGX Rule 21.20, Interpretation and Policy .06(a).

[149] *See id.* EDGX notes that ISE Rule 722, Supplementary Material .07(d) also provides for

price range for Fat Finger Price Protection will be greater than or equal to a price through the SNBBO for the complex strategy to be determined by the Exchange and communicated to Members via specifications and/or Regulatory Circular.[150] A complex limit order to sell will not be accepted at a price that is lower than the SNBBO bid, and a complex limit order to buy will not be accepted at a price that is higher than the SNBBO offer, by more than the Exchange defined or Member established price range.[151] A complex limit order that is priced through this range will be rejected.[152]

Under the complex order size protection, the System will prevent certain complex orders from executing or being placed on the COB if the size of the complex order exceeds the complex order size protection designated by the Member.[153] If the maximum size of complex orders is not designated by the Member, the Exchange will set a maximum size of complex orders on behalf of the Member by default.[154] Members may designate the complex order size protection on a firm wide basis.[155] The default maximum size for complex orders will be determined by the Exchange and communicated to Members via specifications and/or Regulatory Circular.[156]

J. Trading Halts

EDGX Rule 21.20, Interpretation and Policy .05, describes the Exchange's handling of complex orders in the context of a trading halt. Under EDGX Rule 21.20, Interpretation and Policy .05(a), if a trading halt exists for the underlying security or a component of a complex strategy, trading in the complex strategy will be suspended and a Member's complex orders will be cancelled unless the Member has instructed the Exchange not to cancel its orders.[157] The COB will remain available for Members to enter and manage complex orders.[158] Incoming complex orders that could otherwise execute or initiate a COA in the absence of a halt will be placed on the COB.[159] Incoming complex orders with a time in force of IOC will be cancelled.[160]

EDGX Rule 21.20, Interpretation and Policy .05(b) states that if, during a COA, any component(s) and/or the underlying security of a COA-eligible order is halted, the COA will end early without trading and all COA Responses will be cancelled. Remaining complex orders will be placed on the COB if eligible, or cancelled.[161] When trading in the halted component(s) and/or underlying security of the complex order resumes, the System will evaluate and re-open the COB pursuant to EDGX Rule 21.20(c)(2)(B)-(D).[162]

K. Market Data

EDGX proposes to amend EDGX Rule 21.15(b) to specify the data feeds that EDGX proposes to adopt in connection with the proposal. EDGX currently offers a Multicast PITCH data feed and an Auction Feed.[163] EDGX proposed to adopt a similar, but separate, Multicast PITCH data feed and Auction Feed for the COB.[164] Second, EDGX proposes to adopt a new separate Multicast TOP data feed for its Simple Order Book and for the COB.[165] Third, EDGX proposes to adopt a separate Auction Feed for the COB, in addition to its existing Auction Feed for the Simple Book.[166] Fourth, EDGX the Exchange proposes to identify Priority Customer Orders and trades as such on messages disseminated by the Exchange through its Multicast TOP data feed, in addition to disseminating that information through it Multicast PITCH and Auction data feeds.[167]

III. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[168] In particular, for the reasons discussed below, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[169] which requires, among other things, that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to 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. This order approves the proposed rule change in its entirety, although only certain more significant aspects of the proposed rules are discussed below.

A. Definitions and Order Types

The proposal adopts several defined terms related to the trading of complex orders. The Commission notes that EDGX's definition of complex order[170] is consistent with the definition of complex order adopted by other options exchanges.[171] The Commission believes that adding EDGX Rule 21.20(b) to allow complex orders to be entered as limit orders, market orders, GTD orders, IOC orders, DAY orders, GTC orders, OPG orders, Complex Only orders, COA-eligible orders, do-not-COA orders, and complex orders with Match Trade

configurable values in connection with an analogous size protection that ISE offers for its complex order book. *See* Notice, 82 FR at 33812, n.64.

[150] *See* EDGX Rule 21.20, Interpretation and Policy .06(a).

[151] *See id.*

[152] *See id.*

[153] *See* EDGX Rule 21.20, Interpretation and Policy .06(b). EDGX notes that ISE Rule 722, Supplementary Material .07(e) also applies configurable values in connection with an analogous size protection for its complex order book. *See* Notice, 82 FR at 33812, n.66.

[154] *See* EDGX Rule 21.20, Interpretation and Policy .06(b).

[155] *See id.*

[156] *See id.*

[157] *See* Amendment No. 1. In Amendment No. 1, EDGX notes that this provision is based on and similar to EDGX Rule 20.3(b), which states that orders are cancelled in the event of a trading halt in the underlying unless the Exchange has been instructed not to cancel such orders. EDGX further notes that its rule is similar to functionality that is currently operative on other exchanges. In particular, EDGX notes that MIAX follows a similar process for trading halts, except that while MIAX reopens through potential complex auctions, EDGX will reopen through its standard Opening Process. *See* MIAX Rule 518, Interpretation and Policy .05(e)(3). See also PHLX Rule 1098(c)(ii)(C), which states that complex orders will not trade on the PHLX system during a trading halt for any options component of the Complex Order.

[158] *See* EDGX Rule 21.20, Interpretation and Policy .05(a).

[159] *See id.*

[160] *See id.*

[161] *See* EDGX Rule 21.20, Interpretation and Policy .05(b).

[162] *See* EDGX Rule 21.20, Interpretation and Policy .05(c).

[163] *See* EDGX Rules 21.15(b)(1) and (4). The Multicast PITCH data feed is an uncompressed data feed that offers depth of book quotation and execution information based on options orders entered into EDGX's System. The Auction Feed is an uncompressed data product that provides information regarding the current status of price and size information related to auctions conducted by EDGX. *See* Notice, 82 FR at 33183.

[164] *See* Notice, 82 FR at 33183.

[165] *See* EDGX Rule 21.15(b)(2). The new Multicast TOP feeds will be uncompressed data feeds that will offer top of book quotations and execution information based on options orders entered into EDGX's System. *See id.* EDGX notes that it currently offers a top of book feed for its equities trading platform. *See* Notice, 82 FR at 33186.

[166] *See* EDGX Rule 21.15(c)(5). The Auction Feed is an uncompressed data product that provides information regarding the current status of price and size information related to auctions conducted by the Exchange. *See id.*

[167] *See* EDGX Rule 21.15(c)(2). EDGX notes that the proposal also re-numbers the provisions for EDGX's DROP and Historical Data products, but does not make any changes with respect to those products. *See* Notice, 82 FR at 33183.

[168] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[169] 15 U.S.C. 78f(b)(5).

[170] *See* EDGX Rule 21.20(a)(5).

[171] *See, e.g.,* ISE Rule 722(a)(1); CBOE Rule 6.53C(a)(1); and MIAX Rule 518(a)(5).

Prevention modifiers could provide market participants with greater flexibility and control over the trading of complex orders.[172] The Commission notes that EDGX currently permits each of these orders types (other than GTC, OPG, Complex Only orders, COA-eligible orders, and do-not-COA orders) for orders on single option series.[173] The Commission further notes that Complex Only orders will be available only to EDGX Market Makers, which is consistent with similar functionality available on other options exchanges.[174]

B. Trading of Complex Orders and Quotes

EDGX states that it has designed its execution and priority rules to allow complex orders to interact with interest in the Simple Book and vice versa in an efficient and orderly manner.[175] The Commission notes that EDGX Rule 21.20(c)(3)(A) is designed to protect interest established in the leg market by providing that if any of the bids or offers established in the marketplace consist of a Priority Customer Order, at least one leg of the complex order must trade at a price that is better than the corresponding bid or offer in the marketplace by at least a $0.01 increment. The Commission further notes that other options exchanges have similar provisions requiring one leg to trade at a better price in such a circumstance.[176]

EDGX proposes that complex orders will never be executed at a price that is outside of the individual component prices on the Simple Book.[177] Furthermore, the net price of a complex order executed against another complex order on the COB will never be inferior to the price that would be available if the complex order legged into the Simple Book.[178] According to EDGX, these provisions should help prevent a component of a complex order from being executed at a price that compromises the priority already established by a Priority Customer on the Simple Book.[179] The Commission notes that another options exchange has comparable provisions.[180]

C. Legging

As described more fully above, EDGX proposes to provide for Legging of complex orders into the Simple Book. The Commission believes that Legging could benefit investors by providing additional execution opportunities for both complex orders and interest on the Simple Book. In addition, the Commission believes that Legging could facilitate interaction between the COB and the Simple Book, potentially resulting in a more competitive and efficient market, and better executions for investors.

