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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Part 34

[Docket No. OCC–2017–0016]

RIN 1557–AE25

FEDERAL RESERVE SYSTEM

12 CFR Part 226

[Docket No. R–1580]

RIN 7100 AE–87

BUREAU OF CONSUMER FINANCIAL PROTECTION

12 CFR Part 1026

[Docket No. CFPB–2017–0029]

Appraisals for Higher-Priced Mortgage Loans Exemption Threshold

AGENCY: Board of Governors of the Federal Reserve System (Board); Bureau of Consumer Financial Protection (Bureau); and Office of the Comptroller of the Currency, Treasury (OCC).

ACTION: Final rules, official interpretations and commentary.

SUMMARY: The OCC, the Board, and the Bureau are finalizing amendments to the official interpretations for their regulations that implement section 129H of the Truth in Lending Act (TILA). Section 129H of TILA establishes special appraisal requirements for “higher-risk mortgages,” termed “higher-priced mortgage loans” or “HPMLs” in the agencies’ regulations. The OCC, the Board, the Bureau, the Federal Deposit Insurance Corporation (FDIC), the National Credit Union Administration (NCUA) and the Federal Housing Finance Agency (FHFA) (collectively, the Agencies) issued joint final rules implementing these requirements, effective January 18, 2014. The

Agencies’ rules exempted, among other loan types, transactions of \$25,000 or less, and required that this loan amount be adjusted annually based on any annual percentage increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI–W). If there is no annual percentage increase in the CPI–W, the OCC, the Board, and the Bureau will not adjust this exemption threshold from the prior year. However, in years following a year in which the exemption threshold was not adjusted, the threshold is calculated by applying the annual percentage increase in the CPI–W to the dollar amount that would have resulted, after rounding, if the decreases and any subsequent increases in the CPI–W had been taken into account. Based on the CPI–W in effect as of June 1, 2017, the exemption threshold will increase from \$25,500 to \$26,000 effective January 1, 2018.

DATES: This final rule is effective January 1, 2018.

FOR FURTHER INFORMATION CONTACT:

OCC: MaryAnn Nash, Counsel, Legislative and Regulatory Activities Division, (202) 649–6287; for persons who are deaf and hard of hearing TTY, (202) 649–5597. Board: Lorna M. Neill, Senior Counsel, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, at (202) 452–3667; for users of Telecommunications Device for the Deaf (TDD) only, contact (202) 263–4869. Bureau: Jaclyn Maier, Counsel, Office of Regulations, Consumer Financial Protection Bureau, at (202) 435–7700.

SUPPLEMENTARY INFORMATION:

I. Background

The Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (Dodd-Frank Act) amended the Truth in Lending Act (TILA) to add special appraisal requirements for “higher-risk mortgages.”¹ In January 2013, the Agencies issued a joint final rule implementing these requirements and adopted the term “higher-priced mortgage loan” (HPML) instead of “higher-risk mortgage” (the January 2013 Final Rule).² In July 2013, the Agencies proposed additional exemptions from the January 2013 Final

Rule (the 2013 Supplemental Proposed Rule).³ In December 2013, the Agencies issued a supplemental final rule with additional exemptions from the January 2013 Final Rule (the December 2013 Supplemental Final Rule).⁴ Among other exemptions, the Agencies adopted an exemption from the new HPML appraisal rules for transactions of \$25,000 or less, to be adjusted annually for inflation.

The OCC’s, the Board’s, and the Bureau’s versions of the January 2013 Final Rule and December 2013 Supplemental Final Rule and corresponding official interpretations are substantively identical. The FDIC, NCUA, and FHFA adopted the Bureau’s version of the regulations under the January 2013 Final Rule and December 2013 Supplemental Final Rule.⁵

The OCC’s, Board’s, and Bureau’s regulations,⁶ and their accompanying interpretations,⁷ provide that the exemption threshold for smaller loans will be adjusted effective January 1 of each year based on any annual percentage increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI–W) that was in effect on the preceding June 1. Any increase in the threshold amount will be rounded to the nearest \$100 increment. For example, if the annual percentage increase in the CPI–W would result in a \$950 increase in the threshold amount, the threshold amount will be increased by \$1,000. However, if the annual percentage increase in the CPI–W would result in a \$949 increase in the threshold amount, the threshold amount will be increased by \$900. If there is no annual percentage increase in the CPI–W, the OCC, the Board, and the Bureau will not adjust the threshold amounts from the prior year.⁸

³ 78 FR 48548 (Aug. 8, 2013).

⁴ 78 FR 78520 (Dec. 26, 2013).

⁵ See NCUA: 12 CFR 722.3; FHFA: 12 CFR part 1222. Although the FDIC adopted the Bureau’s version of the regulation, the FDIC did not issue its own regulation containing a cross-reference to the Bureau’s version. See 78 FR 10368, 10370 (Feb. 13, 2013).

⁶ 12 CFR 34.203(b)(2) (OCC); 12 CFR 226.43(b)(2) (Board); and 12 CFR 1026.35(c)(2)(ii) (Bureau).

⁷ See 12 CFR part 34, appendix C to subpart G, comment 203(b)(2)–1 (OCC); 12 CFR part 226, supplement I, comment 43(b)(2)–1 (Board); and 12 CFR part 1026, supplement I, comment 35(c)(2)(ii)–1 (Bureau).

⁸ See 78 FR 48548, 48565 (Aug. 8, 2013) (“Thus, under the proposal, if the CPI–W decreases in an

¹ Public Law 111–203, section 1471, 124 Stat. 1376, 2185–87 (2010), codified at TILA section 129H, 15 U.S.C. 1639h.

² 78 FR 10368 (Feb. 13, 2013).

Continued

On November 30, 2016, the OCC, the Board, and the Bureau published a final rule in the **Federal Register** to memorialize the calculation method used by the agencies each year to adjust the exemption threshold to ensure that the values for the exemption threshold keep pace with the CPI-W as contemplated in the December 2013 Supplemental Final Rule (HPML Small Dollar Adjustment Calculation Rule).⁹ The HPML Small Dollar Adjustment Calculation Rule memorialized the policy that if there is no annual percentage increase in the CPI-W, the OCC, the Board, and Bureau will not adjust the exemption threshold from the prior year. The HPML Small Dollar Adjustment Calculation Rule also provided that in years following a year in which the exemption threshold was not adjusted because there was a decrease in the CPI-W from the previous year, the threshold is calculated by applying the annual percentage change in the CPI-W to the dollar amount that would have resulted, after rounding, if the decreases and any subsequent increases in the CPI-W had been taken into account. If the resulting amount calculated, after rounding, is greater than the current threshold, then the threshold effective January 1 the following year will increase accordingly; if the resulting amount calculated, after rounding, is equal to or less than the current threshold, then the threshold effective January 1 the following year will not change, but future increases will be calculated based on the amount that would have resulted, after rounding.

II. 2018 Adjustment and Commentary Revision

Effective January 1, 2018, the exemption threshold amount is increased from \$25,500 to \$26,000. This is based on the CPI-W in effect on June 1, 2017, which was reported on May 12, 2017. The Bureau of Labor Statistics publishes consumer-based indices monthly, but does not report a CPI change on June 1; adjustments are reported in the middle of the prior month. The CPI-W is a subset of the CPI-U index (based on all urban consumers) and represents approximately 28 percent of the U.S. population. The CPI-W reported on May 12, 2017, reflects a 2.1 percent increase in the CPI-W from April 2016 to April 2017. Accordingly, the 2.1 percent increase in the CPI-W from

annual period, the percentage increase would be zero, and the dollar amount threshold for the exemption would not change.”).

⁹ See 81 FR 86250 (Nov. 30, 2016).

April 2016 to April 2017 results in an exemption threshold amount of \$26,000. The OCC, the Board, and the Bureau are revising the commentaries to their respective regulations to add new comments as follows:

- Comment 203(b)(2)–3.v to 12 CFR part 34, appendix C to subpart G (OCC);
- Comment 43(b)(2)–3.v to supplement I of 12 CFR part 226 (Board); and
- Comment 35(c)(2)(ii)–3.v to supplement I of 12 CFR part 1026 (Bureau).

These new comments state that, from January 1, 2018, through December 31, 2018, the threshold amount is \$26,000. These revisions are effective January 1, 2018.

III. Regulatory Analysis

Administrative Procedure Act

Under the Administrative Procedure Act, notice and opportunity for public comment are not required if an agency finds that notice and public comment are impracticable, unnecessary, or contrary to the public interest.¹⁰ The amendments in this rule are technical and apply the method previously set forth in the 2013 Supplemental Proposed Rule¹¹ and the HPML Small Dollar Adjustment Calculation Rule. For these reasons, the OCC, the Board and the Bureau have determined that publishing a notice of proposed rulemaking and providing opportunity for public comment are unnecessary. Therefore, the amendments are adopted in final form.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) does not apply to a rulemaking where a general notice of proposed rulemaking is not required.¹² As noted previously, the agencies have determined that it is unnecessary to publish a general notice of proposed rulemaking for this joint final rule. Accordingly, the RFA’s requirements relating to an initial and final regulatory flexibility analysis do not apply.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995,¹³ the agencies reviewed this final rule. No collections of information pursuant to the

Paperwork Reduction Act are contained in the final rule.

Unfunded Mandates Reform Act

The OCC analyzes proposed rules for the factors listed in Section 202 of the Unfunded Mandates Reform Act of 1995, before promulgating a final rule for which a general notice of proposed rulemaking was published.¹⁴ As discussed above, the OCC has determined that the publication of a general notice of proposed rulemaking is unnecessary.

List of Subjects

12 CFR Part 34

Appraisal, Appraiser, Banks, Banking, Consumer protection, Credit, Mortgages, National banks, Reporting and recordkeeping requirements, Savings associations, Truth in lending.

12 CFR Part 226

Advertising, Appraisal, Appraiser, Consumer protection, Credit, Federal Reserve System, Mortgages, Reporting and recordkeeping requirements, Truth in lending.

12 CFR Part 1026

Advertising, Appraisal, Appraiser, Banking, Banks, Consumer protection, Credit, Credit unions, Mortgages, National banks, Reporting and recordkeeping requirements, Savings associations, Truth in lending.

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Authority and Issuance

For the reasons set forth in the preamble, the OCC amends 12 CFR part 34 as set forth below:

PART 34—REAL ESTATE LENDING AND APPRAISALS

- 1. The authority citation for part 34 continues to read as follows:

Authority: 12 U.S.C. 1 *et seq.*, 25b, 29, 93a, 371, 1463, 1464, 1465, 1701j-3, 1828(o), 3331 *et seq.*, 5101 *et seq.*, 5412(b)(2)(B) and 15 U.S.C. 1639h.

Subpart G—Appraisals for Higher-Priced Mortgage Loans

- 2. In appendix C to subpart G, under *Section 34.203—Appraisals for Higher-Priced Mortgage Loans*, under *Paragraph 34.203(b)(2)*, paragraph 3.v is added to read as follows:

¹⁰ 5 U.S.C. 553(b)(B).

¹¹ See 78 FR 48548, 48565 (Aug. 8, 2013) (“Thus, under the proposal, if the CPI-W decreases in an annual period, the percentage increase would be zero, and the dollar amount threshold for the exemption would not change.”).

¹² 5 U.S.C. 603 and 604.

¹³ 44 U.S.C. 3506; 5 CFR part 1320.

¹⁴ 2 U.S.C. 1532.

Appendix C to Subpart G—OCC Interpretations

* * * * *

Section 34.203—Appraisals for Higher-Priced Mortgage Loans

* * * * *

34.203(b) Exemptions.

* * * * *

Paragraph 34.203(b)(2)

* * * * *

3. * * *

v. From January 1, 2018, through December 31, 2018, the threshold amount is \$26,000.

* * * * *

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM**Authority and Issuance**

For the reasons set forth in the preamble, the Board amends Regulation Z, 12 CFR part 226, as set forth below:

PART 226—TRUTH IN LENDING (REGULATION Z)

■ 3. The authority citation for part 226 continues to read as follows:

Authority: 12 U.S.C. 3806; 15 U.S.C. 1604, 1637(c)(5), 1639(l), and 1639h; Pub. L. 111–24, section 2, 123 Stat. 1734; Pub. L. 111–203, 124 Stat. 1376.

■ 4. In supplement I to part 226, under *Section 226.43—Appraisals for Higher-Risk Mortgage Loans*, under *Paragraph 43(b)(2)*, paragraph 3.v is added to read as follows:

Supplement I to Part 226—Official Staff Interpretations

* * * * *

Subpart E—Special Rules for Certain Home Mortgage Transactions

* * * * *

Section 226.43—Appraisals for Higher-Risk Mortgage Loans

* * * * *

43(b) Exemptions.

* * * * *

Paragraph 43(b)(2)

* * * * *

3. * * *

v. From January 1, 2018, through December 31, 2018, the threshold amount is \$26,000.

* * * * *

BUREAU OF CONSUMER FINANCIAL PROTECTION**Authority and Issuance**

For the reasons set forth in the preamble, the Bureau amends Regulation Z, 12 CFR part 1026, as set forth below:

PART 1026—TRUTH IN LENDING (REGULATION Z)

■ 5. The authority citation for part 1026 continues to read as follows:

Authority: 12 U.S.C. 2601, 2603–2605, 2607, 2609, 2617, 3353, 5511, 5512, 5532, 5581; 15 U.S.C. 1601 *et seq.*

■ 6. In supplement I to part 1026, under *Section 1026.35—Requirements for Higher-Priced Mortgage Loans*, under *Paragraph 35(c)(2)(ii)*, paragraph 3.v is added to read as follows:

Supplement I to Part 1026—Official Interpretations

* * * * *

Subpart E—Special Rules for Certain Home Mortgage Transactions

* * * * *

Section 1026.35—Requirements for Higher-Priced Mortgage Loans

* * * * *

35(c)—Appraisals

* * * * *

35(c)(2) Exemptions

* * * * *

Paragraph 35(c)(2)(ii)

* * * * *

3. * * *

v. From January 1, 2018, through December 31, 2018, the threshold amount is \$26,000.

* * * * *

Dated: September 26, 2017.

Keith A. Noreika,

Acting Comptroller of the Currency.

By order of the Board of Governors of the Federal Reserve System, acting through the Secretary of the Board under delegated authority, November 2, 2017.

Ann E. Misback,

Secretary of the Board.

Dated: September 7, 2017.

Richard Cordray,

Director, Bureau of Consumer Financial Protection.

[FR Doc. 2017–24443 Filed 11–8–17; 8:45 am]

BILLING CODE 4810–33–P 6210–01–P 4810–AM–P

FEDERAL RESERVE SYSTEM**12 CFR Part 213**

[Docket No. R–1579]

RIN 7100 AE–86

BUREAU OF CONSUMER FINANCIAL PROTECTION**12 CFR Part 1013**

[Docket No. CFPB–2017–0026]

Consumer Leasing (Regulation M)

AGENCY: Board of Governors of the Federal Reserve System (Board); and Bureau of Consumer Financial Protection (Bureau).

ACTION: Final rules, official interpretations and commentary.

SUMMARY: The Board and the Bureau are finalizing amendments to the official interpretations and commentary for the agencies' regulations that implement the Consumer Leasing Act (CLA). The Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) amended the CLA by requiring that the dollar threshold for exempt consumer leases be adjusted annually by the annual percentage increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI–W). If there is no annual percentage increase in the CPI–W, the Board and the Bureau will not adjust this exemption threshold from the prior year. However, in years following a year in which the exemption threshold was not adjusted, the threshold is calculated by applying the annual percentage change in the CPI–W to the dollar amount that would have resulted, after rounding, if the decreases and any subsequent increases in the CPI–W had been taken into account. Based on the annual percentage increase in the CPI–W as of June 1, 2017, the exemption threshold will increase from \$54,600 to \$55,800 effective January 1, 2018. Because the Dodd-Frank Act also requires similar adjustments in the Truth in Lending Act's threshold for exempt consumer credit transactions, the Board and the Bureau are making similar amendments to each of their respective regulations implementing the Truth in Lending Act elsewhere in this issue of the **Federal Register**.

DATES: This final rule is effective January 1, 2018.

FOR FURTHER INFORMATION CONTACT:

Board: Vivian W. Wong, Senior Counsel, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, at (202) 452–3667; for users of

Telecommunications Device for the Deaf (TDD) only, contact (202) 263-4869.

Bureau: Jaclyn Maier, Counsel, Office of Regulations, Consumer Financial Protection Bureau, at (202) 435-7700.

SUPPLEMENTARY INFORMATION:

I. Background

The Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (Dodd-Frank Act) increased the threshold in the Consumer Leasing Act (CLA) for exempt consumer leases, and the threshold in the Truth in Lending Act (TILA) for exempt consumer credit transactions,¹ from \$25,000 to \$50,000, effective July 21, 2011.² In addition, the Dodd-Frank Act requires that, on and after December 31, 2011, these thresholds be adjusted annually for inflation by the annual percentage increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W), as published by the Bureau of Labor Statistics. In April 2011, the Board issued a final rule amending Regulation M (which implements the CLA) consistent with these provisions of the Dodd-Frank Act, along with a similar final rule amending Regulation Z (which implements TILA) (collectively, the Board Final Threshold Rules).³

Title X of the Dodd-Frank Act transferred rulemaking authority for a number of consumer financial protection laws from the Board to the Bureau, effective July 21, 2011. In connection with this transfer of rulemaking authority, the Bureau issued its own Regulation M implementing the CLA, 12 CFR 1013, substantially duplicating the Board's Regulation M.⁴ Although the Bureau has the authority to issue rules to implement the CLA for most entities, the Board retains authority to issue rules under the CLA for certain motor vehicle dealers covered by section 1029(a) of the Dodd-Frank Act, and the Board's Regulation M continues to apply to those entities.⁵

¹ Although consumer credit transactions above the threshold are generally exempt, loans secured by real property or by personal property used or expected to be used as the principal dwelling of a consumer and private education loans are covered by TILA regardless of the loan amount. See 12 CFR 226.3(b)(1)(i) (Board) and 12 CFR 1026.3(b)(1)(i) (Bureau).

² Public Law 111-203, section 1100E, 124 Stat. 1376, 2111 (2010).

³ 76 FR 18349 (Apr. 4, 2011); 76 FR 18354 (Apr. 4, 2011).

⁴ See 76 FR 78500 (Dec. 19, 2011); 81 FR 25323 (April 28, 2016).

⁵ Section 1029(a) of the Dodd-Frank Act states: "Except as permitted in subsection (b), the Bureau may not exercise any rulemaking, supervisory, enforcement, or any other authority * * * over a motor vehicle dealer that is predominantly engaged in the sale and servicing of motor vehicles, the

The Board's and the Bureau's regulations,⁶ and their accompanying commentaries, provide that the exemption threshold will be adjusted annually effective January 1 of each year based on any annual percentage increase in the CPI-W that was in effect on the preceding June 1. They further provide that any increase in the threshold amount will be rounded to the nearest \$100 increment. For example, if the annual percentage increase in the CPI-W would result in a \$950 increase in the threshold amount, the threshold amount will be increased by \$1,000. However, if the annual percentage increase in the CPI-W would result in a \$949 increase in the threshold amount, the threshold amount will be increased by \$900.⁷ Since 2011, the Board and the Bureau have adjusted the Regulation M exemption threshold annually, in accordance with these rules.

On November 30, 2016, the Board and the Bureau published a final rule in the **Federal Register** to memorialize the calculation method used by the agencies each year to adjust the exemption threshold to ensure that the values for the exemption threshold keep pace with the CPI-W as contemplated by section 1100E(b) of the Dodd-Frank Act (Regulation M Adjustment Calculation Rule).⁸ The Regulation M Adjustment Calculation Rule memorialized the policy that if there is no annual percentage increase in the CPI-W, the Board and Bureau will not adjust the exemption threshold from the prior year. The Regulation M Adjustment Calculation Rule also provided that in years following a year in which the exemption threshold was not adjusted because there was a decrease in the CPI-W from the previous year, the threshold

leasing and servicing of motor vehicles, or both."

12 U.S.C. 5519(a). Section 1029(b) of the Dodd-Frank Act states: "Subsection (a) shall not apply to any person, to the extent that such person (1) provides consumers with any services related to residential or commercial mortgages or self-financing transactions involving real property; (2) operates a line of business (A) that involves the extension of retail credit or retail leases involving motor vehicles; and (B) in which (i) the extension of retail credit or retail leases are provided directly to consumers; and (ii) the contract governing such extension of retail credit or retail leases is not routinely assigned to an unaffiliated third party finance or leasing source; or (3) offers or provides a consumer financial product or service not involving or related to the sale, financing, leasing, rental, repair, refurbishment, maintenance, or other servicing of motor vehicles, motor vehicle parts, or any related or ancillary product or service." 12 U.S.C. 5519(b).

⁶ 12 CFR 213.2(e)(1) (Board) and 12 CFR 1013.2(e)(1) (Bureau).

⁷ See comments 2(e)-9 in Supplements I of 12 CFR parts 213 and 1013.

⁸ See 81 FR 86256 (Nov. 30, 2016).

is calculated by applying the annual percentage change in the CPI-W to the dollar amount that would have resulted, after rounding, if the decreases and any subsequent increases in the CPI-W had been taken into account. If the resulting amount calculated, after rounding, is greater than the current threshold, then the threshold effective January 1 the following year will increase accordingly; if the resulting amount calculated, after rounding, is equal to or less than the current threshold, then the threshold effective January 1 the following year will not change, but future increases will be calculated based on the amount that would have resulted, after rounding.

II. 2018 Adjustment and Commentary Revision

Effective January 1, 2018, the exemption threshold amount is increased from \$54,600 to \$55,800. This is based on the CPI-W in effect on June 1, 2017, which was reported on May 12, 2017. The Bureau of Labor Statistics publishes consumer-based indices monthly, but does not report a CPI change on June 1; adjustments are reported in the middle of the prior month. The CPI-W is a subset of the CPI-U index (based on all urban consumers) and represents approximately 28 percent of the U.S. population. The CPI-W reported on May 12, 2017 reflects a 2.1 percent increase in the CPI-W from April 2016 to April 2017. Accordingly, the 2.1 percent increase in the CPI-W from April 2016 to April 2017 results in an exemption threshold amount of \$55,800. The Board and the Bureau are revising the commentaries to their respective regulations to add new comment 2(e)-11.ix to state that, from January 1, 2018 through December 31, 2018, the threshold amount is \$55,800. These revisions are effective January 1, 2018.

III. Regulatory Analysis

Administrative Procedure Act

Under the Administrative Procedure Act, notice and opportunity for public comment are not required if the Board and the Bureau find that notice and public comment are impracticable, unnecessary, or contrary to the public interest.⁹ The amendments in this rule are technical and apply the method previously set forth in the Board Final Threshold Rules and the Regulation M Adjustment Calculation Rule. For these reasons, the Board and the Bureau have determined that publishing a notice of proposed rulemaking and providing

⁹ 5 U.S.C. 553(b)(B).

opportunity for public comment are unnecessary. Therefore, the amendments are adopted in final form.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) does not apply to a rulemaking where a general notice of proposed rulemaking is not required.¹⁰ As noted previously, the agencies have determined that it is unnecessary to publish a general notice of proposed rulemaking for this joint final rule. Accordingly, the RFA's requirements relating to an initial and final regulatory flexibility analysis do not apply.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995,¹¹ the agencies reviewed this final rule. No collections of information pursuant to the Paperwork Reduction Act are contained in the final rule.

List of Subjects

12 CFR Part 213

Advertising, Consumer leasing, Consumer protection, Federal Reserve System, Reporting and recordkeeping requirements.

12 CFR Part 1013

Advertising, Consumer leasing, Reporting and recordkeeping requirements, Truth in lending.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

Authority and Issuance

For the reasons set forth in the preamble, the Board amends Regulation M, 12 CFR part 213, as set forth below:

PART 213—CONSUMER LEASING (REGULATION M)

■ 1. The authority citation for part 213 continues to read as follows:

Authority: 15 U.S.C. 1604 and 1667f; Pub. L. 111–203 section 1100E, 124 Stat. 1376.

■ 2. In Supplement I to part 213, under *Section 213.2—Definitions*, under 2(e) *Consumer Lease*, paragraph 11.ix is added to read as follows:

Supplement I to Part 213—Official Staff Interpretations

* * * * *

Section 213.2—Definitions

* * * * *

2(e) Consumer Lease

* * * * *

11. * * *

¹⁰ 5 U.S.C. 603 and 604.

¹¹ 44 U.S.C. 3506; 5 CFR 1320.

ix. From January 1, 2018 through December 31, 2018, the threshold amount is \$55,800.

* * * * *

BUREAU OF CONSUMER FINANCIAL PROTECTION

Authority and Issuance

For the reasons set forth in the preamble, the Bureau amends Regulation M, 12 CFR part 1013, as set forth below:

PART 1013—CONSUMER LEASING (REGULATION M)

■ 3. The authority citation for part 1013 continues to read as follows:

Authority: 15 U.S.C. 1604 and 1667f; Pub. L. 111–203 section 1100E, 124 Stat. 1376.

■ 4. In Supplement I to part 1013, under *Section 1013.2—Definitions*, under 2(e)—*Consumer Lease*, paragraph 11.ix is added to read as follows:

Supplement I to Part 1013—Official Interpretations

* * * * *

Section 1013.2—Definitions

* * * * *

2(e) Consumer Lease

* * * * *

11. * * *

ix. From January 1, 2018 through December 31, 2018, the threshold amount is \$55,800.

* * * * *

By order of the Board of Governors of the Federal Reserve System, acting through the Secretary of the Board under delegated authority, November 2, 2017.

Ann E. Misback,

Secretary of the Board.

Dated: September 7, 2017.

Richard Cordray,

Director, Bureau of Consumer Financial Protection.

[FR Doc. 2017–24411 Filed 11–8–17; 8:45 am]

BILLING CODE 4810-AM-P 6210-01-P

FEDERAL RESERVE SYSTEM

12 CFR Part 226

[Docket No. R–1581]

RIN 7100 AE–88

BUREAU OF CONSUMER FINANCIAL PROTECTION

12 CFR Part 1026

[Docket No. CFPB–2017–0027]

Truth in Lending (Regulation Z)

AGENCY: Board of Governors of the Federal Reserve System (Board); and Bureau of Consumer Financial Protection (Bureau).

ACTION: Final rules, official interpretations and commentary.

SUMMARY: The Board and the Bureau are publishing final rules amending the official interpretations and commentary for the agencies' regulations that implement the Truth in Lending Act (TILA). The Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) amended TILA by requiring that the dollar threshold for exempt consumer credit transactions be adjusted annually by the annual percentage increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI–W). If there is no annual percentage increase in the CPI–W, the Board and the Bureau will not adjust this exemption threshold from the prior year. However, in years following a year in which the exemption threshold was not adjusted, the threshold is calculated by applying the annual percentage change in the CPI–W to the dollar amount that would have resulted, after rounding, if the decreases and any subsequent increases in the CPI–W had been taken into account. Based on the annual percentage increase in the CPI–W as of June 1, 2017, the exemption threshold will increase from \$54,600 to \$55,800 effective January 1, 2018. Because the Dodd-Frank Act also requires similar adjustments in the Consumer Leasing Act's threshold for exempt consumer leases, the Board and the Bureau are making similar amendments to each of their respective regulations implementing the Consumer Leasing Act elsewhere in this issue of the **Federal Register**.

DATES: This final rule is effective January 1, 2018.

FOR FURTHER INFORMATION CONTACT:

Board: Vivian W. Wong, Senior Counsel, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, at (202) 452–3667; for users of

Telecommunications Device for the Deaf (TDD) only, contact (202) 263–4869.

Bureau: Jaclyn Maier, Counsel, Office of Regulations, Consumer Financial Protection Bureau, at (202) 435–7700.

SUPPLEMENTARY INFORMATION:

I. Background

The Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (Dodd-Frank Act) increased the threshold in the Truth in Lending Act (TILA) for exempt consumer credit transactions,¹ and the threshold in the

¹ Although consumer credit transactions above the threshold are generally exempt, loans secured by real property or by personal property used or

Consumer Leasing Act (CLA) for exempt consumer leases, from \$25,000 to \$50,000, effective July 21, 2011.² In addition, the Dodd-Frank Act requires that, on and after December 31, 2011, these thresholds be adjusted annually for inflation by the annual percentage increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W), as published by the Bureau of Labor Statistics. In April 2011, the Board issued a final rule amending Regulation Z (which implements TILA) consistent with these provisions of the Dodd-Frank Act, along with a similar final rule amending Regulation M (which implements the CLA) (collectively, the Board Final Threshold Rules).³

Title X of the Dodd-Frank Act transferred rulemaking authority for a number of consumer financial protection laws from the Board to the Bureau, effective July 21, 2011. In connection with this transfer of rulemaking authority, the Bureau issued its own Regulation Z implementing TILA, 12 CFR part 1026, substantially duplicating the Board's Regulation Z.⁴ Although the Bureau has the authority to issue rules to implement TILA for most entities, the Board retains authority to issue rules under TILA for certain motor vehicle dealers covered by section 1029(a) of the Dodd-Frank Act, and the Board's Regulation Z continues to apply to those entities.⁵

expected to be used as the principal dwelling of a consumer and private education loans are covered by TILA regardless of the loan amount. See 12 CFR 226.3(b)(1)(i) (Board) and 12 CFR 1026.3(b)(1)(i) (Bureau).

² Public Law 111–203, section 1100E, 124 Stat. 1376, 2111 (2010).

³ 76 FR 18354 (Apr. 4, 2011); 76 FR 18349 (Apr. 4, 2011).

⁴ See 76 FR 79768 (Dec. 22, 2011); 81 FR 25323 (Apr. 28, 2016).

⁵ Section 1029(a) of the Dodd-Frank Act states: “Except as permitted in subsection (b), the Bureau may not exercise any rulemaking, supervisory, enforcement, or any other authority * * * over a motor vehicle dealer that is predominantly engaged in the sale and servicing of motor vehicles, the leasing and servicing of motor vehicles, or both.” 12 U.S.C. 5519(a). Section 1029(b) of the Dodd-Frank Act states: “Subsection (a) shall not apply to any person, to the extent that such person (1) provides consumers with any services related to residential or commercial mortgages or self-financing transactions involving real property; (2) operates a line of business (A) that involves the extension of retail credit or retail leases involving motor vehicles; and (B) in which (i) the extension of retail credit or retail leases are provided directly to consumers; and (ii) the contract governing such extension of retail credit or retail leases is not routinely assigned to an unaffiliated third party finance or leasing source; or (3) offers or provides a consumer financial product or service not involving or related to the sale, financing, leasing, rental, repair, refurbishment, maintenance, or other servicing of motor vehicles, motor vehicle parts, or any related or ancillary product or service.” 12 U.S.C. 5519(b).

The Board's and the Bureau's regulations,⁶ and their accompanying commentaries, provide that the exemption threshold will be adjusted annually effective January 1 of each year based on any annual percentage increase in the CPI-W that was in effect on the preceding June 1. They further provide that any increase in the threshold amount will be rounded to the nearest \$100 increment. For example, if the annual percentage increase in the CPI-W would result in a \$950 increase in the threshold amount, the threshold amount will be increased by \$1,000. However, if the annual percentage increase in the CPI-W would result in a \$949 increase in the threshold amount, the threshold amount will be increased by \$900.⁷ Since 2011, the Board and the Bureau have adjusted the Regulation Z exemption threshold annually, in accordance with these rules.

On November 30, 2016, the Board and the Bureau published a final rule in the **Federal Register** to memorialize the calculation method used by the agencies each year to adjust the exemption threshold to ensure that the values for the exemption threshold keep pace with the CPI-W as contemplated by section 1100E(b) of the Dodd-Frank Act (Regulation Z Adjustment Calculation Rule).⁸ The Regulation Z Adjustment Calculation Rule memorialized the policy that if there is no annual percentage increase in the CPI-W, the Board and Bureau will not adjust the exemption threshold from the prior year. The Regulation Z Adjustment Calculation Rule also provided that in years following a year in which the exemption threshold was not adjusted because there was a decrease in the CPI-W from the previous year, the threshold is calculated by applying the annual percentage change in the CPI-W to the dollar amount that would have resulted, after rounding, if the decreases and any subsequent increases in the CPI-W had been taken into account. If the resulting amount calculated, after rounding, is greater than the current threshold, then the threshold effective January 1 the following year will increase accordingly; if the resulting amount calculated, after rounding, is equal to or less than the current threshold, then the threshold effective January 1 the following year will not change, but future increases will be calculated based

on the amount that would have resulted, after rounding.

II. 2018 Adjustment and Commentary Revision

Effective January 1, 2018, the exemption threshold amount is increased from \$54,600 to \$55,800. This is based on the CPI-W in effect on June 1, 2017, which was reported on May 12, 2017. The Bureau of Labor Statistics publishes consumer-based indices monthly, but does not report a CPI change on June 1; adjustments are reported in the middle of the prior month. The CPI-W is a subset of the CPI-U index (based on all urban consumers) and represents approximately 28 percent of the U.S. population. The CPI-W reported on May 12, 2017 reflects a 2.1 percent increase in the CPI-W from April 2016 to April 2017. Accordingly, the 2.1 percent increase in the CPI-W from April 2016 to April 2017 results in an exemption threshold amount of \$55,800. The Board and the Bureau are revising the commentaries to their respective regulations to add new comment 3(b)–3.ix to state that, from January 1, 2018 through December 31, 2018, the threshold amount is \$55,800. These revisions are effective January 1, 2018.

III. Regulatory Analysis

Administrative Procedure Act

Under the Administrative Procedure Act, notice and opportunity for public comment are not required if the Board and the Bureau find that notice and public comment are impracticable, unnecessary, or contrary to the public interest.⁹ The amendments in this rule are technical and apply the method previously set forth in the Board Final Threshold Rules and the Regulation Z Adjustment Calculation Rule. For these reasons, the Board and the Bureau have determined that publishing a notice of proposed rulemaking and providing opportunity for public comment are unnecessary. Therefore, the amendments are adopted in final form.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) does not apply to a rulemaking where a general notice of proposed rulemaking is not required.¹⁰ As noted previously, the agencies have determined that it is unnecessary to publish a general notice of proposed rulemaking for this joint final rule. Accordingly, the RFA's requirements relating to an initial and

⁶ 12 CFR 226.3(b)(1)(ii) (Board) and 12 CFR 1026.3(b)(1)(ii) (Bureau).

⁷ See comments 3(b)–1 in supplements I of 12 CFR parts 226 and 1026.

⁸ See 81 FR 86260 (Nov. 30, 2016).

⁹ 5 U.S.C. 553(b)(B).

¹⁰ 5 U.S.C. 603 and 604.

final regulatory flexibility analysis do not apply.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995,¹¹ the agencies reviewed this final rule. No collections of information pursuant to the Paperwork Reduction Act are contained in the final rule.

List of Subjects

12 CFR Part 226

Advertising, Consumer protection, Federal Reserve System, Reporting and recordkeeping requirements, Truth in lending.

12 CFR Part 1026

Advertising, Appraisal, Appraiser, Banking, Banks, Consumer protection, Credit, Credit unions, Mortgages, National banks, Reporting and recordkeeping requirements, Savings associations, Truth in lending.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

Authority and Issuance

For the reasons set forth in the preamble, the Board amends Regulation Z, 12 CFR part 226, as set forth below:

PART 226—TRUTH IN LENDING (REGULATION Z)

■ 1. The authority citation for part 226 continues to read as follows:

Authority: 12 U.S.C. 3806; 15 U.S.C. 1604, 1637(c)(5), 1639(l) and 1639h; Pub. L. 111–24, section 2, 123 Stat. 1734; Pub. L. 111–203, 124 Stat. 1376.

Subpart A—General

■ 2. In supplement I to part 226, under *Section 226.3—Exempt Transactions*, under *3(b) Credit over applicable threshold amount*, paragraph 3.ix is added to read as follows:

Supplement I to Part 226—Official Staff Interpretations

* * * * *

Subpart A—General

* * * * *

Section 226.3—Exempt Transactions

* * * * *

3(b) Credit Over Applicable Threshold Amount

* * * * *

3. * * *

ix. From January 1, 2018 through December 31, 2018, the threshold amount is \$55,800.

* * * * *

BUREAU OF CONSUMER FINANCIAL PROTECTION

Authority and Issuance

For the reasons set forth in the preamble, the Bureau amends Regulation Z, 12 CFR part 1026, as set forth below:

PART 1026—TRUTH IN LENDING (REGULATION Z)

■ 3. The authority citation for part 1026 continues to read as follows:

Authority: 12 U.S.C. 2601, 2603–2605, 2607, 2609, 2617, 3353, 5511, 5512, 5532, 5581; 15 U.S.C. 1601 *et seq.*

■ 4. In supplement I to part 1026, under *Section 1026.3—Exempt Transactions*, under *3(b) Credit Over Applicable Threshold Amount*, paragraph 3.ix is added to read as follows:

Supplement I to Part 1026—Official Interpretations

* * * * *

Subpart A—General

* * * * *

Section 1026.3—Exempt Transactions

* * * * *

3(b) Credit Over Applicable Threshold Amount

* * * * *

3. * * *

ix. From January 1, 2018 through December 31, 2018, the threshold amount is \$55,800.

* * * * *

By order of the Board of Governors of the Federal Reserve System, acting through the Secretary of the Board under delegated authority, November 2, 2017.

Ann E. Misback,

Secretary of the Board.

Dated: September 7, 2017.

Richard Cordray,

Director, Bureau of Consumer Financial Protection.

[FR Doc. 2017–24445 Filed 11–8–17; 8:45 am]

BILLING CODE 4810-AM-P 6210-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0988; Product Identifier 2017–NE–37–AD; Amendment 39–19097; AD 2017–23–03]

RIN 2120-AA64

Airworthiness Directives; Engine Alliance Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are superseding Emergency Airworthiness Directive (AD) 2017–21–51 for all Engine Alliance (EA) GP7200 series turbofan engines. AD 2017–21–51 was sent previously to all known U.S. owners and operators of GP7200 series turbofan engines. AD 2017–21–51 required visual inspections of all fan hubs for damage. This AD retains the same required actions as AD 2017–21–51 and clarifies the compliance requirements. This AD was prompted by the failure of a GP7200 fan hub. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective November 24, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of November 24, 2017.

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

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

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

- **Fax:** 202–493–2251.

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

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

For service information identified in this final rule, contact Engine Alliance, 400 Main St., East Hartford, CT 06108, M/S 169–10; phone: 800–565–0140; email: help24@pw.utc.com; Web site: www.engineallianceportal.com. You may view this service information at the FAA, Engine and Propeller Standards Branch, 1200 District Avenue, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125. It is also available on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA–2017–0988.

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–2017–0988; or in person at the Docket

¹¹ 44 U.S.C. 3506; 5 CFR part 1320.

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

FOR FURTHER INFORMATION CONTACT: David Bethka, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781-238-7129; fax: 781-238-7199; email: david.bethka@faa.gov.

SUPPLEMENTARY INFORMATION:

Discussion

On October 12, 2017, we issued Emergency AD 2017-21-51, (“AD 2017-21-51”), which was immediately effective to owners and operators of EA GP7200 series turbofan engines. AD 2017-21-51 required visual inspections of the GP7200 series engine fan hubs for damage. AD 2017-21-51 resulted from an uncontained engine failure that occurred on an EA GP7270 turbofan engine. We issued AD 2017-21-51 to prevent an uncontained release of the fan hub, damage to the engine, and damage to the airplane.

Actions Since AD 2017-21-51 Was Issued

Since we issued AD 2017-21-51, we determined a need to clarify the compliance requirements. We are issuing this AD to correct the unsafe condition on these products.

Related Service Information Under 1 CFR Part 51

We reviewed EA Alert Service Bulletin (ASB) EAGP7-A72-383, Revision No. 1, dated October 12, 2017. The ASB describes procedures for visual inspections of all fan hubs for damage. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA’s Determination

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

AD Requirements

This AD requires visual inspections of all fan hubs for damage.

Interim Action

We consider this AD interim action. An investigation to determine the cause of the failure is on-going and we may consider additional rulemaking if final action is identified.

FAA’s Justification and Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because no U.S. operators are

affected. Therefore, we find good cause that notice and opportunity for prior public comment are impracticable. In addition, for the reason stated above, we find that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not provide you with notice and an opportunity to provide your comments before it becomes effective. However, we invite you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under the **ADDRESSES** section. Include the docket number FAA-2017-0988 and product identifier 2017-NE-37-AD at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this final rule. We will consider all comments received by the closing date and may amend this final rule because of those comments.

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

Costs of Compliance

We estimate that this AD affects no engines installed on airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Fan hub inspection	2 work-hours × \$85 per hour = \$170	\$0	\$170	\$0

Authority for This Rulemaking

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

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, “General requirements.” Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures

the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

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

associated appliances to the Manager, Engine and Propeller Standards Branch, Policy and Innovation Division.

Regulatory Findings

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

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

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

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

(3) Will not affect intrastate aviation in Alaska, to the extent that it justifies making a regulatory distinction, 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 part 39 of the Federal Aviation Regulations (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):

2017–23–03 Engine Alliance: Amendment 39–19097; Docket No. FAA–2017–0988; Product Identifier 2017–NE–37–AD.

(a) Effective Date

This AD is effective November 24, 2017.

(b) Affected ADs

This AD supersedes Emergency AD 2017–21–51, Product Identifier 2017–NE–37–AD, issued on October 12, 2017.

(c) Applicability

This AD applies to all Engine Alliance (EA) GP7270, GP7272, and GP7277 model turbofan engines.

(d) Subject

Joint Aircraft System Component (JASC) Code 7230, Turbine Engine Compressor Section.

(e) Unsafe Condition

This AD was prompted by failure of a fan hub. We are issuing this AD to prevent failure of the fan hub. The unsafe condition, if not corrected, could result in uncontained release of the fan hub, damage to the engine, and damage to the airplane.

(f) Compliance

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

(g) Required Actions

(1) Perform a visual inspection of the fan hub in accordance with the Accomplishment

Instructions, paragraph 1.B., 1.C., and 1.D., of EA Alert Service Bulletin (ASB) EAGP–A72–383, Revision No. 1, dated October 12, 2017, at the times specified in paragraphs (g)(1)(i) through (iii) of this AD.

(i) For fan hubs with 3,500 cycles since new (CSN) or more on the effective date of this AD, inspect within 2 weeks after the effective date of this AD.

(ii) For fan hubs with 2,000 CSN or more, but less than 3,500 CSN, on the effective date of this AD, inspect within 5 weeks after the effective date of this AD.

(iii) For fan hubs with less than 2,000 CSN on the effective date of this AD, inspect within 8 weeks after the effective date of this AD.

(2) If defects or damage to the fan hub are found outside the serviceable limits specified in Table 1 of EA ASB EAGP7–A72–383, Revision No. 1, dated October 12, 2017, remove the hub from service and replace with a part that passed the inspection specified in paragraph (g)(1) of this AD, prior to further flight.

(h) Credit for Previous Actions

You may take credit for the inspection required by paragraph (g)(1) of this AD if you performed the inspection before the effective date of this AD, using EA ASB EAGP7–A72–383, dated October 7, 2017.

(i) Alternative Methods of Compliance (AMOCs)

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

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

(j) Related Information

For more information about this AD, contact David Bethka, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7129; fax: 781–238–7199; email: david.bethka@faa.gov.

(k) Material Incorporated by Reference

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

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

(i) Engine Alliance Alert Service Bulletin EAGP7–A72–383, Revision No. 1, dated October 12, 2017.

(ii) Reserved.

(3) For Engine Alliance service information identified in this AD, contact Engine Alliance, 400 Main St., East Hartford, CT

06108, M/S 169–10, phone: 800–565–0140; email: help24@pw.utc.com; Web site: www.engineallianceportal.com.

(4) You may view this service information at FAA, Engine and Propeller Standards Branch, 1200 District Avenue, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

(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 Burlington, Massachusetts, on November 6, 2017.

Robert J. Ganley,

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

[FR Doc. 2017–24462 Filed 11–8–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 95

[Docket No. 31165; Amdt. No. 536]

IFR Altitudes; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This document adopts miscellaneous amendments to the required IFR (instrument flight rules) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. This regulatory action is needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

DATES: Effective 0901 UTC, December 7, 2017.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: This amendment to part 95 of the Federal Aviation Regulations (14 CFR part 95) amends, suspends, or revokes IFR

altitudes governing the operation of all aircraft in flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in part 95.

The Rule

The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference. The reasons and circumstances that create the need for this amendment involve matters of flight safety and operational efficiency in the National Airspace System, are related to published aeronautical charts that are essential to the user, and provide for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The

effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment are impracticable and contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days.

Conclusion

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

amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 95

Airspace, Navigation (air).

Issued in Washington, DC, on November 2, 2017.

John Duncan,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, part 95 of the Federal Aviation Regulations (14 CFR part 95) is amended as follows effective at 0901 UTC, December 7, 2017.

■ 1. The authority citation for part 95 continues to read as follows:

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

■ 2. Part 95 is amended to read as follows:

REVISIONS TO IFR ALTITUDES & CHANGEOVER POINT

[Amendment 536 effective date December 7, 2017]

From	To	MEA
§ 95.6001 Victor Routes—U.S.		
§ 95.6004 VOR Federal Airway V4 Is Amended To Read in Part		
HILL CITY, KS VORTAC	* WESAL, KS FIX	** 5500
* 4500—MRA		
** 4100—MOCA		
* WESAL, KS FIX	SALINA, KS VORTAC	
	E BND	** 4000
	W BND	** 4500
* 4500—MRA		
** 2900—MOCA		
§ 95.6016 VOR Federal Airway V16 Is Amended To Read in Part		
CEDAR LAKE, NJ VOR/DME	COYLE, NJ VORTAC	1900
§ 95.6074 VOR Federal Airway V74 Is Amended To Read in Part		
DODGE CITY, KS VORTAC	* SAFER, KS FIX	4300
* 4500—MRA		
* SAFER, KS FIX	ANTHONY, KS VORTAC	
	NW BND	4300
	SE BND	3600
* 4500—MRA		
§ 95.6107 VOR Federal Airway V107 Is Amended To Read in Part		
MISON, CA FIX	OAKLAND, CA VOR/DME	
	SE BND	7000
	NW BND	4500
§ 95.6230 VOR Federal Airway V230 Is Amended To Read in Part		
CLOVIS, CA VORTAC	* FRIANT, CA VORTAC	5000
* 10400—MCA FRIANT, CA VORTAC, NE BND		
* FRIANT, CA VORTAC	CAINS, CA FIX	
	NE BND	14300
	SW BND	11000
NIKOL, CA FIX	MINA, NV VORTAC	

REVISIONS TO IFR ALTITUDES & CHANGEOVER POINT—Continued

[Amendment 536 effective date December 7, 2017]

From	To	MEA
	NE BND	11000
	SW BND	13000
§ 95.6234 VOR Federal Airway V234 Is Amended To Read in Part		
BYWAY, KS FIX	GABIE, KS FIX	* 4500
* 3800—MOCA		
§ 95.6244 VOR Federal Airway V244 Is Amended To Read in Part		
HAYS, KS VORTAC	* GLIDE, KS FIX	3900
* 4500—MRA		
* GLIDE, KS FIX	SALINA, KS VORTAC	** 3900
* 4500—MRA		
** 3200—MOCA		
§ 95.6280 VOR Federal Airway V280 Is Amended To Read in Part		
MITBEE, OK VORTAC	* CARKO, KS FIX	4000
* 5000—MCA CARKO, KS FIX, NE BND		
§ 95.6502 VOR Federal Airway V502 Is Amended To Read in Part		
DODGE CITY, KS VORTAC	* DISKS, KS FIX	** 4500
* 5000—MCA DISKS, KS FIX, E BND		
** 4000—MOCA		
§ 95.6508 VOR Federal Airway V508 Is Amended To Read in Part		
HAYS, KS VORTAC	* GLIDE, KS FIX	3900
* 4500—MRA		
* GLIDE, KS FIX	SALINA, KS VORTAC	** 3900
* 4500—MRA		
** 3200—MOCA		
§ 95.6577 VOR Federal Airway V577 Is Amended To Read in Part		
CEDAR LAKE, NJ VOR/DME	BRIGS, NJ FIX	
	E BND	6000
	W BND	1700

[FR Doc. 2017-24414 Filed 11-8-17; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF COMMERCE**Bureau of Industry and Security****15 CFR Parts 740 and 746**

[Docket No. 171013999-7999-01]

RIN 0694-AH47

Amendments To Implement United States Policy Toward Cuba**AGENCY:** Bureau of Industry and Security, Commerce.**ACTION:** Final rule.

SUMMARY: This rule amends the licensing policy for Cuba and portions of three license exceptions available for exports and reexports to Cuba: License Exceptions Gift Parcels and Humanitarian Donations (“GFT”),

Consumer Communications Devices (“CCD”), and Support for the Cuban People (“SCP”). The Bureau of Industry and Security is publishing this rule to implement portions of the National Security Presidential Memorandum on Strengthening the Policy of the United States Toward Cuba, dated June 16, 2017.

DATES: This rule is effective November 9, 2017.

FOR FURTHER INFORMATION CONTACT: Foreign Policy Division, Bureau of Industry and Security, Phone: (202) 482-4252.

SUPPLEMENTARY INFORMATION:**Background**

On June 16, 2017, President Trump announced changes to U.S. policy toward Cuba that are intended to enhance compliance with United States law; hold the Cuban regime accountable for oppression and human rights abuses; further the national security and foreign

policy interests of the United States and the interests of the Cuban people; and lay the groundwork for empowering the Cuban people to develop greater economic and political liberty. The President’s policy is stated in the National Security Presidential Memorandum on Strengthening the Policy of the United States Toward Cuba (“Cuba NSPM”), dated June 16, 2017. The Cuba NSPM also directs the Secretary of Commerce, as well as the Secretaries of State and the Treasury, to take certain actions to implement the President’s Cuba policy.

The Department of Commerce’s Bureau of Industry and Security (“BIS”) is issuing this final rule to implement portions of the Cuba NSPM. The Department of the Treasury’s Office of Foreign Assets Control (“OFAC”) and the Department of State are simultaneously publishing related actions in the **Federal Register**.

Specific Changes Made by This Rule*Cuba Licensing Policy*

In accordance with the statutory embargo of Cuba, license applications for the export or reexport to Cuba of items subject to the Export Administration Regulations (“EAR”) currently are subject to a general policy of denial unless the transactions are eligible for another review policy stated in § 746.2(b). License applications for certain export or reexport transactions are reviewed on a case-by-case basis or under a general policy of approval, depending upon the types of items, end uses, and end users involved, as described in the EAR.

On January 27, 2016, BIS created a case-by-case licensing policy in paragraph (b)(3)(i) of § 746.2 of the EAR for applications to export or reexport items to meet the needs of the Cuban people, including exports and reexports of such items to state-owned enterprises, agencies, and other organizations of the Cuban government that provide goods and services for the use and benefit of the Cuban people (81 FR 4580). Note 2 to paragraph (b)(3)(i) explains that BIS generally will deny applications to export or reexport items for use by state-owned enterprises, agencies, and other organizations that primarily generate revenue for the state, including those engaged in tourism and those engaged in the extraction or production of minerals or other raw materials. Note 2 to paragraph (b)(3)(i) also explains that BIS generally will deny applications for the export or reexport of items destined to the Cuban military, police, intelligence, or security services.

Pursuant to section 3(a) of the Cuba NSPM, this rule amends note 2 to paragraph (b)(3)(i) of § 746.2 of the EAR to clarify that BIS also generally will deny applications for the export or reexport of items for use by certain entities or subentities the State Department identifies on its List of Restricted Entities and Subentities associated with Cuba (“Cuba Restricted List”), unless such transactions are determined to be consistent with the Cuba NSPM. Section 3(a)(i) of the Cuba NSPM directs the Secretary of State to publish a list of entities and subentities that it has determined (1) are under the control of, or act for or on behalf of, the Cuban military, intelligence, or security services or personnel and (2) with which direct financial transactions would disproportionately benefit such services or personnel at the expense of the Cuban people or private enterprise in Cuba (Cuba Restricted List). Today the Department of State is publishing

that list in the **Federal Register** and posting it on its Web site at <https://www.state.gov/e/eb/tfs/spi/cuba/cubarestrictedlist/index.htm>.

Section 3(a)(ii) of the Cuba NSPM states that regulatory changes made pursuant to section 3(a) shall prohibit direct financial transactions with entities or subentities identified by the Department of State’s Cuba Restricted List unless the transactions are determined by the Secretary of Commerce or the Secretary of the Treasury, in coordination with the Secretary of State, to be consistent with the policy in section 2 and the criteria specified in section 3(a)(iii)(A)–(I) of the Cuba NSPM. Consequently, license applications submitted to BIS that involve one or more parties on the Department of State’s Cuba Restricted List generally will be denied unless the transactions are determined by BIS, in coordination with the Department of State, to be consistent with the aforementioned sections of the Cuba NSPM.

Prohibited Cuban Government Officials

License exceptions authorize certain exports and reexports pursuant to specified terms and conditions. Only the license exceptions specified in § 746.2(a)(1) of the EAR are available for exports and reexports to Cuba. License Exceptions Gift Parcels and Humanitarian Donations (“GFT”), Consumer Communications Devices (“CCD”), and Support for the Cuban People (“SCP”) (§§ 740.12, 740.19, and 740.21 of the EAR, respectively) specify certain eligible and ineligible Cuban transaction parties. On October 17, 2016, BIS revised its list of ineligible Cuban government officials in §§ 740.12(a)(2)(v)(A), 740.19(c)(2)(i), and 740.21(d)(4)(ii) of the EAR to correspond to amendments OFAC made to its definition of prohibited officials of the Government of Cuba in § 515.337 of the Cuban Assets Control Regulations (“CACR”) (31 CFR part 515) (81 FR 71365).

In accordance with section 3(d) of the Cuba NSPM, today OFAC is amending its definition of prohibited officials of the Government of Cuba to include certain additional individuals. This rule amends the list of ineligible Cuban government officials in §§ 740.12(a)(2)(v)(A), 740.19(c)(2)(i), and 740.21(d)(4)(ii) of the EAR to conform with OFAC’s amendment.

Cuban Private Sector

On January 16, 2015, BIS created License Exception Support for the Cuban People (SCP) in § 740.21 of the EAR to authorize the export and

reexport of certain items to Cuba that are intended to improve the living conditions of the Cuban people; support independent economic activity and strengthen civil society in Cuba; and improve the free flow of information to, from, and among the Cuban people (80 FR 2286). On September 21, 2015, March 16, 2016, and October 17, 2016, BIS amended License Exception SCP to authorize additional categories of exports and reexports intended to further benefit the Cuban people (80 FR 56898, 81 FR 13972, and 81 FR 71365, respectively).

Consistent with section 2(d) of the Cuba NSPM, this rule revises § 740.21(b) to further support free enterprise in Cuba. Prior to this rule, the text in § 740.21(b)(1)–(3) identified certain types of items, such as tools and equipment, that were eligible for export or reexport to Cuba for (1) use by the private sector to construct or renovate privately-owned buildings, (2) private sector agricultural activities, or (3) use by private sector entrepreneurs. This rule simplifies and expands § 740.21(b) by creating a single provision authorizing the export and reexport to Cuba of items, without specifying types, for use by the Cuban private sector for private sector economic activities. To be eligible for this provision, the items may not be used to primarily generate revenue for the state or used to contribute to the operation of the state, including through the construction or renovation of state-owned buildings. Additionally, eligible items are limited to those that are designated as EAR99 or controlled only for anti-terrorism reasons on the Commerce Control List (“CCL”). Of note, medicines, medical devices, and agricultural commodities are not eligible for any provision of License Exception SCP due to limitations in the Cuban Democracy Act of 1992, as amended (22 U.S.C. 6001–6010) and the Trade Sanctions Reform and Export Enhancement Act of 2000, as amended (22 U.S.C. 7201–7211).

Export Administration Act

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, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has been designated a “significant regulatory action,” although not economically significant, under section 3(f) of Executive Order 12866. Accordingly, the rule has been reviewed by the Office of Management and Budget (OMB). This rule is not subject to the requirements of E.O. 13771 (82 FR 9339, February 3, 2017) because it is issued with respect to a foreign affairs function of the United States.

2. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid OMB control number. This rule involves a collection of information approved under OMB control number 0694–0088—Simplified Network Application Processing+ System (SNAP+) and the Multipurpose Export License Application, which carries an annual estimated burden of 31,833 hours. BIS believes that this rule will have no significant impact on that burden. To the extent that it has any impact, BIS believes that this rule will reduce the paperwork burden to the public because it will make some transactions that currently require a license from BIS eligible for a license exception. In those instances, exporters and reexporters will be relieved of the burden of applying for a license. Although this rule makes certain additional Cuban government officials ineligible for specified license exceptions, BIS believes that this change will result in the submission of very few, if any, additional license applications.

Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to

Jasmeet K. Seehra, Office of Management and Budget, by email at jseehra@omb.eop.gov or by fax to (202) 395–7285.

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

4. The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking and the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a military or foreign affairs function of the United States (*see* 5 U.S.C. 553(a)(1)). This rule implements portions of the President Trump’s policy toward Cuba, as directed by the National Security Presidential Memorandum on Strengthening the Policy of the United States Toward Cuba, dated June 16, 2017. Delay in implementing this rule to obtain public comment would undermine the foreign policy objectives that the rule is intended to implement. Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under 5 U.S.C. 553, or by any other law, the requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable.

List of Subjects

15 CFR Part 740

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

15 CFR Part 746

Exports, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 15 CFR Chapter VII, Subchapter C is amended as follows:

PART 740—[AMENDED]

■ 1. The authority citation for part 740 continues to read as follows:

Authority: 50 U.S.C. 4601 *et seq.*; 50 U.S.C. 1701 *et seq.*; 22 U.S.C. 7201 *et seq.*; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 15, 2017, 82 FR 39005 (August 16, 2017).

■ 2. Section 740.12 is amended by revising paragraph (a)(2)(v)(A) to read as follows:

§ 740.12 Gift parcels and humanitarian donations (GFT).

(a) * * *

(2) * * *

(v) * * * (A) No gift parcel may be sent to any of the following officials of the Cuban government: Ministers and Vice-Ministers; members of the Council of State; members of the Council of Ministers; members and employees of the National Assembly of People’s Power; members of any provincial assembly; local sector chiefs of the Committees for the Defense of the Revolution; Director Generals and sub-Director Generals and higher of all Cuban ministries and state agencies; employees of the Ministry of the Interior (MININT); employees of the Ministry of Defense (MINFAR); secretaries and first secretaries of the Confederation of Labor of Cuba (CTC) and its component unions; chief editors, editors and deputy editors of Cuban state-run media organizations and programs, including newspapers, television, and radio; or members and employees of the Supreme Court (Tribuno Supremo Nacional).

* * * * *

■ 3. Section 740.19 is amended by revising paragraph (c)(2)(i) to read as follows:

§ 740.19 Consumer Communications Devices (CCD).

* * * * *

(c) * * *

(2) * * *

(i) *Ineligible Cuban Government Officials.* Ministers and Vice-Ministers; members of the Council of State; members of the Council of Ministers; members and employees of the National Assembly of People’s Power; members of any provincial assembly; local sector chiefs of the Committees for the Defense of the Revolution; Director Generals and sub-Director Generals and higher of all Cuban ministries and state agencies; employees of the Ministry of the Interior (MININT); employees of the Ministry of Defense (MINFAR); secretaries and first secretaries of the Confederation of Labor of Cuba (CTC) and its component unions; chief editors, editors and deputy editors of Cuban state-run media organizations and programs, including newspapers, television, and radio; or members and employees of the Supreme Court (Tribuno Supremo Nacional).

* * * * *

■ 4. Section 740.21 is amended by:

■ a. Revising paragraph (b)(1);

■ b. Removing paragraphs (b)(2) and (3);

■ c. Redesignating paragraph (b)(4) as new paragraph (b)(2); and

■ d. Revising paragraph (d)(4)(ii) to read as follows:

§ 740.21 Support for the Cuban People (SCP).

* * * * *

(b) * * *

(1) Items for use by the Cuban private sector for private sector economic activities, except for items that would be used to:

(i) Primarily generate revenue for the state; or

(ii) Contribute to the operation of the state, including through the construction or renovation of state-owned buildings.

(2) Items sold directly to individuals in Cuba for their personal use or their immediate family's personal use, other than officials identified in paragraphs (d)(4)(ii) or (iii) of this section.

* * * * *

(d) * * *

(4) * * *

(ii) Ministers and Vice-Ministers; members of the Council of State; members of the Council of Ministers; members and employees of the National Assembly of People's Power; members of any provincial assembly; local sector chiefs of the Committees for the Defense of the Revolution; Director Generals and sub-Director Generals and higher of all Cuban ministries and state agencies; employees of the Ministry of the Interior (MININT); employees of the Ministry of Defense (MINFAR); secretaries and first secretaries of the Confederation of Labor of Cuba (CTC) and its component unions; chief editors, editors and deputy editors of Cuban state-run media organizations and programs, including newspapers, television, and radio; or members and employees of the Supreme Court (Tribuno Supremo Nacional); and

* * * * *

PART 746—[AMENDED]

■ 5. The authority citation for part 746 continues to read as follows:

Authority: 50 U.S.C. 4601 *et seq.*; 50 U.S.C. 1701 *et seq.*; 22 U.S.C. 287c; Sec 1503, Pub. L. 108–11, 117 Stat. 559; 22 U.S.C. 6004; 22 U.S.C. 7201 *et seq.*; 22 U.S.C. 7210; E.O. 12854, 58 FR 36587, 3 CFR, 1993 Comp., p. 614; E.O. 12918, 59 FR 28205, 3 CFR, 1994 Comp., p. 899; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13338, 69 FR 26751, 3 CFR, 2004 Comp., p. 168; Presidential Determination 2003–23, 68 FR 26459, 3 CFR, 2004 Comp., p. 320; Presidential Determination 2007–7, 72 FR 1899, 3 CFR, 2006 Comp., p. 325; Notice of May 9, 2017, 82 FR 21909 (May 10, 2017); Notice of August 15, 2017, 82 FR 39005 (August 16, 2017).

■ 6. Section 746.2 is amended by revising Note 2 to Paragraph (b)(3)(i) to read as follows:

§ 746.2 Cuba.

* * * * *

(b) * * *

(3) * * *

(i) * * *

Note 2 to paragraph (b)(3)(i): The policy of case-by-case review in this paragraph is intended to facilitate exports and reexports to meet the needs of the Cuban people. Accordingly, BIS generally will deny applications to export or reexport items for use by state-owned enterprises, agencies, and other organizations that primarily generate revenue for the state, including those engaged in tourism and those engaged in the extraction or production of minerals or other raw materials. Applications for export or reexport of items destined to the Cuban military, police, intelligence or security services also generally will be denied. Additionally, pursuant to section 3(a) of the National Security Presidential Memorandum on Strengthening the Policy of the United States Toward Cuba (NSPM), dated June 16, 2017, BIS generally will deny applications to export or reexport items for use by entities or subentities identified by the Department of State in the **Federal Register** or at <https://www.state.gov/e/eb/tfs/spi/cuba/cubarestrictedlist/index.htm>, unless such transactions are determined to be consistent with sections 2 and 3(a)(iii) of the NSPM.

* * * * *

Dated: November 6, 2017.

Richard E. Ashooh,

Assistant Secretary for Export Administration.

[FR Doc. 2017–24448 Filed 11–8–17; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1926

[Docket ID–OSHA–2007–0066]

RIN 1218–AC96

Cranes and Derricks in Construction: Operator Certification Extension

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Final rule.

SUMMARY: OSHA is delaying its deadline for employers to ensure that crane operators are certified by one year until November 10, 2018. OSHA is also extending its employer duty to ensure that crane operators are competent to operate a crane safely for the same one-year period.

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

ADDRESSES: In accordance with 28 U.S.C. 2112(a)(2), the Agency designates Ann Rosenthal, Associate Solicitor of Labor for Occupational Safety and Health, Office of the Solicitor, Room S–4004, U.S. Department of Labor, 200

Constitution Avenue NW., Washington, DC 20210, to receive petitions for review of the final rule.

FOR FURTHER INFORMATION CONTACT:

General information and press inquiries: Mr. Frank Meilinger, OSHA Office of Communications; telephone: (202) 693–1999; email: Meilinger.Francis2@dol.gov.

Technical inquiries: Mr. Vernon Preston, Directorate of Construction; telephone: (202) 693–2020; fax: (202) 693–1689; email: Preston.Vernon@dol.gov.

Copies of this Federal Register document and news releases: Electronic copies of these documents are available at OSHA's Web page at <http://www.osha.gov>.

SUPPLEMENTARY INFORMATION:

I. Background

A. Introduction

OSHA is publishing this final rule to further extend by one year the employer duty to ensure the competency of crane operators involved in construction work. Previously this duty was scheduled to terminate on November 10, 2017, but now continues until November 10, 2018. OSHA is also further delaying the deadline for crane operator certification for one year from November 10, 2017, to November 10, 2018. As explained in more detail in the following Regulatory Background section, the extension and delay are necessary to provide sufficient time for OSHA to complete a related rulemaking to address issues with its existing Cranes and Derricks in Construction standard (29 CFR part 1926, subpart CC, referred to as “the crane standard” hereafter) (75 FR 47905).

In establishing the effective date of this action, the Agency finds good cause pursuant to 5 U.S.C. 553(d)(3) of the Administrative Procedure Act that this rule be made effective on November 9, 2017, rather than delaying the effective date for 30 days after publication. The basis for this finding is that it is unnecessary to delay this effective date to provide an additional period of time for employers to comply with a new requirement because OSHA is extending the status quo. This final rule establishes no new burdens on the regulated community; rather, it further delays implementation of the crane operator certification requirements in the crane standard and further extends the employer duty in the crane standard to ensure the competency of crane operators, a duty that employers have been required to comply with since publication of the crane standard in 2010.

OSHA also concludes that delaying the effective date of this extension rulemaking beyond November 9, 2017, would be contrary to the public interest and would significantly disrupt the construction industry. If the extension does not go into effect on November 9, 2017, the crane operator certification requirements in the 2010 crane standard would go into effect and the employer duty in the crane standard to ensure crane operator competency would end. As the Agency notes below in Section II.A (Extension of operator certification deadline), there is evidence in the record that many crane operators in the construction industry do not have the certification required by the crane standard and would be out of compliance with the standard. This would not be offset through the employer duty to ensure crane operator competency because that duty would no longer exist. Therefore, OSHA concludes that it is in the public interest to avoid such disruption by having this extension go into effect by November 9, 2017. Finally, OSHA notes that by delaying the operator certification deadline, OSHA is temporarily relieving the regulated community of a compliance duty, which under 5 U.S.C. 553(d)(1) is a separate basis for allowing a rule to become effective in less than 30 days.

By delaying the deadline for employers to ensure that crane operators are certified until November 10, 2018, and by extending the employer duty to ensure that crane operators are competent until that same date, this rule will avoid disrupting the construction industry and allow OSHA time to complete a related crane standard rulemaking that will address these and other issues.

In this preamble, OSHA cites to documents in Docket No. OSHA–2007–0066, the docket for this rulemaking. To simplify these document cites, they start with “ID” followed by the last four digits of their full docket identification number. For example, if a document’s full docket identification number is ID–OSHA–2007–0066–1234, the cite used in this preamble would be ID–1234. The docket is available at <http://www.regulations.gov>, the Federal eRulemaking Portal.

B. Summary of Economic Impact

This final rule is not economically significant. OSHA is revising 29 CFR 1926.1427(k) (competency assessment and training) to delay the deadline for compliance with the operator-certification requirement in the crane standard for one year, and to extend the existing employer duty to ensure crane

operator competency for the same period. OSHA’s final economic analysis shows that delaying the date for operator certification and extending the employer’s assessment of crane operator competency, rather than following the current crane standard, will result in a net cost savings for the affected industries. Delaying the compliance date for operator certification results in estimated cost savings that exceed the estimated new costs for employers to continue to assess crane operators to ensure their competent operation of the equipment in accordance with § 1926.1427(k). The detailed final economic analysis is in the “Agency Determinations” section of this preamble.

C. Regulatory Background

1. Operator Certification Options

On August 9, 2010, OSHA published the final crane standard. OSHA developed the standard through a negotiated rulemaking process. The Agency established a Federal advisory committee, the Cranes and Derricks Negotiated Rulemaking Advisory Committee (C–DAC), to develop a draft proposed rule. C–DAC met in 2003 and 2004 and developed a draft proposed rule (which included the provisions concerning crane operator certification at issue in this rulemaking) that it provided to OSHA.

The Agency initiated a Small Business Advocacy Review Panel in 2006 and published the proposed rule for cranes in construction on October 9, 2008 (73 FR 59713). It closely followed C–DAC’s draft proposal (73 FR 59718). OSHA received public comment on the proposal, and conducted a public hearing. Among many other provisions, OSHA’s 2010 final rule incorporated, with minor changes, the four-option certification scheme that C–DAC had recommended and the Agency had proposed. Accordingly, in § 1926.1427, OSHA requires employers to ensure that their crane operators complete at least one of the following:

Option 1. Certification by an independent testing organization accredited by a nationally recognized accrediting organization;

Option 2. Qualification by an employer’s independently audited program;

Option 3. Qualification by the U.S. military; or

Option 4. Compliance with qualifying State or local licensing requirements (mandatory when applicable).

The third-party certification option in § 1926.1427(b)—Option 1—is the only certification option that is “portable,”

meaning any employer who employs an operator may rely on that operator’s certification as evidence of compliance with the crane standard’s operator certification requirement. This certification option also is the only one available to all employers; it is the option OSHA, and the parties that participated in the rulemaking, believed would be the one most widely used. In this regard, OSHA is not aware of an audited employer qualification program among construction industry employers (Option 2), and the crane standard limits the U.S. military crane operator certification programs (Option 3) to Federal employees of the Department of Defense or the armed services. While State and local governments certify some crane operators (Option 4), the vast majority of operators who become certified do so through Option 1—by third-party testing organizations accredited by a nationally recognized accrediting organization.

Under Option 1, an independent testing organization tests crane operators to determine if they warrant certification. Before a testing organization can issue operator certifications, § 1926.1427(b)(1) of the crane standard provides that a nationally recognized accrediting organization must accredit the testing organizations. To accredit a testing organization, the accrediting agency must determine that the testing organization meets industry-recognized criteria for written testing materials, practical examinations, test administration, grading, facilities and equipment, and personnel. The testing organization must administer written and practical tests that:

- Assess the operator’s knowledge and skills regarding subjects specified in the crane standard;
- provide different levels of certification based on equipment capacity and type;
- have procedures to retest applicants who fail; and
- have testing procedures for recertification.

Section 1926.1427(b)(2) of the crane standard also specifies that, for the purposes of compliance with the crane standard, an operator is deemed qualified to operate a particular piece of equipment only if the operator is certified for that type and capacity of equipment or for higher-capacity equipment of that type. It further provides that, if no testing organization offers certification examinations for a particular equipment type and/or capacity, the operator is deemed qualified to operate that equipment if the operator is certified for the type/

capacity of equipment that is most similar to that equipment, and for which a certification examination is available.

2. Overview of § 1926.1427(k) (Phase-In Provision)

The crane standard published in 2010 replaced provisions in 29 CFR part 1926, subpart N—Cranes, Derricks, Hoists, Elevators, and Conveyors, of the construction safety standards. OSHA delayed the deadline for the operator certification requirement for four years, until November 10, 2014 (see § 1926.1427(k)(1)). During this four-year “phase-in” period, the crane standard imposed an employer duty to ensure that crane operators could safely operate equipment (see § 1926.1727(k), Phase-in). Thus, pursuant to § 1926.1427(k)(2)(i), OSHA required employers to “ensure that operators of equipment covered by this standard are competent to operate the equipment safely.” Under § 1926.1427(k)(2)(ii), employers must train and evaluate the operator when the operator “assigned to operate machinery does not have the required knowledge or ability to operate the equipment safely.”

3. Post-Final Rule Developments

After OSHA issued the crane standard, it continued to receive feedback from members of the regulated community and conducted stakeholder meetings on April 2 and 3, 2013, to give interested members of the public the opportunity to express their views. Participants included construction contractors, labor unions, crane manufacturers, crane rental companies, accredited testing organizations, one of the accrediting bodies, insurance companies, crane operator trainers, and military employers. Detailed notes of participants’ comments are available at ID-0539. Various parties informed OSHA that, in their opinion, the operator certification option would not adequately ensure that crane operators could operate their equipment safely at a construction site. They said that a certified operator would need additional training, experience, and evaluation, beyond the training and evaluation required to obtain certification, to ensure that he or she could operate a crane safely.

OSHA also received information that two (of a total of four) accredited testing organizations have been issuing certifications only by “type” of crane, rather than offering different certifications by “type and capacity” of crane, as the crane standard requires. The two organizations later confirmed this (ID-0521, p. 109 and 246). As a result, those certifications do not meet

the standard’s requirements and operators who obtained certifications only from those organizations could not, under OSHA’s crane standard, operate cranes on construction sites after November 10, 2014. Some stakeholders in the crane industry requested that OSHA remove the capacity requirement.

Most of the participants in the stakeholder meetings expressed the opinion that an operator’s certification by an accredited testing organization did not mean that the operator was fully competent or experienced to operate a crane safely on a construction work site. The participants likened operator certification to a new driver’s license, or a learner’s permit, to drive a car. Most participants said that the operator’s employer should retain the responsibility to ensure that the operator was qualified for the particular crane work assigned. Some participants wanted certification to be, or viewed to be, sufficient to operate a crane safely. Stakeholders noted that operator certification was beneficial in establishing a minimum threshold of operator knowledge and familiarity with cranes.

D. Initial Extension of the Employer Assessment Duties and Deadline for Operator Certification

On February 10, 2014, OSHA published a proposal to delay the deadline for operator certification by three additional years to November 10, 2017, and to extend the existing employer duty to ensure crane operator competency for the same period (79 FR 7611). OSHA conducted a public hearing on May 19, 2014. Representatives of the construction industry reiterated that requiring the certification of all operators and supplanting the employer duty would not ensure the competency of crane operators to safely operate cranes to do construction work. A representative of one of the testing organizations that certifies by capacity (and who had previously opposed removing the capacity requirement) conceded that OSHA should undergo a rulemaking to consider removing capacity from certification requirements.

On September 26, 2014, OSHA published a final rule that delayed the operator certification deadline and extended the existing employer duty for three years to November 10, 2017, to provide time for OSHA to consider what regulatory approach it should take (79 FR 57785).

E. Consulting ACCSH—Draft Proposal for Revised Crane Operator Requirements

With the additional three-year extension in place, OSHA began work on a rulemaking to address the issues raised by stakeholders. On March 31 and April 1, 2015, the Agency consulted with the Advisory Committee on Construction Safety and Health (ACCSH) to solicit feedback from industry stakeholders on the draft regulatory text for a revised operator certification standard.¹ Prior to the meeting, OSHA made available the draft regulatory text,² an overview of the draft regulatory text,³ and a summary of the site visits with stakeholders.⁴ OSHA received many comments and suggestions for revising the regulatory text at the ACCSH meeting. Since that meeting, the Agency has worked to re-draft the regulatory text and preamble for the proposed rule. To ensure the Agency has enough time to propose and finalize the rulemaking, OSHA proposed this one-year extension of the certification requirement compliance date (82 FR 41184 (Aug. 30, 2017)). As with the previous extensions, OSHA also proposed an extension of the existing employer assessment duty for the same time period (Id.). OSHA requested public comment on these proposals.

II. Summary and Explanation of the Final Rule

Commenters in their written remarks on the proposal to delay the operator certification deadline and extend the existing employer duty to November 10, 2018 focused on three issues arising from the Agency’s proposed changes: (1) Whether to delay the date for crane operators to be certified; (2) whether to extend the employer duty to ensure crane operators are competent and safe; and (3) the length of time of an extension. This section examines these issues—in the order above—by first summarizing the comments and then explaining the Agency’s decisions and determinations based on the record as a whole.

¹ Transcript for March 31: https://www.osha.gov/doc/acssh/transcripts/acssh_20150331.pdf; transcript for April 1: https://www.osha.gov/doc/acssh/transcripts/acssh_20150401.pdf.

² <https://www.osha.gov/doc/acssh/acsshcrane.pdf>.

³ https://www.osha.gov/doc/acssh/proposed_crane.html.

⁴ https://www.osha.gov/doc/acssh/summary_crane.html.

A. Extension of Operator Certification Deadline

The majority of commenters supported the Agency's proposed extension of the deadline for crane operators to be certified (ID-0545, 0561, 0563, 0566, 0572-575, 0578-582, 0584-585, 0588-597, 0599-614, 0617-618, 0621, 0624-627, 0632-640, 0642-643, 0645-647, 0651, 0653, 0656-660, 0662-664, 0666-667). Most agreed that an extension was necessary to give OSHA time to address the issues regarding crane operation raised after publication of the crane standard: Whether to remove capacity from the crane standard's certification requirements and the preservation of the employer's role in assessing operators for safe crane operation (ID-0561, 0563, 0578, 0597, 0604, 0618, 0632, 0636, 0640, 0646-647, 0650-651, 0656, 0658, 0667). The National Commission for the Certification of Crane Operators (NCCCO) supports this rule "only in response to OSHA's stated need to address these two issues." (ID-0632). In support of the extension, The International Union of Operating Engineers (IUOE) stated that they along with "contractors, insurers, trade associations, and third-party certification bodies agree on the problems OSHA has identified . . . that OSHA's 'deemed qualified' language eliminates the employer's duty . . ." and "that certification by 'capacity' should be eliminated from the regulatory requirements." (ID-0651). They conclude that "[t]here is widespread agreement in the industry regarding the necessity to postpone implementation of these two elements of the rule in order to correct them." (Id.).

Some commenters asked OSHA to delay the compliance date of the certification requirements in order to alleviate confusion that exists in the industry regarding the crane operator certification requirements. (ID-0604, 0606, 0642, 0647, 0650-651). In support of the extension, the IUOE asked OSHA to "move quickly to eliminate the cloud of uncertainty that has hung over this key safety measure for over a decade." (ID-0651). Edison Electrical Institute hopes that "OSHA works to clarify and formulate the necessary requirements for operator certification and qualification under the final rule" as "[t]here are still many questions that require answers on the certification process and granting this extension will enable OSHA to continue its work with impacted parties to ensure compliance is met and clarity is achieved." (ID-0642). Imperial Crane Services, Inc., and

the Chicago Crane Owners Association support the extension "so that crane operator's proficiency/qualification can be further clarified in the existing cranes and derrick standard." (ID-0604).

Commenters were also very concerned that without an extension of the operator certification requirements and the employer's duty, there would be significant disruption to the construction industry. (ID-0561, 0580, 0605, 0611, 0618, 0626-627, 0636, 0640, 0643, 0646, 0650). In the 2014 extension, OSHA noted that the record indicated that roughly two-thirds of certified operators were certified by one of the organizations that does not offer certification by capacity. Thus, some of the commenters observed that with a majority of certified operators possessing a certification by crane type only, many employers of crane operators would be in violation of operating a crane under OSHA requirements and barred from operating a crane without the possibility of being cited by OSHA. The Texas Crane Owners Association asserts that without an extension, "the obligations under [the crane standard] will undoubtedly disrupt the construction industry by creating a large number of crane operators without compliant certification." (ID-0646). The Associated General Contractors of America agrees that failure to delay the compliance date "could potentially result in significant disruptions in the construction industry with the number of crane operators in possession of certifications that would be deemed noncompliant if the November 10, 2017, effective date remains in place." (ID-0640). Similarly, The Associated Builders and Contractors, Inc., (ABC) commented that "many in the construction industry believe that without an extension the industry will face a future crane operator shortage. For the industry to continue to perform work without disruption, it is important an extension is granted." (ID-0650). "[W]ithout the proposed extension there will be a significant disruption to the industry come November 10, 2017," commented North America's Building Trades Unions, continuing that "many operators will no longer be able to operate certain cranes because their current certifications are not by crane capacity as currently called for in the rule." (ID-0618).

Commenters opposed to the extension of the certification deadline expressed concern that it would lead to unsafe worksites. (ID-0557, 0562/0665 (duplicate comments), 0571, 0577, 0620, 0629, 0644, 0649, 0652). Jack Pitt of Murray State University commented

that if OSHA delayed the compliance date, "then safety would not be a priority," continuing that it was his opinion that requiring certification immediately "would eliminate quite a number of fatalities and injuries. . . ." (ID-0665 and 0562). Chas Scott of Murray State University commented that "[t]he longer the rule is delayed, the more fatalities that are likely to occur." (ID-0557).⁵

In making their arguments about the impact of the certification deadline extension on safety, several of these comments equated crane operator training and crane operator certification. (ID-0571, 0577, 0620, 0629, 0644, 0649, 0652). OSHA had previously addressed the same issue in its 2014 extension, pointing out that for the requirements for crane operator training at 29 CFR 1926.1427(f), like the other provisions from the crane standard except certification, are currently in effect and would not be impacted by any extension (see 79 FR 57788). Employers currently have, and will continue to have, a responsibility to ensure crane operators they employ are trained according to that standard.

Other comments in opposition of the extension stated that employers have had enough time to make sure that their operators are certified, meeting the certification requirements of the 2010 final rule. (ID-0542, 0551, 0556, 0558, 0568, 0583, 0587, 0615-616, 0622-623, 0630-631, 0652, 0661). An anonymous commenter stated that "[s]afety conscious construction employers know or should have known of this new operator certification requirement and have been given a substantial amount of time to comply," (ID-0551). Another commenter noted that employers of crane operators "have had seven years to get the new certification." (ID-0661).

Based on the record as a whole, OSHA finds the arguments in favor of delaying the operator certification deadline to be more persuasive. OSHA shares the commenters' concerns about a potential disruption to the industry that might occur if the majority of certified operators currently hold a form of certification that would not comply

⁵ This commenter misinterpreted OSHA's previous benefits estimate, which stated that the cranes standard would prevent 22 fatalities per year, as meaning that the enforcement of the operator certification requirement would alone prevent that number of fatalities. But as OSHA noted in the 2014 extension in response to similar assertions, in calculating the benefits from fatalities prevented "OSHA did not identify individual components of the standard, but rather calculated the benefits of the entire cranes standard as a whole. OSHA did not separately itemize benefits accruing from the operator certification requirements." (79 FR 57788, footnote 2).

with OSHA's standard. The impact on the industry would be particularly unwarranted in light of OSHA's public disclosure to ACCSH during the committee's meeting on March 31 and April 1, 2015, that the Agency intends to propose removing the capacity component of certification, which is the sole reason that most of these operator certifications would not comply with OSHA's standard. OSHA also acknowledges the commenters' point that while there has been time for more operators to become certified, many employers may have delayed in requiring their employees to be certified while they waited for OSHA to clarify the criteria for the certification so that they could avoid spending funds on a certification that would not meet OSHA's standard. To the extent that the Agency's actions have contributed to this uncertainty, OSHA agrees that it would not be fair to penalize employers by enforcing the certification requirement before completing the separate rulemaking to change that criteria. The additional one-year extension will provide the Agency with the time it needs to address those concerns.

B. Extension of the Existing Employer Duty

The commenters who specifically addressed the extension of the existing employer assessment duty were unanimous in supporting the extension to ensure that employers retained responsibility for ensuring that their operators are competent to operate cranes. All of the comments opposed to the one-year extension focused entirely on certification and did not mention the employer duty.