As discussed above, EDGX is proposing to prohibit Legging for: (i) Complex orders with two option legs where both legs are buying or both legs are selling and both legs are calls or both legs are puts, other than COA-eligible two-legged Customer complex orders; and (ii) complex orders with three option legs where all legs are buying or all legs are selling regardless of whether the option leg is a call or a put.[181] The Commission notes that this prohibition is similar to the rules of other options markets, which the Commission has approved.[182] The Commission notes that directional complex orders may continue to trade against other complex orders on the Exchange's COB, and that market participants may submit the individual legs of a directional complex order separately to the regular market for execution should they so choose.

D. Complex Order Auction Process

EDGX describes the Complex Order Auction Process in EDGX Rule 21.20(d). EDGX states that the auction process is designed to ensure that complex orders are given every opportunity to be executed at the best prices against an increased level of contra-side liquidity.[183] In addition, EDGX states that the Complex Order Auction process is designed to work effectively with the COB with a simple priority of allocation that continues to respect the priority of allocations on the Simple Book (via the Exchange's pro rata allocation methodology).[184] The Commission notes that the ability for unrelated marketable orders to join and be executed in a Complex Order Auction may enhance the liquidity in the Complex Order Auction and thus increase opportunities for execution of complex orders on both sides of the market.

As noted above, EDGX will permit a COA for a strategy to begin even if another COA for that strategy is already underway.[185] The Commission notes that EDGX's rules regarding the processing of overlapping COAs for a strategy have been made transparent in the proposal and are reasonable, given that the electronic nature of EDGX makes the sequence of auction start times readily discernable.[186] In particular, the Commission notes that a COA Response will only be considered for its specified COA. Each COA Response must specifically identify the COA for which it is targeted, and if not fully executed, the COA Response will be cancelled back at the conclusion of the COA.[187]

E. Opening Process, Managed Interest Process, and Evaluation Process

As described above, EDGX Rule 21.20(c)(2)(A)–(D) sets forth EDGX's opening process for complex orders. The Commission believes that the opening process is designed to provide for the orderly opening of complex orders on EDGX. EDGX Rules 21.20(c)(4) and (5) describe, respectively, the managed interest process and the evaluation process for complex orders. The Commission believes that the managed interest process is designed to protect the priority of Priority Customer interest on the Simple Book and assure that complex orders do not trade through the prices of interest on the Simple Book for the component securities of the complex order. The Commission believes that the evaluation process is designed to facilitate the execution of complex

[172] As noted above, EDGX also will make GTC and OPG orders available for the Simple Book, which will provide greater flexibility to participants in the markets for orders in single option series.

[173] *See* EDGX Rule 21.1.

[174] *See* MIAX Rule 518(c)(2)(iii) (providing that Legging is not available for, among other things, complex Standard quotes and complex eQuotes); and ISE Rule 722, Supplementary Material .03 (providing that Market Maker quotes will not be automatically executed against bids and offers on ISE for the individual legs of the complex order).

[175] *See* Notice, 82 FR at 33184.

[176] *See, e.g.,* ISE Rule 722(b)(2); Phlx Rule 1098(c)(iii); and MIAX Rule 518(c)(3).

[177] *See* Notice, 82 FR at 33173.

[178] *See id.*

[179] *See id.*

[180] *See* MIAX Rule 518(c)(2)(ii).

[181] *See* EDGX Rule 21.20(c)(2)(F).

[182] *See, e.g.,* ISE Rule 722(b)(3)(ii); and MIAX Rule 518(c)(2)(iii). *See also* Securities Exchange Act Release Nos. 73023 (September 9, 2014) 79 FR 55033 (September 15, 2014) (order approving SR–ISE–2014–10); 79072 (October 7, 2016) 81 FR 71131 (October 14, 2016) (order approving SR–MIAX–2016–26). As discussed above, EDGX will permit Customer two-leg COA-eligible complex orders to leg into the Simple Book without restriction. *See* EDGX Rule 21.20(c)(2)(F). EDGX notes that Legging against the individual components of a complex order on the Simple Book allows complex orders to access the full liquidity of the Exchange's Simple Book, thus enhancing the possibility of executions at the best available prices on the Exchange. EDGX believes this is particularly true for Customer complex orders and, thus, does not propose to limit the ability of such orders to leg into the Simple Book (when such orders are two-legged orders). *See* Amendment No. 1. See also notes 111–116, *supra,* and accompanying text, for additional discussion of EDGX's treatment of Customer complex orders.

[183] *See* Notice, 82 FR at 33185.

[184] *See id.,* 82 FR at 33179.

[185] *See* EDGX Rule 21.20, Interpretation and Policy .02.

[186] *See id.*

[187] *See id. See also* EDGX Rule 21.20(d)(4) (stating that, among other things, a COA Response must include the COA auction ID for the COA to which it is targeted).

orders and other interest on EDGX in accordance with EDGX's rules. The Commission notes that EDGX's managed interest and evaluation processes for complex orders are similar to processes adopted by another options exchange.[188]

F. Market Maker Complex Quotes

As described above, EDGX has not proposed different standards for participation by Market Makers on the COB. Market Makers are not required to quote on the COB and there are no continuous quoting requirements respecting complex orders.[189] In addition, complex strategies are not subject to any requirements that are applicable to Market Makers in the simple market for the individual options series or classes.[190] Finally, volume executed in complex strategies is not taken into consideration when determining whether Market Makers are meeting quoting obligations applicable to Market Makers in the simple market for individual options.[191] The Commission notes that other options exchanges have adopted similar rules.[192]

G. Price Protection and Other Features

EDGX's proposed price and order protection features are intended to provide market participants with price and order size protection to allow them to better manage their risk exposure.[193] The credit-to-debit parameters, Debit/Credit Price Reasonability Checks, Buy Strategy Parameters, Maximum Value Acceptable Price Range, Fat Finger Price Protection, and order size protection are similar to functionalities already available on other options exchanges.[194] EDGX's provisions regarding trading halts could help to protect investors by pausing trading during potentially disruptive conditions.[195] Finally, according to EDGX, adding complex orders to the Risk Protection Monitor should allow EDGX members to better manage their risk and encourage them to submit additional liquidity to the Exchange.[196] The Commission believes the proposed new price protection features are designed to promote just and equitable principles of trade to the extent they are able to mitigate potential risks associated with market participants entering orders or executing trades at what EDGX believes are extreme and potentially erroneous prices.

H. Market Data

As described above, EDGX proposes to make available various data feeds that will provide information regarding complex orders on EDGX. EDGX states that each of the proposed data feeds is based on and similar to an existing data feed offered by EDGX Options and/or the EDGX equities trading platform.[197] EDGX notes that the proposed data feeds, which will be free of charge, would be accessed and subscribed to on a voluntary basis by market participants interested in obtaining data regarding activity in the COB.[198] If EDGX proposes to adopt fees in connection with any of its data feeds, it will file a separate proposal to include such fees in its Fee Schedule.[199] The Commission believes that the proposed data feeds, which will be available free of charge to any subscriber that chooses to receive the data, will provide investors and other market participants with information concerning transactions on EDGX.

IV. Solicitation of Comments on Amendment No. 1

Interested persons are invited to submit written data, views, and arguments concerning whether Amendment No. 1 is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–BatsEDGX–2017–29 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–BatsEDGX–2017–29. 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 such 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–BatsEDGX–2017–29, and should be submitted on or before November 13, 2017.

V. Accelerated Approval of Proposed Rule Change, as Modified by Amendment No. 1

The Commission finds good cause to approve the proposed rule change, as modified by Amendment No. 1, prior to the thirtieth day after the date of publication of the notice of Amendment No. 1 in the **Federal Register**. In Amendment No. 1, EDGX revises its original proposal to make the changes discussed in detail above. Notably, in Amendment No. 1, EDGX revises its proposal to make Complex Only orders available only to EDGX Market Makers, provide additional rationale for its methodology for allocating orders at the conclusion of a COA, and limit to 30 seconds the configurable time period for the System to match orders during the complex order opening process. EDGX also made changes to clarify and add detail to its proposal and the proposed rule text. The Commission believes that Amendment No. 1 does not raise any novel regulatory issues and instead better aligns EDGX's proposed rules governing the trading of complex orders with the rules of other options exchanges. Amendment No. 1 also

[188] *See* MIAX Rules (c)(4) and (5).