The North America's Building Trades Union commented that "without the proposed extension there would not be an employer duty to ensure operators can safely operate equipment, which not only puts the operator at risk of fatality or injury, but also puts all construction workers around the equipment at risk as well as the general public on certain construction projects." (ID-0618). The IUOE argues that even if certification is required, "[c]ertification alone . . . is simply insufficient in the absence of *subsequent employer qualification* to ensure that a crane operator is qualified to safely operate the crane to which he or she is assigned." (ID-0651).

While OSHA is not prepared to make a determination whether certification alone is insufficient as the IUOE claims, OSHA agrees that in order to ensure safe and competent crane operations during the one-year extension, the employer duty must also be extended. Without an

extension of the employer duty, the standard would have no requirement to ensure that crane operators know how to operate the crane safely during the operator certification extension. Therefore it is important that the Agency extend the employer duty while it engages in subsequent rulemaking.

C. Length of the Extensions

Having determined that it is appropriate to delay the certification deadline and extend the employer duty to ensure operator competence, the remaining issue is the length of the extension. In the NPRM, OSHA proposed delaying the operator certification deadline and extending the existing employer duty for one year, until November 10, 2018. OSHA requested comment on the duration of the extension.

The majority of comments support OSHA's proposed extension of the deadline for crane operator certification and the employer duty for one year. (ID-0545, 0561, 0563, 0566, 0572-575, 0578, 0580-582, 0585, 0588-600, 0602-605, 0607-614, 0617-618, 0621, 0624-627, 0632-640, 0642-643, 0645-647, 0651, 0653, 0656-660, 0662-6664, 0666-667). Some of these comments recommend that OSHA move as quickly as possible to address these rules. (ID-0605, 0618, 0632, 0651, 0656). NCCCO agrees with the Agency's proposed extension and "urges OSHA to act with all speed to ultimately issue its Final Rule *well within the extension* on this vitally important safety issue. . . ." (ID-0632). Jonathan Branton of Murray State University commented that "this issue does not need to be pushed back any further than one year" and it is "OSHA's responsibility to not allow this to be further extended." (ID-0605). The IUOE asked the Agency to "[p]lease do everything in your power to ensure that OSHA completes the process by November 2018." (ID-0651).

Additionally, OSHA received comments recommending an extension of three years and an indefinite extension until OSHA addresses the certification issues raised by stakeholders after publication of the 2010 final cranes and derricks standard.

The National Propane Gas Association (NPGA) recommended delaying the deadline for the certification requirement and extending the employer duty "at least three years", arguing that "if three years was not an adequate amount of time" to address certification issues raised by stakeholders, "it is not reasonable to presume one year is sufficient." (ID-0648). The NPGA continues that "[w]e are concerned that the short delay is

indicative of the agency's intent to conduct an expedited process . . . an accelerated rulemaking would be antithetical to the purpose and spirit of public engagement in the regulatory process." (ID-0648). The National Association of Home Builders recommends that OSHA delay the deadline for the certification requirements and extend the employer duty another three years or indefinitely, arguing that "OSHA needs to ensure the certification procedures will actually improve safety" and not allowing enough time to address certification issues "only hurts the workers and the regulated community with continually changing deadlines and requirements." (ID-0598). ABC also recommended that both the deadline for the certification requirement be delayed and the employer duty be extended indefinitely as recommended by ACCSH in 2014, arguing that a one year delay "will not provide a sufficient amount of time for OSHA to complete a further rulemaking. . . . Limiting the amount of time the agency has to complete the rulemaking could lead to rushed and unclear regulations." (ID-0650).

While OSHA appreciates the concern of some stakeholders that a one-year extension is an insufficient amount of time to address the issues raised by the industry after publication of the crane standard, OSHA is not persuaded an extension longer than one year is necessary. OSHA had not even decided whether to pursue rulemaking when it finalized the three-year extension in 2014. The Agency needed time to determine what regulatory approach would be appropriate for addressing the concerns raised by stakeholders after publication of the crane standard. (79 FR 7613). OSHA took time to make site visits and spoke to over 40 industry representatives about crane operator certification and operator competency. Using this information, OSHA drafted regulatory text that it presented to a special meeting of ACCSH on March 31, and April 1, 2015, where several stakeholders had the opportunity to provide feedback to the Agency.⁶ OSHA has taken the information from that meeting and worked to develop a proposed rule addressing stakeholders' concerns. OSHA has nearly completed that proposed rule and intends to publish it for public comment shortly.

OSHA is in a different point of the process than it was three years ago and is confident that it will be able to

⁶ Transcript for March 31: https://www.osha.gov/doc/acssh/transcripts/acssh_20150331.pdf; transcript for April 1: https://www.osha.gov/doc/acssh/transcripts/acssh_20150401.pdf.

complete the rulemaking within the year extension without curtailing the opportunity for stakeholders and the general public to participate fully in the rulemaking process.

The Agency rejects the calls for an indefinite extension for the same reasons that it rejected them in 2014. Failing to specify a compliance deadline for operator certification is likely to result in greater, not less, confusion. In addition, if OSHA does not designate a fixed period after which the certification requirements would automatically take effect, the Agency may face additional legal challenges to reinstating them. Moreover, OSHA has already dedicated a significant amount of time and resources to implementing the existing standard, including conducting an extensive negotiated rulemaking process before requiring that employers ensure their crane operators are certified. The Agency therefore finds it prudent and efficient to maintain the status quo for one more year while it considers additional rulemaking.

The Agency must balance the rationale for an additional extension against the concerns raised by the other commenters who point out that any unnecessary delay in the operator certification requirement could prevent the Agency from obtaining the full safety benefit of the cranes standard. For example, if OSHA delayed the operator certification requirement for another three years but completed its rulemaking within nine months, then delaying the certification deadline would be clearly excessive and needlessly delay safety benefits. OSHA believes that given the progress it has made developing a rule addressing stakeholders' concerns regarding operator certification, a one-year extension of both the deadline for the certification requirement and the employer duty is appropriate.

Therefore, OSHA has decided to delay the operator certification deadline for one year, until November 10, 2018, and to extend the employer duty to ensure that crane operators are competent to operate a crane safely for the same one-year period, as it proposed. The Agency received no comment on the text of its proposed revision to § 1926.1427(k), and the final rule adopts the provision as proposed.

D. Comments Outside the Scope of This Rulemaking

OSHA received comments to this rulemaking that, in part or in whole, asked the agency to consider alternatives and revisions to the certification requirements from the 2010 final rule. (ID-0544, 0546, 0548, 0549,

0555, 0564, 0567, 0598, 0606, 0639, 0646, 0648, 0651, 0655, 0658, 0660, 0663, 0667). These comments, although related to operator certification and the employer duty, are outside the scope of this rulemaking and the narrowly tailored issue OSHA proposed: Whether the deadline for the operator certification requirements should be delayed and whether the employer duty to ensure safe and competent crane operation should be extended by one year.

III. Agency Determinations

A. Final Economic Analysis and Regulatory Flexibility Analysis

When it issued the final cranes rule in 2010, OSHA prepared a final economic analysis (2010 FEA) as required by the Occupational Safety and Health Act of 1970 (OSH Act; 29 U.S.C. 651 *et seq.*) and Executive Orders 12866 (58 FR 51735) (Sept. 30, 1993) and 13563 (76 FR 3821 (Jan. 21, 2011)). OSHA also published a Final Regulatory Flexibility Analysis as required by the Regulatory Flexibility Act (5 U.S.C. 601–612). On September 26, 2014, the Agency included a separate FEA (2014 FEA) when it published a final rule delaying until November 10, 2017, the deadline for all crane operators to become certified, and extending the employer duty to ensure operator competency for the same period (79 FR 57785). The preliminary economic analysis for this crane rule extension (2017 PEA) was based on these documents along with further analysis and is the basis for this final economic analysis (FEA). There were no comments submitted to the record in response to the 2017 PEA that included data that could alter OSHA's analysis; therefore, this FEA is substantially the same as the 2017 PEA.

Because OSHA estimates this rule will have a cost savings for employers of \$4.4 million using a discount rate of 3 percent for the one year of the extension, this final rule is not economically significant within the meaning of Executive Order 12866, or a major rule under the Unfunded Mandates Reform Act or Section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 801 *et seq.*).

This FEA focuses solely on costs, and not on any changes in safety and benefits resulting from delaying the certification deadline and extending the employer duties under § 1926.1427(k)(2). As OSHA noted in its proposal, the Agency previously provided its assessment of the benefits of the cranes standard in the 2010 FEA. OSHA did not receive any comment on

this approach or any request for additional analysis of benefits. As noted elsewhere in this preamble, the primary rationale for this final rule is to maintain the status quo—including preservation of the employer duty to ensure that crane operators are competent—while providing OSHA additional time to conduct rulemaking on the crane operator requirements in response to stakeholder concerns.

Extending the employer's requirement to ensure an operator's competency during this period means taking the same approach of the previous extension: Continuing measures in existence since OSHA published the crane standard in 2010. As OSHA stated in the preamble to the 2010 final rule, the interim measures in paragraph (k) “are not significantly different from requirements that were effective under subpart N of this part at former § 1926.550, § 1926.20(b)(4) (‘the employer shall permit only those employees qualified by training or experience to operate equipment and machinery’), and § 1926.21(b)(2) (‘the employer shall instruct each employee in the recognition and avoidance of unsafe conditions . . .’)” (75 FR 48027).

Delaying the operator certification requirement defers a regulatory requirement and produces cost savings for employers. There will, however, be continuing employer costs for extending the requirement to assess operators under existing § 1926.1427(k)(2); if OSHA does not extend these requirements, they will expire in November 2017 and employers would not have these costs after 2017. With the extension, these continuing employer costs will be offset by a reduction in expenses that employers would otherwise have been required to incur to ensure that their operators are certified before the existing November 2017 deadline.

Overview

In the following analysis, OSHA examines costs and savings to determine the net economic effect of the rule. By comparing the additional assessment costs to the certification cost savings across two scenarios—scenario 1 in which there is no extension of the 2017 deadline, and scenario 2 in which there is an extension until 2018—OSHA estimates that the extension will produce a net savings for employers of \$4.4 million per year using a discount rate of 3 percent (\$5.2 million per year using an interest rate of 7 percent).⁷

⁷ As explained in the following discussion, OSHA typically calculates the present value of future costs

OSHA's analysis follows the steps below to reach its estimate of an annual net \$4.4 million in savings:

- (1) Estimate the annual assessment costs for employers;
- (2) Estimate the annual certification costs for employers; and
- (3) Estimate the year-by-year cost differential for delaying the certification deadline to 2018.⁸

The methodology used here is substantially the same as used in the 2014 extension FEA, and OSHA did not receive any comment on this methodology when it included it in the 2017 PEA. Below, Table 1 summarizes these costs and the differentials across the two scenarios. The major differences are updated wages and a revised forecast of the composition of the operator pool across certification levels. The 2014 FEA analysis addressed a 3-year extension, so it gradually increased the number of operators without any certification during that period. The model in this PEA addresses an extension of just a single year, so it holds the number of operators with each certification level constant. The latter significantly simplifies the analysis versus that presented in the 2014 FEA extension.

a. Annual Assessment Costs

OSHA estimated the annual assessment costs using the following three steps: First, determine the unit costs of meeting this requirement; second, determine the number of assessments that employers will need to perform in any given year (this determination includes estimating the affected operator pool as a preliminary step); and finally, multiply the unit costs of meeting the requirement by the number of operators who must meet it in any given year.

Unit assessment costs. OSHA's unit cost estimates for assessments take into account the time needed for the assessment, along with the wages of both the operator and the personnel who will perform the assessment. OSHA based the time requirements on crane operator certification exams currently offered by nationally accredited testing organizations. OSHA determined the time needed for various certification

tests from the 2014 extension, drawing primarily from informal conversations with industry sources who participated in the public stakeholder meetings.

The Agency estimates separate assessment costs for three types of affected operators, which together comprise all affected operators: Those who have a certificate that is in compliance with the existing cranes standard; those who have a certificate that is not in compliance with the existing cranes standard; and those who have no certificate.⁹ As it did in the previous extension, OSHA uses certification status as a proxy of competence in estimating the amount of assessment time needed for different operators. OSHA expects that an operator already certified to operate equipment of a particular type and capacity will require less assessment time than an operator certified by type but not capacity, who in turn will require less time than an operator who is not certified. In deriving these estimates, OSHA determined that operators who have a certificate that is compliant with the crane standard would have to complete a test that is the equivalent of the practical part of the standard crane operator test. The Agency estimates that it would take an operator one hour to complete this test. Operators who have a certificate that is not in compliance with the cranes standard would have to complete a test that is equivalent to both a written general test and a practical test of the standard crane operator test. OSHA estimated that the written general test would take 1.5 hours to complete, for a total test time of 2.5 hours of testing for each operator (1.5 hours for the written general test and 1.0 hour for the practical test). Finally, operators with no certificate would have to complete a test that is equivalent to the standard written test for a specific crane type (also lasting 1.5 hours), as well as the written general test and the practical test, for a total test time of 4.0 hours (1.5 hours for the test on a specific crane type, 1.5 hours for the written general test, and 1.0 hour for the practical test).

The wages used for the crane operator and assessor come from the BLS Occupational Employment Survey for May 2016 (BLS 2017a), which is an updated version of the same source used

in the 2014 extension. From this survey a crane operator's (Standard Occupational Classification (SOC) 53–7021 Crane and Tower Operators) average hourly wage is \$26.58. The full cost to the employer includes all benefits as well as the wage. From the BLS Employer Costs For Employee Compensation for December 2016 (BLS 2017b) the average percentage of benefits in total for the construction sector is 30.2 percent, giving a markup of the wage to the total compensation of 1.43 ($1/(1 - 0.302)$). Hence the “loaded” total hourly cost of an operator is \$38.08 ($1.43 \times \$26.58$), including a markup for benefits.¹⁰ Relying on the same sources, the wage of the assessor is estimated to be the same as the average wage of a construction supervisor (53–1031 First-Line Supervisors of Transportation and Material-Moving Machine and Vehicle Operators) of \$28.75, while the total hourly cost is \$41.19 ($1.43 \times \$28.75$). Below these total hourly costs will be referred to as the respective occupation's “wage.” For assessments performed by an employer of a prospective employee (*i.e.*, a candidate), OSHA uses these same operator and assessor wages and the above testing times to estimate the cost of assessing prospective employees.

Multiplying the wages of operators, assessors, and candidates by the time taken for each type of assessment provides the cost for each type of assessment. Hence, the cost of assessing an operator already holding a certificate that complies with the standard (both type and capacity) is one hour of both the operator's and assessor's time: \$79.27 ($\$38.08 + \$41.19$). For an operator with a certificate for crane type only (not crane capacity), the assessment time is 2.5 hours for a cost of \$198.17 ($2.5 \times (\$38.08 + \$41.19)$). Finally, for an operator with no certificate, the assessment time is 4.0 hours for a cost of \$317.48 ($4.0 \times (\$38.08 + \$41.19)$). OSHA did not receive any comments on these unit cost estimates.

Besides these assessment costs, OSHA notes that § 1926.1427(k)(2)(ii) requires employers to provide training to employees if they are not already competent to operate their assigned equipment. To determine whether an operator is competent, the employer must first perform an assessment. Only if an operator fails the assessment must the employer provide additional operator training required by § 1926.1427(k)(2)(ii).

and benefits using two interest rate assumptions, 3 percent and 7 percent, as recommended by OMB Circular A–4 of September 17, 2003. All dollar amounts unless otherwise stated are in 2016 dollars.

⁸ Though this is a single year extension, the analysis needs to extend over several future years. For convenience, OSHA refers to the annual time period as a “Certification Year” (CY) in this economic analysis, which OSHA defines as ending November 10 of the calendar year; *e.g.*, CY 2017 runs from November 10, 2016, to November 9, 2017.

⁹ OSHA is not making any determination about whether a specific certification complies with the requirements of the cranes standard. For the purposes of this analysis only, OSHA will treat certificates that do not include a multi-capacity component as not complying with the cranes standard, and certificates that include both a type and multi-capacity component as complying with the cranes standard.

¹⁰ Calculations in the text may not exactly match due to rounding for presentation purposes. All final costs are exact, with no rounding.

However, in determining this cost, OSHA made a distinction between a nonemployee candidate for an operator position and an operator who is currently an employee. For an employer assessing a nonemployee candidate, OSHA assumed, based on common industry practice, that the employer will not hire a nonemployee candidate who fails the assessment. In the second situation, an employee qualified to operate a crane fails an assessment for a crane that differs in type or capacity from the crane the employee currently operates. In this situation, the cost-minimizing action for the employer is not to assign the employee to that new type and/or capacity crane, thereby avoiding training costs. While the Agency acknowledges that there will be cases in which the employer will provide this training, it believes these costs to be minimal and, therefore, is not estimating costs for the training. OSHA made the same determinations in the 2017 PEA and did not receive public comment on them.

Number of assessments and number of affected operators. The number of assessments is difficult to estimate due to the heterogeneity of the crane industry. Many operators work continuously for the same employer, already have had their assessment, and do not need reassessment, so the number of new assessments required by the cranes standard for these operators will be zero. Some companies will rent both a crane and an operator employed by the crane rental company to perform crane work, in which case the rental crane company is the operator's employer and responsible for operator assessment. In such cases there is no requirement for the contractor who is renting the crane service to conduct an additional operator assessment. Assuming that employers already comply with the assessment and training requirements of the existing § 1926.1427(k)(2), employers only need to assess a subset of operators: New hires; employees who will operate equipment that differs by type and/or capacity from the equipment on which they received their current assessment; and operators who indicate that they no longer possess the required knowledge or skill necessary to operate the equipment.

To calculate the estimated annual number of assessments, OSHA first estimated the current number of crane operators affected by the cranes standard. The 2014 FEA estimated 117,130 operators and this FEA also uses this estimate. The Agency solicited comment and additional data on this estimate but received none.

For the purpose of determining the number of assessments required each year under this proposal, OSHA is relying on the 23 percent turnover rate for operators originally identified in the 2008 PEA for the crane rule and used most recently in the 2014 extension FEA (79 FR 57793) and the 2017 PEA for this rule. OSHA requested comment on this rate, but received none.

This turnover rate includes all types of operators who would require assessment: Operators moving between employers; operators moving between different types and/or capacities of equipment; and operators newly entering the occupation. OSHA estimated that 26,940 assessments occur each year based on turnover (*i.e.*, $117,130 \text{ operators} \times 0.23 \text{ turnover rate}$). In addition, just as it did with the previous extension, OSHA assumed that 15 percent of operators involved in assessments related to turnover would fail the first test administration and need reassessment (79 FR 57793). Therefore, OSHA added 4,041 reassessments ($26,940 \text{ assessments} \times 0.15$) to the number of reassessments resulting from turnover, for an annual total of 30,981 assessments resulting from turnover and test failure ($26,940 + 4,041$).

Annual assessment costs. OSHA must determine the annual base amount for the two scenarios: (1) Retaining the original 2017 deadline (status quo); and (2) delaying the deadline to 2018 (extension NPRM).

The first part of the calculation is the same under both scenarios. Because the annual assessment costs vary by the different levels of assessment required (depending on the operator's existing level of certification), OSHA grouped the 117,130 operators subject to the crane standard into three classifications: Operators with a certificate that complies with the standard; operators with a certificate only for crane type; and operators with no certification. In order to simplify the estimation for this one-year extension (the 2014 extension was for 3 years) and reflect the last hard data point the Agency has, the Agency is using a static crane operator pool and the composition of the base operator population used in the 2014 deadline extension: 15,000 crane operators currently have a certificate that complies with the existing cranes standard, 71,700 have a certificate for crane type only (but not capacity), leaving 30,430 crane operators with no crane certification ($117,130 \text{ total operators} - (15,000 \text{ operators with compliant certification} + 71,700 \text{ operators with certification for type only})$).

Assuming the turnover rate of 23 percent and the failure rate of 15 percent for turnover-related assessments are distributed proportionally across the three types of operators, then the number of assessments for operators with compliant certification is 3,968 ($((0.23 + (0.23 \times 0.15)) \times 15,000)$), the number of assessments for operators with type-only certification is 18,965 ($((0.23 + (0.23 \times 0.15)) \times 71,700)$), and the number of assessments for operators with no certification is 8,049 ($((0.23 + (0.23 \times 0.15)) \times 30,430)$).

Under scenario 2, there is an extension and employers would not certify all of their operators during CY 2017. OSHA estimated the CY 2017 assessment costs for scenario 2 by multiplying the assessment numbers for each type of operator by the unit costs, resulting in a cost of \$6,624,861 ($((\$79.27 \times 3,968) + (\$198.17 \times 18,965) + (\$317.08 \times 8,049))$). Under scenario 1, the employer-assessment requirement will be in effect for all of CY 2017, while employers would be gradually certifying all of their operators during CY 2017. As a result, the CY 2017 assessment costs identified for scenario 2 would decrease to \$4,540,348 from \$6,624,861 in scenario 1. This is because, as compared to scenario 2, there will be more operators who will have a compliant certificate; and therefore, under the approach described above the employer assessment will require less time. This reduction in the estimated time; and therefore, unit cost, lowers the overall assessment cost (see discussion in the 2014 deadline extension FEA for more details about this methodology).

Under both scenarios, once the certification requirement becomes effective, the employer duty to assess the crane operator no longer is in effect and so assessment costs are zero. Thus, in CY 2018, the assessment costs under scenario 1 would be zero. Under scenario 2, the assessment costs for CY 2018 would be the same as those under scenario 1 for CY 2017, because employers would be gradually certifying operators over the course of that year.

b. Annual Certification Costs

OSHA estimated the annual certification costs using the three steps: First, determine the unit costs of meeting this requirement; second, determine the number of affected operators; and, finally, multiply the unit costs of meeting the requirement by the number of operators who must meet them. In this FEA, following the same methodology as in the 2014 FEA, OSHA estimates that all certifications occur in the year prior to the deadline, hence in CY 2017 in scenario 1, while in CY 2018

for the one-year extension in scenario 2. As in the annual assessment-cost analysis described above, OSHA provides the calculations for CY 2017 under the existing 2017 deadline (scenario 1), and then presents the certification costs for CY 2018 that result from OSHA's delay of the certification requirement to November 2018 (scenario 2).

Unit certification costs. Unit certification costs vary across the three different types of operators in the operator pool (operators with compliant certification; operators with type-only certification; and operators with no certification). Among operators without certification there is a further distinction with different unit certification costs: Experienced operators without certification and operators who have only limited experience. As such, there are different unit certification costs for four different types of operators. There also are ongoing certification costs due to the following two conditions: The requirement for re-certification every five years and the need for some certified operators to obtain additional certification to operate a crane that differs by type and/or capacity from the crane on which they received their current certification.

OSHA estimated these different unit certification costs using substantially the same unit-cost assumptions used in the FEA for the 2010 cranes standard (and exactly the same as the FEA of the 2014 deadline extension). In those previous FEAs, OSHA estimated that training and certification costs for an operator with only limited experience would consist of \$1,500 for a 2-day course (including tests) and 18 hours of the operator's time, for a total cost of \$2,185.44 ($\$1,500 + (18 \text{ hours} \times \$38.08)$) (see 75 FR 48096–48097). OSHA continues to use a cost of \$250 for the tests taken without any training (a constant fixed fee irrespective of the number of tests (75 FR 48096)), and the same number of hours used for each test that it used in the assessment calculations provided above (which the Agency based on certification test times). Accordingly, OSHA estimates the cost of a certificate compliant with the crane standard for an operator who has a type-only certificate to be \$345.20 (*i.e.*, 1 type/capacity-specific written test at 1.5 hours and 1 practical test at 1.0 hours (2.5 hours total), plus the fixed \$250 fee for the tests ($2.5 \text{ hours} \times \$38.08 + \$250$). For an experienced operator with no certificate, the cost is \$402.32 (*i.e.*, the same as the cost for an operator with a type-only certificate plus the cost of an added general

written test of 1.5 hours ($4.0 \text{ hours} \times \$38.08 + \$250$)).¹¹

For scenario 1, § 1926.1427(b)(4) specifies that a certificate is valid for five years. OSHA estimates the recertification unit cost would be the same as the assessment for an operator with compliant certification (*i.e.*, \$79.27). In the 2014 extension, OSHA assumed that employers would pay a reduced fee for the recertification testing as opposed to the cost of a full first-time examination. Because OSHA lacked data on exactly how much the fee would be reduced, it used the assessment cost as a proxy for the cost of recertification (79 FR 57794). OSHA did not receive any comment on that approach and is retaining it for this FEA.

Finally, there will be certified operators who must obtain certification when assigned to a crane that differs by type and/or capacity from the crane on which they received their current certification. This situation requires additional training, but less training than required for a “new” operator with only limited experience. Accordingly, OSHA estimated the cost for these operators as one half of the cost of training and certifying a new operator, or \$1,092.72 ($\$2,185.44/2$).

Number of certifications. After establishing the unit certification costs, OSHA had to determine how many certifications are necessary to ensure compliance with OSHA's standard. In doing so, the Agency uses the 5 percent new-hire estimate from the FEA discussed above to calculate the number of new operators; therefore, of the 117,130 operators affected by the standard, 5,857 ($0.05 \times 117,130$) would be new operators who would require two days for training and certification each year. As discussed earlier, OSHA estimated that 71,700 operators have type-only certification, 15,000 operators have certification that complies with the existing cranes standard, and the remaining 24,574 operators ($117,130 - (71,700 + 15,000 + 5,857)$) are experienced operators without certification.

Under scenario 1 (no extension), after all operators attain certification by November 2017 there will still be ongoing certification costs each year. With a constant total number of operators, the same number of operators (5,857) will be leaving the profession each year and will not require recertification when their current 5-year certification ends. This leaves 111,274 operators ($117,130 - 5,857$) who will

need such periodic recertification. If we approximate the timing of requirements for recertification as distributed proportionally across years, then 20 percent of all operators with a 5-year certificate (22,255 operators ($.20 \times 111,274$)) would require recertification each year.

A final category of unit certification costs involves the continuing need for certified operators to obtain further certification when assigned to a crane that differs by type and/or capacity from the crane on which they received their current certification. This situation arises for both operators working for a single employer and operators switching employers.

The operators who will not need multiple certifications in the post-deadline period are operators with certification who move to a new employer and operate a crane with the same type and capacity as the crane on which they received certification while with their previous employer. These operators will not need multiple certifications because operator certificates are portable across employers, as specified by the cranes standard (see § 1926.1427(b)(3)). For an employer looking to hire an operator for a specific crane, this option will minimize cost, and OSHA assumes employers will choose this option when possible.

After the certification deadline, OSHA estimates that each year 23 percent of the 117,130 operators ($26,940 = 0.23 \times 117,130$) will enter the workforce, change employers, or take on new positions that require one or more additional certifications to operate different types and/or capacities of cranes. Of these 26,940 operators, OSHA estimates 5 of the total 23 percent, or 5,857 ($0.05 \times 117,130$), will result from new operators entering the occupation each year; 9 percent, or 10,542 ($0.09 \times 117,130$), will result from operators switching employers but operating a crane of the same type and capacity as the crane they operated previously (*i.e.*, no certification needed because certification is portable in this case); and the remaining 9 percent, or 10,542, changing jobs or positions and requiring one or more additional certification to operate a crane that differs by type and/or capacity from the crane they operated previously. These percentages are identical to those in the 2014 FEA and the 2017 PEA.

Annual certification costs. To estimate the annual base cost for the first scenario, OSHA calculates the certification costs for CY 2017 because that is the remaining period before the existing deadline. The total cost for

¹¹ There are no certification costs for operators who already have a certificate that complies with the cranes standard.

certifying all operators in CY 2017 in accordance with the existing cranes standard using the above unit-cost estimates and numbers of operators is \$47,436,368 ((71,700 operators with type-only certification × \$345.20) + (24,574 experienced operators without certification × \$402.32) + (5,857 operators with no experience or certification × \$2,185.44)). The Agency, following the previous FEAs (75 FR 48096 and 79 FR 57795), annualized this cost for the five-year period during which operator certification remains effective, resulting in an annualized cost of \$8,447,719. In section c below, OSHA uses this amount in calculating the annual certification costs under scenario 1.

To determine the annual amount used in calculations for the second scenario (the extension to 2018), OSHA examines the costs in CY 2017 because that is the first year with certification costs. All

numbers are the same, just shifted forward a year, so the total cost for having all crane operators certified in CY 2018 is \$47,436,368 (in 2018 dollars).

c. Year-by-Year Cost Differential for Delaying the Certification Deadline to 2018 and Preserving the Employer Assessment Duty Over That Same Period

The ultimate goal of this analysis is to determine the annualized cost differential between scenario 1 (the status quo) and scenario 2 (the extensions of the certification date and the employer assessment duty), so the final part of this PEA compares the yearly assessment and certification costs employers will incur under the two scenarios. Because the assessment and certification costs change across years under each scenario, OSHA must compare the cost differential in each year separately to determine the annual

cost savings for each year attributable to scenario 2. OSHA calculated the present value of each year's differential, which provides a consistent basis for comparing the cost differentials over the extended compliance period. OSHA then annualized the present value of each differential to identify an annual amount that accounts for the discounted costs over this period. Table 1 below summarizes these calculations.

Table 1 shows that assessment and certification costs are just shifted out another year. As noted earlier, OSHA estimated the overall cost differential between these two scenarios by calculating the difference in total (assessment and certification) costs each year across the two scenarios. The net employer cost savings in current dollars attributable to adopting the second scenario are, for each certification year: 2017, \$18.2 million; 2018, \$8.7 million; 2019–2021, \$0; 2022, –\$7.5 million.¹²

TABLE 1—YEAR-BY-YEAR COST DIFFERENTIAL IF OSHA DELAYS THE CERTIFICATION DEADLINE TO 2018

Certification year	2017	2018	2019	2020	2021	2022	2023
Operator Pool							
Scenario 1 (No Deadline Extension)							
Operators with Non-Compliant Certification	71,700	0	0	0	0	0	0
Operators with Compliant Certification	15,000	111,274	111,274	111,274	111,274	111,274	111,274
Operators with No Certification	24,574	0	0	0	0	0	0
New Operators	5,857	5,857	5,857	5,857	5,857	5,857	5,857
Scenario 2 (Deadline Extension)							
Operators with Non-Compliant Certification	71,700	71,700	0	0	0	0	0
Operators with Compliant Certification	15,000	15,000	111,274	111,274	111,274	111,274	111,274
Operators with No Certification	24,574	24,574	0	0	0	0	0
New Operators	5,857	5,857	5,857	5,857	5,857	5,857	5,857
Costs							
Scenario 1 (No Deadline Extension)							
Total Assessment Costs	4,540,348	0	0	0	0	0	0
Total Certification Costs	20,362,269	33,645,533	33,645,533	33,645,533	33,645,533	26,082,317	26,082,317
Total Costs	24,902,617	33,645,533	33,645,533	33,645,533	33,645,533	26,082,317	26,082,317
Scenario 2 (Deadline Extension)							
Total Assessment Costs	6,624,861	4,540,348	0	0	0	0	0
Total Certification Costs	0	20,362,269	33,645,533	33,645,533	33,645,533	33,645,533	26,082,317
Total Costs	6,624,861	24,902,617	33,645,533	33,645,533	33,645,533	33,645,533	26,082,317
Cost Differential (Scenario 2 – Scenario 1)	(18,277,756)	(8,742,916)	.....	.....	.....	7,563,216	.....

Source: OSHA, ORA Calculations.

OSHA next determined the present value of these cost differentials between the two scenarios. OSHA calculated the present value of future costs using two interest rates assumptions, 3 percent and 7 percent, which follow the OMB guidelines specified by Circular A–4. At an interest rate of 3 percent, the present value of the cost differentials for CY 2017 onwards results in an estimated

savings of \$20.2 million (\$21.3 million using the 7 percent rate). Finally, annualizing the present value over five years results in an annualized cost differential (*i.e.*, net employer cost savings) of \$4.4 million per year (\$5.2 million per year using the 7 percent rate).

As a sensitivity analysis the Agency looked at including possible overhead

costs. It is important to note that there is not one broadly accepted overhead rate and that the use of overhead to estimate the marginal costs of labor raises a number of issues that should be addressed before applying overhead costs to analyze the costs of any specific regulation. There are several approaches to look at the cost elements that fit the definition of *overhead* and there are a

¹² A positive cost differential indicates cost savings and a negative cost differential indicates net costs. Savings in the first two years is due to the

lower cost of assessments versus certification. Then net costs in year 2022 are due to the last year of

annualized certification costs for scenario 2, while this cost ends in year 2021 for scenario 1.

range of overhead estimates currently used within the Federal government—for example, the Environmental Protection Agency has used 17 percent,¹³ and government contractors have been reported to use an average of 77 percent.^{14 15} Some overhead costs, such as advertising and marketing, vary with output rather than with labor costs. Other overhead costs vary with the number of new employees. For example, rent or payroll processing costs may change little with the addition of 1 employee in a 500-employee firm, but those costs may change substantially with the addition of 100 employees. If an employer is able to rearrange current employees' duties to implement a rule, then the marginal share of overhead costs such as rent, insurance, and major office equipment (e.g., computers, printers, copiers) would be very difficult to measure with accuracy (e.g., computer use costs associated with 2 hours for rule familiarization by an existing employee).

If OSHA had included an overhead rate when estimating the marginal cost of labor, without further analyzing an appropriate quantitative adjustment, and adopted for these purposes an overhead rate of 17 percent on base wages, as was done in a sensitivity analysis in the FEA in support of OSHA's 2016 final rule on Occupational Exposure to Respirable Crystalline Silica, the overhead costs would increase cost savings from \$4.4 million to \$4.5 million at a discount rate of 3 percent, an increase of 1.8 percent, and would increase cost savings from \$5.2 million to \$5.3 million at a discount rate of 7 percent, an increase of 1.9 percent.

d. Certification of No Significant Impact on a Substantial Number of Small Entities

Most employers will have savings resulting from the one-year extension, particularly employers that planned to pay for operator certification in the year before the existing 2017 deadline. The only entities likely to see a net cost will be entities that planned to hire an operator with compliant certification

after November 10, 2017. Without the one-year extension, these entities will have no separate assessment duty, but under the one-year extension they will have the expense involved in assessing operator competency. As noted above, however, OSHA estimated the maximum cost for such an assessment (for operators with no certification) to be \$317.08 per certified operator.

Small businesses will, by definition, have few operators, and OSHA believes the \$317.08 cost will be well below 1 percent of revenues, and well below 5 percent of profits, in any industry sector using cranes. OSHA does not consider such small amounts to represent a significant impact on small businesses in any industry sector. Hence, OSHA certifies this final rule will not have a significant impact on a substantial number of small entities. After providing relatively similar estimates in the 2014 FEA, OSHA made the same certification in the 2014 FEA and proposed the same certification in the 2017 PEA but did not receive any adverse comment on either the certification or its underlying rationale.

B. Paperwork Reduction Act

The Paperwork Reduction Act (PRA) requires Federal agencies to obtain the Office of Management and Budget (OMB) approval of information collection requirements before an Agency can conduct or sponsor the information collection requirement; and to display the OMB control (approval number) (44 U.S.C. 3507(d)). Agencies submit an Information Collection Request (ICR), with paperwork analysis, to OMB seeking approval of their paperwork requirements. The information collection requirements in the Cranes and Derricks in Construction Standard (29 CFR part 1926, subpart CC) have been approved by OMB in the ICR titled *Cranes and Derricks in Construction Standard (29 CFR part 1926, subpart CC)*, under OMB control Number 1218–0261. These paperwork requirements expire on February 28, 2020.

In the August 30, 2017 NPRM, OSHA notified the public that the Agency believed the proposed Cranes and Derricks in Construction: Operator Certification Extension rule did not contain additional collection of information, and that OSHA did not believe it was necessary to submit a new (revised) ICR to OMB. OSHA instructed the public to submit comments on this determination to OMB and encouraged them to submit their comments to OSHA. No comments were received and OSHA has determined this final rule requires no additional collection of

information or any permanent change to the collection program. As a result, the Agency did not submit an ICR to OMB.

The Agency notes that 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 OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other law, no person may generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number.¹⁶

C. Federalism

OSHA reviewed this final rule in accordance with the Executive Order on Federalism (Executive Order 13132, 64 FR 43255, August 10, 1999), which requires that Federal agencies, to the extent possible, refrain from limiting State policy options, consult with States prior to taking any actions that would restrict State policy options, and take such actions only when clear constitutional authority exists and the problem is national in scope. Executive Order 13132 provides for preemption of State law only with the expressed consent of Congress. Federal agencies must limit any such preemption to the extent possible.

Under Section 18 of the Occupational Safety and Health Act of 1970 (OSH Act; 29 U.S.C. 651 *et seq.*), Congress expressly provides that States and U.S. territories may adopt, with Federal approval, a plan for the development and enforcement of occupational safety and health standards. OSHA refers to such States and territories as “State Plan States.” Occupational safety and health standards developed by State Plan States must be at least as effective in providing safe and healthful employment and places of employment as the Federal standards. 29 U.S.C. 667. Subject to these requirements, State Plan States are free to develop and enforce under State law their own requirements for safety and health standards.

OSHA previously concluded from its analysis that promulgation of subpart CC complies with Executive Order 13132 (75 FR 48128–29). In States without an OSHA-approved State Plan, this final rule limits State policy options in the same manner as every standard promulgated by OSHA. For State Plan States, Section 18 of the OSH Act, as noted in the previous paragraph, permits State-Plan States to develop and enforce their own crane standards

¹³ U.S. Environmental Protection Agency, “Wage Rates for Economic Analyses of the Toxics Release Inventory Program,” June 10, 2002.

¹⁴ Grant Thornton LLP, 2015 Government Contractor Survey. (<https://www.granthornton.com/~media/content-page-files/public-sector/pdfs/surveys/2015/Gov-Contractor-Survey.aspx>).

¹⁵ For a further example of overhead cost estimates, please see the Employee Benefits Security Administration's guidance at <https://www.dol.gov/sites/default/files/ebsa/laws-and-regulations/rules-and-regulations/technical-appendices/labor-cost-inputs-used-in-ebsa-opr-ria-and-pra-burden-calculations-august-2016.pdf>.

¹⁶ See 5 CFR 1320.5(a) and 1320.6.

provided these requirements are at least as effective in providing safe and healthful employment and places of employment as the requirements specified in this final rule.

D. State Plans

When Federal OSHA promulgates a new standard or more stringent amendment to an existing standard, State Plans must either amend their standards to be “at least as effective as” the new standard or amendment, or show that an existing State standard covering this area is already “at least as effective” as the new Federal standard or amendment (29 CFR 1953.5(a)). State Plans adoption must be completed within six months of the promulgation date of the final Federal rule. When OSHA promulgates a new standard or amendment that does not impose additional or more stringent requirements than an existing standard, State Plans do not have to amend their standards, although OSHA may encourage them to do so.

The amendment to OSHA’s crane standard in this final rule only delays the deadline for operator certification requirements and does not impose any new requirements on employers. Accordingly, State Plans are not required to amend their standards to delay the deadline for their operator certification requirements, but they may do so if they so choose. If they choose to delay the deadline for their certification requirements, they also would need to include a corresponding extension of the employer duty to assess and train operators that is equivalent to § 1926.1427(k)(2).

E. Unfunded Mandates Reform Act

When OSHA issued the final rule for cranes and derricks in construction, it reviewed the rule according to the Unfunded Mandates Reform Act of 1995 (UMRA; 2 U.S.C. 1501 *et seq.*) and Executive Order 13132 (64 FR 43255 (Aug. 10, 1999)). OSHA concluded that the final rule did not meet the definition of a “Federal intergovernmental mandate” under the UMRA because OSHA standards do not apply to State or local governments except in States that voluntarily adopt State Plans. OSHA further noted that the rule imposed costs of over \$100 million per year on the private sector and; therefore, required review under the UMRA for those costs, but that its final economic analysis met that requirement.

As discussed above in Section III.A (Final Economic Analysis and Regulatory Flexibility Analysis) of this preamble, this final rule does not impose any costs on private-sector

employers beyond those costs already taken into account in the 2010 final rule for cranes and derricks in construction. Because OSHA reviewed the total costs of the 2010 final rule under the UMRA, no further review of those costs is necessary. Therefore, for the purposes of the UMRA, OSHA certifies that this final rule does not mandate that State, local, or tribal governments adopt new, unfunded regulatory obligations, or increase expenditures by the private sector of more than \$100 million in any year.

F. Consultation and Coordination With Indian Tribal Governments

OSHA reviewed this final rule in accordance with Executive Order 13175 (65 FR 67249) and determined that it does not have “tribal implications” as defined in that order. The rule does not have substantial direct effects 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.

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

Consistent with E.O. 13771 (82 FR 9339, February 3, 2017), OSHA has estimated the annualized cost savings over 10 years for this final rule to range from \$4.4 million to \$5.2 million, depending on the discount rate. This final rule is considered an E.O. 13771 deregulatory action. Details on the estimated cost savings of this final rule can be found in the rule’s economic analysis.

H. Legal Considerations

The purpose of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 *et seq.*) is “to assure so far as possible every working man and woman in the nation safe and healthful working conditions and to preserve our human resources.” 29 U.S.C. 651(b). To achieve this goal, Congress authorized the Secretary of Labor to promulgate and enforce occupational safety and health standards. 29 U.S.C. 654(b), 655(b). A safety or health standard is a standard “which requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe or healthful employment or places of employment.” 29 U.S.C. 652(8). A standard is reasonably necessary or appropriate within the meaning of Section 652(8) when a significant risk of material harm exists in the workplace and the standard would substantially reduce or eliminate

that workplace risk. See *Industrial Union Department, AFL-CIO v. American Petroleum Institute*, 448 U.S. 607 (1980). In the cranes rulemaking, OSHA made such a determination with respect to the use of cranes and derricks in construction (75 FR 47913, 47920–21). This final rule does not impose any new requirements on employers. Therefore, this final rule does not require an additional significant risk finding (see *Edison Electric Institute v. OSHA*, 849 F.2d 611, 620 (D.C. Cir. 1988)).