[189] *See* EDGX Rule 21.20, Interpretation and Policy .01.

[190] *See id.*

[191] *See id.*

[192] *See* ISE Rule 722, Supplementary Material .03; and MIAX Rule 518, Interpretation and Policy .02(e).

[193] *See* Notice, 82 FR at 33186.

[194] *See* CBOE Rule 6.53C, Interpretation and Policy .08(b)–(d) and (g); and ISE Rule 722, Supplementary Material .07(d) and (e).

[195] *See* Notice, 82 FR at 33186.

[196] *See id.* The Commission reminds members electing to use the Risk Protection Monitor to be mindful of their obligations to, among other things, seek best execution of orders they handle on an agency basis. *See* Securities Exchange Act Release No. 74496 (March 13, 2015), 80 FR 14421, 14423 (March 19, 2015) (SR–MIAX–2015–03).

[197] *See* Notice, 82 FR at 33186.

[198] *See* Amendment No. 1 and Notice, 82 FR at 33182.

[199] *See* Notice, 82 FR at 33182.

provides additional clarity in the rule text and additional analysis of several aspects of the proposal, thus facilitating the Commission's ability to make the findings set forth above to approve the proposal. Accordingly, the Commission finds good cause for approving the proposed rule change, as modified by Amendment No. 1, on an accelerated basis.

VI. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[200] that the proposed rule change (SR–BatsEDGX–2017–29), as modified by Amendment No. 1, be, and hereby is, approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[201]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–22886 Filed 10–20–17; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81887; File No. SR–NYSEAMER–2017–21]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 964NY To Adopt Additional Self-Trade Prevention Modifiers

October 17, 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 3, 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 and II 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 the Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 964NY (Display, Priority and Order Allocation—Trading Systems). The proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the filing is to amend Commentary .02 to NYSE American Options Rule 964NY (Display, Priority and Order Allocation—Trading Systems) regarding the Exchange's Self-Trade Prevention (''STP'') functionality.[4] The Exchange currently offers a basic form of self-trade prevention [5] pursuant to which the Exchange cancels any resting Market Maker quote(s) and order(s) [6] to buy (sell) that are priced equal to or higher (lower) than an incoming Market Maker quote, order or both to sell (buy) entered under the same trading permit identification (''TPID'').[7]

The Exchange proposes to expand the self-trade functionality by adopting three STP modifiers. The proposed STP modifiers are designed to prevent incoming Market Maker order(s) or quote(s) designated with an STP modifier from executing against an opposite side resting Market Maker order(s) or quote(s) also designated with an STP modifier and entered from the same TPID. As proposed, the STP modifier on the incoming Market Maker order or quote would control the interaction between two orders and/or quotes marked with STP modifiers. The proposed STP modifiers are intended to prevent interaction between the same TPIDs. STP modifiers must be present on both the buy and the sell interest in order to prevent an interaction from occurring and to effect a cancel instruction.

The Exchange believes the proposed functionality will allow ATP Holders to better manage order flow and prevent undesirable or unexpected executions with themselves. Given enhancements in technology in today's trading environment, ATP Holders often have multiple connections into the Exchange. Orders, for example, routed by the same ATP Holder via different connections may, in certain circumstances, trade against each other. The proposed STP modifiers would provide ATP Holders the opportunity to prevent these potentially undesirable interactions occurring under the same TPID on both the buy and sell side of an execution.

The three new STP modifiers are discussed more thoroughly below.

STP Cancel Newest (''STPN'')

An incoming order or quote marked with the STPN modifier will not execute against opposite side resting interest marked with any STP modifier from the same TPID. The incoming order or quote marked with the STPN modifier will be cancelled back to the originating TPID. The resting order(s) or quote(s) will remain on the Consolidated Book.

STPN Example 1: Market Maker 1 is configured for one of the three proposed STP modifiers and submits a quote to sell 100 contracts @ $5.50. A Customer order to sell 5 contracts @ $5.49 is resting on the Consolidated Book. Market Maker 1 enters an order to buy 100 contracts @ $5.60 with an STPN modifier.

STPN Result 1: Market Maker 1 buys 5 contracts @ $5.49 because Market Maker 1 has no interest at $5.49. The remaining quantity of Market Maker 1's order will be cancelled due to Market Maker 1's quote at $5.50.

STPN Example 2: Market Maker 1 is configured for one of the three proposed

[200] 15 U.S.C. 78s(b)(2).

[201] 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] Self-Trade Prevention is only applicable to electronic trading on the Exchange.

[5] *See* Securities Exchange Act Release No. 66385 (February 13, 2012), 77 FR 9719 (February 17, 2012) (SR–NYSEAmex–2012–03).

[6] Self-Trade Prevention currently is applicable to the following order types used by Market Makers: ''PNP Orders'' and ''PNP–Blind Orders.'' PNP Orders and PNP–Blind Orders are defined in NYSE American Options Rule 900.3NY, and each is a type of non-routable Limit Order that is only executed on the Exchange. The Exchange notes that Market Makers primarily use these order types, as opposed to other order types offered by the Exchange, because they are similar to quotes (*i.e.,* they are non-routable Limit Orders). *See* Regulatory Information Bulletin RBO–AMEX–12–04 at *https://www.nyse.com/publicdocs/nyse/markets/american-options/rule-interpretations/2012/NYSEAmex%20RBO-12-04%20Self%20Trade.pdf.*

[7] The Exchange uses a Market Maker's TPID to monitor for self-trades. TPIDs are assigned to Market Makers, as well as other ATP Holders, to identify them in the Exchange's systems. Market Makers on the Exchange are not able to submit orders on an agency basis. Thus, a Market Maker within a firm that conducts both an agency and market making business has a unique TPID that could only be used for that Market Maker's quotes and orders.

STP modifiers and submits a quote to sell 100 contracts @ $5.50. A Customer order to sell 5 contracts @ $5.50 is resting on the Consolidated Book. Market Maker 1 enters an order to buy 200 contracts @ $5.60 with an STPN modifier.

STPN Result 2: Market Maker 1's entire order to buy 200 contracts is cancelled due to Market Maker 1's quote at $5.50. No execution with any other interest at $5.50 occurs.

STP Cancel Oldest (''STPO'')

An incoming order or quote marked with the STPO modifier will not execute against opposite side resting interest market with any STP modifier from the same TPID. The resting order(s) or quote(s) marked with the STP modifier will be cancelled back to the originating TPID. The incoming order or quote marked with the STPO modifier will remain on the Consolidated Book.

STPO Example 1: Market Maker 1 is configured for one of the three proposed STP modifiers and submits a quote to sell 100 contracts @ $5.50. Market Maker 1 enters an order to buy 100 contracts @ $5.50 with an STPO modifier.

STPO Result 1: Market Maker 1's buy order cannot trade with Market Maker 1's quote because the buy order is marked for STP and the quotes are configured for STP. Market Maker 1's quote to sell is cancelled and removed from the Consolidated Book. Market Maker 1's buy order will post to the Consolidated Book at $5.50.

STPO Example 2: Market Maker 1 has a resting order on the Consolidated Book to sell 10 contracts @ 5.51 with an STPN modifier. Market Maker 1 is configured for one of the three proposed STP modifiers and submits a quote to sell 100 contracts @ $5.50. Customer 1 has an order to sell 5 contracts @ $5.50 resting on the Consolidated Book. Customer 2 has an order to sell 10 contracts @ $5.51 resting on the Consolidated Book. Market Maker 1 enters an order to buy 100 contracts @ $5.51 with an STPO modifier.

STPO Result 2: Market Maker 1's buy order cannot trade with Market Maker 1's quote because the buy order is marked for STP and the quotes are configured for STP. Market Maker 1's quote to sell 100 contracts @ $5.50 is cancelled and removed from the Consolidated Book. Market Maker 1's buy order will trade 5 contracts with Customer 1 at $5.50, leaving 95 contracts. The remaining 95 contracts will now attempt to trade at the $5.51 price level. Market Maker 1's buy order, however, cannot trade with Market Maker 1's resting sell order and the sell order is therefore cancelled and removed from the Consolidated Book. Market Maker 1's buy order will then trade 10 contracts with the Customer 2 @ $5.51. The remaining 85 contracts of Market Maker 1's buy order will post to the Consolidated Book at $5.51.