In addition to materially reducing a significant risk, a safety standard must be technologically feasible. See *UAW v. OSHA*, 37 F.3d 665, 668 (D.C. Cir. 1994). A standard is technologically feasible when the protective measures it requires already exist, when available technology can bring the protective measures into existence, or when that technology is reasonably likely to develop (see *American Textile Mfrs. Institute v. OSHA*, 452 U.S. 490, 513 (1981); *American Iron and Steel Institute v. OSHA*, 939 F.2d 975, 980 (D.C. Cir. 1991)). In the 2010 Final Economic Analysis for the crane standard, OSHA found the standard to be technologically feasible (75 FR 48079). Therefore, this final rule is technologically feasible as well because it does not require employers to implement any additional protective measures; it simply extends the duration of existing requirements.

List of Subjects in 29 CFR Part 1926

Construction industry, Cranes, Derricks, Occupational safety and health, Safety.

Signed at Washington, DC, on November 3, 2017.

Loren Sweatt,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

Amendments to Standards

For the reasons stated in the preamble of this final rule, OSHA amends 29 CFR part 1926 as follows:

PART 1926—[AMENDED]

Subpart CC—Cranes and Derricks in Construction

■ 1. The authority citation for subpart CC of 29 CFR part 1926 continues to read as follows:

Authority: 40 U.S.C. 3701 *et seq.*; 29 U.S.C. 653, 655, 657; and Secretary of Labor’s Orders 5–2007 (72 FR 31159) or 1–2012 (77 FR 3912), as applicable; and 29 CFR part 1911.

■ 2. Revise § 1926.1427(k) to read as follows:

§ 1926.1427 Operator qualification and certification.

* * * *

(k) *Phase-in.* (1) The provisions of this section became applicable on November 8, 2010, except for paragraphs (a)(2) and (f) of this section, which are applicable November 10, 2018.

(2) When paragraph (a)(1) of this section is not applicable, all of the requirements in paragraphs (k)(2)(i) and (ii) of this section apply until November 10, 2018.

(i) The employer must ensure that operators of equipment covered by this standard are competent to operate the equipment safely.

(ii) When an employee assigned to operate machinery does not have the required knowledge or ability to operate the equipment safely, the employer must train that employee prior to operating the equipment. The employer must ensure that each operator is evaluated to confirm that he/she understands the information provided in the training.

[FR Doc. 2017-24349 Filed 11-8-17; 8:45 am]

BILLING CODE 4510-26-P

DEPARTMENT OF THE TREASURY**Office of Foreign Assets Control****31 CFR Part 515****Cuban Assets Control Regulations**

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Final rule.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is amending the Cuban Assets Control Regulations to implement the National Security Presidential Memorandum (NSPM), "Strengthening the Policy of the United States Toward Cuba," signed by the President on June 16, 2017. These amendments implement changes to the authorizations for travel to Cuba and related transactions and restrict certain financial transactions. These amendments also implement certain technical and conforming changes.

DATES: *Effective:* November 9, 2017.

FOR FURTHER INFORMATION CONTACT: The Department of the Treasury's Office of Foreign Assets Control: Assistant Director for Licensing, tel.: 202-622-2480, Assistant Director for Regulatory Affairs, tel.: 202-622-4855, Assistant Director for Sanctions Compliance & Evaluation, tel.: 202-622-2490; or the Department of the Treasury's Office of the Chief Counsel (Foreign Assets

Control), Office of the General Counsel, tel.: 202-622-2410.

SUPPLEMENTARY INFORMATION:**Electronic Availability**

This document and additional information concerning OFAC are available from OFAC's Web site (www.treasury.gov/ofac).

Background

The Department of the Treasury issued the Cuban Assets Control Regulations, 31 CFR part 515 (the "Regulations"), on July 8, 1963, under the Trading With the Enemy Act (50 U.S.C. 4301-41). OFAC has amended the Regulations on numerous occasions. Today, OFAC, the Department of Commerce's Bureau of Industry and Security, and the Department of State are taking coordinated actions to implement the NSPM, "Strengthening the Policy of the United States Toward Cuba," signed by the President on June 16, 2017.

OFAC is making amendments to the Regulations with respect to financial transactions, travel and related transactions, educational activities, support for the Cuban people, and certain other activities, as set forth below.

Financial Transactions

Restrictions on direct financial transactions with certain entities and subentities. In accordance with section 3(a)(i) of the NSPM, the State Department is publishing a list of entities and subentities that are under the control of, or act for or on behalf of, the Cuban military, intelligence, or security service or personnel, and with which direct financial transactions would disproportionately benefit the Cuban military, intelligence, or security services or personnel at the expense of the Cuban people or private enterprise in Cuba—the State Department's List of Restricted Entities and Subentities Associated with Cuba ("Cuba Restricted List"). In accordance with section 3(a)(ii) of the NSPM, OFAC is adding new § 515.209 to restrict direct financial transactions with entities and subentities listed on the Cuba Restricted List. OFAC is making conforming edits to § 515.421 to clarify that transactions ordinarily incident to licensed transactions do not include direct financial transactions with such entities and subentities if the terms of the applicable general or specific license expressly exclude such direct financial transactions.

In order to implement this prohibition, OFAC is adding corresponding language in the following

general licenses: §§ 515.530, 515.534, 515.545, 515.560, 515.561, 515.564, 515.565, 515.566, 515.567, 515.572, 515.573, 515.574, 515.576, 515.577, 515.578, 515.581, 515.584, and 515.590. OFAC has not incorporated this prohibition into certain general licenses in accordance with the exceptions detailed in section 3(a)(iii) of the NSPM.

Travel and Related Transactions

Educational travel. In accordance with section 3(b) of the NSPM, OFAC is revising the categories of educational travel currently set forth in § 515.565(a)(1)–(6) to authorize travel that was permitted by regulation in effect on January 27, 2011.

In addition, OFAC is adding the requirement set forth in the NSPM that certain categories of educational travel authorized by § 515.565(a), which were not permitted by regulation in effect on January 27, 2011, take place under the auspices of an organization that is a person subject to U.S. jurisdiction. This requirement is incorporated in § 515.565(a)(2). The same provision also now will require that all travelers must be accompanied by a person subject to U.S. jurisdiction who is an employee, paid consultant, agent, or other representative of the sponsoring organization, except in cases where the traveler is an employee, paid consultant, agent, or other representative traveling individually (not as part of a group), if the individual obtains a letter from the sponsoring organization. Such a letter must state that: (1) The individual is traveling to Cuba as an employee, paid consultant, agent, or other representative (including specifying the responsibilities of the individual that make him or her a representative) of the sponsoring organization; (2) the individual is acting for or on behalf of, or otherwise representing, the sponsoring organization; and (3) the individual's travel to Cuba is related to his or her role at the sponsoring organization.

In addition, OFAC is adding a "grandfathering" provision in § 515.565(d) to authorize certain travel that previously was authorized where the traveler has already completed at least one travel-related transaction (such as purchasing a flight or reserving accommodation) prior to November 9, 2017.

People-to-people educational travel. In accordance with section 3(b)(ii) of the NSPM, OFAC is amending § 515.565(b) to require that people-to-people educational travel be conducted under the auspices of an organization that is subject to U.S. jurisdiction and that sponsors such exchanges to promote

people-to-people contact, and that such travelers be accompanied by a person subject to U.S. jurisdiction who is an employee, paid consultant, agent, or other representative of the sponsoring organization. Travel-related transactions authorized pursuant to this section must be for the purpose of engaging, while in Cuba, in a full-time schedule of activities that enhance contact with the Cuban people, support civil society in Cuba, or promote the Cuban people's independence from Cuban authorities; and result in meaningful interactions with individuals in Cuba. In addition, OFAC is adding a "grandfathering" provision in § 515.565(e) to authorize certain people-to-people travel that previously was authorized where the traveler has already completed at least one travel-related transaction (such as purchasing a flight or reserving accommodation) prior to June 16, 2017.

Support for the Cuban people. In accordance with section 3(b)(ii) of the NSPM, OFAC is amending § 515.574 to require that each traveler engage in a full-time schedule of activities that result in meaningful interaction with individuals in Cuba and that enhance contact with the Cuban people, support civil society in Cuba, or promote the Cuban people's independence from Cuban authorities.

Other Amendments

Definition of prohibited officials of the Government of Cuba. In accordance with section 3(d) of the NSPM, OFAC is amending the definition of the term *prohibited officials of the Government of Cuba* in § 515.337 to include certain additional individuals. The revised definition corresponds to that which was in place prior to October 17, 2016.

Public Participation

Because the amendments of the Regulations involve a foreign affairs function, Executive Order 12866 and the provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date, as well as the provisions of Executive Order 13771, are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act (5 U.S.C. 601–612) does not apply.

Paperwork Reduction Act

The collections of information related to the Regulations are contained in 31 CFR part 501 (the "Reporting, Procedures and Penalties Regulations") and § 515.572 of this part. Pursuant to the Paperwork Reduction Act of 1995

(44 U.S.C. 3507), those collections of information are covered by the Office of Management and Budget under control numbers 1505–0164, 1505–0167, and 1505–0168. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid control number.

List of Subjects in 31 CFR Part 515

Administrative practice and procedure, Banking, Blocking of assets, Cuba, Financial transactions, Reporting and recordkeeping requirements, Travel restrictions.

For the reasons set forth in the preamble, the Department of the Treasury's Office of Foreign Assets Control amends 31 CFR part 515 as set forth below:

PART 515—CUBAN ASSETS CONTROL REGULATIONS

■ 1. The authority citation for part 515 continues to read as follows:

Authority: 22 U.S.C. 2370(a), 6001–6010, 7201–7211; 31 U.S.C. 321(b); 50 U.S.C. 4301–4341; Pub. L. 101–410, 104 Stat. 890 (28 U.S.C. 2461 note); Pub. L. 104–114, 110 Stat. 785 (22 U.S.C. 6021–6091); Pub. L. 105–277, 112 Stat. 2681; Pub. L. 111–8, 123 Stat. 524; Pub. L. 111–117, 123 Stat. 3034; E.O. 9193, 7 FR 5205, 3 CFR, 1938–1943 Comp., p. 1174; E.O. 9989, 13 FR 4891, 3 CFR, 1943–1948 Comp., p. 748; Proc. 3447, 27 FR 1085, 3 CFR, 1959–1963 Comp., p. 157; E.O. 12854, 58 FR 36587, 3 CFR, 1993 Comp., p. 614.

Subpart B—Prohibitions

■ 2. Add § 515.209 to subpart B to read as follows:

§ 515.209 Restrictions on direct financial transactions with certain entities and subentities.

(a) Except as otherwise authorized pursuant to this part, no person subject to U.S. jurisdiction may engage in a direct financial transaction with any person that the Secretary of State has identified as an entity or subentity that is under the control of, or acts for or on behalf of, the Cuban military, intelligence, or security services or personnel and with which direct financial transactions would disproportionately benefit such services or personnel at the expense of the Cuban people or private enterprise in Cuba. For purposes of this prohibition, a person engages in a direct financial transaction by acting as the originator on a transfer of funds whose ultimate beneficiary is an entity or subentity on the State Department's List of Restricted Entities and Subentities Associated with Cuba ("Cuba Restricted List") or as the

ultimate beneficiary on a transfer of funds whose originator is an entity or subentity on the Cuba Restricted List, including a transaction by wire transfer, credit card, check, or payment of cash. This prohibition does not apply to certain transactions set forth in paragraphs (b) and (c) of this section.

Note to paragraph (a): The names of entities and subentities that the Secretary of State has identified as meeting the criteria set forth in this section are published in the **Federal Register** and incorporated into the Cuba Restricted List. Entities or subentities that are owned or controlled by another entity or subentity on this list are not treated as restricted unless also specified by name on the Cuba Restricted List. The Cuba Restricted List is maintained by the State Department and will be published in the **Federal Register**. It is also accessible through the following page on the State Department's Web site: <http://www.state.gov/e/eb/tfs/spi/cuba/cubarestrictedlist/index.htm>.

(b) The prohibition in paragraph (a) of this section does not apply to any travel-related transactions, including those that involve direct financial transactions with an entity or subentity on the Cuba Restricted List, provided those travel-related transactions were initiated prior to the date that entity or subentity was added to the Cuba Restricted List as published in the **Federal Register**.

(c) The prohibition in paragraph (a) of this section does not apply to any transactions related to commercial engagements that involve direct financial transactions with an entity or subentity on the Cuba Restricted List, provided those commercial engagements were in place prior to the date that entity or subentity was added to the Cuba Restricted List as published in the **Federal Register**.

Note to § 515.209: This section does not prohibit a person subject to U.S. jurisdiction from participating in an indirect financial transaction, such as those authorized pursuant to § 515.584(d) relating to funds transfers or § 515.584(g) relating to U.S. dollar monetary instruments, where the person does not act as the originator or beneficiary on a transfer of funds.

Subpart C—Definitions

■ 3. Revise § 515.337 to read as follows:

§ 515.337 Prohibited officials of the Government of Cuba.

For purposes of this part, the term *prohibited officials of the Government of Cuba* means Ministers and Vice-Ministers; members of the Council of State and the Council of Ministers; members and employees of the National Assembly of People's Power; members of any provincial assembly; local sector chiefs of the Committees for the Defense

of the Revolution; Director Generals and sub-Director Generals and higher of all Cuban ministries and state agencies; employees of the Ministry of the Interior (MININT); employees of the Ministry of Defense (MINFAR); secretaries and first secretaries of the Confederation of Labor of Cuba (CTC) and its component unions; chief editors, editors, and deputy editors of Cuban state-run media organizations and programs, including newspapers, television, and radio; and members and employees of the Supreme Court (Tribuno Supremo Nacional).

Subpart D—Interpretations

■ 4. Amend § 515.421 by removing the text “or” at the end of paragraph (a)(3), removing the period at the end of the introductory text to paragraph (a)(4) and adding the text “; or” in its place, and adding paragraph (a)(5) to read as follows:

§ 515.421 Transactions ordinarily incident to a licensed transaction.

(a) * * *

(5) A direct financial transaction prohibited by § 515.209, where the terms of the applicable general or specific license expressly exclude such a transaction.

* * * * *

Subpart E—Licenses, Authorizations, and Statements of Licensing Policy

■ 5. Amend § 515.530 by adding paragraph (d) to read as follows:

§ 515.530 Exportation of powers of attorney or instructions relating to certain types of transactions.

* * * * *

(d) *Certain direct financial transactions restricted.* Nothing in this section authorizes a direct financial transaction prohibited by § 515.209.

■ 6. Amend § 515.533 by revising paragraph (b) to read as follows:

§ 515.533 Exportations from the United States to Cuba; reexportation to Cuba; importation and servicing or repair of certain items previously exported or reexported to Cuba.

* * * * *

(b) *Importation of certain items previously exported to Cuba; servicing and repair of such items.* All transactions ordinarily incident to the importation into the United States or a third country of items previously exported from the United States to Cuba or exported or reexported from a third country to Cuba, and the servicing and repair of such items, are authorized, provided that:

(1) The items previously were exported or reexported to Cuba pursuant

to paragraph (a) of this section or § 515.559; and

(2) The items are being imported into the United States or a third country either:

(i) In order to service or repair them before they are exported or reexported back to Cuba, or

(ii) To return them to the United States or a third country.

Note to paragraph (b): This paragraph does not authorize the exportation or reexportation of any item to Cuba. The exportation or reexportation of serviced, repaired, or replacement items to Cuba must be separately authorized pursuant to paragraph (a) of this section or § 515.559, in addition to any Department of Commerce authorization that may be required.

* * * * *

■ 7. Amend § 515.534 by adding paragraph (c) to read as follows:

§ 515.534 Negotiation of, and entry into, contingent contracts relating to transactions prohibited by this part.

* * * * *

(c) *Certain direct financial transactions restricted.* Nothing in this section authorizes a direct financial transaction prohibited by § 515.209.

* * * * *

■ 8. Amend § 515.545 by redesignating paragraph (c) as paragraph (d) and adding new paragraph (c) to read as follows:

§ 515.545 Transactions related to information and informational materials.

* * * * *

(c) *Certain direct financial transactions restricted.* Nothing in paragraphs (a) or (b) of this section authorizes a direct financial transaction prohibited by § 515.209.

* * * * *

■ 9. Amend § 515.560 by revising the introductory text to paragraph (c), revising paragraph (c)(1), redesignating paragraph (d) as paragraph (e), and adding new paragraph (d) to read as follows:

§ 515.560 Travel-related transactions to, from, and within Cuba by persons subject to U.S. jurisdiction.

* * * * *

(c) Except as provided in paragraph (d) of this section, persons generally or specifically licensed under this part to engage in transactions in connection with travel to, from, and within Cuba may engage in the following transactions:

(1) *Transportation to, from, and within Cuba; Cuban visas.* All transportation-related transactions ordinarily incident to travel to, from, and within Cuba, including the

acquisition of Cuban visas, are authorized.

* * * * *

(d) Nothing in paragraphs (c)(2), (c)(3), and (c)(6)(i) of this section authorizes a direct financial transaction prohibited by § 515.209 if the terms of the applicable general or specific license expressly exclude such a transaction.

* * * * *

■ 10. Amend § 515.561 by removing the text “§ 515.565(a)(1) through (4) and (6)” and adding in its place the text “§ 515.565(a)(1)(i) through (iv) and (vi)” and adding a sentence at the end of paragraph (a) to read as follows:

§ 515.561 Family visits.

(a) * * * Nothing in this paragraph authorizes a direct financial transaction prohibited by § 515.209.

* * * * *

■ 11. Amend § 515.564 by redesignating paragraph (c) as paragraph (d) and adding new paragraph (c) to read as follows:

§ 515.564 Professional research and professional meetings in Cuba.

* * * * *

(c) *Certain direct financial transactions restricted.* Nothing in paragraph (a) of this section authorizes a direct financial transaction prohibited by § 515.209.

* * * * *

■ 12. Revise § 515.565 to read as follows:

§ 515.565 Educational activities.

(a) *General license for educational activities.* (1) Accredited U.S. undergraduate or graduate degree-granting academic institutions, their students enrolled in an undergraduate or graduate degree program at the institution, and their full-time permanent employees, are authorized to engage, under the auspices of the institutions, in transactions, including the travel-related transactions set forth in § 515.560(c), that are directly incident to the following activities:

(i) Participation in a structured educational program in Cuba as part of a course offered at the U.S. institution, provided the program includes a full term, and in no instance includes fewer than 10 weeks, of study in Cuba. An individual planning to engage in such transactions must obtain a letter from the U.S. institution stating that the individual is a student currently enrolled in an undergraduate or graduate degree program at the institution, or is a full-time permanent employee of the institution, and that the Cuba-related travel is part of a

structured educational program of the U.S. institution that will be no shorter than 10 weeks in duration;

(ii) Noncommercial academic research in Cuba specifically related to Cuba and for the purpose of obtaining a graduate degree. A student planning to engage in such transactions must obtain a letter from the U.S. institution stating that the individual is a student currently enrolled in a graduate degree program at the U.S. institution and that the research in Cuba will be accepted for credit toward that degree;

(iii) Participation in a formal course of study at a Cuban academic institution, provided the formal course of study in Cuba will be accepted for credit toward the student's undergraduate or graduate degree at the U.S. institution and provided that the course of study is no shorter than 10 weeks in duration. An individual planning to engage in such transactions must obtain a letter from the U.S. institution stating that the individual is a student currently enrolled in an undergraduate or graduate degree program at the U.S. institution and that the study in Cuba will be accepted for credit toward that degree and will be no shorter than 10 weeks in duration;

(iv) Teaching at a Cuban academic institution by an individual regularly employed in a teaching capacity at the U.S. institution, provided the teaching activities are related to an academic program at the Cuban institution and provided that the duration of the teaching will be no shorter than 10 weeks. An individual planning to engage in such transactions must obtain a letter from the U.S. institution stating that the individual is a full-time permanent employee regularly employed in a teaching capacity at the U.S. institution;

(v) Sponsorship of a Cuban scholar to teach or engage in other scholarly activity at the U.S. institution (in addition to those transactions authorized by the general license contained in § 515.571); and

Note to paragraph (a)(1)(v): See § 515.571(a) for authorizations related to certain banking transactions and receipt of salary or other compensation by Cuban nationals present in the United States in a non-immigrant status or pursuant to other non-immigrant travel authorization issued by the U.S. government.

(vi) The organization of, and preparation for, the activities described in paragraphs (a)(1)(i) through (a)(1)(v) of this section by a full-time permanent employee of the U.S. institution. An individual engaging in such transactions must obtain a letter from the U.S. institution stating that the individual is

a full-time permanent employee of the U.S. institution.

(2) To the extent not authorized in paragraph (a)(1) of this section, persons subject to U.S. jurisdiction, including U.S. academic institutions and their faculty, staff, and students, are authorized to engage in transactions, including the travel-related transactions set forth in § 515.560(c), that are directly incident to the following activities, provided that any travel-related transactions pursuant to these authorizations take place under the auspices of an organization that is a person subject to U.S. jurisdiction, and further provided that all such travelers be accompanied by a person subject to U.S. jurisdiction who is an employee, paid consultant, agent, or other representative of the sponsoring organization, except in cases where the traveler is an employee, paid consultant, agent, or other representative traveling individually (not as part of a group) and the individual traveler obtains a letter from the sponsoring organization stating that: The individual is traveling to Cuba as an employee, paid consultant, agent, or other representative (including specifying the responsibilities of the individual that make him or her a representative) of the sponsoring organization; the individual is acting for or on behalf of, or otherwise representing, the sponsoring organization; and the individual's travel to Cuba is related to his or her role at the sponsoring organization:

(i) Participation in a structured educational program in Cuba as part of a course offered for credit by a U.S. graduate or undergraduate degree-granting academic institution that is sponsoring the program;

(ii) Noncommercial academic research in Cuba specifically related to Cuba and for the purpose of obtaining an undergraduate or graduate degree;

(iii) Participation in a formal course of study at a Cuban academic institution, provided the formal course of study in Cuba will be accepted for credit toward the student's graduate or undergraduate degree;

(iv) Teaching at a Cuban academic institution related to an academic program at the Cuban institution, provided that the individual is regularly employed by a U.S. or other non-Cuban academic institution;

(v) Sponsorship of a Cuban scholar to teach or engage in other scholarly activity at the sponsoring U.S. academic institution (in addition to those transactions authorized by the general license contained in § 515.571).

Note to paragraph (a)(2)(v): See § 515.571(a) for authorizations related to

certain banking transactions and receipt of salary or other compensation by Cuban nationals present in the United States in a non-immigrant status or pursuant to other non-immigrant travel authorization issued by the U.S. government.

(vi) Educational exchanges sponsored by Cuban or U.S. secondary schools involving secondary school students' participation in a formal course of study or in a structured educational program offered by a secondary school or other academic institution and led by a teacher or other secondary school official. This includes participation by a reasonable number of adult chaperones to accompany the secondary school students to Cuba;

(vii) Sponsorship or co-sponsorship of non-commercial academic seminars, conferences, symposia, and workshops related to Cuba or global issues involving Cuba and attendance at such events by faculty, staff, and students of a participating U.S. academic institution;

(viii) Establishment of academic exchanges and joint non-commercial academic research projects with universities or academic institutions in Cuba;

(ix) Provision of standardized testing services, including professional certificate examinations, university entrance examinations, and language examinations, and related preparatory services for such exams, to Cuban nationals, wherever located;

(x) Provision of Internet-based courses, including distance learning and Massive Open Online Courses, to Cuban nationals, wherever located, provided that the course content is at the undergraduate level or below;

(xi) The organization of, and preparation for, activities described in paragraphs (a)(2)(i) through (a)(2)(x) of this section by an employee, paid consultant, agent, or other representative of the sponsoring organization that is a person subject to U.S. jurisdiction; and

(xii) Facilitation by an organization that is a person subject to U.S. jurisdiction, or a member of the staff of such an organization, of licensed educational activities in Cuba on behalf of U.S. academic institutions or secondary schools, provided that:

(A) The organization is directly affiliated with one or more U.S. academic institutions or secondary schools; and

(B) The organization facilitates educational activities that meet the requirements of one or more of the general licenses set forth in paragraphs (a)(1)(i) through (iii), (a)(2)(i) through (iii), and (a)(2)(vi) of this section.

Note to paragraph (a)(2): The authorizations in this paragraph extend to adjunct faculty and part-time staff of U.S. academic institutions. A student enrolled in a U.S. academic institution is authorized pursuant to paragraph (a)(2) of this section to participate in the academic activities in Cuba described through any sponsoring U.S. academic institution.

Example to paragraph (a)(2): An individual undergraduate student serves as a research assistant at his or her U.S. undergraduate degree-granting academic institution. This individual may travel to Cuba to engage in noncommercial academic research specifically related to Cuba for the purpose of obtaining an undergraduate degree pursuant to paragraph (a)(2)(ii) of this section if the student is either accompanied by an employee, paid consultant, agent, or other representative of the academic institution (either individually or as part of a group), or has obtained a letter from the institution stating that the student is an employee, paid consultant, agent, or other representative (including specifying the responsibilities that make him or her a representative) of the academic institution, that the student is acting for or on behalf of or otherwise representing the academic institution, and that the student's travel to Cuba is related to his or her role at the academic institution.

Note 1 to paragraph (a): See § 515.560(c)(6) for an authorization for individuals to open and maintain accounts at Cuban financial institutions; see § 515.573 for an authorization for entities conducting educational activities authorized by § 515.565(a) to establish a physical presence in Cuba, including an authorization to open and maintain accounts at Cuban financial institutions.

Note 2 to paragraph (a): The export or reexport to Cuba of goods (including software) or technology subject to the Export Administration Regulations (15 CFR parts 730 through 774) may require separate authorization from the Department of Commerce.

Note 3 to paragraph (a): See § 515.590(a) for an authorization for the provision of educational grants, scholarships, or awards to a Cuban national or in which Cuba or a Cuban national otherwise has an interest.

(b) *General license for people-to-people travel.* The travel-related transactions set forth in § 515.560(c) and such additional transactions as are directly incident to educational exchanges not involving academic study pursuant to a degree program are authorized, provided that:

(1) The exchanges take place under the auspices of an organization that is a person subject to U.S. jurisdiction and that sponsors such exchanges to promote people-to-people contact;

(2) Travel-related transactions pursuant to this authorization are for the purpose of engaging, while in Cuba, in

a full-time schedule of activities that enhance contact with the Cuban people, support civil society in Cuba, or promote the Cuban people's independence from Cuban authorities;

(3) Each traveler has a full-time schedule of educational exchange activities that result in meaningful interaction between the traveler and individuals in Cuba;

(4) A person subject to U.S. jurisdiction who is an employee, paid consultant, agent, or other representative of the sponsoring organization accompanies each group traveling to Cuba to ensure that each traveler has a full-time schedule of educational exchange activities;

(5) The predominant portion of the activities engaged in by each travelers is not with a prohibited official of the Government of Cuba, as defined in § 515.337, or a prohibited member of the Cuban Communist Party, as defined in § 515.338; and

(6) In addition to all other information required by § 501.601 of this chapter, persons relying on the authorization in paragraph (b) of this section, including entities sponsoring travel pursuant to the authorization in paragraph (b) of this section, must retain records sufficient to demonstrate that each individual traveler has engaged in a full-time schedule of activities that satisfy the requirements of paragraphs (b)(1) through (b)(5) of this section. Individuals may rely on the entity sponsoring the travel to satisfy his or her recordkeeping requirements with respect to the requirements of paragraphs (b)(1) through (5) of this section. These records must be furnished to the Office of Foreign Assets Control on demand pursuant to § 501.602 of this chapter.

Example 1 to paragraph (b): An organization sponsors and organizes educational exchanges not involving academic study pursuant to a degree program for travelers to learn side-by-side with Cuban individuals in areas such as environmental protection or the arts. Each traveler in the group will have a full-time schedule of educational exchange activities that result in meaningful interaction between the travelers and individuals in Cuba. The group will be accompanied by a person who is subject to U.S. jurisdiction who is a representative of the sponsoring organization for the duration of the trip. The organization's activities qualify for the general license for people-to-people travel. In addition, the individual travelers may rely on the entity sponsoring the travel to satisfy their recordkeeping requirements.

Example 2 to paragraph (b): An individual plans to travel to Cuba to participate in discussions with Cuban artists on community projects, exchanges with the founders of a youth arts program, and extended dialogue

with local city planners and architects to learn about historical restoration projects in Old Havana. The individual traveler will have a full-time schedule of such educational exchange activities that result in meaningful interaction between the traveler and individuals in Cuba. The individual's activities do not qualify for the general license for people-to-people travel because the individual is not traveling under the auspices of an organization that is a person subject to U.S. jurisdiction and that sponsors such exchanges to promote people-to-people contact. The individual's travel may qualify for the general license in § 515.574 (Support for the Cuban People) provided the individual meets all of its requirements.

Note to paragraphs (a) and (b): Except as provided in paragraph (b)(6) of this section, each person relying on the general authorizations in these paragraphs, including entities sponsoring travel pursuant to the authorization in paragraph (b) of this section, must retain specific records related to the authorized travel transactions. See §§ 501.601 and 501.602 of this chapter for applicable recordkeeping and reporting requirements.

(c) *Certain direct financial transactions restricted.* Nothing in paragraph (a) or (b) of this section authorizes a direct financial transaction prohibited by § 515.209.

(d) *General license for certain educational travel and related transactions where certain transactions were completed prior to November 9, 2017.* Persons subject to U.S. jurisdiction are authorized to engage in educational travel and related transactions for a trip consistent with paragraph (a) of this section as those provisions existed on June 16, 2017, provided the traveler completed at least one travel-related transaction (such as purchasing a flight or reserving accommodation) for that particular trip prior to November 9, 2017 and further provided any new travel-related transactions initiated on or after November 9, 2017 do not involve a direct financial transaction prohibited by § 515.209.

(e) *General license for certain people-to-people travel and related transactions where certain transactions were completed prior to June 16, 2017.* Persons subject to U.S. jurisdiction are authorized to engage in people-to-people travel and related transactions for a trip consistent with paragraphs (b)(1)–(3) of this section as those provisions existed on June 16, 2017, provided the traveler completed at least one travel-related transaction (such as purchasing a flight or reserving accommodation) for that particular trip prior to June 16, 2017, and further provided any new travel-related transactions initiated on or after November 9, 2017 do not involve a

direct financial transaction prohibited by § 515.209.

(f) Transactions related to activities that are primarily tourist-oriented are not authorized pursuant to this section.

(g) *Specific licenses.* Specific licenses may be issued on a case-by-case basis authorizing the travel-related transactions set forth in § 515.560(c) and such other transactions as are related to educational activities that do not qualify for the general licenses under paragraph (a) or (b) of this section.

■ 13. Amend § 515.566 by adding a sentence at the end of paragraph (a) to read as follows:

§ 515.566 Religious activities in Cuba.

(a) * * * Nothing in this paragraph authorizes a direct financial transaction prohibited by § 515.209.

* * * * *

■ 14. Amend § 515.567 by redesignating paragraph (d) as paragraph (e) and adding new paragraph (d) to read as follows:

§ 515.567 Public performances, clinics, workshops, athletic and other competitions, and exhibitions.

* * * * *

(d) Nothing in paragraph (a) or (b) of this section authorizes a direct financial transaction prohibited by § 515.209.

* * * * *

■ 15. Amend § 515.572 by adding a sentence at the end of paragraph (a)(1) to read as follows:

§ 515.572 Provision of travel, carrier, other transportation-related, and remittance forwarding services.

(a) * * *

(1) * * * Nothing in this paragraph authorizes a direct financial transaction prohibited by § 515.209 if the terms of the applicable general or specific license authorizing the travel expressly exclude such a transaction.

* * * * *

■ 16. Amend § 515.573 by adding paragraph (f) to read as follows:

§ 515.573 Physical presence and business presence in Cuba authorized; Cuban news bureaus.

* * * * *

(f) *Certain direct financial transactions restricted.* (1) Nothing in paragraph (c)(3) of this section, with the exception of transactions related to exports or reexports of agricultural commodities, medicines or medical supplies, items associated with the provision of telecommunications and internet services for the Cuban people, or items associated with air and sea operations that support permissible travel, cargo, or trade, authorizes a

direct financial transaction prohibited by § 515.209. Nothing in paragraph (c)(5) of this section, with the exception of transactions concerning air and sea operations that support permissible travel, cargo, or trade, authorizes a direct financial transaction prohibited by § 515.209.

(2) Nothing in paragraph (d)(2), (3), or (6) of this section authorizes a direct financial transaction prohibited by § 515.209.

* * * * *

■ 17. Amend § 515.574 by redesignating paragraph (a)(2) as (a)(3), adding new paragraph (a)(2), redesignating the Note to paragraph (a) as Note 1 to paragraph (a), adding Note 2 to paragraph (a), redesignating paragraph (c) as paragraph (d), adding new paragraph (c), and adding Examples (1)–(3) to § 515.574 to read as follows:

§ 515.574 Support for the Cuban people.

(a) * * *

(2) Each traveler engages in a full-time schedule of activities that:

(i) Enhance contact with the Cuban people, support civil society in Cuba, or promote the Cuban people's independence from Cuban authorities; and

(ii) Result in meaningful interaction with individuals in Cuba.

* * * * *

Note 2 to paragraph (a): Staying in a room at a rented accommodation in a private Cuban residence (*casa particular*), eating at privately-owned Cuban restaurants (*paladares*), and shopping at privately-owned stores run by self-employed Cubans (*cuentalpropista*) are examples of activities that qualify for this general license. However, in order to meet the requirement for a full-time schedule, a traveler must engage in additional authorized Support for the Cuban People activities.

* * * * *

(c) *Certain direct financial transactions restricted.* Nothing in paragraph (a)(1)(iii) of this section authorizes a direct financial transaction prohibited by § 515.209, with the exception of transactions on behalf of a non-governmental organization.

* * * * *

Example 1 to § 515.574: An individual plans to travel to Cuba, stay in a room at a rented accommodation in a private Cuban residence (*casa particular*), eat at privately-owned Cuban restaurants (*paladares*), and shop at privately-owned stores run by self-employed Cubans (*cuentalpropista*) during his or her four-day trip. While at the *casa particular*, the individual will have breakfast each morning with the Cuban host and engage with the Cuban host to learn about Cuban culture. In addition, the traveler will complete his or her full-time schedule by supporting Cuban entrepreneurs launching

their privately-owned businesses. The traveler's activities promote independent activity intended to strengthen civil society in Cuba. Because the individual's qualifying activities are not limited to staying in a room at a rented accommodation in a private Cuban residence (*casa particular*), eating at privately-owned Cuban restaurants (*paladares*), and shopping at privately owned stores run by self-employed Cubans (*cuentalpropista*) and the traveler maintains a full-time schedule that enhances contact with the Cuban people, supports civil society in Cuba, and promotes the Cuban people's independence from Cuban authorities, and that results in meaningful interaction between the traveler and Cuban individuals, the individual's travel qualifies for the general license.

Example 2 to § 515.574: A group of friends plans to travel and maintain a full-time schedule throughout their trip by volunteering with a recognized non-governmental organization to build a school for underserved Cuban children with the local community. In their free time, the travelers plan to rent bicycles to explore the streets of Havana and visit an art museum. The travelers' trip would qualify for the general license because the volunteer activities promote independent activity intended to strengthen civil society in Cuba and constitute a full-time schedule that enhances contact with the Cuban people and supports civil society in Cuba, and results in meaningful interaction between the travelers and individuals in Cuba.

Example 3 to § 515.574: An individual plans to travel to Cuba, rent a bicycle to explore the neighborhoods and beaches, and engage in brief exchanges with local beach vendors. The individual intends to stay at a hotel that does not appear on the Cuba Restricted List (see § 515.209). The traveler's trip does not qualify for this general license because none of these activities promote independent activity intended to strengthen civil society in Cuba.

■ 18. Amend § 515.576 by redesignating paragraph (c) as paragraph (d) and by adding new paragraph (c) to read as follows:

§ 515.576 Activities of private foundations or research or educational institutes.

* * * * *

(c) *Certain direct financial transactions restricted.* Nothing in paragraph (a) authorizes a direct financial transaction prohibited by § 515.209.

* * * * *

■ 19. Amend § 515.577 by adding paragraph (f) to read as follows:

§ 515.577 Authorized transactions necessary and ordinarily incident to publishing.

* * * * *

(f) *Certain direct financial transactions restricted.* Nothing in this section authorizes a direct financial transaction prohibited by § 515.209.

■ 20. Amend § 515.578 by redesignating paragraph (f) as paragraph (g) and adding new paragraph (f) to read as follows:

§ 515.578 Exportation, reexportation, and importation of certain internet-based services; importation of software.

* * * * *

(f) *Certain direct financial transactions restricted.* Nothing in paragraphs (d) or (e) authorizes a direct financial transaction prohibited by § 515.209.

* * * * *

■ 21. Amend § 515.581 by adding a sentence at the end to read as follows:

§ 515.581 Transactions related to conferences in third countries.

* * * Nothing in this paragraph authorizes a direct financial transaction prohibited by § 515.209.

* * * * *

■ 22. Amend § 515.584 by revising paragraph (f) to read as follows:

§ 515.584 Certain financial transactions involving Cuba.

* * * * *

(f) Any banking institution, as defined in § 515.314, that is a person subject to U.S. jurisdiction is authorized to provide financing for exports or reexports of items, other than agricultural commodities, authorized pursuant to § 515.533, including issuing, advising, negotiating, paying, or confirming letters of credit (including letters of credit issued by a financial institution that is a national of Cuba), accepting collateral for issuing or confirming letters of credit, and processing documentary collections. With the exception of transactions related to exports or reexports of medicines or medical supplies, items associated with the provision of telecommunications and internet services for the Cuban people, or items associated with air and sea operations that support permissible travel, cargo, or trade, nothing in this paragraph authorizes a direct financial transaction prohibited by § 515.209.

* * * * *

■ 23. Amend § 515.590 by revising the introductory text to read as follows:

§ 515.590 Certain grants, scholarships, and awards.

The provision of grants, scholarships, or awards relating to the following activities to a Cuban national or in which Cuba or a Cuban national otherwise has an interest is authorized, provided that nothing in this section

authorizes a direct financial transaction prohibited by § 515.209:

* * * * *

Dated: November 6, 2017.

John E. Smith,

Director, Office of Foreign Assets Control.

[FR Doc. 2017-24447 Filed 11-8-17; 8:45 am]

BILLING CODE 4810-AL-P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG-2017-0991]

Drawbridge Operation Regulation; Hackensack River, Jersey City, NJ

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Route 1 & 9 (Lincoln Highway) Bridge across the Hackensack River, mile 1.8, at Jersey City, New Jersey. The deviation is necessary to restrict bridge openings during the morning and afternoon rush hour periods to alleviate vehicular traffic congestion resulting from area roadway closures.

DATES: This deviation is effective from 12:01 a.m. on November 13, 2017 until 11:59 p.m. on April 1, 2018.

ADDRESSES: The docket for this deviation, USCG-2017-0991, is available at <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 deviation.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Judy K. Leung-Yee, Bridge Management Specialist, First District Bridge Branch, U.S. Coast Guard; telephone 212-514-4336, email Judy.K.Leung-Yee@uscg.mil.

SUPPLEMENTARY INFORMATION: The owner of the bridge, the New Jersey Department of Transportation, requested a temporary deviation in order to complete rehabilitation of the adjacent Pulaski Skyway Bridge. The Route 1 & 9 Bridge across the Hackensack River, mile 1.8, at Jersey City, New Jersey is a vertical lift bridge with a vertical clearance of 35 feet at mean high water and 40 feet at mean low water in the closed position. The existing drawbridge operating regulations are listed at 33 CFR 117.5.

On September 9, 2016, the Coast Guard published a temporary final rule entitled, "Drawbridge Operation Regulation; Route 1 & 9 (Lincoln Highway) Bridge, Hackensack River, Jersey City, NJ," under docket number USCG-2016-0173, in the **Federal Register** (81 FR 62366). Under the temporary final rule, from October 11, 2016 to September 30, 2017, the bridge was authorized not to open to vessel traffic between 6 a.m. and 10 a.m. and between 2 p.m. and 6 p.m., and tide dependent deep draft vessels could provide twelve hours advance notice for a bridge opening during rush hours.

Due to unanticipated project delays, the New Jersey Department of Transportation has requested to continue to restrict the bridge opening of the Route 1 & 9 Bridge allowing for completion of adjacent Pulaski Skyway bridge rehabilitation.

This temporary deviation will allow the Route 1 & 9 Bridge to open on signal from November 13, 2017 to April 1, 2018, except that the draw will not open to vessel traffic between 6 a.m. and 10 a.m. and between 2 p.m. and 6 p.m., Monday through Friday, except holidays. Tide dependent deep draft vessels may request bridge openings during the rush hour closure periods, provided that at least a twelve hour advance notice is given by calling the number posted at the bridge. The waterway is transited by recreational vessels and commercial vessels. Coordination with waterway users has indicated no objections to the proposed closure of the draw. Vessels able to pass through the bridge in the closed position may do so at anytime. The bridge will be able to open for emergencies. There is no alternate route for vessels to pass. The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so vessel operators may arrange their transits to minimize any impact caused by the temporary deviation.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the effective period of this temporary deviation. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: November 6, 2017.

Christopher J. Bisignano,

Supervisory Bridge Management Specialist, First Coast Guard District.