STP Cancel Both (''STPC'')

An incoming order or quote marked with the STPC modifier will not execute against opposite side resting interest marked with any STP modifier from the same TPID. The entire size of both orders and/or quotes will be cancelled back to the originating TPID.

STPC Example 1: Market Maker 1 is configured for one of the three proposed STP modifiers and submits a quote to sell 100 contracts @ $5.50. Market Maker 1 enters an order to buy 100 contracts @ $5.50 with an STPC modifier.

STPC Result 1: No execution occurs. Both Market Maker 1's buy order and Market Maker 1's quote to sell are cancelled and removed from the Consolidated Book.

STPC Example 2: Market Maker 1 has a resting order on the Consolidated Book to sell 10 contracts @ $5.51 with an STPN modifier. Market Maker 1 is configured for one of the three proposed STP modifiers and submits a quote to sell 100 contracts @ $5.50. Market Maker 1 enters an additional order to buy 100 contracts @ $5.51 with an STPC modifier.

STPC Result 2: Market Maker 1's buy order cannot trade with Market Maker 1's quote to sell 100 contracts @ $5.50 because the buy order is marked for STP and the quotes are configured for STP. Both the Market Maker 1 buy order and the Market Maker 1 quote to sell are cancelled and removed from the Consolidated Book. Market Maker 1's resting order to sell 10 contracts @ $5.51 is not impacted as the incoming Market Maker 1 buy order never attempts to trade at the $5.51 price level and therefore, Market Maker 1's resting sell order remains on the Consolidated Book.

Additional Discussion

As with the current functionality, the enhanced STP functionality would be in effect throughout the trading day for all Market Makers on the Exchange,[8] but not during Trading Auctions.[9] In this regard, the Exchange believes, as it previously noted when STP was first adopted, it is highly unlikely that a Market Maker would trade against its own resting interest during a Trading Auction.[10] The enhanced STP functionality would also not apply to individual legs of Complex Orders. As previously noted by the Exchange, senders of Complex Orders, including Market Makers, view them as discrete orders with a desire to execute all legs and to prevent the execution of one leg would be contrary to the investment purpose of the Complex Order.[11]

As proposed, the enhanced STP functionality would not be applicable to Qualified Contingent Cross (''QCC'') Orders,[12] and to orders executed in the Exchange's Customer Best Execution (''CUBE'') Auction by ATP Holders.[13] Both QCC Orders and CUBE Orders are paired orders intended to serve a particular investment purpose that are contingent on the execution of the options leg, in the case of a QCC Order, and the execution of both sides of a CUBE Order. Because the non-execution of one or more legs of a QCC Order or a CUBE Order is contrary to the investment purpose of such orders, the Exchange has determined not to apply STP in a manner that would prevent the execution of a QCC Order or a CUBE Order. The Exchange notes that the enhanced STP functionality proposed herein would not relieve or modify a Market Maker's obligations under the Exchange's Rules, such as the Market Maker's quoting obligations, or any other rules and regulations to which the Market Maker is subject.

The enhanced STP functionality proposed herein is similar to functionality currently offered by the Bats Exchange, Inc. (''Bats'').[14] In

[8] Market Markers on the Exchange would not have the ability to deactivate Self-Trade Prevention or change any settings related to it.

[9] *See, e.g.,* NYSE American Options Rule 952NY.

[10] *See supra,* note 5. The Exchange also previously noted that it would be difficult to implement STP from a technological and operational perspective because it would require the Exchange to cancel resting, executable Market Maker trading interest as it is calculating the price at which to conduct the Trading Auction.

[11] *See supra,* note 5.

[12] A QCC Order is comprised of an originating order to buy or sell at least 1,000 contracts, or 10,000 mini-options contracts, that is identified as being part of a qualified contingent trade, as that term is defined in Commentary .01 to Rule 900.3NY, coupled with a contra-side order or orders totaling an equal number of contracts. *See* NYSE American Options Rule 900.3NY(y).

[13] CUBE is the Exchange's price improvement auction mechanism that allows an ATP Holder to electronically submit a limit order it represents as agent on behalf of a public customer, broker dealer, or any other entity (''CUBE Order'') provided that the Initiating Participant guarantees the execution of the CUBE Order by submitting a contra-side order representing principal interest or interest it has solicited to trade with the CUBE Order at a specified price or by utilizing auto-match or auto-match limit features provided in the Rule. *See* NYSE American Options Rule 971.1NY.

[14] *See* Bats Rule 21.1(g).

particular, Bats offers Match Trade Prevention (''MTP''), a self-trade prevention functionality where any incoming order designated with an MTP modifier is prevented from executing against a resting opposite side order also designated with an MTP modifier and originating from the same market participant identifier. Additionally, NYSE American, the Exchange's equities market, provides for self-trade prevention order modifiers that prevent orders so designated from executing against resting opposite side orders entered under the same equity trading permit identification that are also designated with the modifier.[15] With two exceptions, the Exchange is proposing to adopt all the STP modifiers that are currently available on Bats.[16] And with one exception, the Exchange is proposing to adopt all the STP modifiers that are currently available on the Exchange's equities market.[17] The Exchange notes that while the Bats rule and the NYSE American equities rule apply to orders, and not to orders and quotes, the Exchange's proposal is otherwise similar to functionality offered on Bats and on the Exchange's equities market.

The NASDAQ Options Market (''NOM'') currently offers functionality that applies to orders and quotes, but in a limit manner.[18] Notwithstanding the fact that the STPN and STPC modifiers, as proposed for orders and quotes, are not currently available on an options market, the Exchange does not believe the proposed functionality is novel and does not raise any new regulatory concerns. Further, the STP functionality currently available on the Exchange applies to both orders and quotes, and Market Makers are therefore generally familiar with the application of self-trade prevention to orders and quotes. The Exchange further believes the proposed adoption of the STPN and STPC modifiers would add further specificity to the rule while aligning the proposed functionality with Market Makers' expectation. Self-trade prevention is a risk mechanism tool to prevent inadvertent trading of both orders and quotes that has been widely used for many years in both the equities and options markets. The enhanced functionality proposed herein would provide Market Makers with a method of managing their trading interest that is similar to functionality currently available on other markets.

The Exchange also proposes at this time to make a procedural change for announcements regarding the STP functionality. Presently the Exchange issues Regulatory Information Bulletins when making announcements related to STP functionality. Going forward, the Exchange proposes to issue a Trader Update in lieu of a Regulatory Information Bulletin. Regulatory Information Bulletins generally contain information regarding legal and regulatory matters while a Trader Update deals with issues such as trading, systems changes and real-time market announcements. The Exchange believes that it is more appropriate to make announcements regarding the STP functionality via Trader Update. Trader Updates, like Regulatory Information Bulletins, are electronically distributed to ATP Holders and posted on the Exchange's Web site. Accordingly, the Exchange proposes to amend Commentary .02 to current Rule 964NY by replacing reference to ''Regulatory Information Bulletin'' with ''Trader Update.''

Implementation

Because of the technology changes associated with this proposed rule change, the Exchange will announce by Trader Update the implementation date of the proposed rule change, which will be no later than 60 days from the effective date of this rule filing.

2.Statutory Basis

The proposed rule change is consistent with Section 6(b)[19] of the Securities Exchange Act of 1934 (the ''Act''), in general, and furthers the objectives of Section 6(b)(5),[20] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanisms of a free and open market and a national market system.

As discussed above, the Exchange believes that the proposed rule change is designed to promote just and equitable principles of trade because it would provide Market Makers with a functionality that is similar to functionality currently available on other markets.[21] Additionally, the Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices, to remove impediments to, and perfect the mechanisms of, a free and open market and a national market system and, in general, to protect investors and the public interest, because it would allow Market Makers to better manage their trading interest and provide a means to prevent executions against their own trading interest.