[FR Doc. 2017-24376 Filed 11-8-17; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF HOMELAND SECURITY**Coast Guard****33 CFR Part 117****[Docket No. USCG–2017–0983]****Drawbridge Operation Regulation; Hutchinson River, Mount Vernon, NY****AGENCY:** Coast Guard, DHS.**ACTION:** Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the South Fulton Avenue Bridge across the Hutchinson River, mile 2.9, at Mount Vernon, New York. This deviation is necessary to facilitate bridge rehabilitation allowing the owner to temporarily close the draw for ten days.

DATES: This deviation is effective from 12:01 a.m. on November 13, 2017 until 11:59 p.m. on November 22, 2017.

ADDRESSES: The docket for this deviation, USCG–2017–0983, is available at <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 deviation.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Judy K. Leung-Yee, Bridge Management Specialist, First District Bridge Branch, U.S. Coast Guard; telephone 212–514–4336, email Judy.K.Leung-Yee@uscg.mil.

SUPPLEMENTARY INFORMATION: The owner of the bridge, the Westchester County Department of Public Works and Transportation, requested a temporary deviation in order to facilitate bridge rehabilitation including placement of the concrete deck for the counterweight spans, installation of concrete on the movable spans, installation of sidewalk deck panels, control/mechanical equipment wiring and testing, and bridge testing.

The South Fulton Avenue Bridge across the Hutchinson River, mile 2.9, at Mount Vernon, New York is a bascule bridge with a vertical clearance of 6 feet at mean high water and 13 feet at mean low water in the closed position. The existing drawbridge operating regulations are listed at 33 CFR 117.793(c).

This temporary deviation will allow the South Fulton Avenue Bridge to remain in the closed position from 12:01 a.m. on November 13, 2017 to 11:59 p.m. on November 22, 2017. The waterway is transited by recreational

vessels and commercial vessels. There is only one facility upstream of this bridge. Coordination with waterway user has indicated no objection to the proposed closure of the draw. Vessels that can pass under the bridge without an opening may do so at all times. The bridge will not be able to open for emergencies. There is no alternate route for vessels to pass.

The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so vessel operators may arrange their transits to minimize any impact caused by the temporary deviation.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the effective period of this temporary deviation. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: November 3, 2017.

Christopher J. Bisignano,

*Supervisory Bridge Management Specialist,
First Coast Guard District.*

[FR Doc. 2017–24378 Filed 11–8–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY**Coast Guard****33 CFR Part 165****[Docket Number USCG–2017–1028]****RIN 1625–AA00****Safety Zone; Atlantic Ocean, Rehoboth Beach, DE****AGENCY:** Coast Guard, DHS.**ACTION:** Temporary final rule.

SUMMARY: The Coast Guard is establishing temporary safety zones in the Atlantic Ocean, off the coast of Rehoboth Beach, DE and in Breakwater Harbor near Cape Henlopen. Safety zone one is being established for navigable waters in the vicinity of the derrick barge HAAKON during dredging operations, pipe laying operations, diving operations and underwater construction operations. Safety zone two is being established for waters in the vicinity of the working barges and pipeline located in Breakwater Harbor during pipeline fusing and testing operations. This regulation is necessary to provide for the safety of life on navigable waters of Breakwater Harbor and the Atlantic Ocean in the vicinity of the construction operations off the

coast of Rehoboth Beach during construction activities. Entry of vessels or persons into these zones is prohibited unless specifically authorized by the Captain of the Port Delaware Bay.

DATES: This rule is effective without actual notice from November 9, 2017 through February 28, 2018. For the purposes of enforcement, actual notice will be used from November 6, 2017 through November 9, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type USCG–2017–1028 in the “SEARCH” box and click “SEARCH.” Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Petty Officer Edmund Ofalt, Waterways Management Branch, U.S. Coast Guard Sector Delaware Bay; telephone (215) 271–4814, email Edmund.J.Ofalt@uscg.mil.

SUPPLEMENTARY INFORMATION:**I. Table of Abbreviations**

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule due to the short time period between when Sector Delaware Bay received complete details of this project, October 30, 2017, and the date when these safety zones needed to go into effect. It is impracticable and contrary to the public interest to publish an NPRM to provide a notice and opportunity for comment period because the safety zones must be established by November 6, 2017, to ensure safety of life on navigable waters in the vicinity of dredging operations, pipe laying operations, diving operations as well as construction

operations and to protect mariners from hazards associated with the same.

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**. Delaying the effective date of this rule would be impracticable and contrary to the public interest because immediate action is needed to mitigate the hazards presented to safety of life on the Atlantic Ocean off the coast of Rehoboth Beach and in Breakwater Harbor by the presence of dredge, diving and construction equipment.

III. 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 (COTP) Delaware Bay has determined that potential hazards associated with dredging, diving, pipe laying, and construction operations starting November 6, 2017 will be a safety concern for vessels attempting to transit the Atlantic Ocean offshore of Rehoboth Beach and Breakwater Harbor. This rule is needed to protect personnel, vessels, and the marine environment on the navigable waters within the safety zones while dredging, diving, pipe laying, and construction operations are being conducted.

IV. Discussion of the Rule

This rule establishes two safety zones from November 6, 2017, through February 28, 2018, unless cancelled earlier by the COTP, to facilitate dredging, diving, pipe laying, and construction operations. Dredging operations will commence on November 6, 2017. The derrick barge HAAKON will begin dredging at approximate coordinates 38°43'43.79" N., 75°3'32.60" W. and move to the east. Simultaneously, at another location, pipeline fusing operations will begin and pipeline will be connected into two sections of approximately 1,900 feet in length each and one section approximately 1,800 feet in length. Pipeline fusing operations are expected to take approximately 25 days. At the completion of pipeline fusing operations, all the sections of pipeline will be pulled into Breakwater Harbor to approximately 38°47'53.00" N., 75°6'13.85" W. The two 1,900 foot sections of pipeline will be fused together and tested for continuity for at least 48 hours. When the pipeline proves to be continuous, it will be taken to the location of dredging operations where it will be inserted into a hole which has been horizontally drilled back to the Rehoboth Beach water treatment facility. The 1,800 foot section

will then be laid in the trench and connected to the 3,800 foot section. A diffuser of approximately 127 feet will then be connected to the end of the pipe. Upon completion of connections and testing, a portion of the sediment removed during the dredging operations will be placed back over the pipeline and diffuser along with marine matting to ensure stability.

Safety zone one includes all navigable waters within 150 yards of the derrick barge HAAKON and associated dredging, diving, and construction equipment operating in the Atlantic Ocean offshore of Rehoboth Beach, DE, at approximate location 38°43'43.79" N., 75°3'32.60" W.

Safety zone two includes all navigable waters within 150 yards of the platform barge MANSION 76 and all associated equipment, to include pipeline, operating in Breakwater Harbor at approximate location 38°47'53.00" N., 75°6'13.85" W.

Vessels requesting to enter either safety zone must receive permission from the COTP on VHF-FM channel 16. Vessels may also contact the HAAKON or MANSION 76 in the event of an emergency on VHF-FM channel 68 or 13.

V. Regulatory Analyses

This rule was developed after considering numerous statutes and Executive orders related to rulemaking. Below is a summary of analyses based on a number of these statutes and Executive orders, and First Amendment rights of protestors.

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, and duration of the safety zones. Although this regulation will restrict access to regulated areas, the effect of this rule will not be significant because the locations allow for transit around the areas included in the safety zones as well as a reduction in vessel traffic in

the areas due to seasonal variations in the quantity of vessel traffic in these locations.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.1D, 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 safety zones that encompass all navigable waters within 150 yards of dredging, diving, construction operations and associated equipment. 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.T05–1028, to read as follows:

§ 165.T05–1028 Safety Zone; Atlantic Ocean, Rehoboth Beach, DE.

(a) *Location.* The following area are safety zones:

(1) Safety zone one includes all navigable waters within 150 yards of the derrick barge HAAKON and associated equipment operating in the Atlantic Ocean offshore of Rehoboth Beach, DE, at approximate location 38°43'43.79" N., 75°3'32.60" W.

(2) Safety zone two includes all navigable waters within 150 yards of the platform barge MANSON 76 and all associated equipment, to include pipeline, operating in Breakwater Harbor at approximate location 38°47'53.00" N., 75°6'13.85" W.

(3) These coordinates are based on the World Geodetic System 1984 (WGS 84) horizontal datum reference.

(b) *Definitions*—(1) *Captain of the Port* means the Commander Sector Delaware Bay or any Coast Guard commissioned, warrant, or petty officer who has been authorized by the Captain of the Port to act on his behalf.

(2) *Designated representative* means any Coast Guard commissioned, warrant or petty officer who has been authorized by the Captain of the Port, Delaware Bay, to assist with the enforcement of safety zones described in paragraph (a) of this section.

(c) *Regulations.* The general safety zone regulations found in 33 CFR part

165 subpart C apply to the safety zone created by this section.

(1) Entry into or transiting within either safety zone is prohibited unless vessels obtain permission from the Captain of the Port, via VHF–FM channel 16. Vessels may also contact the derrick barge HAAKON or platform barge MANSON 76, via VHF–FM channel 13 or 68 in an emergency.

(2) Vessels granted permission to enter and transit the safety zone must do so in accordance with any directions or orders of the Captain of the Port, or his designated representative. No person or vessel may enter or remain in a safety zone without permission from the Captain of the Port.

(3) This section applies to all vessels that intend to transit through the safety zone except vessels that are engaged in the following operations: Enforcement of laws; service of aids to navigation, and emergency response.

(d) *Enforcement periods.* This section will be enforced from November 6, 2017, through February 28, 2017.

Dated: November 3, 2017.

Scott E. Anderson,

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

[FR Doc. 2017–24377 Filed 11–8–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2017–1034]

RIN 1625–AA00

Safety Zone; Port of Ponce Turning Basin, Bahía de Ponce, Ponce, PR

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for navigable waters within a 100 yard radius of the salvage vessel and associated machinery in the Turning Basin, Bahia De Ponce in Ponce, Puerto Rico (PR). The safety zone is needed to protect personnel, vessels, and the marine environments from potential hazards created by the salvage operations. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port San Juan.

DATES: This rule is effective without actual notice from November 9, 2017 until 7 p.m. on November 12, 2017. For the purposes of enforcement, actual

notice will be used from 7 a.m. on November 5, 2017 until November 9, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type USCG–2017–1034 in the “SEARCH” box and click “SEARCH.” Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Mr. Efrain Lopez, Sector San Juan Prevention Department, U.S. Coast Guard; telephone (787) 289–2097, email Efrain.Lopez1@uscg.mil.

SUPPLEMENTARY INFORMATION:

I. 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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because of a submerged vessel was located in Port of Ponce Turning Basin and immediate action is needed to respond to potential safety hazards associated with emergency salvage operations. It is impracticable to publish an NPRM because a safety zone must be established by November 5, 2017.

We are issuing this rule, and under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making it effective less than 30 days after publication in the **Federal Register** for the same reasons discussed above. Delaying the effective date of this rule would be impracticable because immediate action is needed to respond to potential safety hazards associated with salvage operations in Port of Ponce Turning Basin.

III. 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 San Juan (COTP) has determined that potential hazards associated with emergency salvage operations starting on November 5, 2017 through November 12, 2017, will be a safety concern for anyone within a 100-yard radius of the salvage vessel and associated machinery with the operation. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone while the obstructions are removed.

IV. Discussion of the Rule

This rule establishes a safety zone from 7 a.m. until 7 p.m. on November 5, 2017 through November 12, 2017. The safety zone will cover all navigable waters within 100 yards of vessels and associated machinery being used by personnel to clear the obstructions in Port of Ponce Turning Basin. The duration of the zone is intended to protect personnel, vessels, and the marine environment in these navigable waters while the operation is ongoing. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

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

by the COTP or a designated representative.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship

between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.ID, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone that will prohibit entry within 100 yards of vessels and associated machinery being used by personnel to remove an obstruction in the Port of Ponce. 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 record keeping 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.T07–1034 to read as follows:

§ 165.T07–1034 Safety Zone; Port of Ponce Turning Basin, Bahía de Ponce, Ponce, PR.

(a) *Location.* The following area is a safety zone: All navigable waters within 100 yards of the salvage vessel and associated machinery operating in Port of Ponce Turning Basin, Ponce, PR in approximate position 17°58′13.50″ N. 066°37′10.92″ W.

(b) *Definition.* As used in this section, the term “designated representative” includes Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the COTP San Juan in the enforcement of the safety zone.

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

(2) Persons and vessels desiring to enter, transit through, anchor in, or remain within the safety zone may contact the COTP San Juan by telephone at (787) 729–6800, option #4, or the Resident Inspection Office (RIO) Ponce at (787) 284–8423, or a designated representative via VHF–FM radio on channel 16 to request authorization. If authorization is granted, all persons and vessels receiving such authorization must comply with the instructions of the COTP San Juan or a designated representative.

(d) *Enforcement period.* This rule will be enforced from 7 a.m. on November 5, 2017 through 7 a.m. on November 12, 2017, unless sooner terminated by the COTP San Juan.

Dated: November 3, 2017.

Francisco S. Rego,

Captain, U.S. Coast Guard, Acting Captain of the Port San Juan.

[FR Doc. 2017–24375 Filed 11–8–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Parts 32 and 36

[Docket No. FWS–R7–NWRS–2014–0005; FF07R00000 FXRS12610700000 178 Obligation # 4500093321]

RIN 1018–BA31

Effectuating Congressional Nullification of the Non-Subsistence Take of Wildlife, and Public Participation and Closure Procedures, on National Wildlife Refuges in Alaska Under the Congressional Review Act

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule; CRA revocation.

SUMMARY: By operation of the Congressional Review Act (CRA), the “Non-subsistence Take of Wildlife, and Public Participation and Closure Procedures, on National Wildlife Refuges in Alaska” (non-subsistence take of wildlife rule) shall be treated as if it had never taken effect. The U.S. Fish and Wildlife Service issues this document to effect the removal of any amendments, deletions, or other modifications made by the nullified rule and the reversion to the text of the regulations in effect immediately prior to the effective date of the non-subsistence take of wildlife rule.

DATES: This rule is effective November 9, 2017.

ADDRESSES: Previous documents related to the Non-subsistence Take of Wildlife, and Public Participation and Closure Procedures, on National Wildlife Refuges in Alaska rule (non-subsistence take of wildlife rule) of August 5, 2016 (81 FR 52248), may be found on the internet at www.regulations.gov in Docket No. FWS–R7–NWRS–2014–0005.

FOR FURTHER INFORMATION CONTACT: Stephanie Brady, Chief of Conservation Planning and Policy, National Wildlife Refuge System, Alaska Regional Office, 1011 E. Tudor Rd., Mail Stop 211,

Anchorage, AK 99503; telephone (907) 306-7448. If you use a telecommunications device for the deaf (TDD), call the Federal Relay Service at 800-877-8339.

SUPPLEMENTARY INFORMATION:

Background

The U.S. Fish and Wildlife Service published the Non-subsistence Take of Wildlife, and Public Participation and Closure Procedures, on National Wildlife Refuges in Alaska (non-subsistence take of wildlife rule) on August 5, 2016 (81 FR 52248). The rule became effective on September 6, 2016. On February 16, 2017, the United States House of Representatives passed a resolution of disapproval [H.J. Res. 69] of the non-subsistence take of wildlife rule under the Congressional Review Act (CRA), 5 U.S.C. 801 *et seq.* The Senate then passed a resolution of disapproval [S.J. Res. 18] on March 21, 2017 (Cong. Rec. p. S1884). President Trump then signed the resolution into law as Public Law 115-20 on April 3, 2017. Therefore, under the terms of the CRA, the U.S. Fish and Wildlife Service non-subsistence take of wildlife rule shall be “treated as though such rule had never taken effect.” 5 U.S.C. 801(f).

However, because the CRA does not include direction regarding the removal, by the Office of the Federal Register or otherwise, of the voided language from the Code of Federal Regulations (CFR), the U.S. Fish and Wildlife Service must publish this document to effect the removal of the voided text. This document will enable the Office of the Federal Register to effectuate congressional intent to remove the voided text of the non-subsistence take of wildlife rule as if it had never taken effect, and restore the previous language and prior state of the CFR.

This action is not an exercise of the Department’s rulemaking authority under the Administrative Procedure Act, because the Department is not “formulating, amending, or repealing a rule” under 5 U.S.C. 551(5). Rather, the Department is effectuating changes to the CFR to reflect what congressional action has already accomplished—namely, the nullification of any changes purported to have been made to the CFR by the non-subsistence take of wildlife rule and the reversion to the regulatory text in effect immediately prior to September 6, 2016, the effective date of the non-subsistence take of wildlife rule. Accordingly, the Department is not soliciting comments on this action. Moreover, this action is not a final agency action subject to judicial review.

Executive Order 13771

This final rule is considered an E.O. 13771 deregulatory action. We estimate the cost savings of this rule to be negligible. The average trip-related expenditures for big game hunting (\$139 per day) yields approximately \$5.9 million annually in big game hunting-related expenditures on national wildlife refuges (NWRs) in Alaska. Since only a small fraction of big game hunters would likely have chosen to not hunt on NWRs because of the original rule, the impact is minimal. The effect to the local communities is far less than \$5.9 million annually because few hunters use the prohibited methods and those hunters that do would have likely chosen a substitute site.

List of Subjects

50 CFR Part 32

Fishing, Hunting, Reporting and recordkeeping requirements, Wildlife, Wildlife refuges.

50 CFR Part 36

Alaska, Recreation and recreation areas, Reporting and recordkeeping requirements, Wildlife refuges.

Regulation Promulgation

For the reasons set forth in the preamble, and under the authority of the Congressional Review Act (5 U.S.C. 801 *et seq.*) and Public Law 115-20 (April 3, 2017), the Service amends title 50, chapter I, subchapter C, of the Code of Federal Regulations as follows:

PART 32—HUNTING AND FISHING

- 1. The authority citation for part 32 is revised to read as follows:

Authority: 5 U.S.C. 301; 16 U.S.C. 460k, 664, 668dd–668ee, and 715i; Pub. L. 115-20, 131 Stat. 86.

- 2. Amend § 32.2 by revising the last sentence of paragraph (h) to read as follows:

§ 32.2 What are the requirements for hunting on areas of the National Wildlife Refuge System?

* * * * *

(h) * * * (Baiting is authorized in accordance with State regulations on national wildlife refuges in Alaska).
* * * * *

PART 36—ALASKA NATIONAL WILDLIFE REFUGES

- 3. The authority citation for part 36 is revised to read as follows:

Authority: 16 U.S.C. 460(k) *et seq.*, 668dd–668ee, 3101 *et seq.*, Pub. L. 115-20, 131 Stat. 86.

§ 36.1 [Amended]

- 4. Amend § 36.1 by:
 - a. Removing paragraph (a); and
 - b. Redesignating paragraphs (b), (c), and (d) as paragraphs (a), (b), and (c), respectively.

§ 36.2 [Amended]

- 5. Amend § 36.2 by removing the definitions for “Bait”, “Big game”, “Cub bear”, “Furbearer”, “Natural diversity”, “Predator control”, “Sport hunting”, and “Trapping”.

- 6. Amend § 36.11 by redesignating paragraph (d) as paragraph (e) and adding a new paragraph (d) to read as follows:

§ 36.11 Purpose and policy.

* * * * *

(d) The State of Alaska is authorized to regulate the taking of fish and wildlife for subsistence uses within Alaska National Wildlife Refuges to the extent such regulation is consistent with applicable Federal law, including but not limited to ANILCA.

* * * * *

- 7. Revise § 36.13 to read as follows:

§ 36.13 Subsistence fishing.

Fish may be taken by local rural residents for subsistence uses in compliance with applicable State and Federal law. To the extent consistent with the provisions of this part and other Federal law, applicable State laws and regulations governing the taking of fish which are now or will hereafter be in effect are hereby incorporated by reference as a part of these regulations.

- 8. Revise § 36.14 to read as follows:

§ 36.14 Subsistence hunting and trapping.

Local rural residents may hunt and trap wildlife for subsistence uses in Alaska National Wildlife Refuges in compliance with applicable State and Federal laws. To the extent consistent with the provisions of this part and other Federal law, applicable State laws and regulations governing the taking of wildlife which are now or will hereafter be in effect are hereby incorporated by reference as a part of these regulations.

- 9. Revise the heading of subpart D to read as follows:

Subpart D—Other Refuge Uses

- 10. Revise § 36.32 to read as follows:

§ 36.32 Taking of fish and wildlife.

(a) The taking of fish and wildlife for sport hunting, trapping, and sport fishing is authorized in accordance with applicable State and Federal law and such laws are hereby adopted and made a part of these regulations; *Provided*

however, That the Refuge Manager, pursuant to § 36.42, may designate areas where, and establish periods when, no taking of a particular population of fish or wildlife shall be permitted.

(b) The exercise of valid commercial fishing rights or privileges obtained pursuant to existing law, including any use of refuge areas for campsites, cabins, motorized vehicles, and aircraft landing directly incident to the exercise of such rights or privileges, is authorized; *Provided, however*, That the Refuge Manager may restrict or prohibit the exercise of these rights or privileges or uses of federally owned lands directly incident to such exercise if he determines, after conducting a public hearing in the affected locality, that they are inconsistent with the purposes of the refuge and that they constitute a significant expansion of commercial fishing activities within such refuge beyond the level of such activities in 1979.

(c) The following provisions shall apply to any person while engaged in the taking of fish and wildlife within an Alaska National Wildlife Refuge:

(1) *Trapping and sport hunting.* (i) Each person shall secure and possess all required State licenses and shall comply with the applicable provisions of State law unless further restricted by Federal law;

(ii) Each person shall comply with the applicable provisions of Federal law; and

(iii) In addition to the requirements of paragraphs (a) and (b) of this section, each person shall continue to secure a trapping permit from the appropriate Refuge Manager prior to trapping on the Kenai, Izembek and Kodiak Refuges and the Aleutian Islands Unit of the Alaska Maritime Refuge.

(iv) It shall be unlawful for a person having been airborne to use a firearm or any other weapon to take or assist in taking a wolf or wolverine until after 3:00 a.m. on the day following the day in which the flying occurred, except that a trapper may use a firearm or any other weapon to dispatch a legally caught wolf or wolverine in a trap or snare on the same day in which the flying occurred. This prohibition does not apply to flights on regularly scheduled commercial airlines between regularly maintained public airports.

(2) *Sport and commercial fishing.* (i) Each person shall secure and possess all required State licenses and shall comply with the applicable provisions of State law unless further restricted by Federal law; and

(ii) Each person shall comply with the applicable provisions of Federal law.

(d) Nothing in this section shall apply to the taking of fish and wildlife for subsistence uses.

(e) Nothing in these rules shall be interpreted as waiving the requirements of other fish and wildlife conservation statutes such as the Airborne Hunting Act or those provisions of subchapter C of title 50 CFR regarding the taking of depredating wildlife. Animal control programs shall only be conducted in accordance with a special use permit issued by the Refuge Manager.

■ 11. Amend § 36.42 by revising paragraphs (a), (c), (d), (e), (f), (g), and (h) to read as follows:

§ 36.42 Public participation and closure procedures.

(a) *Authority.* The Refuge Manager may close an area or restrict an activity on an emergency, temporary, or permanent basis.

* * * * *

(c) *Emergency closures or restrictions.*

(1) Emergency closures or restrictions relating to the use of aircraft, snowmachines, motorboats, or non-motorized surface transportation shall be made after notice and hearing;

(2) Emergency closures or restrictions relating to the taking of fish and wildlife shall be accompanied by notice with a subsequent hearing;

(3) Other emergency closures or restrictions shall become effective upon notice as prescribed in paragraph (f) of this section; and

(4) No emergency closure or restriction shall be for a period exceeding 30 days.

(d) *Temporary closures or restrictions.*

(1) Temporary closures or restrictions relating to the use of aircraft, snowmachines, motorboats or non-motorized surface transportation, or to the taking of fish and wildlife, shall not be effective prior to notice and hearing in the vicinity of the area(s) affected by such closures or restriction, and other locations as appropriate;

(2) Other temporary closures shall be effective upon notice as prescribed in paragraph (f) of this section; and

(3) Temporary closures or restrictions shall extend only for so long as necessary to achieve their purposes, and in no case may exceed 12 months or be extended beyond that time.

(e) *Permanent closures or restrictions.* Permanent closures or restrictions shall be made only after notice and public hearings in the affected vicinity and other locations as appropriate, and after publication in the **Federal Register**.

(f) *Notice.* Emergency, temporary, or permanent closures or restrictions shall be:

(1) Published in at least one newspaper of general circulation in the State and in at least one local newspaper if available, posted at community post offices within the vicinity affected, made available for broadcast on local radio stations in a manner reasonably calculated to inform residents in the affected vicinity, and designated on a map which shall be available for public inspection at the office of the Refuge Manager and other places convenient to the public; or

(2) Designated by the posting of appropriate signs; or

(3) Both.

(g) *Openings.* In determining whether to open an area to public use or activity otherwise prohibited, the Refuge Manager shall provide notice in the **Federal Register** and shall, upon request, hold a hearing in the affected vicinity and other location, as appropriate, prior to making a final determination.

(h) *Prohibitions.* Except as otherwise specifically permitted under the provisions of this part, entry into closed areas or failure to abide by restrictions established under this section is prohibited.

Dated: August 30, 2017.

Todd Willens,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2017-24324 Filed 11-8-17; 8:45 am]

BILLING CODE 4333-15-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 679 and 680

[Docket No. 170412391-7999-02]

RIN 0648-BG84

Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands Management Area; American Fisheries Act; Bering Sea and Aleutian Islands Crab Rationalization Program

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

ACTION: Final rule.

SUMMARY: NMFS issues regulations to implement Amendment 48 to the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs (Crab FMP) and to revise regulations implementing the American Fisheries Act (AFA) Program and the

Crab Rationalization (CR) Program. This final rule revises the Crab FMP and regulations that govern how NMFS determines the amount of limited access privileges held and used by groups in the Western Alaska Community Development Quota Program (CDQ Program) for the purposes of monitoring the excessive share limits under the AFA Program and the CR Program. This final rule is necessary to align regulations and the Crab FMP to be consistent with an amendment to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and NMFS' current method of monitoring excessive share limits for CDQ groups in the AFA Program and the CR Program. This final rule is intended to promote the goals and objectives of the Magnuson-Stevens Act, the Crab FMP, and other applicable law.

DATES: Effective December 11, 2017.

ADDRESSES: Electronic copies of Amendment 48 to the Crab FMP, the Regulatory Impact Review (RIR), and the Categorical Exclusion prepared for this action are available from <http://www.regulations.gov> or from the NMFS Alaska Region Web site at <http://alaskafisheries.noaa.gov>.

The CR Program Environmental Impact Statement (EIS), RIR, and Final Regulatory Flexibility Analysis, as well as the AFA Program EIS and RIR, are available from the NMFS Alaska Region Web site at <http://alaskafisheries.noaa.gov>.

FOR FURTHER INFORMATION CONTACT: Stephanie Warpinski, 907-586-7228.

SUPPLEMENTARY INFORMATION: This final rule implements Amendment 48 to the Crab FMP and regulatory amendments to the CR Program. NMFS published a notice of availability for Amendment 48 to the Crab FMP in the **Federal Register** on August 3, 2017 (82 FR 36111). Comment on Amendment 48 was invited through October 2, 2017. The Secretary of Commerce approved Amendment 48 on October 31, 2017, after accounting for information from the public, and determining that Amendment 48 is consistent with the Crab FMP, the Magnuson-Stevens Act, and other applicable law. NMFS published the proposed rule to implement Amendment 48 on August 22, 2017 (82 FR 39743). The comment period on the proposed rule ended on September 21, 2017. NMFS received 1 comment on the proposed rule. A summary of the comment and NMFS' responses is provided in the Comments and Responses section of this preamble.

This final rule modifies regulations at 50 CFR 679.2, 679.7, 680.2, and 680.42

that specify how NMFS determines holding and use of limited access privileges (LAPs) for the purposes of monitoring excessive share limits for CDQ groups under the AFA Program and the CR Program. The following section of the preamble provides a brief description of the AFA, CR, and CDQ Programs, and the elements of these programs that apply to Amendment 48 and this final rule. For a more detailed description, please see the preamble of the proposed rule (82 FR 39743; August 22, 2017) and Sections 2.6 through 2.8 of the RIR (see **ADDRESSES**).

Excessive Share Limits

Section 303A(c)(5)(D) of the Magnuson-Stevens Act requires NMFS to establish excessive share limits to prevent excessive consolidation of harvesting and processing LAPs in order to maintain an appropriate distribution of economic and social benefits for fishery participants and communities (16 U.S.C. 1853a(c)(5)(D)). Because determination of excessive shares must consider the specific circumstances of each fishery, the North Pacific Fishery Management Council (Council) and NMFS have implemented different excessive share limits in the LAP programs in Alaska's fisheries, including the AFA and CR Programs.

NMFS implemented use caps for the AFA Program in 2002 (67 FR 79692; December 30, 2002) and holding and use caps for the CR Program in 2005 (70 FR 10174; March 2, 2005). Regulations at 50 CFR 679.2, 679.7, 680.2, and 680.42 prohibit a person from using more than the harvesting and processing limits established in the AFA Program and from holding and using more than a specific portion of the LAPs allocated under the CR Program. Under 50 CFR 679.2, "person" includes individuals, corporations, partnerships, associations, and other non-individual entities. NMFS determines a person's holding and use of a LAP in the AFA Program and CR Program by summing (1) the amount directly held and used by that person, and (2) the amount held and used by that person indirectly through an ownership interest in or control of another entity that also holds and uses the LAPs. Ownership attribution refers to the method NMFS uses to assess the relationships between different entities that participate in LAP programs.

NMFS uses two ownership attribution methods to determine the holding and use of LAPs. These two methods for attributing holding and use of a LAP are commonly known as the "individual and collective rule" and the "10-percent rule." Under the individual and collective rule, NMFS attributes holding

and use of LAPs by one person proportionally to their ownership in or control of another entity that holds and uses LAPs. For example, if Company A has a 15 percent ownership of Company B that holds LAPs, Company A would be attributed 15 percent of Company B's holding and use of the LAPs. In contrast, under the 10-percent rule, a person is attributed 100 percent of an entity's LAPs if that person owns or otherwise controls 10 percent or more of that entity. Thus, if Company A owns or controls 10 percent or more of Company B, then 100 percent of Company B's holdings and use of LAPs are attributed to Company A. When a person owns or controls 10 percent or more of another entity, the individual and collective rule is less restrictive than the 10-percent rule because a person is only attributed holding and use of LAPs in proportion to how much that person owns or controls of other entities, rather than attributing 100 percent of the other entity's LAP holdings once the 10-percent ownership or control threshold is met. Under a holding and use cap, the individual and collective rule would allow a person to hold and use more LAPs than if the person was evaluated using the 10-percent rule.

AFA Program Use Caps

Section 210(e)(1) of the AFA restricts an individual, corporation, or other entity to harvesting no more than 17.5 percent of the pollock available to be harvested in the directed pollock fishery. Section 210(e)(2) of the AFA directed the Council to recommend for Secretarial approval conservation and management measures to prevent any particular individual or entity from processing an excessive share of pollock available in the directed pollock fishery. The Council and NMFS set this limit at 30 percent of the sum of the directed fishing allowances for pollock (67 FR 79692, 79698; December 30, 2002). Every year, these limits are published in the annual harvest specifications (see 81 FR 14773; March 18, 2016 (final 2016-2017 harvest specifications); see also 81 FR 52367; August 8, 2016).

Section 210(e)(3) of the AFA also specified that any entity in which 10 percent or more of the interest is owned or controlled by another individual or entity shall be considered to be the same entity as the other individual or entity for purposes of monitoring the harvesting and processing use caps. This section of the AFA directed NMFS to use the 10-percent rule to determine the use of AFA Program harvesting and processing privileges.

CR Program Use Caps

The CR Program was implemented on April 1, 2005 (70 FR 10174; March 2, 2005). The CR Program established a LAP program for nine crab fisheries in the Bering Sea and Aleutian Islands (BSAI) and assigned quota share (QS) to persons based on their historic participation in one or more of those nine BSAI crab fisheries during a specific period. Each year, a person who holds QS may receive an exclusive harvest privilege called individual fishing quota (IFQ). NMFS also issued processor quota share (PQS) under the CR Program. Each year, PQS yields an exclusive privilege to process a portion of the IFQ in each of the nine BSAI crab fisheries, called individual processor quota (IPQ). The CR Program includes limits on the amount of QS and PQS that a person can hold and the amount of IFQ and IPQ that a person can use (see Section 2.7 of the RIR for more information).

For processing privileges, the CR Program limits a person to holding no more than 30 percent of the PQS initially issued in the fishery, and to using no more than the amount of IPQ resulting from 30 percent of the PQS initially issued in a given fishery, with a limited exemption for persons receiving more than 30 percent of the initially-issued PQS (50 CFR 680.42(b)). 50 CFR 680.42(b)(3) specifies that NMFS uses the 10-percent rule to monitor holding and use caps for PQS and IPQ for all CR Program participants as recommended by the Council and addressed in the preamble to the proposed rule for the CR Program (69 FR 63200, 63219, and 63226; October 29, 2004).

Use Caps for CDQ Groups

The CDQ Program was established by the Council and NMFS in 1992, and authorization for the Program was incorporated into the Magnuson-Stevens Act in 1996. The purpose of the CDQ Program is (1) to provide eligible western Alaska villages with the opportunity to participate and invest in fisheries in the BSAI, (2) to support economic development in western Alaska, (3) to alleviate poverty and provide economic and social benefits for residents of western Alaska, and (4) to achieve sustainable and diversified local economies in western Alaska (16 U.S.C. 1855(i)(1)(A)) (see Section 2.8 of the RIR).

CDQ groups participate in LAP programs, including the AFA and the CR Programs, by purchasing harvesting and processing privileges and through ownership of vessels and processors

that participate in these fisheries. The Magnuson-Stevens Act was amended by the Coast Guard and Maritime Transportation Act of 2006 (Pub. L. 109–241; the Coast Guard Act) to specify the method that NMFS must use for monitoring excessive share limits as they apply to CDQ groups—the proportional or “individual and collective” rule.

NMFS implemented in practice the method specified in the 2006 amendment to the Magnuson-Stevens Act for CDQ groups to monitor excessive share limits in the AFA Program and the CR Program; however, the Crab FMP and the regulations for the AFA Program and the CR Program were not revised to be consistent with the 2006 amendment to the Magnuson-Stevens Act.

This Final Rule

This section of the preamble provides a brief description of this final rule. For a more detailed description of the rationale for this final rule, see the preamble of the proposed rule (82 FR 39743; August 22, 2017). This final rule revises the AFA Program to specify that NMFS uses the individual and collective rule for CDQ groups to attribute harvesting and processing privileges of AFA pollock proportionally to the CDQ groups’ ownership or control of vessels and processors active in those fisheries. For example, if a CDQ group owns 15 percent of an entity that uses AFA harvesting and processing privileges, the CDQ group will be attributed 15 percent of the harvesting or processing privileges of that company for purposes of monitoring excessive harvesting and processing use caps under the AFA.

This final rule also implements Amendment 48 to the Crab FMP and revises the CR Program to specify that NMFS uses the individual and collective rule for CDQ groups to attribute holding and use of PQS and IPQ based on the CDQ groups’ proportional ownership or control of entities that hold and use PQS and IPQ. For example, if a CDQ group owns 15 percent of a company that holds or uses PQS or IPQ, the CDQ group will be attributed 15 percent of the holding or use of that PQS or IPQ.

NMFS has used the individual and collective rule for CDQ group ownership attribution for the AFA Program and the CR Program since enactment of the Coast Guard Act; however, the regulations and the Crab FMP for the PQS and IPQ holding and use caps have not been updated to reflect this change. This final rule updates the regulations, and Amendment 48 amends the Crab

FMP, to be consistent with the Magnuson-Stevens Act and NMFS’ current method of ownership attribution for CDQ groups. This final rule and Amendment 48 to the Crab FMP benefit CDQ groups and the public by clarifying the method NMFS uses to attribute holding and use of harvesting and processing privileges by CDQ groups for purposes of monitoring holding and use caps for the AFA and CR Programs.

This final rule does not alter the regulations for the QS and IFQ holding and use caps under the CR Program because current CR Program regulations specify that NMFS uses the individual and collective rule for all program participants, including CDQ groups, to attribute any participants’ holding and use of QS and IFQ based on their proportional ownership or control of entities that hold and use QS and IFQ.

This final rule revises 50 CFR 679.2, 679.7(k)(6) and (7), 680.2, and 680.42(b) to specify that NMFS uses the individual and collective rule for CDQ groups for purposes of ownership attribution in the AFA Program and the CR Program. In this final rule, NMFS clarifies the amendatory text from the proposed rule to specify that only the introductory text to the definition of *Affiliation for the purpose of defining AFA and the Rockfish Program* is revised to specify that CDQ groups are not subject to the 10-percent rule for purposes of affiliation. This final rule does not modify the remainder of the definition that describes the specific components of the 10-percent rule for the AFA Program and the Rockfish Program. NMFS did not make any changes to the regulatory text from the proposed rule to the final rule.

Comments and Responses

Comment 1: The commenter states that NMFS should consider rolling over unused quota or total allowable catches (TACs) to the next year to provide additional flexibility for harvesters. The commenter suggests that NMFS should prevent too many fish from being harvested, especially small fish and breeding females.

Response: This comment addresses management issues that are beyond the scope of Amendment 48 and this regulatory action. This final rule does not change the process of allocating quota or establishing TACs under the AFA Program or the CR Program, nor will this final rule change specific management measures that govern the harvest of pollock and crab in the BSAI, such as fishing location, timing, effort, or authorized gear types. This final rule revises regulations describing the method NMFS uses to determine the

amount of limited access privileges held and used by CDQ groups for the purposes of monitoring the excessive share limits under the AFA Program and the CR Program.

Classification

The Administrator, Alaska Region, NMFS, has determined that Amendment 48 to the Crab FMP and this final rule are necessary for the conservation and management of the AFA, CR, and CDQ Program fisheries and are consistent with the Magnuson-Stevens Act and other applicable laws.

This final rule has been determined to be not significant for the 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 during the proposed rule stage that this action would not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the proposed rule and is not repeated here. No comments were received regarding this certification. As a result, a regulatory flexibility analysis was not required, and none was prepared, pursuant to 5 U.S.C. 605.

List of Subjects

50 CFR Part 679

Alaska, Fisheries, Reporting and recordkeeping requirements.

50 CFR Part 680

Alaska, Reporting and recordkeeping requirements.

Dated: November 6, 2017.

Samuel D. Rauch III,

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

For the reasons set out in the preamble, NMFS amends 50 CFR part 679 and part 680 as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

- 1. The authority citation for 50 CFR part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.*; 1801 *et seq.*; 3631 *et seq.*; Pub. L. 108–447; Pub. L. 111–281.

- 2. In § 679.2, revise the definitions for “AFA entity” and the introductory text to the definition for “Affiliation for the purpose of defining AFA and the Rockfish Program” to read as follows:

679.2 Definitions.

* * * * *

AFA entity means a group of affiliated individuals, corporations, or other business concerns, except for a CDQ group, that harvests or processes pollock in the BS directed pollock fishery.

* * * * *

Affiliation for the purpose of defining AFA and the Rockfish Program means a relationship between two or more individuals, corporations, or other business concerns, except CDQ groups, in which one concern directly or indirectly owns a 10 percent or greater interest in another, exerts control over another, or has the power to exert control over another; or a third individual, corporation, or other business concern directly or indirectly owns a 10 percent or greater interest in both, exerts control over both, or has the power to exert control over both.

* * * * *

- 3. In § 679.7, revise paragraphs (k)(6) and (7) to read as follows:

§ 679.7 Prohibitions.

* * * * *

(k) * * *

(6) *Excessive harvesting shares.* It is unlawful for an AFA entity or a CDQ group to harvest, through a fishery cooperative or otherwise, an amount of BS pollock that exceeds the 17.5 percent excessive share limit specified under § 679.20(a)(5)(i)(A)(6). A CDQ group’s harvest of BS pollock will be calculated through its proportional ownership of individuals, corporations, or other business concerns that harvest BS pollock. The owners and operators of the individual vessels comprising the AFA entity or CDQ group that harvest BS pollock will be held jointly and severally liable for exceeding the excessive harvesting share limit.

(7) *Excessive processing shares.* It is unlawful for an AFA entity or a CDQ group to process an amount of BS pollock that exceeds the 30-percent excessive share limit specified under § 679.20(a)(5)(i)(A)(7). The amount of BS pollock processed by a CDQ group will be calculated through its proportional ownership of individuals, corporations, or other business concerns that process BS pollock. The owners and operators of the individual processors comprising the AFA entity or CDQ group that process BS pollock will be held jointly and severally liable for exceeding the excessive processing share limit.

* * * * *

PART 680—SHELLFISH FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

- 4. The authority citation for 50 CFR part 680 continues to read as follows:

Authority: 16 U.S.C. 1862; Pub. L. 109–241; Pub. L. 109–479.

- 5. In § 680.2, in the definition of “Affiliation”, revise the introductory text and paragraph (1) introductory text to read as follows:

§ 680.2 Definitions.

* * * * *

Affiliation means a relationship between two or more entities, except for CDQ groups, in which one directly or indirectly owns or controls a 10 percent or greater interest in, or otherwise controls, another, or a third entity directly or indirectly owns or controls a 10 percent or greater interest in, or otherwise controls, both. For the purpose of this definition, the following terms are further defined:

(1) *Entity.* An entity may be an individual, corporation, association, partnership, joint-stock company, trust, or any other type of legal entity, except for a CDQ group, any receiver, trustee in bankruptcy or similar official or liquidating agent, or any organized group of persons whether incorporated or not, that holds direct or indirect interest in:

* * * * *

- 6. In § 680.42, revise paragraphs (b)(3)(ii) through (iv) to read as follows:

§ 680.42 Limitations on use of QS, PQS, IFQ, and IPQ.