The Exchange notes that Market Makers have expressed an interest in the proposed functionality as it would prevent them from inadvertently trading with their own interest. In such a situation, ATP Holders currently ask the Exchange to nullify such inadvertent trades, which they are permitted to do under the Exchange's rules because the ATP Holder is on both sides of the trade.[22] While the proposed STP functionality would prevent inadvertent self-trading, the Exchange notes that the functionality would also prevent intentional self-trading. In this regard, the proposed rule change provides a means to prevent manipulative conduct such as ''wash trading.''

Finally, the replacement of reference to Regulatory Information Bulletin with Trader Update, would foster cooperation and coordination with persons engaged in facilitating transactions in securities as Trader Updates deal with issues such as trading, systems changes and real-time market announcements and are electronically distributed to ATP Holders and posted on the Exchange's Web site.

[15] *See* NYSE American Rule 7.31E(i)(2).

[16] Bats currently offers MTP Decrement and Cancel (''MDC'') where an incoming order with the MDC modifier is prevented from executing against opposite side resting interest marked with any MTP modifier originating from the same user on that exchange. If both orders are equal in size, both orders are canceled. For those not equivalent in size, the smaller order is canceled and the larger order is decremented by the size of the smaller order with the balance remaining on the order book. Bats also currently offers MTP Cancel Smallest (''MCS'') where an incoming order with the MCS modifier is prevented from executing against opposite side resting interest marked with any MTP modifier originating from the same user. If both orders are equal in size, both orders are cancelled. For those not equivalent in size, the smaller order is canceled and the larger order remains on the book.

[17] The NYSE American equities market also currently offers STP Decrement and Cancel (''STPD'') that provides similar self-trade prevention functionality as the Bats offering. At this time, the Exchange is not proposing to adopt the STPD modifier for the options market.

[18] *See* NOM, Chapter VI, Section 10(6). The NOM anti-internalization (''AIQ'') functionality works similar to the proposed STPO modifier in that quotes and orders entered by NOM market makers using the same market participant identifier are automatically prevented from interacting with each other. Rather than executing quotes and orders from the same market participant identifier, the AIQ functionality cancels the oldest of the quotes and orders.

[19] 15 U.S.C. 78f(b).

[20] 15 U.S.C. 78f(b)(5).

[21] *See supra,* notes 14, 15 and 18.

[22] *See* NYSE American Options Rule 966NY.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is designed to enhance STP functionality provided to Exchange Market Makers, and will benefit members that wish to protect their orders and quotes against trading with other orders and quotes that originate from the same TPID. The new functionality, which is similar to functionality currently offered on other markets, is also voluntary, and the Exchange therefore does not believe that providing an enhanced offering to prevent against self-trading will have any significant impact on competition. The Exchange believes that the proposed rule change is evidence of the competitive environment in the options industry where exchanges must continually improve their offerings to maintain competitive standing.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6) thereunder.[23]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act [24] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii) [25] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the Exchange can implement the enhanced functionality without delay. The Exchange believes that waiver of the operative delay is consistent with the protection of investors and the public interest because it would enable the Exchange to implement the change when the technology supporting the change is available, which the Exchange anticipates will be no later than 60 days from the effective date of this rule filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because the new functionality is designed to provide market makers with a tool to prevent undesirable executions against themselves and therefore may assist market makers in managing their order flow. Therefore, the Commission hereby waives the operative delay and designates the proposed rule change operative upon filing.[26]

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–NYSEAMER–2017–21 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–2017–21. 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 such 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–2017–21, and should be submitted on or before November 13, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[27]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–22882 Filed 10–20–17; 8:45 am]

BILLING CODE 8011–01–P

[23] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[24] 17 CFR 240.19b–4(f)(6).

[25] 17 CFR 240.19b–4(f)(6)(iii).

[26] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[27] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736

Extension:

Form N–17f–2, SEC File No. 270–317, OMB Control No. 3235–0360

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 350l *et seq.*), the Securities and Exchange Commission (the ''Commission'') has submitted to the

Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Form N–17f–2 (17 CFR 274.220) under the Investment Company Act is entitled ''Certificate of Accounting of Securities and Similar Investments in the Custody of Management Investment Companies.'' Form N–17f–2 is the cover sheet for the accountant examination certificates filed under rule 17f–2 (17 CFR 270.17f–2) by registered management investment companies (''funds'') maintaining custody of securities or other investments. Form N–17f–2 facilitates the filing of the accountant's examination certificates prepared under rule 17f–2. The use of the form allows the certificates to be filed electronically, and increases the accessibility of the examination certificates to both the Commission's examination staff and interested investors by ensuring that the certificates are filed under the proper Commission file number and the correct name of a fund.

Commission staff estimates that it takes: (i) On average 1.25 hours of fund accounting personnel at a total cost of $255 to prepare each Form N–17f–2; [1] and (ii) .75 hours of administrative assistant time at a total cost of $57 to file the Form N–17f–2 with the Commission.[2] Approximately 194 funds currently file Form N–17f–2 with the Commission. Commission staff estimates that on average each fund files Form N–17f–2 three times annually for a total annual hourly burden per fund of approximately 6 hours at a total cost of $918. The total annual hour burden for Form N–17f–2 is therefore estimated to be approximately 1,164 hours. Based on the total annual costs per fund listed above, the total cost of Form N–17f–2's collection of information requirements is estimated to be approximately $178,092.[3]

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act, and is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules and forms. Complying with the collections of information required by Form N–17f–2 is mandatory for those funds that maintain custody of their own assets. Responses will not be kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

The public may view the background documentation for this information collection at the following Web site, *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Issued: October 18, 2017.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–22907 Filed 10–20–17; 8:45 am]

BILLING CODE 8011–01–P

[1] This estimate is based on the following calculation: 1.25 × $204 (fund senior accountant's hourly rate) = $255.

[2] This estimate is based on the following calculation: .75 × $76 (administrative assistant hourly rate) = $57.

[3] This estimate is based on the following calculation: 194 funds × $918 (total annual cost per fund) = $178,092.

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15364 and #15365; Louisiana Disaster Number LA–00080]

Presidential Declaration of a Major Disaster for Public Assistance Only for the State of Louisiana

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of Louisiana (FEMA–4345–DR), dated 10/16/2017.

Incident: Tropical Storm Harvey.

Incident Period: 08/27/2017 through 09/10/2017.

DATES: Issued on 10/16/2017.

Physical Loan Application Deadline Date: 12/15/2017.

Economic Injury (EIDL) Loan Application Deadline Date: 07/16/2018.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: Alan Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 10/16/2017, Private Non-Profit organizations that provide essential services of a governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Parishes: Allen, Beauregard, Calcasieu, Cameron, Natchitoches, Red River, Sabine, Saint Charles, Vernon

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations with Credit Available Elsewhere ...	2.500
Non-Profit Organizations without Credit Available Elsewhere	2.500
For Economic Injury:	
Non-Profit Organizations without Credit Available Elsewhere	2.500

The number assigned to this disaster for physical damage is 153648 and for economic injury is 153650.

(Catalog of Federal Domestic Assistance Number 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2017–22923 Filed 10–20–17; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15366 and #15367; SOUTH CAROLINA Disaster Number SC–00052]

Presidential Declaration of a Major Disaster for Public Assistance Only for the State of South Carolina

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of South Carolina (FEMA–4346–DR), dated 10/16/2017.

Incident: Hurricane Irma.

Incident Period: 09/06/2017 through 09/13/2017.

DATES: Issued on 10/16/2017.

Physical Loan Application Deadline Date: 12/15/2017.

Economic Injury (EIDL) Loan Application Deadline Date: 07/16/2018.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 10/16/2017, Private Non-Profit organizations that provide essential services of a governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Allendale, Anderson, Bamberg, Barnwell, Beaufort, Berkeley, Charleston, Colleton, Dorchester, Edgefield, Georgetown, Hampton, Jasper, McCormick, Oconee, Pickens.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations With Credit Available Elsewhere ...	2.500
Non-Profit Organizations Without Credit Available Elsewhere	2.500
For Economic Injury:	
Non-Profit Organizations Without Credit Available Elsewhere	2.500

The number assigned to this disaster for physical damage is 153668 and for economic injury is 153670.

(Catalog of Federal Domestic Assistance Number 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2017–22924 Filed 10–20–17; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15326 and #15327; CALIFORNIA Disaster Number CA–00277]

Administrative Declaration Amendment of Disaster for the State of California

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Administrative declaration of a disaster for the State of CALIFORNIA dated 09/26/2017.

Incident: Helena Fire.