* * * * *

(b) * * *

(3) * * *

(ii) Is not a CDQ group and directly or indirectly owns a 10 percent or greater interest in an entity that holds PQS.

(iii) A person that is not a CDQ group and holds PQS is limited to a PQS use cap that is calculated based on the sum of all PQS held by that PQS holder and all PQS held by any affiliate of the PQS holder. A CDQ group that holds PQS is limited to a PQS use cap that is calculated based on the sum of all PQS held, individually or collectively, by that CDQ group.

(iv) A person that is not a CDQ group and holds IPQ is limited to an IPQ use cap that is calculated based on the sum of all IPQ held by that IPQ holder and all IPQ held by any affiliate of the IPQ holder. A CDQ group that holds IPQ is limited to an IPQ use cap that is calculated based on the sum of all IPQ held, individually or collectively, by that CDQ group.

* * * * *

[FR Doc. 2017–24403 Filed 11–8–17; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register

Vol. 82, No. 216

Thursday, November 9, 2017

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2016-9067; Product Identifier 2016-NM-043-AD]

RIN 2120-AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking (SNPRM); reopening of comment period.

SUMMARY: We are revising an earlier notice of proposed rulemaking (NPRM), which applies to all The Boeing Company Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747-400, 747-400D, 747-400F, 747SR, and 747SP series airplanes. This action revises the NPRM by adding a reporting requirement. We are proposing this airworthiness directive (AD) to address the unsafe condition on these products. Since these actions impose an additional burden over that proposed in the NPRM, we are reopening the comment period to allow the public the chance to comment on these changes.

DATES: The comment period for the NPRM published in the **Federal Register** on September 8, 2016 (81 FR 62031), is reopened.

We must receive comments on this SNPRM by December 26, 2017.

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

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

- **Fax:** 202-493-2251.

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

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

For service information identified in this SNPRM, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminister Blvd., MC 110-SK57, Seal Beach, CA 90740-5600; telephone 562-797-1717; Internet <https://www.myboeingfleet.com>. You may view this service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425-227-1221.

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-2016-9067; 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 SNPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800-647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Bill Ashforth, Aerospace Engineer, Airframe Section, FAA, Seattle ACO Branch, 1601 Lind Avenue SW., Renton, WA 98057-3356; phone: 425-917-6432; fax: 425-917-6590; email: bill.ashforth@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2016-9067; Product Identifier 2016-NM-043-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this SNPRM. We will consider all comments received by the closing date and may amend this SNPRM because of those comments.

We will post all comments we receive, without change, to <http://www.regulations.gov>, including any

personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this SNPRM.

Discussion

We issued an NPRM to amend 14 CFR part 39 by adding an AD that would apply to all The Boeing Company Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747-400, 747-400D, 747-400F, 747SR, and 747SP series airplanes. The NPRM published in the **Federal Register** on September 8, 2016 (81 FR 62031). The NPRM was prompted by a report of fatigue cracking in airplanes that are approaching or have exceeded their design service objective and a structural reevaluation that identified additional structural elements that qualify as structural significant items (SSIs). The NPRM proposed to require revising the maintenance or inspection program to include inspections that will give no less than the required damage tolerance rating (DTR) for certain SSIs, inspecting for cracks of all SSI structure, and repairing any cracked structure.

Actions Since the NPRM Was Issued

Since we issued the NPRM, we have determined that reporting must be required in order to ensure the continuing structural airworthiness of The Boeing Company Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747-400, 747-400D, 747-400F, 747SR, and 747SP series airplanes with a high number of flight cycles. All cracks involving an SSI or related structure in close vicinity to the SSI must be reported to Boeing in order to evaluate the effectiveness of the supplemental structural inspections. We have revised paragraph (h) of this proposed AD to include reporting as part of the inspection program.

Comments

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

Support for the NPRM

United Airlines stated that it concurs with the NPRM and has no further comments.

Requests To Revise Certain Compliance Times

Boeing and United Parcel Service (UPS) requested that we include a compliance time of “1,000 flight cycles measured from 12 months after the effective date of the AD” instead of a compliance time of “within 1,000 flight cycles or 12 months after the effective date of this AD, whichever occurs later” as specified in paragraphs (i)(1)(ii), (i)(2)(ii), (j)(1)(ii), and (j)(2)(ii) of the proposed AD (in the NPRM). Boeing stated that it is not realistic to incorporate the proposed inspections within 12 months, as specified in paragraph (h) of the proposed AD (in the NPRM), while simultaneously performing inspections as specified in paragraphs (i) and (j) of the proposed AD (in the NPRM). Boeing noted that the related AD, AD 2004–07–22 R1, Amendment 39–15326 (73 FR 1052, January 7, 2008; corrected February 14, 2008 (73 FR 8589)) (“AD 2004–07–22 R1”), increases the compliance time up to 1,000 flight cycles, after allowing 12 months to implement the new program. UPS stated that the proposed AD (in the NPRM) should include a 1,000-flight-cycle grace period similar to that provided in paragraphs (i)(1)(ii) and (i)(2)(ii) of AD 2004–07–22 R1. UPS stated that the proposed AD (in the NPRM) creates a situation for airplanes that are already over a threshold to have inspections due almost immediately upon the revision of the maintenance or inspection program.

In addition, KLM Royal Dutch Airlines requested that we provide a grace period for SSI items for which the inspection interval has to be lowered due to a flight-hour/flight-cycle ratio of 7.0 or more. British Airways stated that a suitable grace period should be introduced given that certain inspection intervals could be reduced from 6 years to 2 years.

We agree with the requests to revise the compliance time. The revised compliance time proposed by Boeing and UPS is consistent with the compliance time in AD 2004–07–22 R1, and will not adversely affect safety. This revised compliance time provides an adequate grace period for reduced intervals. We have revised paragraphs (i)(1)(ii), (i)(2)(ii), (j)(1)(ii), and (j)(2)(ii) of this proposed AD accordingly.

Requests To Clarify Compliance Times for Components

Boeing and KLM Royal Dutch Airlines requested that we clarify the compliance times for removable structural components. The commenters noted that for inspections of removable

structural components, the accumulated flight cycles and flight hours on the component should be used instead of flight cycles and flight hours on the airframe. Boeing noted that some SSI details are replaced, such as when installing removable structural components or installing used structural parts in a repair. The commenters recommended we add a note to paragraphs (i) and (j) of the proposed AD (in the NPRM) to address this issue.

We agree because an SSI can be removed from the airframe and replaced, and have different flight cycles and flight hours than the airframe. Boeing Document D6–35022, “Supplemental Structural Inspection Document for Model 747 Airplanes,” Revision H, dated September 2013; and Boeing Document D6–35022–1, “747–400 LCF Supplemental Structural Inspection Document—Appendix A,” dated November 2015; state the following:

The initial inspection (threshold) and intervals are measured in flight cycles or flight hours that a particular SSI detail has accumulated regardless of what the airframe as a whole has accumulated. Most SSI details have never been replaced and therefore have accumulated the same flight cycles and flight hours as the airframe. Some SSI details are replaced, such as when installing removable structural components (repairable/rotatable/expendables) or installing used structural parts as a repair. In these cases the SSI details have accumulated flight cycles and flight hours that may be different than the airframe. The operator must account for this in determining when inspections must be done.

We have added new content to paragraph (l) to this proposed AD (replacing the content in paragraph (l) of the proposed AD (in the NPRM)) to state that for compliance times that specify total flight cycles and total flight hours, and the SSI is a removable structural component, those compliance times must be measured on the SSI since its installation, regardless of what the airframe as a whole has accumulated. If the total flight cycles and total flight hours on the SSI are not available or cannot be determined, the airframe total flight cycles and total flight hours are to be used for the compliance times identified in paragraphs (i) and (j) of this proposed AD. We have also added a reference to “paragraph (l) of this AD” to paragraphs (i) and (j) of this proposed AD.

Request To Add Explanation To Continue Inspections

Boeing requested that we add an explanation to the NPRM regarding the continuation of the inspections in AD 2004–07–22 R1 until the start of the new inspections specified in the NPRM.

Boeing recommended that we add the following text to the “Proposed AD Requirements” section in the preamble of the NPRM:

Note it is required to start and continue inspections per D6–35022 Rev G, as required by AD 2004–07–22 R1; until inspections per D6–35022 Rev H, dated Sept. 2013, and if required also D6–35022–1 Appendix A, dated Nov. 2015, are accomplished as required by the new AD.

We agree with the statement that Boeing provided. Inspections required by AD 2004–07–22 R1 are terminated only after accomplishment of the corresponding inspections required by this AD, as specified in paragraphs (i) and (j) of this proposed AD. However, the “Proposed AD Requirements” section is not restated in this proposed AD. Therefore, we have not changed this proposed AD in this regard.

Request To Clarify Affected Airplanes in Paragraph (i) of the Proposed AD (in the NPRM)

Boeing requested that we revise the header and first sentence of paragraph (i) of the proposed AD (in the NPRM) to clarify the affected airplanes. Boeing stated that the text “all Model 747 airplanes” should be revised so that the paragraph excludes Model 747–8 and 747–8F airplanes. Boeing noted those models are not included in the applicability specified in paragraph (c) of the proposed AD (in the NPRM).

We agree to clarify the language for the affected airplanes for paragraph (i) of this proposed AD. When we use the term “all airplanes” in the regulatory text of an AD, we mean all airplanes identified in paragraph (c) of the AD. Model 747–8 and 747–8F airplanes are not identified in paragraph (c) of this proposed AD. We have revised the header and first sentence of paragraph (i) of this proposed AD by specifying “all airplanes except . . .” instead of “all Model 747 airplanes except . . .”

Request To Clarify Alternative Methods of Compliance (AMOCs) for AD 2004–07–22 R1

Boeing requested that we revise paragraph (m)(3) of the proposed AD (in the NPRM) to clarify that AMOCs are no longer needed for AD 2004–07–22 R1 after the requirements of the proposed AD (in the NPRM) are implemented. Boeing stated that both ADs should not be required to be reported on FAA Form 8100–9.

We agree to clarify the AMOC requirements, but we do not agree to revise paragraph (p)(3) of this proposed AD (paragraph (m)(3) of the proposed AD (in the NPRM)). Paragraphs (i) and (j) of this proposed AD state that doing

the actions in paragraph (i) or (j) of this proposed AD terminates the corresponding action required by AD 2004–07–22 R1. Thus, an AMOC for AD 2004–07–22 R1 is no longer needed for a given SSI once the inspection for that SSI is done as required by this proposed AD. We have not changed this proposed AD in this regard.

Request To Clarify Approval of Previous AMOCs

Qantas Airways requested that we clarify paragraph (m)(4) of the proposed AD (in the NPRM), which approves previous AMOCs for the actions specified in paragraphs (h), (i), and (j) of the proposed AD (in the NPRM), except for any SSI that has an expanded inspection area identified in Boeing Document D6–35022, “Supplemental Structural Inspection Document for Model 747 Airplanes,” Revision H, dated September 2013; or Boeing Document D6–35022–1, “747–400 LCF Supplemental Structural Inspection Document—Appendix A,” dated November 2015. Qantas Airways requested that previous AMOCs also be approved for the actions required by paragraph (k) of the proposed AD (in the NPRM), which specifies repairing any cracked structure.

We agree and have added a reference to paragraph (k) in paragraph (p)(4) of this proposed AD (paragraph (m)(4) of the proposed AD (in the NPRM)).

Request for Relief From Certain Requirements

UPS requested that we revise paragraph (k) of the proposed AD (in the NPRM) to match the wording in paragraph (j) of AD 2004–07–22 R1 in order to avoid an unnecessary burden for Boeing, operators, and the FAA. UPS stated that paragraph (k) of the proposed AD (in the NPRM) specifies repairs to be done in accordance with AMOC-approved methods. UPS noted that previous repairs have been approved as AMOCs to paragraph (j) of AD 2004–07–22 R1, which corresponds to paragraph (k) of the proposed AD (in the NPRM). UPS further stated that paragraph (m)(4) of the proposed AD (in the NPRM) states that AMOCs approved for AD 2004–07–22 R1 are approved as AMOCs for the corresponding provisions of paragraphs (h), (i), and (j) of the proposed AD (in the NPRM). UPS noted that paragraph (j) of AD 2004–07–22 R1 requires repairs to be done in accordance with FAA-approved methods. UPS concluded that a requirement to have all repairs be AMOC-approved creates an unnecessary burden.

We agree to revise paragraph (k) of this proposed AD. Paragraph (j) of AD

2004–07–22 R1 allows repairs to be performed using an FAA-approved method. This is because the original intent of the supplemental structural inspection document (SSID) program was to perform damage-tolerant-type inspections of SSIs that had no significant prior fatigue crack history on pre-14 CFR 25.571 amendment 45 airplanes. In accordance with the SSID program, when cracking was found, Boeing would remove the SSI from the SSID, produce a separate service bulletin to address the cracking, and the FAA would then mandate the inspections specified in that service bulletin. These repairs would then need an AMOC to the corresponding AD when inspections were due. Since AD 2004–07–22 R1 was issued, the FAA and Boeing have determined that in many cases it is not necessary to create a separate service bulletin and AD, provided the cracks are found in an SSI and the existing inspections in the SSID are sufficient to maintain airworthiness and detect cracks in a timely manner. This is similar to how airworthiness limitations programs are managed on post-14 CFR 25.571 amendment 45 airplanes. We have revised paragraph (k) of this proposed AD to state that repairs are to be performed using an FAA-approved method.

We also acknowledge that AMOCs to AD 2004–07–22 R1 have been issued, but these were issued to paragraph (l)(3) of that AD, rather than to paragraph (j) of that AD as discussed by UPS. These AMOCs were issued because operators could not inspect the SSI in accordance with the SSID and required alternate inspections or inspection intervals. We have determined that the guidance on when AMOCs are needed relative to the SSID program is not clear. Therefore, we have discussed this in the “Proposed Requirements of this SNPRM” section in this document and added new content to paragraph (m) to this proposed AD to clarify when operators must request an AMOC.

Request for Approval of Alternative Determination of Utilization

British Airways and UPS requested that we approve an alternative determination of airplane utilization (*i.e.*, an airplane’s average flight hours/flight cycles). The commenters stated that section 5.1.3. of Boeing Document D6–35022, “Supplemental Structural Inspection Document for Model 747 Airplanes,” Revision H, dated September 2013, specifies that the utilization is an average of flight hours per flight for each airplane and that the utilization should be determined since the last D-check. British Airways

recommended that utilization be considered from the delivery of the airplane. British Airways stated the proposed change is a more realistic average over the life of the airplane, makes it easier for operators to determine future utilization, and reduces the possibility of missing inspections due to minor changes in utilization between D-checks.

UPS recommended that an option be included to allow operators to use projected utilizations. UPS stated that the following terminology in Boeing Document D6–35022, “Supplemental Structural Inspection Document for Model 747 Airplanes,” Revision H, dated September 2013, can be contradictory and cannot be complied with: “for determining utilization, use flight hours and cycles accumulated since the last D check or its equivalent. If future utilization is known, use the new average flight hours.” UPS stated that the option would allow the operator to determine utilization from its maintenance program.

We disagree that future airplane utilization (unless known through scheduled maintenance) or airplane utilization based on the delivery date of the airplane is acceptable. The terminology used in Boeing Document D6–35022, “Supplemental Structural Inspection Document for Model 747 Airplanes,” Revision H, dated September 2013, is:

After implementing the FLS [Flight Length Sensitive] inspections and to account for utilization changes over time, it is recommended the operator re-assess the airplane’s utilization at least every D check or its equivalent. As a result of a re-assessment, SSIs which require inspection more frequently should be inspected within the new interval since the last inspection or at the next C check, whichever is later.

Future airplane utilization or airplane utilization from the delivery date would not, in general, be conservative in assessing the aircraft structure and is not equivalent. We have not changed this proposed AD in this regard.

We also disagree that the terminology that UPS cited in Boeing Document D6–35022, “Supplemental Structural Inspection Document for Model 747 Airplanes,” Revision H, dated September 2013, is contradictory. If the utilization that is used to set up the maintenance program changes over time, then the maintenance program schedule should be updated based on the new utilization. For example, if the average flight hours increase over the assessment period, then that operator should revise its maintenance program in consideration of the new average

flight hours. We have not changed this proposed AD in this regard.

Requests To Allow a Tolerance for Selecting Forms

UPS and British Airways requested that we provide a tolerance for selecting the appropriate DTR forms. UPS recommended a tolerance of ± 0.1 hour be allowed for selecting DTR forms. UPS stated that the historic utilization of its fleet is slightly less than 7 flight hours per flight cycle since delivery of the airplane and over the most recent D-check interval. UPS stated that current utilization projections show an average over 7 flight hours per flight cycle. UPS concluded that since it would have no knowledge ahead of time which airplane will be under or over 7, a tolerance in selecting the appropriate DTR form would provide a significant benefit to incorporating the program change without affecting the level of safety. British Airways recommended a tolerance of ± 0.2 hour for the 7-hour utilization threshold and ± 0.25 hour for 9- or 11-hour utilization thresholds. British Airways noted that if the utilization increases during the next interval, then the interval is significantly reduced, causing difficulty in providing the correct maintenance. The commenters noted that no tolerance is provided in Boeing Document D6-35022, "Supplemental Structural Inspection Document for Model 747 Airplanes," Revision H, dated September 2013.

We do not find it necessary to include the requested tolerance in this AD, because section 5.1.3 of Boeing Document D6-35022, "Supplemental Structural Inspection Document for Model 747 Airplanes," Revision H, dated September 2013, states, "DTR values can be read to the nearest two significant figures (0.1)," and section 7.3 of that document provides the following example on how to determine what the average flight hours per flight cycle without the use of additional tolerances:

For Wing SSIs, the initial step is to check to see if the SSI is Flight Length Sensitive (FLS). If so, the operator uses the average flight length to select the DTR Check Form that the airplane's average flight length fits under. For example, at the SSID threshold, the airplane's average flight length is 8.6 hours. For this SSID item, there may be forms for <7 hours and >7 hours. In this case, the operator is to use the >7 hour DTR check form.

Therefore, an operator will be able to determine if its average flight hours are either <7 hours or ≥ 7 hours without needing the aid of an additional

tolerance. We have not changed this proposed AD in this regard.

Request To Clarify if a Reassessment Is Required

UPS requested that we clarify whether a reassessment of utilization is required. UPS stated that Boeing Document D6-35022, "Supplemental Structural Inspection Document for Model 747 Airplanes," Revision H, dated September 2013, states, "it is recommended the operator re-assess the airplane's utilization at least every D check or equivalent," but it is not clear if this recommendation is a requirement of the proposed AD (in the NPRM) or an option.

We agree to clarify. Boeing Document D6-35022, "Supplemental Structural Inspection Document for Model 747 Airplanes," Revision H, dated September 2013, is for an exploratory program. When that document calls out recommendations on re-assessing the airplane's utilization, this should be done at the operator's own discretion. The reassessment is not a requirement of this proposed AD. We have not changed this proposed AD in this regard.

Request To Provide Guidelines for Adjusting Certain Intervals

KLM Royal Dutch Airlines (KLM) requested that we provide guidance for adjusting certain intervals. KLM stated that no information is given on how to adjust repeat flight length sensitive (FLS) tasks for airplanes with a flight-hour/flight-cycle ratio of 7.0 or more once the initial inspection is performed. KLM stated that chapter 5.0 of Boeing Document D6-35022, "Supplemental Structural Inspection Document for Model 747 Airplanes," Revision H, dated September 2013, does not give clear guidelines. KLM stated that FLS tasks in Boeing Document D6-35022, "Supplemental Structural Inspection Document for Model 747 Airplanes," Revision H, dated September 2013, will result in a significant decrease of the repetitive interval of complex inspections for a flight-hour/flight-cycle ratio of 7.0 or more.

In reviewing Boeing Document D6-35022, "Supplemental Structural Inspection Document for Model 747 Airplanes," Revision H, dated September 2013, we have determined that it adequately addresses adjustment of the repetitive FLS tasks in sections 5.1.3 and 7.3. In addition, under the provisions of paragraph (p) of this AD, we will consider requests for alternate approaches to compliance time changes if sufficient data are submitted to substantiate that the approach and

compliance time changes would provide an acceptable level of safety. We have not changed this proposed AD in this regard.

Request To Fix Typographical Error

Boeing and KLM requested that we revise a typographical error in paragraph (j)(2) of the proposed AD (in the NPRM), which refers to paragraph (i)(2)(ii) of the proposed AD (in the NPRM). The commenters stated that the correct reference is paragraph (j)(2)(ii) of the proposed AD (in the NPRM).

We agree with the request. We have revised paragraph (j)(2) of this proposed AD accordingly.

Removal of Inspection Program for Transferred Airplanes

We have determined that the requirements specified in paragraph (l) of the proposed AD (in the NPRM) are not necessary. The inspection program for transferred airplanes was included in early SSID programs that involved a "candidate fleet" (a specific group of airplanes that was inspected instead of all airplanes). Therefore, we have removed those requirements from this proposed AD.

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Document D6-35022, "Supplemental Structural Inspection Document for Model 747 Airplanes," Revision H, dated September 2013. This service information describes procedures for inspections to detect cracks of all structure identified as SSIs, and includes six new SSIs since the last revision.

We also reviewed Boeing Document D6-35022-1, "747-400 LCF Supplemental Structural Inspection Document—Appendix A," dated November 2015. This service information describes procedures for inspections of the wings, fuselage, and empennage SSIs for Model 747-400 LCF airplanes.

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

FAA's Determination

We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of these same type design. Certain changes described above expand the scope of the NPRM. As a result, we have determined that it is necessary to reopen the comment

period to provide additional opportunity for the public to comment on this SNPRM.

Proposed Requirements of This SNPRM

This SNPRM would require revising the maintenance or inspection program to include inspections that will give no less than the required damage tolerance rating (DTR) for certain SSIs, inspecting for cracks of all SSI structure, and repairing any cracked structure. This proposed AD also would require reporting all cracks involving an SSI or

related structure in close vicinity to the SSI to Boeing.

This SNPRM would require revisions to certain operator maintenance documents to include new inspections. Compliance with these inspections is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by these inspections, the operator may not be able to accomplish the actions described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator

must request approval for an alternative method of compliance according to paragraph (p) of this proposed AD. The request should include a description of changes to the required inspections that will ensure the continued damage tolerance of the affected airplane.

Costs of Compliance

We estimate that this proposed AD affects 118 airplanes of U.S. registry. We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Revision of maintenance or inspection program.	1 work-hour × \$85 per hour = \$85	\$0	\$85	\$10,030

We have not specified cost estimates for the inspection and repair specified in this proposed AD. Compliance with this proposed AD constitutes a method of compliance with the FAA aging airplane safety final rule (AASFR) (70 FR 5518, February 2, 2005) for certain baseline structure of Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747-400, 747-400D, 747-400F, 747SR, and 747SP series airplanes. The AASFR requires certain operators to incorporate

damage tolerance inspections into their maintenance inspection programs. These requirements are described in 14 CFR 121.1109(c)(1) and 14 CFR 129.109(b)(1). Accomplishment of the actions specified in this proposed AD will meet the requirements of these regulations for certain baseline structure. The costs for accomplishing the inspection portion of this proposed AD were accounted for in the regulatory evaluation of the AASFR for airplanes affected by that rule. For airplanes not

affected by the AASFR, we have received no definitive data that would enable us to provide cost estimates for the inspection portion of this proposed AD.

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

ON-CONDITION COSTS

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

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 proposed AD is 2120-0056. The paperwork cost associated with this proposed 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 proposed 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 proposed 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 proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on

the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2016–9067; Product Identifier 2016–NM–043–AD.

(a) Comments Due Date

We must receive comments by December 26, 2017.

(b) Affected ADs

This AD affects AD 2004–07–22 R1, Amendment 39–15326 (73 FR 1052, January 7, 2008; corrected February 14, 2008 (73 FR 8589)) (“AD 2004–07–22 R1”).

(c) Applicability

This AD applies to all The Boeing Company Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747–400F, 747SR, and 747SP series airplanes, certificated in any category.

Note 1 to paragraph (c) of this AD: A Model 747–400 LCF airplane is a Model 747–400 series airplane that has been modified from a passenger airplane to a freighter configuration, as specified in Boeing Service Bulletin 747–00–2084.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by a report of incidents involving fatigue cracking in transport category airplanes that are approaching or have exceeded their design service objective, and a structural reevaluation by the manufacturer that identified additional structural elements that qualify as structural significant items (SSIs). We are issuing this AD to ensure the continued structural integrity of all The Boeing Company Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747–400F, 747SR, and 747SP series airplanes.

(f) Compliance

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

(g) Definition of SSI

For the purposes of this AD, an SSI is defined as a principal structural element (PSE). A PSE is a structural element that contributes significantly to the carrying of flight, ground, or pressurization loads, and whose integrity is essential in maintaining the overall structural integrity of the airplane.

(h) Maintenance or Inspection Program Revision for All Airplanes

Prior to reaching the compliance times specified in paragraph (i)(1)(i), (i)(2)(i), (j)(1)(i), or (j)(2)(i) of this AD, as applicable, or within 12 months after the effective date of this AD, whichever occurs later: Incorporate a revision into the maintenance or inspection program, as applicable, that provides no less than the required damage tolerance rating (DTR) for each SSI listed in the applicable service information specified in paragraph (h)(1) or (h)(2) of this AD. The revision to the maintenance or inspection program must include, and must be implemented in accordance with, the procedures in Section 5.0, “Damage Tolerance Rating (DTR) System Application,” and Section 6.0, “SSI Discrepancy Reporting” of Boeing Document D6–35022, “Supplemental Structural Inspection Document for Model 747 Airplanes,” Revision H, dated September 2013; and Boeing Document D6–35022–1, “747–400 LCF Supplemental Structural Inspection Document—Appendix A,” dated November 2015; as applicable. Accomplishing the revision required by this paragraph terminates the actions required by paragraphs (f), (g), and (h) of AD 2004–07–22 R1.

(1) For all airplanes except Model 747–400 LCF airplanes: SSIs listed in Boeing Document D6–35022, “Supplemental Structural Inspection Document for Model 747 Airplanes,” Revision H, dated September 2013.

(2) For Model 747–400 LCF airplanes: SSIs listed in Boeing Document D6–35022, “Supplemental Structural Inspection Document for Model 747 Airplanes,” Revision H, dated September 2013; and SSIs

listed in Boeing Document D6–35022–1, “747–400 LCF Supplemental Structural Inspection Document—Appendix A,” dated November 2015. For SSIs listed in both Boeing Document D6–35022–1, “747–400 LCF Supplemental Structural Inspection Document—Appendix A,” dated November 2015; and Boeing Document D6–35022, “Supplemental Structural Inspection Document for Model 747 Airplanes,” Revision H, dated September 2013: Incorporate the SSIs listed in Boeing Document D6–35022–1, “747–400 LCF Supplemental Structural Inspection Document—Appendix A,” dated November 2015.

(i) Inspections for All Airplanes Except Model 747–400 LCF Airplanes

For all airplanes except Model 747–400 LCF airplanes: Perform inspections to detect cracks of all structure identified in Boeing Document D6–35022, “Supplemental Structural Inspection Document for Model 747 Airplanes,” Revision H, dated September 2013, at the times specified in paragraph (i)(1), (i)(2), or (i)(3) of this AD, as applicable, except as required by paragraph (l) of this AD. Once the initial inspection has been performed, in order to remain in compliance with the maintenance or inspection program, as required by paragraph (h) of this AD, repetitive inspections are required at the intervals specified in Boeing Document D6–35022, “Supplemental Structural Inspection Document for Model 747 Airplanes,” Revision H, dated September 2013. Doing an inspection required by this paragraph terminates the corresponding inspection required by paragraph (i) of AD 2004–07–22 R1.

(1) For wing structure, except as provided by paragraph (i)(3) of this AD: Inspect at the times specified in paragraph (i)(1)(i) or (i)(1)(ii) of this AD, whichever occurs later.

(i) Within the applicable compliance time specified in paragraph (i)(1)(i)(A) or (i)(1)(i)(B) of this AD.

(A) For all Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747SR, and 747SP series airplanes: Prior to the accumulation of 20,000 total flight cycles or 100,000 total flight hours, whichever occurs first.

(B) For all Model 747–400, 747–400D, and 747–400F series airplanes: Prior to the accumulation of 20,000 total flight cycles or 115,000 total flight hours, whichever occurs first.

(ii) Within 1,000 flight cycles measured from 12 months after the effective date of this AD.

(2) For all structure other than wing structure, except as provided by paragraph (i)(3) of this AD: At the time specified in paragraph (i)(2)(i) or (i)(2)(ii) of this AD, whichever occurs later.

(i) Prior to the accumulation of 20,000 total flight cycles.

(ii) Within 1,000 flight cycles measured from 12 months after the effective date of this AD.

(3) For any portion of an SSI that has been replaced with new structure: Inspect at the later of the times specified in paragraphs (i)(3)(i) and (i)(3)(ii) of this AD.

(i) At the time specified in paragraph (i)(1) or (i)(2) of this AD, as applicable.

(ii) Within 10,000 flight cycles after the replacement of the part with a new part.

(j) Inspections for Model 747-400 LCF Airplanes

For Model 747-400 LCF airplanes: Perform inspections to detect cracks of all structure identified in Boeing Document D6-35022, "Supplemental Structural Inspection Document for Model 747 Airplanes," Revision H, dated September 2013; and Boeing Document D6-35022-1, "747-400 LCF Supplemental Structural Inspection Document—Appendix A," dated November 2015; at the times specified in paragraph (j)(1) or (j)(2) of this AD, as applicable, except as required by paragraph (l) of this AD. Once the initial inspection has been performed, in order to remain in compliance with the maintenance or inspection program, as required by paragraph (h) of this AD, repetitive inspections are required at the intervals specified in Boeing Document D6-35022, "Supplemental Structural Inspection Document for Model 747 Airplanes," Revision H, dated September 2013; and Boeing Document D6-35022-1, "747-400 LCF Supplemental Structural Inspection Document—Appendix A," dated November 2015. For SSIs listed in both Boeing Document D6-35022, "Supplemental Structural Inspection Document for Model 747 Airplanes," Revision H, dated September 2013; and Boeing Document D6-35022-1, "747-400 LCF Supplemental Structural Inspection Document—Appendix A," dated November 2015, take precedence (*i.e.*, the SSIs in the latter document prevail). Doing an inspection required by this paragraph terminates the corresponding inspection required by paragraph (i) of AD 2004-07-22 R1.

(1) For wing structure: Inspect at the times specified in paragraph (j)(1)(i) or (j)(1)(ii) of this AD, whichever occurs later.

(i) Prior to the accumulation of 20,000 total flight cycles or 115,000 total flight hours, whichever occurs first.

(ii) Within 1,000 flight cycles measured from 12 months after the effective date of this AD.

(2) For all structure other than wing structure: At the time specified in paragraph (j)(2)(i) or (j)(2)(ii) of this AD, whichever occurs later.

(i) At the earlier of the times specified in paragraphs (j)(2)(i)(A) and (j)(2)(i)(B) of this AD.

(A) Prior to the accumulation of 20,000 total flight cycles.

(B) Within the applicable initial compliance time specified in Boeing Document D6-35022, "Supplemental Structural Inspection Document for Model 747 Airplanes," Revision H, dated September 2013; and Boeing Document D6-35022-1, "747-400 LCF Supplemental Structural Inspection Document—Appendix A," dated November 2015. For SSIs are listed in both Boeing Document D6-35022, "Supplemental Structural Inspection Document for Model

747 Airplanes," Revision H, dated September 2013; and Boeing Document D6-35022-1, "747-400 LCF Supplemental Structural Inspection Document—Appendix A," dated November 2015; the SSIs listed in Boeing Document D6-35022-1, "747-400 LCF Supplemental Structural Inspection Document—Appendix A," dated November 2015, take precedence (*i.e.*, the SSIs in the latter document prevail).

(ii) Within 1,000 flight cycles measured from 12 months after the effective date of this AD.

(k) Repair

If any cracked structure is found during any inspection required by paragraph (i) or (j) of this AD, repair before further flight using an FAA-approved method.

(l) Compliance Time Clarification

For compliance times identified in paragraphs (i) and (j) of this AD that specify total flight cycles and total flight hours, and the SSI is a removable structural component, those compliance times must be measured on the SSI since its first installation on any airplane, regardless of what the airframe as a whole has accumulated. If the total flight cycles and total flight hours on the SSI are not available or cannot be determined, use the airframe total flight cycles and total flight hours for the compliance times identified in paragraphs (i) and (j) of this AD.

(m) No Alternative Inspections and Inspection Intervals

After accomplishing the revision required by paragraph (h) of this AD, no alternative inspections or inspection intervals may be used unless the alternative inspection or inspection interval is approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (p) of this AD.

(n) Terminating Action for AD 2004-07-22 R1

Accomplishing the revision required by paragraph (h) of this AD and all of the initial inspections required by paragraph (i) or (j) of this AD, as applicable, terminates all requirements of AD 2004-07-22 R1.

(o) Paperwork Reduction Act Burden Statement

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

20591, Attn: Information Collection Clearance Officer, AES-200.

(p) Alternative Methods of Compliance (AMOCs)

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

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

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

(4) AMOCs approved for AD 2004-07-22 R1 are approved as AMOCs for the corresponding provisions of paragraphs (h), (i), (j), and (k) of this AD for the SSIs identified in the AMOC, except for any SSI that has an expanded inspection area identified in Boeing Document D6-35022, "Supplemental Structural Inspection Document for Model 747 Airplanes," Revision H, dated September 2013; or Boeing Document D6-35022-1, "747-400 LCF Supplemental Structural Inspection Document—Appendix A," dated November 2015, as applicable.

(q) Related Information

(1) For more information about this AD, contact Bill Ashforth, Aerospace Engineer, Airframe Section, FAA, Seattle ACO Branch, 1601 Lind Avenue SW., Renton, WA 98057-3356; phone: 425-917-6432; fax: 425-917-6590; email: bill.ashforth@faa.gov.

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminister Blvd., MC 110-SK57, Seal Beach, CA 90740-5600; telephone 562-797-1717; Internet <https://www.myboeingfleet.com>. You may view this referenced service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425-227-1221.

Issued in Renton, Washington, on September 25, 2017.

Dionne Palermo,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2017-21223 Filed 11-8-17; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA-2016-9519; Product Identifier 2016-NM-099-AD]

RIN 2120-AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking (SNPRM); reopening of comment period.

SUMMARY: We are revising an earlier proposal for certain Airbus Model A318-112, A319-115, A320-214, A320-232, and A321-111 airplanes. This action revises the notice of proposed rulemaking (NPRM) by adding airplanes to the applicability and removing others that were inadvertently included due to typographical errors. We are proposing this airworthiness directive (AD) to address the unsafe condition on these products. Since these actions would impose an additional burden over those in the NPRM, we are reopening the comment period to allow the public the chance to comment on these changes.

DATES: The comment period for the NPRM published in the **Federal Register** on January 3, 2017 (82 FR 50), is reopened.

We must receive comments on this SNPRM by December 26, 2017.

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

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

For service information identified in this SNPRM, contact Airbus, Airworthiness Office-EIAS, 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.

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-2016-9519; 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 SNPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone: 800-647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Sanjay Ralhan, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 1601 Lind Avenue SW., Renton, WA 98057-3356; telephone 425-227-1405; fax 425-227-1149.

SUPPLEMENTARY INFORMATION:**Comments Invited**

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2016-9519; Product Identifier 2016-NM-099-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this SNPRM. We will consider all comments received by the closing date and may amend this SNPRM based on those comments.

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

Discussion

We issued an NPRM to amend 14 CFR part 39 by adding an AD that would apply to certain Airbus Model A318-112, A319-115, A320-214, A320-232, and A321-111 airplanes. The NPRM published in the **Federal Register** on January 3, 2017 (82 FR 50) ("the NPRM"). The NPRM was prompted by in-service experience and further analysis, which showed that the galley 5 without kick-load retainers was unable to withstand the expected loading during several flight phases or

in case of an emergency landing. The NPRM proposed to require modification of galley 5 by adding kick-load retainers.

Actions Since the NPRM Was Issued

Since we issued the NPRM, we determined that we inadvertently specified that Model A318-112 airplanes were included in the applicability (in paragraph (c) of the proposed AD). In addition, we specified in **SUMMARY** and the "Discussion" section of **SUPPLEMENTARY INFORMATION** that "certain Airbus Model A318" series airplanes were affected. However, as specified in European Aviation Safety Agency (EASA) AD 2016-0040, dated March 2, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or "the MCAI"), Model A319-112 airplanes are affected, and Model A318 airplanes are not included in the applicability.

In addition, in paragraph (c) of the proposed AD, we inadvertently included Model A321-111 airplanes in the applicability. However, Model A321-211 airplanes are affected as specified in the MCAI.

Since we did not include the Model A319-112 or Model A321-211 airplanes in the NPRM and there are affected airplanes on the U.S. register, we are issuing this SNPRM to include Model A319-112 and Model A321-211 airplanes in the applicability.

EASA, which is the Technical Agent for the Member States of the European Union, has issued the MCAI to correct an unsafe condition for certain Airbus Model A319-112, A319-115, A320-214, A320-232, and A321-211 airplanes. The MCAI states:

Following in-service experience and further analyses, it was ascertained that the galley 5 without kick load retainers on external position could not withstand the expected loading during several flight phases or in case of emergency landing.

This condition, if not corrected, could lead to galley/trolley detachment and collapse into an adjacent cabin aisle or cabin zone, possibly spreading loose galley equipment items, compartment doors or leaking fluids, blocking an evacuation route, and consequently resulting in injury to crew or passengers.

To address this potential unsafe condition, Airbus issued 6 Service Bulletins (SB) to provide modification instructions for the affected aeroplanes.

For the reasons described above, this [EASA] AD requires modification of galley 5 trolley compartments to install kick load retainers.

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-2016-9519.

Related Service Information Under 1 CFR Part 51

Airbus has issued Service Bulletin A320–25–1B29, dated June 19, 2014; and Service Bulletin A320–25–1B30, dated June 19, 2014. This service information describes procedures for installing kick-load retainers on certain galley 5 trolley compartments. These documents are distinct since they apply to different airplane configurations. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Comments

We gave the public the opportunity to participate in developing this proposed AD. We considered the comments received.

Support for the NPRM

American Airlines had no objections to the NPRM.

Request To Reconcile a Difference Between the AD Applicability and the AD Required Action

Spirit Airlines noted that manufacturer's serial number (MSN) 5672 is not listed in paragraph (c) of the proposed AD (the applicability), but is listed in paragraph (g)(2) of the proposed AD as an airplane on which the kick-load retainers must be installed.

We agree that there is a discrepancy between paragraphs (c) and (g)(2) of the proposed AD. We have determined that

MSN 5672 is not affected by the identified unsafe condition. We have removed MSN 5672 from paragraph (g)(2) of this proposed AD accordingly.

Request To Add Certain MSNs to the AD Required Action

Spirit Airlines requested that certain MSNs that are shown in paragraph (c) of the proposed AD be added to paragraph (g) of the proposed AD and that we refer to Airbus Service Bulletin A320–25–1BBZ, dated October 2, 2015, as the appropriate source of service information for the applicable required actions.

We disagree that Airbus Service Bulletin A320–25–1BBZ, dated October 2, 2015, should be added to paragraph (g) of this proposed AD. Airbus Service Bulletin A320–25–1BBZ, dated October 2, 2015, has not been reviewed and approved by the FAA for accomplishing the installation required by this proposed AD. The requirements for the MSNs identified by the commenter are included in paragraph (g)(3) of this proposed AD, which specifies that the installation must be done using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or EASA; or Airbus's EASA Design Organization Approval (DOA). We have not changed this proposed AD in this regard.

Request To Exclude Aircraft on Which the Required Actions Have Been Accomplished

Spirit Airlines requested we exclude airplanes on which Airbus Service

Bulletin A320–25–1BCN, dated December 22, 2015, has been accomplished. Spirit Airlines stated that accomplishing the service bulletin removes galley 5.

We agree that the actions required by this proposed AD are not required on airplanes on which galley 5 has been removed. We have revised paragraph (g) of this AD accordingly.

FAA's Determination and Requirements of This SNPRM

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

Certain changes described above expand the scope of the NPRM. As a result, we have determined that it is necessary to reopen the comment period to provide additional opportunity for the public to comment on this SNPRM.

Costs of Compliance

We estimate that this SNPRM affects 19 airplanes of U.S. registry.

We estimate the following costs to comply with this SNPRM:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Modification	2 work-hours × \$85 per hour = \$170	\$0	\$170	\$3,230

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

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

1. Is not a "significant regulatory action" under Executive Order 12866;
2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus: Docket No. FAA–2016–9519; Product Identifier 2016–NM–099–AD.

(a) Comments Due Date

We must receive comments by December 26, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Model A319–112, A319–115, A320–214, A320–232, and A321–211 airplanes, certificated in any category, manufacturer's serial numbers 1479, 3096, 3693, 3713, 3739, 3791, 3896, 3902, 3907, 3931, 3949, 3969, 4030, 4045, 4049, 4059, 4066, 4077, 4083, 4124, 4146, 4158, 4188, 4198, 4206, 4209, 4218, 4235, 4255, 4264, 4304, 4321, 4371, 4374, 4395, 4411, 4417, 4431, 4485, 4487, 4502, 4528, 4541, 4548, 4592, 4595, 4638, 4651, 4669, 4703, 4724, 4737, 4746, 4770, 4780, 4783, 4826, 4827, 4860, 4863, 4865, 4902, 4934, 4945, 4951, 4952, 4971, 4996, 5023, 5029, 5042, 5088, 5095, 5132, 5159, 5164, 5171, 5175, 5192, 5210, 5227, 5241, 5247, 5251, 5275, 5277, 5297, 5306, 5340, 5343, 5348, 5356, 5366, 5370, 5385, 5387, 5392, 5396, 5400, 5407, 5418, 5427, 5438, 5456, 5458, 5469, 5495, 5517, 5555, 5624, 5674, 5678, 5698, 5699, 5704, 5709, 5714, 5791, 5745, 5753, 5761, 5781, 5786, 5788, 5789, 5798, 5804, 5810, 5821, 5827, 5842, 5874, 5882, 5889, 5903, 5907, 5916, 5924, 5958, 5984, 5994, 6000, 6004, 6054, 6080, 6107, 6166, 6176, 6234, 6266, 6293, 6335, 6344, 6365, 6430, and 6444.