Incident Period: 08/30/2017 through 10/01/2017.

DATES: Issued on 10/10/2017.

Physical Loan Application Deadline Date: 11/27/2017.

Economic Injury (EIDL) Loan Application Deadline Date: 06/26/2018.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of an Administrative declaration for the State of CALIFORNIA, dated 09/26/2017, is hereby amended to establish the incident closing date as 10/01/2017.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Dated: October 10, 2017.

Linda E. McMahon,

Administrator.

[FR Doc. 2017–22876 Filed 10–20–17; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: 30-Day notice.

SUMMARY: The Small Business Administration (SBA) is publishing this notice to comply with requirements of the Paperwork Reduction Act (PRA), which requires agencies to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission. This notice also allows for an additional 30 days for public comments.

DATES: Submit comments on or before November 22, 2017.

ADDRESSES: Comments should refer to the information collection by name and/or OMB Control Number and should be sent to: *Management Analyst,* Curtis B. Rich, Small Business Administration, 409 3rd Street SW., 5th Floor, Washington, DC 20416; and *SBA Desk Officer,* Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Annie Rorem, Senior Research Manager, National Women's Business Council, *annie.rorem@nwbc.gov,* 202–205–6829 or Curtis B. Rich, Management Analyst, *curtis.rich@sba.gov,* 202–205–7030.

Copies: A copy of the Form OMB 83–1, supporting statement, and other Documents submitted to OMB for review may be obtained from the Agency Clearance Officer.

SUPPLEMENTARY INFORMATION: NWBC is a non-partisan federal advisory council created to serve as an independent source of advice and counsel to the President, Congress, and the U.S. Small Business Administration (SBA) on economic issues of importance to women business owners. The Council's mission is to promote initiatives, policies, and programs designed to support women's business enterprises at all stages of development in the public and private sector marketplaces—from start-up to success. NWBC is charged with providing sound policy advice related to its mission by statutory authority 15 U.S.C. 7105 and 15 U.S.C. 7109a, with conducting ''such studies and other research relating to the award of federal prime contracts and subcontracts to women-owned businesses, to access to credit and investment capital by women entrepreneurs, or to other issues relating to women-owned businesses, as the Council determines to be appropriate.''

As part of its efforts, NWBC seeks to complement data resources available from the Census Bureau's Survey of Small Business Owners and Self-Employed Persons (SBO). Although the SBO is widely recognized as the most comprehensive, regularly collected source of information on selected economic and demographic characteristics for businesses and business owners by gender, ethnicity, race, and veteran status, the proposed NWBC information collection will add to the available data, in terms of both methodology and timeliness. A new annual Web survey, which will collect information across a representative sample of business owners, including both women and men, will enhance information gathering on factors such as challenges to business start-up and growth, motivation, and economic impacts related to women entrepreneurship in the United States. This survey will also provide a

comprehensive review of business ownership, including business owners' characteristics, types of businesses and economic impact.

Summary of Information Collections

Title: National Women's Business Council Survey Development on Women-Owned and Led Businesses.

Description of Respondents: Owners of privately-held small businesses.

Total Estimated Annual Responses: 12,131.

Total Estimated Annual Hour Burden: 1,348.

Curtis B. Rich,

Management Analyst.

[FR Doc. 2017–22803 Filed 10–20–17; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice: 10176]

Notice of Public Meeting

The Department of State will conduct a public meeting at 10:00 a.m. on Tuesday, November 14, 2017 in Room 5L18–01 of the Douglas A. Munro Coast Guard Headquarters Building at St. Elizabeth's, 2703 Martin Luther King Jr. Ave. SE., Washington, DC 20593. The primary purpose of the meeting is to prepare for the 29th Extraordinary Council Session (CES29), the 30th Assembly (A30), and the 119th Council Session (C119) of the International Maritime Organization (IMO), to be held at the IMO Headquarters, United Kingdom, November 23–24; November 27–December 6; and December 7, respectively.

The agenda items for CES29 to be considered include:

—Adoption of the agenda
—Report of the Secretary-General on credentials
—Strategy, planning and reform
—Resource management
—Results-based budget for the 2018–2019 biennium
—Consideration of the report of the seventy-first session of the Marine Environment Protection Committee
—Consideration of the report on the 39th Consultative Meeting of Contracting Parties to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter,1972 and the 12th Meeting of Contracting Parties to the 1996 Protocol to the London Convention
—Report of the Council to the Assembly on the work of the Organization since the 29th regular session of the Assembly
—Protection of vital shipping lanes
—Periodic review of administrative requirements in mandatory IMO instruments
—External relations
—Report on the status of the Convention and membership of the Organization
—Report on the status of conventions and other multilateral instruments in respect of which the Organization performs functions
—Items for inclusion in the provisional agendas for the next two sessions of the Council
—Supplementary agenda items, if any

The agenda items for A30 to be considered include:

—Adoption of the agenda
—Election of the President and the Vice-Presidents of the Assembly
—Application of Article 61 of the IMO Convention—Report of the Council to the Assembly on any requests by Members for waiver
—Establishment of committees of the Assembly
—Consideration of the reports of the committees of the Assembly
—Report of the Council to the Assembly on the work of the Organization since the 29th regular session of the Assembly
—Strategy, planning and reform
—IMO Member State Audit Scheme
—Consideration of the reports and recommendations of the Maritime Safety Committee
—Consideration of the reports and recommendations of the Legal Committee
—Consideration of the reports and recommendations of the Marine Environment Protection Committee
—Consideration of the reports and recommendations of the Technical Cooperation Committee
—Consideration of the reports and recommendations of the Facilitation Committee
—Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 and the 1996 Protocol thereto: Report on the performance of Secretariat functions and other duties
—Report to the Assembly on Periodic review of administrative requirements in mandatory IMO instruments
—Resource management
—Global maritime training institutions
—External relations
—Report on the status of the Convention and membership of the Organization
—Report on the status of conventions and other multilateral instruments in respect of which the Organization performs functions
—Election of Members of the Council, as provided for in Articles 16 and 17 of the IMO Convention
—Election of Members of the IMO Staff Pension Committee
—Date and place of the 31st session of the Assembly
—Supplementary agenda items, if any

The agenda for C119 has not yet been published, but traditionally includes:

—Election of the Chairman and Vice-Chairman
—Adoption of the agenda
—Date, place and duration of the next session of Council
—Supplementary agenda items, if any

Members of the public may attend this meeting up to the seating capacity of the room. To facilitate the building security process, and to request reasonable accommodation, those who plan to attend must contact the meeting coordinator, LCDR Staci Weist, by email at *eustacia.y.weist@uscg.mil,* or by phone at (202) 372–1376, not later than November 7th, seven days prior to the meeting. Requests made after November 7, 2017 might not be able to be accommodated. Please note that due to security considerations, two valid, government issued photo identifications must be presented to gain entrance to the Headquarters building. The Headquarters building is accessible by public transportation, taxi and privately owned conveyance. Additional information regarding this and other IMO SHC public meetings may be found at *www.dco.uscg.mil/Our-Organization/Assistant-Commandant-for-Prevention-Policy-CG-5P/Commercial-Regulations-standards-CG-5PS/International-Maritime-Organization/.*

Joel C. Coito,

Executive Secretary, Shipping Coordination Committee, Coast Guard Liaison Officer, Office of Ocean and Polar Affairs, Department of State.

[FR Doc. 2017–22856 Filed 10–20–17; 8:45 am]

BILLING CODE 4710–09–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highway in California

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of limitation on claims for judicial review of actions by the California Department of Transportation (Caltrans), pursuant to 23 U.S.C. 327.

SUMMARY: The FHWA, on behalf of Caltrans, is issuing this notice to announce actions taken by Caltrans, that are final. The actions relate to a proposed highway project, located on

State Route 20 between post miles R18.07/20.25 in the County of Yuba, State of California. Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, the FHWA, on behalf of Caltrans, is advising the public of final agency actions subject to 23 U.S.C. 139(*l*)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before March 22, 2018]. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: For Caltrans: Laura Loeffler, Senior Environmental Planner, California Department of Transportation- District 3, 703 B Street, Marysville, California 95901, during normal business hours from 8:00 a.m. to 5:00 p.m., telephone (530) 741–4592 or email *laura.loeffler@dot.ca.gov* or Darla Tate at (530) 740–4839 email *darla.tate@dot.ca.gov*.

SUPPLEMENTARY INFORMATION: Effective July 1, 2007, the Federal Highway Administration (FHWA) assigned, and the California Department of Transportation (Caltrans) assumed, environmental responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that Caltrans, has taken final agency actions subject to 23 U.S.C. 139(*l*)(1) by issuing licenses, permits, and approvals for the following highway project in the State of California: The project will improve state route 20 in Yuba County, California. The total length of the project is 2 miles from post miles R18.07 to 20.25. The scope of this safety project will: improve horizontal and vertical alignment, widen shoulders and add left turn pockets, realign portions of the existing highway to correct non-standard curves and improve sight distance to a 55 mph design speed, widen the highway shoulders, construct a new 800-foot bridge and re-align a section between PM R18.4 and 18.9, add a left turn pockets to two public roads (Timbuctoo Place, PM 19.83) and Smartsville Road, (PM 20.00), construct new drainage systems as necessary for new alignment segments, and lastly place new roadway signs and strips.

The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental Assessment (FEA) for the project, approved on 8/31/2017, in the FHWA Finding of No Significant Impact (FONSI) issued on 8/31/2017, and in other documents in the FHWA project records. The FEA, FONSI and other project records are available by contacting Caltrans at the addresses provided above. This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. Council on Environmental Quality Regulations
2. National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321 *et seq.*
3. Federal-Aid Highway Act of 1970, 23 U.S.C 109
4. MAP–21, the Moving Ahead for Progress in the 21st Century Act (Pub. L. 112–141)
5. Clean Air Act Amendments of 1990 (CAAA)
6. Clean Water Act of 1977 and 1987
7. Federal Water Pollution Control Act of 1972 (see Clean Water Act of 1977 & 1987)
8. Federal Land Policy and Management Act of 1976 (Paleontological Resources)
9. Noise Control Act of 1972
10. Safe Drinking Water Act of 1944, as amended
11. Endangered Species Act of 1973
12. Executive Order 11990, Protection of Wetlands
13. Executive Order 13112, Invasive Species
14. Executive Order 13186, Migratory Birds
15. Fish and Wildlife Coordination Act of 1934, as amended
16. Migratory Bird Treaty Act
17. Water Bank Act Wetlands Mitigation Banks, ISTEA 1991, Sections 1006–1007
18. Wildflowers, Surface Transportation and Uniform Relocation Act of 1987 Section 130
19. Coastal Zone Management Act of 1972
20. Coastal Zone Management Act Reauthorization Amendments Of 1990
21. Executive Order 11988, Floodplain Management
22. Department of Transportation (DOT) Executive Order 5650.2—Floodplain Management and Protection (April 23, 1979)
23. Rivers and Harbors Appropriation Act of 1899, Sections 9 and 10
24. Title VI of the Civil Rights Act of 1964, as amended
25. Executive Order 12898, Federal Actions to Address Environmental Justice and Low-Income Populations

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(*l*)(1).

Tashia Clemons,

Director, Program Development, Federal Highway Administration, Sacramento, California.

[FR Doc. 2017–22954 Filed 10–20–17; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2017–0175]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel HOPSCOTCH; Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before November 22, 2017.

ADDRESSES: Comments should refer to docket number MARAD–2017–0175. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel HOPSCOTCH is:

—*Intended Commercial Use of Vessel:* A Charter Vessel, doing daily and weekly trips

—*Geographic Region:* ''Alaska''

The complete application is given in DOT docket MARAD–2017–0175 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

* * * * *

By Order of the Maritime Administrator.

Dated: October 17, 2017.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2017–22858 Filed 10–20–17; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2017–0173]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel FAMILY AFFAIR; Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before November 22, 2017.

ADDRESSES: Comments should refer to docket number MARAD–2017–0173. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel FAMILY AFFAIR is:

—*Intended Commercial Use of Vessel:* ''Private day sails, sunset cruises and overnight cruises with up to 6 passengers. Our plan is to only to charter the boat to a private group, we will not be selling individual tickets. The venue will be up to the customer but we plan on encouraging a hands on learning experience where our passengers will learn some basic sailing skills. Since Both my husband and I have other jobs we plan on no more than 4 charters per month.''

—*Geographic Region:* ''Washington State.''

The complete application is given in DOT docket MARAD–2017–0173 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

* * * * *

By Order of the Maritime Administrator.

Dated: October 17, 2017.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2017–22859 Filed 10–20–17; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2017–0174]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel FEATHER; Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before November 22, 2017.

ADDRESSES: Comments should refer to docket number MARAD–2017–0174. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Bianca Carr, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–9309, Email *Bianca.carr@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel FEATHER is:

—*Intended Commercial Use of Vessel:* ''Local Charters in San Diego Bay and surrounding waters''

—*Geographic Region:* ''California, Oregon, Washington State''

The complete application is given in DOT docket MARAD–2017–0174 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT/MARAD solicits comments from the public to better inform its rulemaking process. DOT/MARAD posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

* * * * *

By Order of the Maritime Administrator.

Dated: October 17, 2017.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2017–22860 Filed 10–20–17; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Submission for OMB Review; Reporting and Recordkeeping Requirements Associated With Liquidity Coverage Ratio: Liquidity Risk Measurement, Standards, and Monitoring

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other federal agencies to take this opportunity to comment on a continuing information collection as required by the Paperwork Reduction Act of 1995 (PRA).

In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

The OCC is soliciting comment concerning the renewal of its information collection titled ''Reporting and Recordkeeping Requirements Associated with Liquidity Coverage Ratio: Liquidity Risk Measurement, Standards, and Monitoring.'' The OCC also is giving notice that it has sent the collection to OMB for review.

DATES: You should submit written comments by November 22, 2017.

ADDRESSES: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by email, if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557–0323, 400 7th Street SW., Suite 3E–218, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465–4326 or by electronic mail to *prainfo@occ.treas.gov.* You may personally inspect and photocopy comments at the OCC, 400 7th Street, SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700 or, for persons who are deaf or hearing impaired, TTY, (202) 649–5597. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect and photocopy comments.

All comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Additionally, please send a copy of your comments by mail to: OCC Desk Officer, 1557–0323, U.S. Office of Management and Budget, 725 17th Street NW., #10235, Washington, DC 20503 or by email to *oira submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, OCC Clearance Officer, (202) 649–5490 or, for persons

who are deaf or hearing impaired, TTY, (202) 649–5597, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from OMB for each collection of information that they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. The OCC is requesting that OMB extend its approval of the following information collection.

Title: Reporting and Recordkeeping Requirements Associated with Liquidity Coverage Ratio: Liquidity Risk Measurement, Standards, and Monitoring.

OMB Control No.: 1557–0323.

Affected Public: Business or other for-profit.

Type of Review: Regular review.

Abstract: The quantitative liquidity requirement (12 CFR part 50) is designed to promote improvements in the measurement and management of liquidity risk.

The rule applies to large and internationally active banking organizations—generally, bank holding companies, certain savings and loan holding companies, and depository institutions with $250 billion or more in total assets or $10 billion or more in on-balance sheet foreign exposure—and to their consolidated subsidiaries that are depository institutions with $10 billion or more in total consolidated assets.

Section 50.22 requires that, with respect to each asset eligible for inclusion in a national bank or federal savings association's (FSA's) high-quality liquid assets (HQLA) amount, the national bank or FSA must implement policies that require eligible HQLA to be under the control of the management function in the national bank or FSA responsible for managing liquidity risk. The management function must evidence its control over the HQLA by segregating the HQLA from other assets, with the sole intent to use the HQLA as a source of liquidity, or demonstrating the ability to monetize the assets and making the proceeds available to the liquidity management function without conflicting with a business or risk management strategy of the national bank or FSA. In addition, § 50.22 requires that a national bank or FSA have a documented methodology that results in a consistent treatment for determining that the national bank or FSA's eligible HQLA meet the requirements of § 50.22.

Section 50.40 requires that a national bank or FSA notify its appropriate federal banking agency on any day when its liquidity coverage ratio is calculated to be less than the minimum requirement in § 50.10. If a national bank or FSA's liquidity coverage ratio is below the minimum requirement in § 50.10 for three consecutive days, or if the OCC has determined that the institution is otherwise materially noncompliant, the national bank or FSA must promptly provide a plan for achieving compliance with the minimum liquidity requirement in § 50.10 and all other requirements of § 50.40 to the OCC.