(d) Subject

Air Transport Association (ATA) of America Code 25, Equipment/furnishings.

(e) Reason

This AD was prompted by in-service experience and further analysis, which showed that the galley 5 without kick-load retainers was unable to withstand the expected loading during several flight phases or in case of emergency landing. We are issuing this AD to prevent galley/trolley detachment and collapse into an adjacent cabin aisle or cabin zone, possibly spreading loose galley equipment items, compartment doors, or leaking fluids. These hazards could block an evacuation route and result in injury to crew or passengers.

(f) Compliance

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

(g) Install Kick-Load Retainers

Within 12 months after the effective date of this AD, install kick-load retainers on the galley 5 trolley compartments as specified in paragraph (g)(1), (g)(2), or (g)(3) of this AD, as applicable. For airplanes on which galley 5 is not installed, no action is required by this paragraph.

(1) For Airbus Model A319–115 airplanes, manufacturer's serial numbers 5678, 5698, 5704, 5745, 5753, 5761, 5781, 5786, 5788, 5789, 5798, 5810, 5827, and 5842, do the installation in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–25–1B29, dated June 19, 2014.

(2) For Airbus Model A320–232 airplanes, manufacturer's serial numbers 5458, 5517, 5624, and 5804, do the installation in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–25–1B30, dated June 19, 2014.

(3) For airplanes not identified in paragraph (g)(1) or (g)(2) of this AD, do the installation 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).

(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 EASA; or Airbus's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(i) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2016–0040, dated March 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–2016–9519.

(2) For more information about this AD, contact Sanjay Ralhan, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1405; fax 425–227–1149.

(3) For service information identified in this AD, contact Airbus, Airworthiness Office—ELAS, 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 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.

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

Dionne Palermo,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2017–22556 Filed 11–8–17; 8:45 am]

BILLING CODE 4910–13–P

FEDERAL TRADE COMMISSION

16 CFR Part 305

[RIN 3084–AB15]

Energy Labeling Rule

AGENCY: Federal Trade Commission (“FTC” or “Commission”).

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Commission proposes to amend the Energy Labeling Rule (“Rule”) by updating ranges of comparability and unit energy cost figures on EnergyGuide labels for dishwashers, furnaces, room air conditioners, and pool heaters. The Commission also proposes to set a compliance date for EnergyGuide labels on room air conditioner boxes.

DATES: Comments must be received by December 4, 2017.

ADDRESSES: Interested parties may file a comment online or on paper by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section

below. Write “Energy Label Ranges, Matter No. R611004” on your comment, and file your comment online at <https://ftcpublic.commentworks.com/ftc/labelranges> by following the instructions on the web-based form. If you prefer to file your comment on paper, mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC-5610 (Annex E), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex E), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT:

Hampton Newsome, (202) 326-2889, Attorney, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Room CC-9528, 600 Pennsylvania Avenue NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION:

I. Background

The Commission issued the Energy Labeling Rule (“Rule”) in 1979,¹ pursuant to the Energy Policy and Conservation Act of 1975 (EPCA).² The Rule requires energy labeling for major home appliances and other consumer products to help consumers compare competing models. It also contains labeling requirements for refrigerators, refrigerator-freezers, freezers, dishwashers, water heaters, clothes washers, room air conditioners, furnaces, central air conditioners, heat pumps, plumbing products, lighting products, ceiling fans, and televisions.

The Rule requires manufacturers to attach yellow EnergyGuide labels to many covered products and prohibits retailers from removing these labels or rendering them illegible. In addition, it directs sellers, including retailers, to post label information on Web sites and in paper catalogs from which consumers can order products. EnergyGuide labels for most covered products contain three key disclosures: Estimated annual energy cost, a product’s energy consumption or energy efficiency rating as determined by DOE test procedures, and a comparability range displaying the highest and lowest energy costs or efficiency ratings for all similar models. For cost calculations, the Rule specifies national average costs for applicable

energy sources (*e.g.*, electricity, natural gas, oil) as calculated by DOE. Under the Rule, the Commission periodically updates comparability range and annual energy cost information based on manufacturer data submitted pursuant to the Rule’s reporting requirements.³ The Rule sets a five-year schedule for updating range of comparability and annual energy cost information.⁴

II. Proposed Amendments

As discussed below, the Commission proposes to update comparability ranges (Appendices A–J to Part 305) and national average energy cost figures (Appendix K to Part 305) for several product categories consistent with the Rule’s five-year schedule. This document also contains changes to EnergyGuide label location for room air conditioners previously announced by the Commission.⁵

A. Comparability Range and Energy Cost Revisions

In accordance with the Rule’s five-year schedule for label updates, the Commission publishes proposed revisions to the comparability range and energy cost information for dishwashers, furnaces, pool heaters, and room air conditioners.⁶ The comparability ranges (*i.e.*, scales) show the highest and lowest energy costs or energy efficiency ratings of models similar to the labeled product. The Commission derives these ranges from annual data submitted by manufacturers. In addition, the Commission is updating the average energy cost figures manufacturers must use to calculate a model’s estimated energy cost for the label based on national average cost figures published by DOE.⁷ To effect these changes, the Commission proposes amendments to the applicable tables in the Rule’s appendices. Manufacturers must begin using this new information on product labels within 90 days after publication

of a final rule in this proceeding. Manufacturers do not have to relabel products labeled prior to the effective date. The Commission also proposes amending the energy cost tables in Appendix K to clarify the cost applicable to various covered products.⁸

The Commission does not propose amending range and cost information for EnergyGuide labels for refrigerators, freezers, clothes washers, water heaters, central air conditioners, and televisions because label information for these products has been updated recently.⁹ Changing labels for these products again would unnecessarily burden manufacturers and potentially confuse consumers by introducing new label information in the marketplace so soon after recent changes.¹⁰

B. Room Air Conditioner Labels on Packages

The proposed amendments also set a compliance date for changes to room air conditioner labels previously announced by the Commission. In 2015, the Commission announced final amendments to require labels on room air conditioner boxes and replace the EER (“Energy Efficiency Ratio”) disclosure with CEER (“Combined Energy Efficiency Ratio”) (80 FR 67285, 67292–3 (Nov. 2, 2015)). However, to reduce burden on manufacturers that use both the U.S. and Canadian labels, the Commission delayed a compliance date announcement until Natural Resources Canada (NRCan), which administers the Canadian EnerGuide labeling program, had announced similar provisions. On December 28, 2016, NRCan published regulatory amendments providing manufacturers the option to print the EnerGuide label on packaging (Canada Gazette, Vol. 150, No. 26 (Dec. 28, 2016)) in lieu of affixing the EnerGuide label to the product. Thus, now it is appropriate to announce a compliance date.

To ensure ample time for manufacturers to redesign packaging, the Commission proposes to set an effective date of October 1, 2018. This date should coincide with the beginning of the product season giving

³ 16 CFR 305.10.

⁴ 16 CFR 305.10.

⁵ The amendments include minor clarifying language to section 305.10(c) regarding the placement of energy cost information on the labels for certain models that have energy costs falling outside of the current ranges. The amendments also include changes to correct rule language in section 305.5 (obsolete reference to LED bulbs), section 305.8 (reference to the timing of reporting requirements), section 305.12 (sample label references for central air conditioners labels), and section 305.16 (plumbing disclosures).

⁶ 16 CFR 305.10. This document also proposes to update the sample labels in the Rule’s appendices to reflect the new range and cost information and to include the minor label content changes discussed in this document.

⁷ 82 FR 21213 (May 5, 2017) (DOE notice for “Representative Average Unit Costs of Energy”).

⁸ Applicable energy cost figures for ceiling fans, lighting products, and televisions appear in sections 305.13 (effective September 17, 2018), 305.15, and 305.17 respectively.

⁹ See 81 FR 63634 (Sept. 15, 2016) (new range information for refrigerators and freezers, water heaters, and central air conditioners effective June 12, 2017); 81 FR 7201 (Feb. 11, 2016) (new ranges for clothes washers effective May 11, 2016); and 80 FR 16259 (Mar. 27, 2015) (updated ranges for televisions effective July 15, 2015).

¹⁰ The Commission followed a similar approach during the last cycle of range and cost updates. See 78 FR 1779 (Jan. 9, 2013).

¹ 44 FR 66466 (Nov. 19, 1979).

² 42 U.S.C. 6294. EPCA also requires the Department of Energy (DOE) to develop test procedures that measure how much energy appliances use, and to determine the representative average cost a consumer pays for different types of energy.

manufacturers ample time to comply without undue burden. However, manufacturers may begin using labels on packages immediately after the Commission publishes final amendments to the ranges.¹¹ Consistent with the Rule's schedule for range updates (§ 305.10), this document includes proposed comparability range updates for room ACs and amendments to transition from the EER to CEER disclosure on the label. Under the Commission's rules, new ranges must appear on labels within 90 days (§ 305.10) following publication of the final range amendments. In meeting the 90-day requirement, room AC manufacturers may either update their existing adhesive labels affixed to the unit itself or transition to the box labels.

III. Request for Comment

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before December 4, 2017. Write "Energy Label Ranges, Matter R611004" on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at <https://www.ftc.gov/policy/public-comments>.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at <https://ftcpublishcommentworks.com/ftc/labelranges>, by following the instructions on the web-based form. If this document appears at <https://www.regulations.gov>, you also may file a comment through that Web site.

If you prefer to file your comment on paper, write "Energy Label Ranges, Matter R611004" on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC-5610 (Annex E), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex E), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Because your comment will be placed on the publicly accessible FTC Web site at <https://www.ftc.gov>, you are solely responsible for making sure that your comment does not include any sensitive or confidential information. In particular, your comment should not include any sensitive personal information, such as your or anyone else's Social Security number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any "trade secret or any commercial or financial information which . . . is privileged or confidential"—as provided by Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled "Confidential," and must comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. See FTC Rule 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted on the public FTC Web site—as legally required by FTC Rule 4.9(b)—we cannot redact or remove your comment from the FTC Web site, unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

Visit the Commission Web site at <https://www.ftc.gov> to read this document and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding, as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before December 4, 2017. You can find more information,

including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at: <https://www.ftc.gov/site-information/privacy-policy>.

Because written comments appear adequate to present the views of all interested parties, the Commission has not scheduled an oral hearing regarding these proposed amendments. Interested parties may request an opportunity to present views orally. If such a request is made, the Commission will publish a document in the **Federal Register** stating the time and place for such oral presentation(s) and describing the procedures that will be followed. Interested parties who wish to present oral views must submit a hearing request, on or before November 24, 2017, in the form of a written comment that describes the issues on which the party wishes to speak. If there is no oral hearing, the Commission will base its decision on the written rulemaking record.

IV. Paperwork Reduction Act

The current Rule contains recordkeeping, disclosure, testing, and reporting requirements that constitute information collection requirements as defined by 5 CFR 1320.3(c), the definitional provision within the Office of Management and Budget (OMB) regulations that implement the Paperwork Reduction Act (PRA). OMB has approved the Rule's existing information collection requirements through November 30, 2019 (OMB Control No. 3084 0069). The proposed amendments do not change the substance or frequency of the recordkeeping, disclosure, or reporting requirements and, therefore, do not require further OMB clearance.

V. Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to a Regulatory Flexibility Act analysis (5 U.S.C. 603–604) are not applicable to this proceeding because the proposed amendments do not impose any new obligations on entities regulated by the Energy Labeling Rule. As explained elsewhere in this document, the proposed amendments do not significantly change the substance or frequency of the recordkeeping, disclosure, or reporting requirements. Thus, the amendments will not have a "significant economic impact on a substantial number of small entities." 5 U.S.C. 605. The Commission has concluded, therefore, that a regulatory flexibility analysis is not necessary, and certifies, under Section 605 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that the proposed amendments

¹¹ The Commission is also updating the label to include CEER disclosures in place of EER as also announced in the November 2, 2015 Rule (80 FR 67285, 67292–3).

will not have a significant economic impact on a substantial number of small entities.

VI. Proposed Rule Language

List of Subjects in 16 CFR Part 305

Advertising, Energy conservation, Household appliances, Labeling, Reporting and recordkeeping requirements.

For the reasons set out above, the Commission proposes to amend 16 CFR part 305 as follows:

PART 305—ENERGY AND WATER USE LABELING FOR CONSUMER PRODUCTS UNDER THE ENERGY POLICY AND CONSERVATION ACT (“ENERGY LABELING RULE”)

■ 1. The authority citation for Part 305 continues to read as follows:

Authority: 42 U.S.C. 6294.

■ 2. In § 305.5, remove paragraph (c) and redesignate paragraph (d) as paragraph (c).

■ 3. In § 305.8, revise paragraph (c) to read as follows:

§ 305.8 Submission of data.

* * * * *

(c) All information required by paragraph (a)(1) through (a)(3) of this section must be submitted for new models prior to any distribution of such model. Models subject to design or retrofit alterations which change the data contained in any annual report shall be reported in the manner required for new models. Models which are discontinued shall be reported in the next annual report.

■ 4. In § 305.10, paragraphs (a) and (b) are revised and paragraph (c)(3) is added to read as follows:

§ 305.10 Ranges of comparability on the required labels.

(a) *Range of estimated annual energy costs or energy efficiency ratings.* The range of estimated annual operating costs or energy efficiency ratings for each covered product (except televisions, ceiling fans, fluorescent lamp ballasts, lamps, metal halide lamp fixtures, showerheads, faucets, water

closets and urinals) shall be taken from the appropriate appendix to this part in effect at the time the labels are affixed to the product. The Commission shall publish revised ranges in the **Federal Register** in 2022. When the ranges are revised, all information disseminated after 90 days following the publication of the revision shall conform to the revised ranges. Products that have been labeled prior to the effective date of a modification under this section need not be relabeled.

(b) *Representative average unit energy cost.* The Representative Average Unit Energy Cost to be used on labels as required by § 305.11 and disclosures as required by § 305.20 are listed in appendices K1 and K2 to this part. The Commission shall publish revised Representative Average Unit Energy Cost figures in the **Federal Register** in 2022. When the cost figures are revised, all information disseminated after 90 days following the publication of the revision shall conform to the new cost figure.

(c) * * *

(3) For refrigerator and refrigerator-freezer labels:

(i) If the model's energy cost falls outside of either or both ranges on the label, include the language in paragraph (c)(2) of this section.

(ii) If the model's energy cost only falls outside of the range for models with similar features, but is within the range for all models, include the product on the scale and place a triangle below the dollar value.

(iii) If the model's energy cost falls outside of both ranges of comparability, omit the triangle beneath the yearly operating cost value.

■ 5. Amend § 305.11 by republishing paragraph (d) introductory text and adding paragraph (d)(3) to read as follows:

§ 305.11 Labeling for refrigerators, refrigerator-freezers, freezers, dishwashers, clothes washers, water heaters, room air conditioners, and pool heaters.

* * * * *

(d) Label types. Except as indicated in paragraph (d)(3) of this section, the labels must be affixed to the product in

the form of an adhesive label or a hang tag as follows:

* * * * *

(3) *Package labels for certain products.* Labels for electric instantaneous water heaters shall be printed on or affixed to the product's packaging in a conspicuous location. Labels for room air conditioners produced on or after October 1, 2018 shall be printed on or affixed to the principal display panel of the product's packaging.

* * * * *

■ 6. In § 305.12, revise paragraphs (g)(12)(ii), (g)(13)(ii), and (g)(14)(ii) to read as follows:

§ 305.12 Labeling for central air conditioners, heat pumps, and furnaces.

* * * * *

(g) * * *

(12) * * *

(iii) A map appropriate for the model and accompanying text as illustrated in the sample label 7 in appendix L.

* * * * *

(13) * * *

(ii) A map appropriate for the model and accompanying text as illustrated in the sample label 7 in appendix L.

* * * * *

(14) For any single-package air conditioner with a minimum EER below 11.0, the label must contain the following regional standards information:

(ii) A map appropriate for the model and accompanying text as illustrated in the sample label 7 in appendix L.

* * * * *

■ 7. Amend § 305.16 by removing paragraph (a)(5).

■ 8. Appendix C1 to Part 305 is revised to read as follows:

Appendix C1 to Part 305—Compact Dishwashers

Range Information

“Compact” includes countertop dishwasher models with a capacity of fewer than eight (8) place settings. Place settings shall be in accordance with appendix C to 10 CFR part 430, subpart B. Load patterns shall conform to the operating normal for the model being tested.

Capacity	Range of estimated annual energy costs (dollars/year)	
	Low	High
Compact	\$17	\$27

- 9. Appendix C2 to Part 305 is revised to read as follows:

Appendix C2 to Part 305—Standard Dishwashers

Range Information

“Standard” includes dishwasher models with a capacity of eight (8) or more place

settings. Place settings shall be in accordance with appendix C to 10 CFR part 430, subpart B. Load patterns shall conform to the operating normal for the model being tested.

Capacity	Range of estimated annual energy costs (dollars/year)	
	Low	High
Standard	\$26	\$40

- 10. Appendix E to Part 305 is revised to read as follows:

Appendix E to Part 305—Room Air Conditioners

Range Information

Manufacturer's rated cooling capacity in Btu's/hr	Range of estimated annual energy costs (dollars/year)	
	Low	High
Without Reverse Cycle and with Louvered Sides:		
Less than 6,000 Btu	\$40	\$53
6,000 to 7,999 Btu	48	72
8,000 to 13,999 Btu	65	127
14,000 to 19,999 Btu	115	182
20,000 and more Btu	189	386
Without Reverse Cycle and without Louvered Sides:		
Less than 6,000 Btu	*	*
6,000 to 7,999 Btu	58	80
8,000 to 13,999 Btu	69	147
14,000 to 19,999 Btu	117	158
20,000 and more Btu	*	*
With Reverse Cycle and with Louvered Sides	68	238
With Reverse Cycle, without Louvered Sides	*	*

* No sufficient data submitted.

- 11. Revise Appendices G1, G2, G3, G4, G5, G6, G7, and G8 to read as follows:

Appendix G1 to Part 305—Furnaces—Gas

Furnace type	Range of annual fuel utilization efficiencies (AFUEs)	
	Low	High
Non-Weatherized Gas Furnaces—All Capacities	80.0	98.7
Weatherized Gas Furnaces—All Capacities	81.0	95.0

Appendix G2 to Part 305—Furnaces—Electric

Furnace type	Range of annual fuel utilization efficiencies (AFUEs)	
	Low	High
Electric Furnaces—All Capacities	100.0	100.0

Appendix G3 to Part 305—Furnaces—Oil

Type	Range of annual fuel utilization efficiencies (AFUEs)	
	Low	High
Non-Weatherized Oil Furnaces—All Capacities	83.0	96.7
Weatherized Oil Furnaces—All Capacities	78.0	83.0

Appendix G4 to Part 305—Mobile Home Furnaces—Gas

Type	Range of annual fuel utilization efficiencies (AFUEs)	
	Low	High
Mobile Home Gas Furnaces—All Capacities	80.0	97.3

Appendix G5 to Part 305—Mobile Home Furnaces—Oil

Type	Range of annual fuel utilization efficiencies (AFUEs)	
	Low	High
Mobile Home Oil Furnaces—All Capacities	80.0	87.0

Appendix G6 to Part 305—Boilers (Gas)

Type	Range of annual fuel utilization efficiencies (AFUEs)	
	Low	High
Gas Boilers (except steam)—All Capacities	82.0	96.8
Gas Boilers (steam)—All Capacities	80.4	83.4

Appendix G7 to Part 305—Boilers (Oil)

Type	Range of annual fuel utilization efficiencies (AFUEs)	
	Low	High
Oil Boilers—All Capacities	84.0	90.0

Appendix G8 to Part 305—Boilers (Electric)

Type	Range of annual fuel utilization efficiencies (AFUEs)	
	Low	High
Electric Boilers—All Capacities	100	100

■ 12. Appendices J1 and J2 are revised to read as follows:

Appendix J1 to Part 305—Pool Heaters—Gas Range Information

Manufacturer's rated heating capacities	Range of thermal efficiencies (percent)			
	Natural gas		Propane	
	Low	High	Low	High
All capacities	82.0	96.0	82.0	96.0

Appendix J2 to Part 305—Pool Heaters—Oil

Manufacturer's rated heating capacities	Range of thermal efficiencies (percent)	
	Low	High
All capacities	(*)	(*)

* No data submitted.

■ 13. Appendix K to Part 305 is removed and Appendices K1 and K2 are added to read as follows:

Appendix K1 to Part 305—Representative Average Unit Energy Costs for Refrigerators, Refrigerator-Freezers, Freezers, Clothes Washers, and Water Heater Labels

This Table contains the representative unit energy costs that must be utilized to calculate

estimated annual energy cost disclosures required under sections 305.11 and 305.20 for refrigerators, refrigerator-freezers, freezers, clothes washers, and water heaters. This Table is based on information published by the U.S. Department of Energy in 2013.

Type of energy	In commonly used terms	As required by DOE test procedure
Electricity	¢12.00/kWh ^{2 3}	\$.1200/kWh.
Natural Gas	\$1.09/therm, ⁴ \$11.12/MCF ^{5 6}	\$0.0000109/Btu.
No. 2 heating oil	\$3.80/gallon ⁷	\$0.00002740/Btu.
Propane	\$2.41/gallon ⁸	\$0.00002639/Btu.
Kerosene	\$4.21/gallon ⁹	\$ 0.00003119/Btu.

¹ Btu stands for British thermal unit.

² kWh stands for kiloWatt hour.

³ 1 kWh = 3,412 Btu.

⁴ 1 therm = 100,000 Btu. Natural gas prices include taxes.

⁵ MCF stands for 1,000 cubic feet.

⁶ For the purposes of this table, 1 cubic foot of natural gas has an energy equivalence of 1,023 Btu.

⁷ For the purposes of this table, 1 gallon of No. 2 heating oil has an energy equivalence of 138,690 Btu.

⁸ For the purposes of this table, 1 gallon of liquid propane has an energy equivalence of 91,333 Btu.

⁹ For the purposes of this table, 1 gallon of kerosene has an energy equivalence of 135,000 Btu.

Appendix K2 to Part 305—Representative Average Unit Energy Costs for Dishwasher and Room Air Conditioner Labels

This Table contains the representative unit energy costs that must be utilized to calculate

estimated annual energy cost disclosures required under sections 305.11 and 305.20 for dishwashers and room air conditioners. This Table is based on information published by the U.S. Department of Energy in 2017.

Type of energy	In commonly used terms	As required by DOE test procedure
Electricity	¢13.00/kWh ^{2 3}	\$.1300/kWh.
Natural Gas	\$1.05/therm ⁴ or \$10.86/MCF ^{5 6}	\$0.00001052/Btu.
No. 2 Heating Oil	\$2.59/gallon ⁷	\$0.00001883/Btu.
Propane	\$1.53/gallon ⁸	\$0.00001672/Btu.
Kerosene	\$3.01/gallon ⁹	\$0.00002232/Btu.

¹ Btu stands for British thermal units.

² kWh stands for kilowatt hour.

³ 1 kWh = 3,412 Btu.

⁴ 1 therm = 100,000 Btu.

⁵ MCF stands for 1,000 cubic feet.

⁶ For the purposes of this table, one cubic foot of natural gas has an energy equivalence of 1,032 Btu.

⁷ For the purposes of this table, one gallon of No. 2 heating oil has an energy equivalence of 137,561 Btu.

⁸ For the purposes of this table, one gallon of liquid propane has an energy equivalence of 91,333 Btu.

⁹ For the purposes of this table, one gallon of kerosene has an energy equivalence of 135,000 Btu.

* * * * *

■ 14. In Appendix L, revise sample labels 3 and 4, add sample label 6, and

revise sample labels 9, and 9A to read as follows:

* * * * *

BILLING CODE 6750-01-P

U.S. Government	Federal law prohibits removal of this label before consumer purchase.	
ENERGYGUIDE ↓		
Dishwasher Capacity: Standard		XYZ Corporation Models G39, X88, Z33

Estimated Yearly Energy Cost
(when used with an electric water heater)

\$21

\$26

\$40

Cost Range of Similar Models
The estimated yearly energy cost of this model was not available at the time the range was published.

165 kWh Estimated Yearly Electricity Use	\$12 Estimated Yearly Energy Cost (when used with a natural gas water heater)
---	--

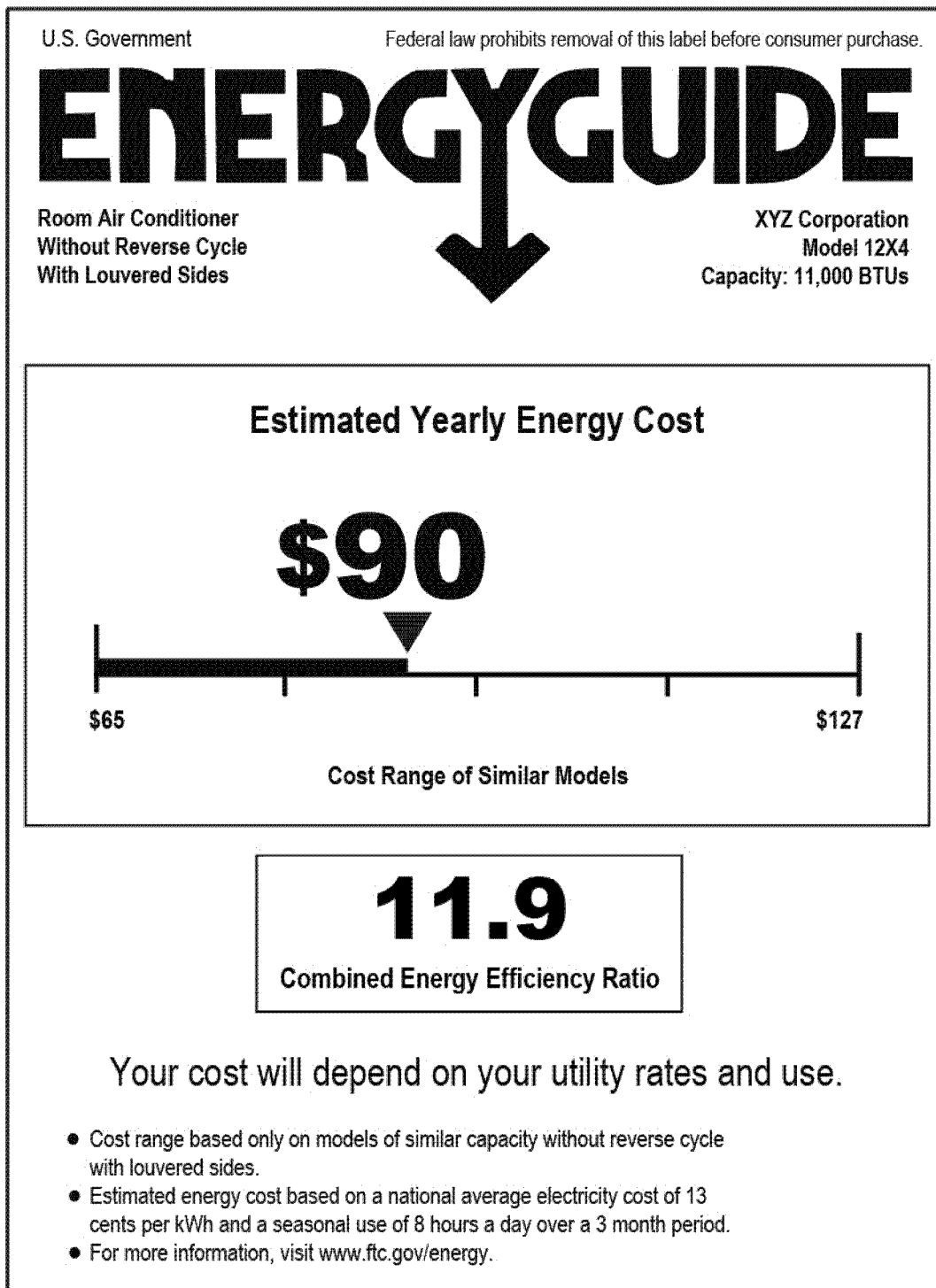
Your cost will depend on your utility rates and use.

- Cost range based only on standard capacity models.
- Estimated energy cost based on four wash loads a week and a national average electricity cost of 13 cents per kWh and natural gas cost of \$1.05 per therm.
- For more information, visit www.ftc.gov/energy.

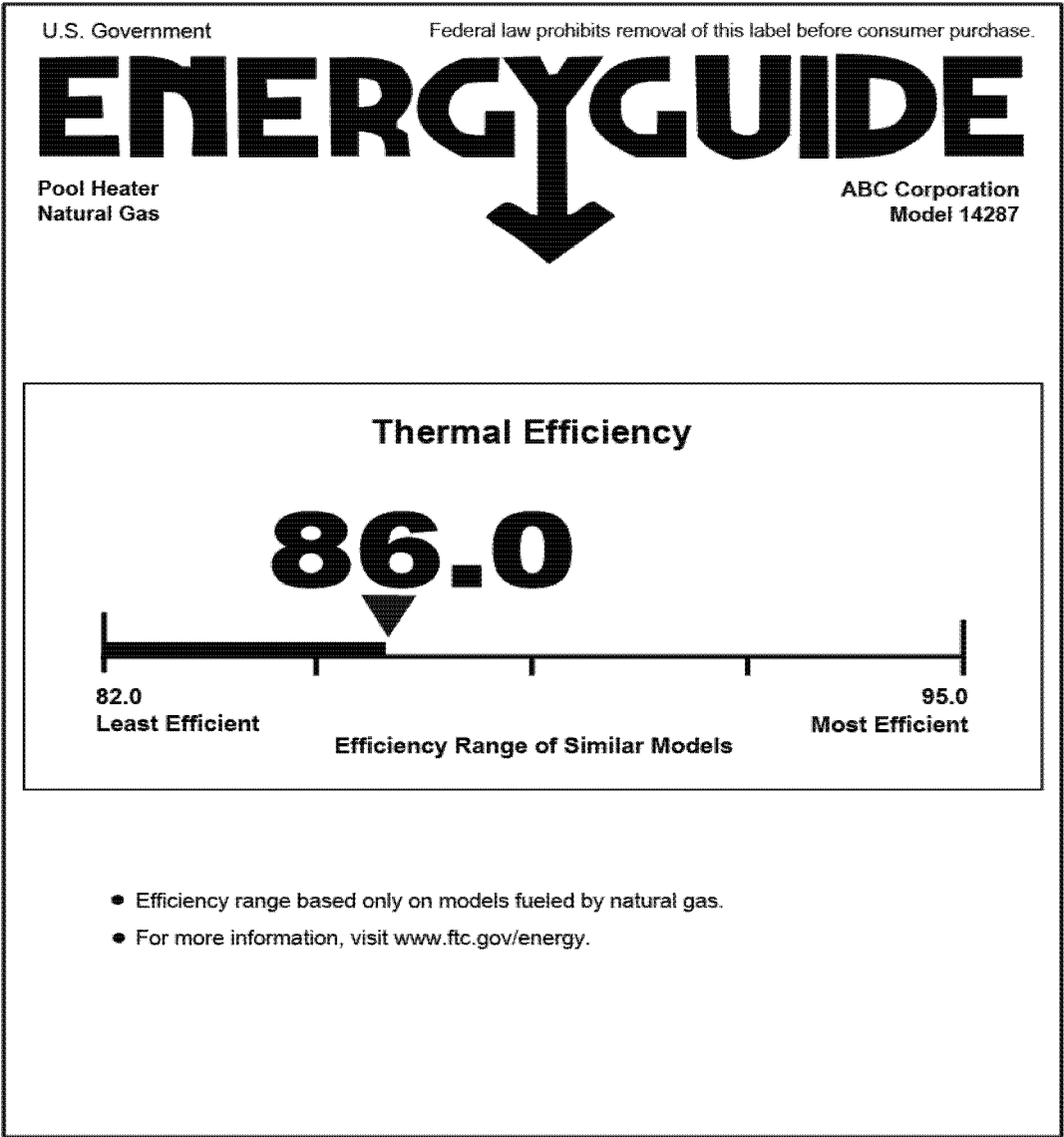


Sample Label 3

* * * * *

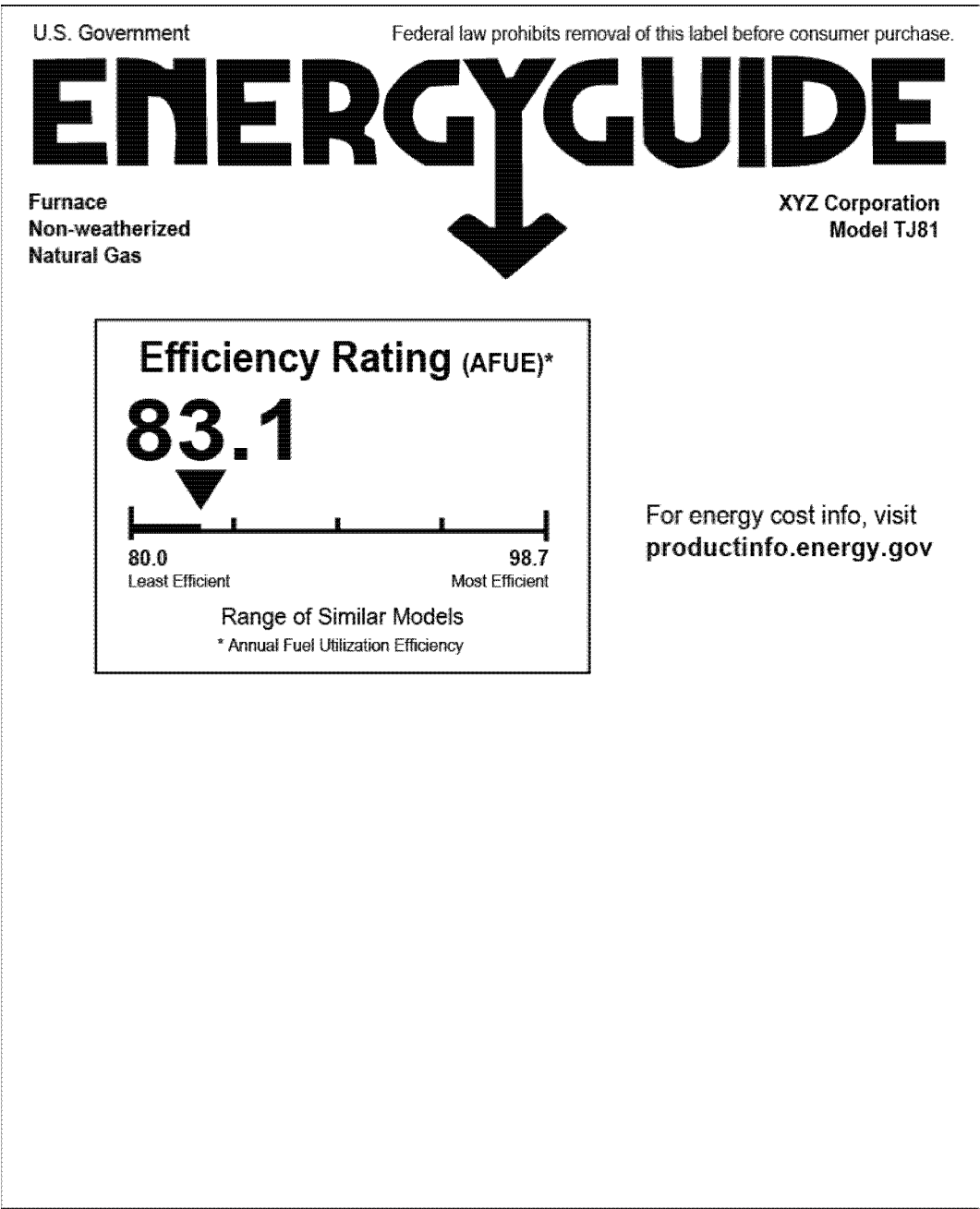


Sample Label 4



SAMPLE LABEL 6 – POOL HEATER

* * * * *



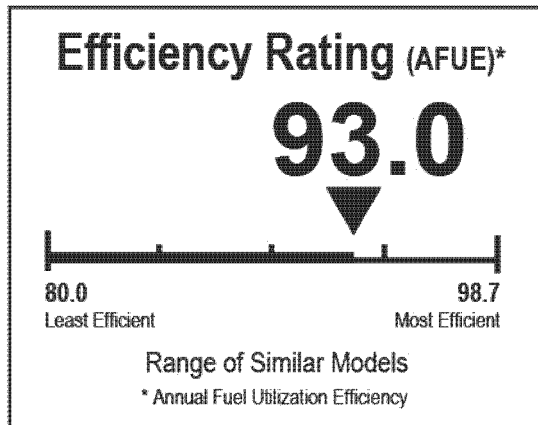
U.S. Government

Federal law prohibits removal of this label before consumer purchase.

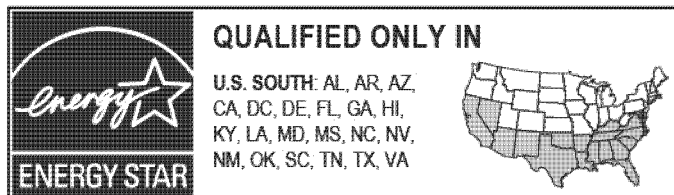
ENERGYGUIDE

Furnace
Non-weatherized
Natural Gas

XYZ Corporation
Model 5XC4



For energy cost info, visit
productinfo.energy.gov



Sample Label 9A

* * * * *

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2017-24381 Filed 11-8-17; 8:45 am]

BILLING CODE 6750-01-C

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 11 and 101

[Docket No. FDA-2011-F-0172]

Menu Labeling: Supplemental Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notification of availability.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing the availability of a draft guidance for industry entitled “Menu Labeling: Supplemental Guidance for Industry.” The draft guidance, when finalized, will address concerns raised by stakeholders regarding the implementation of nutrition labeling required for foods sold in covered establishments. It includes expanded and new interpretations of policy, and identifies places where FDA intends to be more flexible in its approach. This draft guidance also includes many graphical depictions in order to convey our thinking on various topics and to provide examples of options for implementation. It addresses calorie disclosure signage for self-service foods, including buffets and grab-and-go foods; reasonable basis, and the criteria for considering the natural variation of foods; various methods for providing calorie disclosure information, including those for pizza; compliance and enforcement; and criteria for distinguishing between menus and other information presented to the consumer.

DATES: Submit either electronic or written comments on the draft guidance by January 8, 2018 to ensure that the Agency considers your comment on the 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-2011-F-0172 for “Menu Labeling: Supplemental Guidance for Industry.” 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.” We will review this copy, including the claimed confidential information, in our 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 Office of Nutrition and Food Labeling, HFS-800, Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740. Send two self-addressed adhesive labels to assist that office in processing your request. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance.

FOR FURTHER INFORMATION CONTACT:

Ashley Rulffes, Center for Food Safety and Applied Nutrition (HFS-820), Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240-402-2371.

SUPPLEMENTARY INFORMATION:

I. Background

We are announcing the availability of a draft guidance for industry entitled “Menu Labeling Supplemental Guidance for Industry.” We are issuing the draft guidance consistent with our good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on this topic. It does not establish any rights for any person, and is not binding on FDA or the public. You can use an alternate approach if it satisfies the requirements of the

applicable statutes and regulations. This guidance is not subject to Executive Order 12866.

In the **Federal Register** of December 1, 2014 (79 FR 71156), we published a final rule on nutrition labeling of standard menu items in restaurants and similar retail food establishments to implement the menu labeling provisions of section 403(q)(5)(H) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343(q)(5)(H)). The menu labeling requirements are codified at Title 21 of the Code of Federal Regulations, § 101.11 (21 CFR 101.11).

In the **Federal Register** of May 4, 2017 (82 FR 20825), we published an interim final rule (IFR) extending the compliance date to May 7, 2018. Our goals are to ensure that consumers are provided with consistent nutrition information they can use to make informed choices for themselves and their families, and to guide industry in clearly understanding the flexible ways in which the requirements can be implemented.

This draft guidance addresses concerns raised by stakeholders regarding the implementation of nutrition labeling required for foods sold in covered establishments. The draft guidance reflects extensive further analysis by FDA in light of the comments we received to the IFR. In addition, given extensive further analysis by the Agency, we are withdrawing Questions and Answers 5.17 and 5.18 in our previous guidance entitled “A Labeling Guide for Restaurants and Retail Establishments Selling Away-From-Home Foods—Part II (Menu Labeling Requirements in Accordance With FDA’s Food Labeling Regulations)” announced in the **Federal Register** of May 5, 2016 (81 FR 27067). We address the issue of distinguishing between menus and other information presented to the consumer in this draft guidance, and once finalized, this will represent our current thinking on this topic. The draft guidance also includes many graphical depictions to further illustrate our thinking on various topics. As previously stated, although you can comment on any guidance at any time

(see 21 CFR 10.115(g)(5)), we do not intend to extend the comment period for the guidance, as we intend to finalize this guidance and provide clarity to the industry on these remaining questions ahead of the new compliance date of May 7, 2018.

II. Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in § 101.11(b)(2), (c)(3), and (d) have been approved under OMB control number 0910–0783.

III. Electronic Access

Persons with access to the internet may obtain the draft guidance at either <https://www.fda.gov/FoodGuidances> or <https://www.regulations.gov>. Use the FDA Web site listed in the previous sentence to find the most current version of the guidance.