The liquidity plan must include, as applicable: (1) An assessment of the national bank or FSA 's liquidity position; (2) the actions the national bank or FSA has taken and will take to achieve full compliance, including a plan for adjusting the national bank or FSA's risk profile, risk management, and funding sources in order to achieve full compliance and a plan for remediating any operational or management issues that contributed to noncompliance; (3) an estimated time frame for achieving full compliance; and (4) a commitment to provide a progress report to the OCC at least weekly until full compliance is achieved.

Frequency of Response: Annual and event generated.

Affected Public: Covered national banks and FSAs.

Estimated Number of Respondents: 19.

Estimated Total Annual Burden: 2,361 hours.

The OCC issued a notice for 60 days of comment regarding this collection on July 19, 2017, 82 FR 33202. No comments were received. Comments continue to be invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the information collection burden;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: October 17, 2017.

Karen Solomon,

Deputy Chief Counsel, Office of the Comptroller of the Currency.

[FR Doc. 2017–22927 Filed 10–20–17; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Cemeteries and Memorials, Amended Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act that a meeting of the Advisory Committee on Cemeteries and Memorials will be held on October 31–November 1, 2017. The meeting sessions will take place at the Jefferson Barracks Medical Center, 1 Jefferson Barracks Drive, Building 56, St. Louis, MO 63125. Sessions are open to the public, except when the Committee is conducting tours of VA facilities, participating in off-site events, and participating in workgroup sessions. Tours of VA facilities are closed, to protect from disclosure Veterans' information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The purpose of the Committee is to advise the Secretary of Veterans Affairs on the administration of national cemeteries, soldiers' lots and plots, the selection of new national cemetery sites, the erection of appropriate memorials, and the adequacy of Federal burial benefits. The Committee will make recommendations to the Secretary regarding such activities.

On the morning of Tuesday, October 31st, the Committee will convene with an open session at the Jefferson Barracks Medical Center, 1 Jefferson Barracks Drive, Building 56, St. Louis, MO 63125, from 8:30 a.m. to 12:00 p.m. central time. The agenda will include briefings on NCA Modernization efforts and Committee recommendations. In the afternoon, from 1:00 p.m. to 4:00 p.m., central time, the Committee will reconvene a closed session, as it tours the NCA National Training Center co-located at the meeting site and Jefferson Barracks National Cemetery at 2900 Sheridan Road, St. Louis, MO 63125.

On November 1st, the meeting will convene an open session at the Jefferson Barracks Medical Center, 1 Jefferson Barracks Drive, Building 56, St. Louis, MO 63125, from 8:30 a.m.–4:00 p.m. central time. The agenda will include a continuation of briefings on Committee

Recommendations and a briefing on the Veterans Legacy Program.

Time will be allocated for receiving oral presentations from the public each day. The dial-in number is 1–800–767–1750, access code 52799#. *Note: The telephone line will be muted until the Committee Chairman opens the floor for public comment.* Any member of the public wishing to attend the meeting should contact Ms. Christine Hamilton, Designated Federal Officer, at (202) 461–5680. The Committee will also accept written comments. Comments may be transmitted electronically to the Committee at *Christine.hamilton1@va.gov* or mailed to the National Cemetery Administration (40A1), 810 Vermont Avenue NW., Washington, DC 20420. In the public's communications with the Committee, the writers must identify themselves and state the organizations, associations, or persons they represent.

Dated: October 18, 2017.

Jelessa M. Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2017–22945 Filed 10–20–17; 8:45 am]

BILLING CODE P

FEDERAL REGISTER

Vol. 82 Monday,
No. 203 October 23, 2017

Part II

The President

Presidential Determination No. 2017–13 of September 29, 2017—Presidential Determination on Refugee Admissions for Fiscal Year 2018
Presidential Determination No. 2017–14 of September 30, 2017—Presidential Determination With Respect to the Child Soldiers Prevention Act of 2008

Federal Register
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Presidential Documents

Title 3—

The President

Presidential Determination No. 2017–13 of September 29, 2017

Presidential Determination on Refugee Admissions for Fiscal Year 2018

Memorandum for the Secretary of State

By the authority vested in me as President by the Constitution and the laws of the United States, in accordance with section 207 of the Immigration and Nationality Act (the ''Act'') (8 U.S.C. 1157), after appropriate consultations with the Congress, and consistent with the Report on Proposed Refugee Admissions for Fiscal Year 2018 submitted to the Congress on September 27, 2017, I hereby determine and authorize as follows:

The admission of up to 45,000 refugees to the United States during Fiscal Year (FY) 2018 is justified by humanitarian concerns or is otherwise in the national interest. This number includes persons admitted to the United States during FY 2018 with Federal refugee resettlement assistance under the Amerasian immigrant admissions program, as provided below.

The admissions shall be allocated among refugees of special humanitarian concern to the United States in accordance with the following regional allocations:

Africa	19,000
East Asia	5,000
Europe and Central Asia	2,000
Latin America/Caribbean	1,500
Near East/South Asia	17,500

The number of admissions allocated to the East Asia region shall include persons admitted to the United States during FY 2018 with Federal refugee resettlement assistance under section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988, as contained in section 101(e) of Public Law 100–202 (Amerasian immigrants and their family members).

Additionally, you are authorized, following notification of the appropriate committees of the Congress, to transfer unused admissions allocated to a region to one or more other regions, if greater admissions are needed for such region or regions.

Consistent with section 2(b)(2) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(b)), I hereby determine that assistance to or on behalf of persons applying for admission to the United States as part of the overseas refugee admissions program will contribute to the foreign policy interests of the United States, and I accordingly designate such persons for this purpose.

Consistent with section 101(a)(42) of the Act (8 U.S.C. 1101(a)(42)), and after appropriate consultation with the Congress, I also specify that, for FY 2018, the following persons may, if otherwise qualified, be considered refugees for the purpose of admission to the United States within their countries of nationality or habitual residence:

a. persons in Cuba

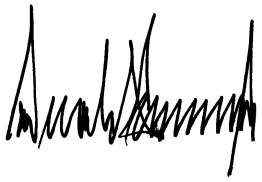
b. persons in Eurasia and the Baltics

c. persons in Iraq

d. persons in Honduras, Guatemala, and El Salvador

e. persons identified by a United States Embassy in any location, in exceptional circumstances.

You are authorized and directed to publish this determination in the *Federal Register.*



THE WHITE HOUSE,
Washington, September 29, 2017

[FR Doc. 2017–23140
Filed 10–20–17; 11:15 am]
Billing code 4710–10–P

Presidential Documents

Presidential Determination No. 2017–14 of September 30, 2017

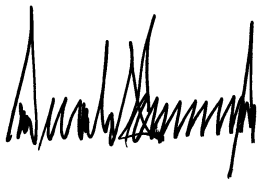
Presidential Determination With Respect to the Child Soldiers Prevention Act of 2008

Memorandum for the Secretary of State

Pursuant to section 404 of the Child Soldiers Prevention Act of 2008 (22 U.S.C. 2370c–1) (CSPA), I hereby determine as follows:

It is in the national interest of the United States to waive the application of the prohibition in section 404(a) of the CSPA with respect to Mali and Nigeria; to waive the application of the prohibition in section 404(a) of the CSPA with respect to the Democratic Republic of the Congo to allow for provision of Peacekeeping Operations (PKO) assistance, to the extent the CSPA would restrict such assistance or support; to waive the application of the prohibition in section 404(a) of the CSPA with respect to Somalia to allow for the provision of International Military Education and Training assistance, PKO assistance, and support provided pursuant to 10 U.S.C. 333, to the extent the CSPA would restrict such assistance or support; and to waive the application of the prohibition in section 404(a) of the CSPA with respect to South Sudan to allow for PKO assistance, to the extent the CSPA would restrict such assistance or support. Accordingly, I hereby waive such applications of section 404(a) of the CSPA.

You are authorized and directed to submit this determination to the Congress, along with the Memorandum of Justification, and to publish the determination in the *Federal Register.*



THE WHITE HOUSE,
Washington, September 30, 2017

[FR Doc. 2017–23145
Filed 10–20–17; 11:15 am]
Billing code 4710–10–P

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