Dated: November 2, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–24246 Filed 11–7–17; 11:15 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 73

[Docket No. FDA–2017–C–6238]

Colorcon, Inc.; Filing of Color Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notification of petition.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing that we have filed a petition, submitted by Colorcon, Inc.,

proposing that the color additive regulations be amended by expanding the permitted uses of synthetic iron oxide as a color additive to include use in dietary supplement tablets and capsules.

DATES: The color additive petition was filed on October 3, 2017.

ADDRESSES: For access to the docket to read background documents or 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:

Molly A. Harry, Center for Food Safety and Applied Nutrition, Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240–402–1075.

SUPPLEMENTARY INFORMATION: Under section 721(d)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379e(d)(1)), we are giving notice that we have filed a color additive petition (CAP 7C0308), submitted by Colorcon, Inc., 275 Ruth Rd., Harleysville, PA 19438. The petition proposes to amend the color additive regulations in § 73.200 (21 CFR 73.200) *Synthetic iron oxide* by expanding the permitted uses of synthetic iron oxide as a color additive to include use in dietary supplement tablets and capsules with a proposed limit of 5 milligrams, calculated as elemental iron, per day for labeled dosages.

We have determined under 21 CFR 25.32(k) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Dated: November 6, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–24421 Filed 11–8–17; 8:45 am]

BILLING CODE 4164–01–P

Notices

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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 COMMERCE

National Oceanic and Atmospheric Administration

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Atlantic Highly Migratory Species Individual Bluefin Quota (IBQ) Tracking.

OMB Control Number: 0648–0677.

Form Number(s): None.

Type of Request: Regular (revision and extension of a currently approved information collection).

Number of Respondents: 220.

Average Hours per Response: 10 minutes for initial application for IBQ account; 15 minutes per IBQ allocation lease.

Burden Hours: 54.

Needs and Uses: Amendment 7 to the 2006 Consolidated HMS Fishery Management Plan (79 FR 71510, December 2, 2014) implemented individual bluefin tuna quota (IBQ) shares and allocations for vessels permitted in the Atlantic Tunas Longline Category and Atlantic Tunas Purse Seine Category. IBQs are intended to fairly and effectively allocate limited quota for incidental capture of bluefin tuna among vessels in the Longline category, while minimizing dead discards and discouraging interactions with bluefin tuna, and better utilizing the Purse seine category quota. An on-line system developed by the NOAA National Marine Fisheries Service (NMFS) tracks allocations and allocation leases, and reconciles leases with bluefin tuna catches for quota monitoring. The extension of this

collection of information will allow NMFS to continue to account for the reporting burden associated with allocation and lease tracking. There are no new requirements. Renewals of account requests are no longer required, and appeals are no longer applicable.

Affected Public: Business or other for-profit organizations.

Frequency: On occasion.

Respondent's Obligation: Mandatory.

This information collection request may be viewed at reginfo.gov. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to OIRA_Submission@omb.eop.gov or fax to (202) 395–5806.

Dated: November 6, 2017.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2017–24426 Filed 11–8–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[X_{RI}N 0648–X_F763]

Marine Mammals; Pinniped Removal Authority

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

ACTION: Notice; request for comments.

SUMMARY: On October 6, 2017, NMFS received an application under section 120 of the Marine Mammal Protection Act (MMPA) from the state of Oregon (state) requesting authorization to intentionally take, by lethal methods, individually identifiable California sea lions (CSLs; *Zalophus californianus*) in the Willamette River that are having a significant negative impact on the recovery of Upper Willamette River (UWR) steelhead and UWR Chinook salmon (*Onchorhynchus spp.*). Both of these salmonid fishery stocks are listed as threatened under the Endangered Species Act (ESA) of 1973.

This authorization is requested as part of a larger effort to protect and recover

listed salmonid stocks in the Willamette River basin. NMFS has determined that the application contains sufficient information to warrant establishing a Pinniped-Fishery Interaction Task Force (Task Force), which will be established after the closing of a public comment period. NMFS solicits public comments on the state's application, other relevant information related to pinniped predation on salmonids in the Willamette River, and nominations for potential members of a Task Force.

DATES: Comments must be received by January 8, 2018.

ADDRESSES: You may submit comments, identified by NOAA–NMFS–2017–0126, by any of the following methods:

- **Electronic Submissions:** Submit all electronic public comments via the Federal eRulemaking Portal <http://www.regulations.gov>. Go to <https://www.regulations.gov/docket?D=NOAA-NMFS-2017-0126>, click the “Comment Now!” icon, complete the required fields, and enter or attach your comments.

- **Mail:** Comments on the application should be addressed to: National Marine Fisheries Service, 1201 NE Lloyd Blvd., Suite 1100, Portland, OR 97232; ATTN: Protect Resources Division, Portland Branch Chief, NOAA–NMFS–2017–0126.

Instructions: All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. All personal identifying information (e.g., name, address, etc.) voluntarily submitted by the commenter may be publically accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

NMFS will accept anonymous comments (enter “N/A” in the required fields, if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Robert Anderson, NMFS, West Coast Region (503) 231–2226.

SUPPLEMENTARY INFORMATION:

Electronic Access

The state's application is available via the Internet at the following address: http://www.westcoast.fisheries.noaa.gov/protected_species/marine_mammals/fisheries_interactions.html.

Statutory Authority

Section 120 of the MMPA (16 U.S.C. 1361, *et seq.*) allows the Secretary of Commerce, acting through the Assistant Administrator for Fisheries, and the West Coast Regional Administrator of NMFS, to authorize the intentional lethal taking of individually identifiable pinnipeds that are having a significant negative impact on the decline or recovery of salmonid fishery stocks which have been listed as threatened or endangered species under the ESA, are approaching threatened species or endangered species status (as those terms are defined in that Act), or migrate through the Ballard Locks at Seattle, Washington. The authorization applies only to pinnipeds that are not listed under the ESA, or designated as a depleted or strategic stock under the MMPA. California sea lions are neither listed under the ESA nor have they been designated as a depleted or strategic stock under the MMPA. Pursuant to section 120(b) and (c) of the MMPA, a state may request authorization to lethally remove pinnipeds, and the Regional Administrator is required to: (1) Review the application to determine whether the applicant has produced sufficient evidence to warrant establishing a Task Force to address the situation described in the application; (2) publish a notice in the **Federal Register** requesting public comment on the application, if sufficient evidence has been produced; (3) establish and convene a Task Force; (4) consider any recommendations made by the Task Force in making a determination whether to approve or deny the application; and (5) if approved, immediately take steps to implement the intentional lethal taking, which shall be performed by Federal or state agencies, or qualified individuals under contract to such agencies.

The MMPA requires the Task Force be composed of the following: (1) NMFS/NOAA staff, (2) scientists who are knowledgeable about the pinniped interaction, (3) representatives of affected conservation and fishing community organizations, (4) Indian Treaty tribes, (5) the state, and (6) such other organizations as NMFS deems appropriate. The Task Force reviews the state's application, the factors contained in section 120(d), and public comments and, as required by section 120, recommends to NMFS whether to approve or deny the application. The Task Force is also required to submit with its recommendation a description of the specific pinniped individual or individuals; the proposed location, time, and method of such taking; criteria

for evaluating the success of the action; the duration of the intentional lethal taking authority; and a suggestion for non-lethal alternatives, if available and practicable, including a recommended course of action.

Background

On October 6, 2017, NMFS received an application signed by the director of the Oregon Department of Fish and Wildlife (ODFW) on the state's behalf, requesting authorization under section 120 of the MMPA to intentionally take, by lethal methods, individually identifiable CSLs in the vicinity of Willamette Falls, which are having a significant negative impact on the decline or recovery of salmonid fishery stocks listed as threatened under the ESA. According to the state's application, impacted salmon and steelhead include UWR steelhead (threatened) and UWR Chinook salmon (threatened).

On October 10, 2017, NMFS provided the director of the ODFW a letter acknowledging receipt of the application and a determining that the application produced sufficient evidence of the problem interaction to warrant establishing a Task Force.

The state's application provides information on studies conducted by the state that document when pinniped predation occurs in the vicinity of Willamette Falls, numbers of pinnipeds present, numbers of individual sea lions observed, numbers of salmonids consumed, the proportion of all salmonids passing Willamette Falls that are taken by pinnipeds in the vicinity of Willamette Falls, and a population viability analysis that predicts the extinction risks to UWR steelhead due to pinniped predation.

The state began a pinniped predation monitoring program at Willamette Falls in 1995 followed by a CSL branding program in Astoria, Oregon, in 1997 to monitor foraging behavior throughout the Columbia River basin. The trend in CSL abundance at the Willamette Falls over this period has been steadily upward, with single-day maximum counts increasing each year as follows: 27 (2014), 32 (2015), 35 (2016), and at least 40 (2017). The state's application indicates that pinniped predation on wild UWR steelhead and wild UWR Chinook salmon in 2014 was estimated at 780 (12 percent of the total return) and 496 (7 percent of the total return) fish, respectively. In 2015 pinniped predation on wild UWR steelhead and wild UWR Chinook salmon was estimated at 577 (11 percent of the total return) and 899 (9 percent of the total return) fish, respectively. In 2016

pinniped predation on wild UWR steelhead and wild UWR Chinook salmon was estimated at 915 (14 percent of the total return) and 650 (9 percent of the total return) fish, respectively. In 2017 pinniped predation on wild UWR steelhead and wild UWR Chinook salmon was estimated at 270 (25 percent of the total return) and 399 (6 percent of the total return) fish, respectively. Pinniped predation estimates at Willamette Falls represent a minimum of the total river-wide predation because they apply only to the area immediately in the vicinity of Willamette Falls, apply only to the sampling period, and CSLs have been documented feeding on salmonids throughout the Columbia River estuary.

The state initiated non-lethal deterrence methods to deter CSLs at Willamette Falls starting in 2010, with the goal to move CSLs down river and away from Willamette Falls to reduce predation on salmon and steelhead stocks. However, these efforts, like the non-lethal deterrence efforts at Ballard Locks and Bonneville Dam, have been largely unsuccessful. Over time, non-lethal deterrence methods have done little to eliminate or reduce predation of salmon and steelhead at Ballard Locks, Bonneville Dam, and Willamette Falls. Despite more than 35 years of exhaustive efforts to find an effective, long-term, non-lethal solution to eliminating or reducing predation on salmonids, such efforts have proven to be unsuccessful. With this in mind, the state, as stated in their application, proposes not to conduct non-lethal hazing concurrent with the lethal removal as efforts to non-lethally deter CLSs have proven ineffective at reducing or eliminating the problem interaction.

The state proposes to lethally remove a limited number of CSLs in the vicinity of Willamette Falls. In addition to animals located in the vicinity of Willamette Falls, all individually identifiable CSLs that have been documented feeding on salmonids, and have been approved for lethal removal by NMFS, would be candidates for removal without restriction to time or location. Annual removals under the proposed action are expected to be less than 0.5 percent of the Potential Biological Removal (PBR) level for CSLs (current PBR level is 9,200 animals out of an estimated population of 296,740). Individual CSLs would be lethally removed by humane methods following recommendations of a Safety and Animal Care committee convened by the state.

The proposed action to address pinniped predation is part of a

comprehensive salmon and steelhead recovery strategy. As reported in the application, significant actions to address the decline of salmon and steelhead stocks in the Willamette River basin have been underway for several decades, and are progressing each year as a result of the implementation of ESA recovery plans throughout the Willamette River basin. These actions include harvest reductions, hydroelectric system mitigation, habitat restoration, predation management, and hatchery reforms.

In their application, the state asserts that taking no action or continued use of only non-lethal methods will likely result in an expansion of the problem interaction by allowing CSLs to become recruited into the pool of nuisance animals. The expected benefit of permanent removal of the animals in question will be to reduce a significant source of mortality that has jeopardized state, Federal, and non-governmental efforts to recover ESA-listed salmon and steelhead stocks in the Willamette River basin. The state's population viability analysis predicts that elimination of the problem interaction will reduce the probability of extinction of the three independent UWR steelhead populations from 20–64 percent to <5 percent.

In considering whether the application should be approved or denied, the MMPA requires that the Task Force and NMFS consider: (1) Population trends, feeding habits, the location of the pinniped interaction, how and when the interaction occurs, involved; (2) past efforts to deter such pinnipeds, and whether the applicant has demonstrated that no feasible and prudent alternatives exist and that the applicant has taken all reasonable nonlethal steps without success; (3) the extent to which such pinnipeds are causing undue injury impact to, or imbalance with, other species in the ecosystem, including fish populations; and (4) the extent to which such pinnipeds are exhibiting behavior that presents an ongoing threat to public safety. The NMFS West Coast Regional Administrator has considered the state's application and determined that it provides sufficient evidence to warrant establishing a Task Force. The application describes the means of identifying individual pinnipeds, includes a detailed description of the problem interaction between pinnipeds and listed salmonids in the vicinity of Willamette Falls, and describes the expected benefits of potential taking of pinnipeds. The application also documents the state's past non-lethal

efforts to deter pinnipeds in the vicinity of Willamette Falls.

Request for Comments and Other Information

NMFS solicits public comments on the state's application and any additional information that should be considered by the Task Force in making its recommendation, or by NMFS in making its determination whether to approve or deny the application. NMFS is interested in receiving additional information related to the factors that must be considered in determining whether to approve or deny the application (see Background), and on the impact of sea lion predation in the vicinity of Willamette Falls on the affected salmonid stocks.

NMFS requests that comments be specific. In particular, we request information regarding: (1) Observations of pinnipeds (number, species and predation on salmonids) in the Willamette River;

(2) Information on areas where numbers of pinnipeds are concentrated in the Willamette River, including resting/haul out sites and locations where pinnipeds have been repeatedly observed taking salmonids; and

(3) Dates when pinnipeds have been observed in the Willamette River.

NMFS also solicits the names and affiliations of experts from the academic and scientific community, tribes, Federal and state agencies, and the private sector for consideration as potential Task Force members. A Task Force, established under section 120(c) of the MMPA must, to the maximum extent practicable, consist of an equitable balance among representatives of resource users and non-users as outlined above. The state's application included a list of suggested agencies and organizations for inclusion in the Task Force (see Electronic Access). Nominations for Task Force membership must include sufficient background information (*e.g.*, 1-page resume) on the candidate to allow us to judge their expertise and should indicate the prospective candidate's willingness to serve without compensation.

Dated: November 3, 2017.

Donna S. Wieting,

*Director, Office of Protected Resources,
National Marine Fisheries Service.*

[FR Doc. 2017–24352 Filed 11–8–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; West Coast Region Groundfish Trawl Fishery Monitoring and Catch Accounting Program

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before January 8, 2018.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at pracomments@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to the West Coast Regional Office—7600 Sand Point Way NE., Seattle, WA 98115, Keeley Kent, telephone number ((206) 526–4655), or keeley.kent@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for extension of a currently approved information collection.

In January 2011, the National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) implemented a trawl rationalization program, a catch share program, for the Pacific coast groundfish fishery's trawl fleet. The program was developed through Amendment 20 to the Groundfish Fishery Management Plan (FMP), under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) and consists of an individual fishing quota (IFQ) program for the shorebased trawl fleet (including whiting and non-whiting fisheries); and cooperative (coop) programs for the at-sea mothership (MS) and catcher/processor (C/P) trawl fleets (whiting only). Fixed allocations to the limited entry trawl fleet were developed

through a parallel process with Amendment 21 to the FMP. The regulations implementing the program were effective January 1, 2011; all of the necessary tracking systems to make the program operational became active on January 11, 2011, the date fishing began under the new program. Since that time, the Council and NMFS have been addressing implementation issues as they arise. To achieve individual accountability for catch and bycatch and track total catch, the shorebased IFQ Program is subject to 100 percent monitoring both at-sea and dockside. In addition to 100 percent monitoring at-sea, motherships and catcher/processors are subject to flow scale requirements that include daily testing, reporting, and an annual inspection.

II. Method of Collection

This collection utilizes both electronic and paper forms, depending on the specific item. Methods of submittal include email of electronic forms, and mail and facsimile transmission of paper forms.

III. Data

OMB Control Number: 0648–0619.
Form Number(s): None.

Type of Review: Regular (extension of a current information collection).

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 155.

Estimated Time per Response: 10 hours for a Provider permit, 2 hours for an annual renewal, 4 hours each for appeals and catch monitoring plans; 1 hour each for a catch monitor qualification inseason testing of shorebased scales; 2 hours for an inspection; 10 minutes each for first receiver reports and electronic fish tickets; 1 minute for Pacific whiting disposition recordkeeping; 30 minutes for daily at-sea scale testing reports, 10 minutes for daily at-sea scale catch and cumulative weight reports, 1 minute each for at-sea scale audit trail, at-sea scale calibration log, and at-sea scale fault log, and 0 minutes for at-sea scale video monitoring.

Estimated Total Annual Burden Hours: 1,826.

Estimated Total Annual Cost to Public: \$14,628 in recordkeeping/reporting costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the

agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: November 6, 2017.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2017–24382 Filed 11–8–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: West Coast Region Highly Migratory Species Vessel Identification Requirements.

OMB Control Number: 0648–0361.

Form Number(s): None.

Type of Request: Regular (extension of a currently approved information collection).

Number of Respondents: 1,700.

Average Hours per Response: All but purse seine vessels, 45 minutes; purse seine vessels, 1 hour, 15 minutes.

Burden Hours: 644.

Needs and Uses: This request is for extension of a current information collection. Regulations at 50 CFR 660.704 require that all commercial fishing vessels with permits issued under authority of the National Marine Fishery Service's (NMFS) Fishery Management Plan for United States (U.S.) West Coast Highly Migratory Species Fisheries display the vessel's official number (U.S. Coast Guard documentation number or state registration number). The numbers must be of a specific size and format and located at specified locations. The official number must be affixed to each

vessel subject to this section in block Arabic numerals at least 10 inches (25.40 centimeters) in height for vessels more than 25 feet (7.62 meters) but equal to or less than 65 feet (19.81 meters) in length; and 18 inches (45.72 centimeters) in height for vessels longer than 65 feet (19.81 meters) in length. Markings must be legible and of a color that contrasts with the background. The display of the identifying number aids in fishery law enforcement. This requirement does not apply to recreational charter vessels.

Affected Public: Business or other for-profit organizations; individuals or households.

Frequency: Biennially.

Respondent's Obligation: Required to obtain or retain benefits.

This information collection request may be viewed at reginfo.gov. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to OIRA_Submission@omb.eop.gov or fax to (202) 395–5806.

Dated: November 6, 2017.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2017–24425 Filed 11–8–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Availability of Norfolk Harbor Navigation Improvements Draft General Reevaluation Report/Environmental Assessment

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of availability.

SUMMARY: The U.S. Army Corps of Engineers (USACE) in association with the nonfederal sponsor, the Virginia Port Authority, an agent of the Commonwealth of Virginia, announces the availability of the Norfolk Harbor Navigation Improvements Draft General Reevaluation Report/Environmental Assessment (GRR/EA) for public review and comment. The purpose of this Draft GRR/EA is to identify whether the original authorized plan is still in the federal interest and to evaluate alternatives that have the potential to improve the current and future operational efficiency of commercial vessels currently using the Norfolk

Harbor. Channel deepening and widening alternatives were evaluated as well as the No Action/Future Without Project Alternative. Pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended, the USACE developed the draft GRR/EA to examine and assess the impacts of the project alternatives and determined that implementation of the Proposed Action would have not have significant impacts.

This study was authorized by Section 216 of the Flood Control Act of 1970 (Pub. L. 91-611), which authorizes the review of completed federal projects in the interest of navigation and related purposes to determine the feasibility of further port deepening.

DATES: The Draft GRR/EA is available for a 30-day review period. Written comments, pursuant to the NEPA, will be accepted until the close of public review at the close of business on December 10, 2017.

ADDRESSES: Written comments or questions from the public may be submitted to the U.S. Army Corps of Engineers, Norfolk District, ATTN: Ms. Kimberly Koelsch, Planning Branch, Environmental Analysis Section (CENAO-WR-PE), Norfolk, VA 23510 or via email to kimberly.c.koelsch@usace.army.mil.

FOR FURTHER INFORMATION CONTACT: Ms. Kimberly Koelsch, U.S. Army Corps of Engineers, Norfolk District, VA 23510, 757-201-7837 or via email at kimberly.c.koelsch@usace.army.mil.

SUPPLEMENTARY INFORMATION: The document is available at the following locations:

(1) USACE Norfolk Harbor and Channels Deepening Project Web site: <http://www.nao.usace.army.mil/About/Projects/Norfolk-Harbor-Channel-Deepening/>.

(2) Slover Public Library, 235 East Plume Street, Norfolk, VA 23510.

(3) Copies may also be requested in writing at (see **ADDRESSES**).

Proposed Action. The Study Area is located in Hampton Roads, a 25 square-mile natural harbor serving port facilities in the cities of Norfolk, Newport News, Portsmouth, Chesapeake, and Hampton in southeastern Virginia. The study area consists of a network of federally-improved channels extending from Atlantic Ocean Channel to Lamberts Bend (on the Elizabeth River). The project has not been constructed, nor is it maintained, to its authorized depth.

The Action Alternative consists of constructing and maintaining the following features:

- Deepening the Atlantic Ocean Channel to a required depth of approximately 59 feet.
- Deepening the Thimble Shoal Channel to a required depth of approximately 56 feet.
- Widening the Thimble Shoal Channel Meeting Areas (one on each side of the Chesapeake Bay Bridge Tunnel) to approximately 1,200 feet (an additional 200 feet from current conditions) and deepening where necessary to a required depth of 56 feet.
- Deepening Anchorage F to a required depth of approximately 55 feet.
- Deepening the Norfolk Harbor Channel to a required depth of approximately 55 feet.
- Deepening the Newport News Channel to a required depth of approximately 55 feet.
- Associated Operations and Maintenance Activities.

Implementation of the Preferred Alternative would have the potential to impact water quality, benthic resources, cultural resources, floodplains, federally listed threatened and endangered species, marine mammals, and other natural resources. The Proposed Action must be located in a floodplain in order to use the Craney Island Dredged Material Management Area (CIDMMA) as a dredged material placement site. The Proposed Action will adhere to the 8-step process as outlined under Executive Order 11988, Floodplain Management.

Alternatives. The Draft GRR/EA considers a reasonable range of widening and deepening alternatives in the project channels, meetings areas, and anchorages to meet the proposed action's purpose and need. It also incorporates measures to avoid and minimize impacts to threatened and endangered species, fish and wildlife species, estuarine and marine habitat, and other resources. In response to problems and opportunities, a range of alternatives was evaluated through an iterative screening and formulation process, resulting in identification of a Preferred Alternative.

Public Involvement. On September 22, 2015, a Notice of Intent to publish an EA was published, along with information on a NEPA public scoping meeting on September 25, 2015. A **Federal Register** Notice was also published to announce the initiation of the feasibility study and also the public NEPA scoping meeting. As part of the public involvement process, all affected federal, Commonwealth of Virginia, and local agencies, private organizations, and the public were invited to the

Public Scoping Meeting on September 25, 2017 in Norfolk, VA.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2017-24395 Filed 11-8-17; 8:45 am]

BILLING CODE 3720-58-P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Availability of the Final Environmental Impact Statement for the Lower Bois d'Arc Creek Reservoir Project, Fannin County, TX

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of availability.

SUMMARY: The U.S. Army Corps of Engineers (USACE) Tulsa District has prepared a Final Environmental Impact Statement (FEIS) to analyze the direct, indirect, and cumulative effects of the construction of the proposed Lower Bois d'Arc Creek Reservoir (LBRCR) and related actions proposed by the North Texas Municipal Water District (NTMWD) in Fannin County, Texas. The Proposed Action is a regional water supply project intended to provide up to 175,000 acre-feet/year (AFY), with an estimated firm yield of 120,665 AFY, of new water for NTMWD's member cities and direct customers in all or portions of nine counties in northern Texas—Collin, Dallas, Denton, Fannin, Hopkins, Hunt, Kaufman, Rains, and Rockwall. Construction of the reservoir and related facilities would result in permanent impacts to approximately 5,874 acres of wetlands, 651,140 linear feet of streams, and 78 acres of open waters. This action requires authorization from the USACE under Section 404 of the Clean Water Act. The Section 404 permit applicant is the NTMWD.

DATES: The FEIS will be used to inform the final USACE decision on this proposal. In accordance with the NEPA regulations, a final decision will not be made before December 9, 2017.

ADDRESSES: Comments, if any, regarding the FEIS must be submitted by December 9, 2017, to Mr. Andrew R. Commer, Regulatory Office Chief, USACE Tulsa District (CESWT-RO), 2488 East 81st Street, Tulsa, Oklahoma 74137-4290, or via email: ceswt-ro@usace.army.mil. Comments submitted by email must include "FEIS Lower Bois d'Arc Creek Reservoir" in the subject line.

FOR FURTHER INFORMATION CONTACT: Mr. Andrew R. Commer, USACE Tulsa

District, Regulatory Office at 918-669-7400.

SUPPLEMENTARY INFORMATION: The FEIS was prepared in accordance with the National Environmental Policy Act (NEPA) of 1969, as amended, and the USACE regulations for NEPA implementation (33 Code of Federal Regulations [CFR] parts 230 and 325 (with associated Appendices B and C)). The USACE Tulsa District, Regulatory Office is the lead federal agency responsible for the FEIS and information contained in the EIS will serve as the basis for a decision whether or not to issue a Section 404 permit. All comments received on the Revised Draft EIS (RDEIS), to include the Draft EIS (DEIS) comments not specifically addressed in the RDEIS, are reflected and responses are provided in the accompanying Comment Categories and Responses Document. It also provides information for Federal, State, and local agencies having jurisdictional responsibility for affected resources.

The USACE has determined that the basic project purpose in the present case is to develop a new water supply for the applicant NTMWD and its member cities and customers.

The purpose of the FEIS is to provide decision-makers and the public with information pertaining to the Proposed Action and Alternatives, and to disclose environmental impacts and identify mitigation measures to reduce impacts. NTMWD proposes to build the LBCR with a total storage capacity of approximately 367,609 acre-feet. A dam approximately 10,400 feet (about 2 miles) long and up to 90 feet high would be constructed, and much of the reservoir footprint would be cleared of trees and built structures. NTMWD also proposes to construct several related facilities or connected actions. These include a raw water intake pump station and electrical substation at the reservoir site, as well as a 90 to 96-inch diameter buried pipeline to carry raw water from the new reservoir approximately 35 miles in a southwesterly direction. The raw water pipeline will connect to a new water treatment plant (WTP)—the “North WTP”—and terminal storage reservoir (TSR) that would be located west of the City of Leonard, also in Fannin County, Texas. The North WTP and TSR will be constructed regardless of whether NTMWD receives a Section 404 permit to proceed with the Proposed Action; the North WTP and TSR are not part of the Proposed Action. A number of rural roads within the footprint and in the vicinity of the proposed reservoir would have to be closed or relocated; the most significant

of these is FM 1396, which would be relocated to cross the reservoir in a different alignment on an entirely new bridge that would need to be constructed.

An aquatic resources mitigation plan has been prepared by the applicant to comply with the federal policy of “no overall net loss of wetlands” and to provide compensatory mitigation, to the extent practicable, for impacts to other waters of the United States that would be impacted by construction of the proposed reservoir. NTMWD has purchased a 14,960-acre parcel of land known as the Riverby Ranch, which borders the Red River. This working ranch is located downstream of the proposed project within both the same watershed (Bois d’Arc Creek) and the same county (Fannin). NTMWD acquired the Riverby Ranch specifically because its biophysical features have the potential to provide a portion of the appropriate mitigation for the proposed project. Additional mitigation is proposed within a 1,900-acre upstream site and within the proposed reservoir itself. Though not part of the proposed mitigation plan, Bois d’Arc Creek downstream of the reservoir will receive environmental flow releases as a result of an operations plan and flow regime established in consultation with the Texas Commission on Environmental Quality (TCEQ), and stipulated in the Water Rights Permit issued by TCEQ to NTMWD.

The U.S. Environmental Protection Agency Region 6, U.S. Forest Service, U.S. Fish and Wildlife Service, and the Texas Parks and Wildlife Department participated as cooperating agencies in the formulation of the FEIS.

On December 8, 2009, the USACE held a NEPA EIS public scoping meeting in Bonham, Texas. On March 24, 2015, the USACE held a public meeting during the comment period on the previous DEIS. On March 27, 2017, the USACE published the availability of the RDEIS in response to comments received on the DEIS. The revision and publication of this FEIS is informed by public and agency comment on the original DEIS and RDEIS and changes have been made to address commented issues. No public meeting is planned during this comment period. Copies of the FEIS will be available for review at the USACE Tulsa District Office, the permit applicant’s office in Wylie Texas, and at four locations in the project area in Fannin County, Texas, addresses of each as follows.

1. Bonham Public Library, 305 East 5th Street, Bonham, TX 75418; (903) 583-3128.

2. Sam Rayburn Library, 800 West Sam Rayburn Drive, Bonham, TX 75418; (903) 583-2455.

3. Bertha Voyer Memorial Library, 500 6th Street, Honey Grove, TX 75446; (903) 378-2206.

4. Leonard Public Library, 102 South Main Street, Leonard, TX 75452; (903) 587-2391.

5. North Texas Municipal Water District headquarters, 505 East Brown Street, Wylie, TX 75098.

6. U.S. Army Corps of Engineers, Tulsa District, Regulatory Office, 2488 East 81st Street, Tulsa, OK 74137-4290.

Electronic copies of the FEIS may be obtained from the USACE Tulsa District, Regulatory Office or its Web site at <http://www.swt.usace.army.mil/Missions/Regulatory/Tulsa-District-Environmental-Impact-Statements/>.

Edward M. Parisotto,

Acting Chief, Regulatory Office, Tulsa District.

[FR Doc. 2017-24396 Filed 11-8-17; 8:45 am]

BILLING CODE 3720-58-P

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-9036-1]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564-7146 or <http://www2.epa.gov/nepa/>.

Weekly receipt of Environmental Impact Statements (EIS)
Filed 10/30/2017 Through 11/03/2017
Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA’s comment letters on EISs are available at: <https://cdxnodengn.epa.gov/cdx-nepa-public/action/eis/search>.

EIS No. 20170220, Draft, NSF, WV, Green Bank Observatory, Comment Period Ends: 01/08/2018, Contact: Elizabeth Pentecost (703) 292-4907.
EIS No. 20170221, Draft, USFS, CA, San Gabriel River Confluence with Cattle Canyon Improvements Project, Comment Period Ends: 12/26/2017, Contact: Chinling Chen (626) 574-5255.

Dated: November 6, 2017.

Kelly Knight,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2017-24424 Filed 11-8-17; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY**[FRL-9969-84-OW]****Clean Water Act; Contractor Access to Confidential Business Information****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice of intended transfer of Confidential Business Information to contractor and its subcontractors.

SUMMARY: The Environmental Protection Agency (EPA) intends to transfer confidential business information (CBI) collected from numerous industries under a newly awarded contract to Eastern Research Group (ERG) and its subcontractors. Transfer of this information is necessary for ERG to assist the Office of Water in the preparation of effluent guidelines and standards and with its effluent guidelines planning and review activities. Much of the information being transferred was or will be collected under the authority of section 308 of the Clean Water Act (CWA). Interested persons may submit comments on this intended transfer of information to the address noted below.

DATES: Comments on the transfer of data are due November 14, 2017.

ADDRESSES: Comments may be sent to M. Ahmar Siddiqui, Document Control Officer, Engineering and Analysis Division (4303T), U.S. EPA, 1200 Pennsylvania Ave. NW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: M. Ahmar Siddiqui, Document Control Officer, at (202) 566-1044, or via email at siddiqui.ahmar@epa.gov.

SUPPLEMENTARY INFORMATION: EPA has transferred CBI to various contractors and subcontractors over the history of the effluent guidelines program under 40 CFR 2.302(h). EPA determined that this transfer was necessary to enable the contractors and subcontractors to perform their work in supporting EPA in planning, developing, and reviewing effluent guidelines and standards for certain industries.

Today, pursuant to 40 CFR 2.302(h)(2), EPA is giving notice that it has entered into a new contract with ERG, contract number EP-C-17-041, located in Chantilly, Virginia. The purpose of this contract is to secure technical and engineering analysis support for EPA in its development, review, implementation, and defense of water-related initiatives for a variety of industries. To obtain assistance in responding to this contract, ERG has entered into contracts with the

following subcontractors and consultant: PG Environmental, LLC (located in Chantilly, Virginia and Golden, Colorado), Great Lakes Environmental Center (located in Traverse City, Michigan and Columbus, Ohio), LimnoTech (located in Ann Arbor, Michigan), Mabbett & Associates, Inc. (located in Bedford, Massachusetts), RESPEC Consulting and Services (located in Mountain View, California), The Water Planet Company (located in New London, Connecticut), and Jack Martin (located in Georgetown, Delaware).

All EPA contractor, subcontractor, and consultant personnel are bound by the requirements and sanctions contained in their contracts with EPA and in EPA's confidentiality regulations found at 40 CFR part 2, subpart B. ERG will adhere to an EPA-approved security plan which describes procedures to protect CBI. ERG will apply the procedures in this plan to CBI previously gathered by EPA and to CBI that may be gathered in the future. The security plan specifies that contractor personnel are required to sign non-disclosure agreements and are briefed on appropriate security procedures before they are permitted access to CBI. No person is automatically granted access to CBI: A need to know must exist.

The information that will be transferred to ERG consists of information previously collected by EPA to support the development and review of effluent limitations guidelines and standards under the CWA and that EPA had transferred to ERG under a previous contract with them. In particular, information, including CBI, collected for the planning, development, and review of effluent limitations guidelines and standards for the following industries may be transferred to ERG under the new contract: Airport deicing; aquaculture; centralized waste treatment; coal bed methane; concentrated animal feeding operations; coal mining; construction and development; drinking water treatment; industrial container and drum cleaning; industrial laundries; industrial waste combustors; iron and steel manufacturing; landfills; meat and poultry products; metal finishing; metal products and machinery; nonferrous metals manufacturing; oil and gas extraction (including coalbed methane); ore mining and dressing; organic chemicals, plastics, and synthetic fibers; pesticide chemicals; petroleum refining; pharmaceutical manufacturing; pulp, paper, and paperboard manufacturing; shale gas extraction; steam electric power generation; textile mills; timber

products processing; tobacco; transportation equipment cleaning; and other industrial categories that EPA has reviewed as part of its CWA required annual review activities.

EPA also intends to transfer to ERG all information listed in this notice, of the type described above (including CBI) that may be collected in the future under the authority of section 308 of the CWA or voluntarily submitted (e.g., in comments in response to a **Federal Register** notice), as is necessary to enable ERG to carry out the work required by its contract to support EPA's effluent guidelines planning and review process and the development of effluent limitations guidelines and standards.

Dated: November 3, 2017.

Deborah G. Nagle,

Acting Director, Office of Science and Technology, Office of Water.

[FR Doc. 2017-24427 Filed 11-8-17; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL DEPOSIT INSURANCE CORPORATION**Notice of Termination of the Receivership of 10511, Highland Community Bank, Chicago, IL**

The Federal Deposit Insurance Corporation (FDIC or Receiver), as Receiver for 10511, Highland Community Bank, Chicago, Illinois, has been authorized to take all actions necessary to terminate the receivership estate of Highland Community Bank (Receivership Estate); the Receiver has made all dividend distributions required by law. The Receiver has further irrevocably authorized and appointed FDIC-Corporate as its attorney-in-fact to execute and file any and all documents that may be required to be executed by the Receiver which FDIC-Corporate, in its sole discretion, deems necessary; including but not limited to releases, discharges, satisfactions, endorsements, assignments, and deeds. Effective November 1, 2017, the Receivership Estate has been terminated, the Receiver discharged, and the Receivership Estate has ceased to exist as a legal entity.

Dated: November 6, 2017.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2017-24428 Filed 11-8-17; 8:45 am]

BILLING CODE 6714-01-P

FEDERAL ELECTION COMMISSION**Sunshine Act Meeting**

TIME AND DATE: Tuesday, November 14, 2017 at 10:00 a.m. and its continuation at the conclusion of the open meeting on November 16, 2017.

PLACE: 999 E Street NW., Washington, DC.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Compliance matters pursuant to 52 U.S.C. 30109.

* * * * *

CONTACT PERSON FOR MORE INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694-1220.

Laura E. Sinram,

Deputy Secretary of the Commission.

[FR Doc. 2017-24531 Filed 11-7-17; 4:15 pm]

BILLING CODE 6715-01-P

GENERAL SERVICES ADMINISTRATION

[Notice-MA-2017-08; Docket No. 2017-0002, Sequence No. 20]

Federal Travel Regulation (FTR); Requirement To Report Agency Travel, Transportation, and Relocation Data and Costs

AGENCY: Office of Government-wide Policy (OGP), General Services Administration (GSA).

ACTION: Notice of FTR Bulletin 18-02, Requirement to Report Agency Travel, Transportation, and Relocation Data and Costs.

SUMMARY: The purpose of this notice is to inform Federal agencies that FTR Bulletin 18-02, pertaining to the reporting of travel, transportation, and relocation data and costs is now available online at www.gsa.gov/ftrbulletin.

DATES: November 9, 2017.

FOR FURTHER INFORMATION CONTACT: Mr. Cy Greenidge, Office of Government-wide Policy, Office of Asset and Transportation Management, at 202-219-2349, or by email at travelpolicy@gsa.gov. Please cite Notice of FTR Bulletin 18-02.

Authority: 5 U.S.C. 5707(c).

Dated: October 27, 2017.

Allison Fahrenkopf Brigati,

Associate Administrator, Office of Government-wide Policy, General Services Administration.

[FR Doc. 2017-24258 Filed 11-8-17; 8:45 am]

BILLING CODE 6820-14-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Centers for Disease Control and Prevention**

[30Day-18-1036]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled *Community Assessment for Public Health Emergency Response (CASPER)* to the Office of Management and Budget (OMB) for review and approval. CDC previously published a "Proposed Data Collection Submitted for Public Comment and Recommendations" notice on May 31, 2017 to obtain comments from the public and affected agencies. CDC did not receive comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) 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;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639-7570 or send an email to omb@cdc.gov. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW.,

Washington, DC 20503 or by fax to (202) 395-5806. Provide written comments within 30 days of notice publication.

Proposed Project

Community Assessment for Public Health Emergency Response (CASPER) (OMB Control Number 0920-1036, Expiration 12/31/2017)—Revision—National Center for Environmental Health (NCEH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The National Center for Environmental Health (NCEH) is requesting a revision of a currently approved generic information collection plan to reduce the number of burden hours associated with conducting Community Assessments for Public Health Emergency Response (CASPERs). Specifically, NCEH seeks to make the following changes:

- Decrease the number of proposed CASPERs conducted annually from 15 to 6.
- Decrease the number of total annual respondents from 3,200 to 1,284, resulting in a burden reduction of 946 hours.
- Update respondent costs to reflect current wage data from 2015.

CASPER is an effective public health tool designed to quickly provide low-cost, household-based information about a community's needs and health status in a simple, easy-to-understand format for decision-makers during a public health emergency. A CASPER can be conducted as part of disaster/emergency response to help inform decision-making and resource distribution.

CASPERs comprise household interviews (approximately 30-minutes long) with an adult (≥18 years of age) household member. Households are identified using a 2-stage process so that they are representative of an entire area. Data are collected about the current household needs (e.g., water, medicine, medical services), aggregated, and provided to the state or other responding agency.

Each time a CASPER is conducted, it is tailored to the current needs of public health and, if appropriate, emergency managers. Because these CASPERs are requested by states during disasters or emergencies, it is important that CDC have the ability to gain urgent approval for data collection.

In the past three years, CDC has conducted two CASPERs. These CASPERs were in support of the California Drought in Mariposa County and the West Virginia Flooding of 2016. The 2016 California Drought CASPER

was a successful collaboration between California Department of Public Health, the Mariposa County Health Department, and CDC, which helped characterize the impacts of drought in Mariposa County as well as actions households have taken. These results were useful in allocating resources for response to the drought and in strengthening the emergency preparedness capacity of Mariposa County. The 2016 West Virginia Flood CASPERs assessed household disaster preparedness, access to health care, health impacts due to flood damage,

health information sources, and stage of disaster recovery. Approval of this revised generic information collection plan will allow CDC to continue to provide low-cost, household-based information about a community's needs and health status in a simple, easy-to-understand format for decision makers during public health emergencies.

Based on the experience of the past three years, NCEH requests changes to this generic information collection plan to reduce the number of CASPERs conducted annually, reduce the number of referral forms completed, and update

respondent costs to reflect wage data from 2015. The revised estimated burden is based on conducting 6 emergency CASPERs per year, interviewing 210 households (the respondents) per CASPER, and completing 24 referral forms per year. The total burden requested for this generic information collection plan is 631 hours from 1,284 respondents (see table below). This is a reduction in burden of 946 hours from the previously approved generic information collection plan. There is no cost to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Households in the selected geographic area to be assessed.	CASPER Questionnaire	1,260	1	30/60
Households in the selected geographic area to be assessed.	Referral Form	24	1	2/60

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. 2017-24418 Filed 11-8-17; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day-18-18CV; Docket No. CDC-2017-0102]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled "Rapid Response Suicide Investigation Data Collection." CDC will

use information collected to respond to urgent requests for CDC assistance.

DATES: CDC must receive written comments on or before January 8, 2018.

ADDRESSES: You may submit comments, identified by Docket No. CDC-2017-0102 by any of the following methods:

- *Federal eRulemaking Portal:*

Regulations.gov. Follow the instructions for submitting comments.

- *Mail:* Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS-D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov*.

Please note: Submit all comments through the Federal eRulemaking portal (regulations.gov) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS-D74, Atlanta, Georgia 30329; phone: 404-639-7570; Email: omb@cdc.gov.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501-3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each

collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

5. Assess information collection costs.

Proposed Project

Rapid Response Suicide Investigation Data Collection—New—National Center for Injury Prevention and Control (NCIPC), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

CDC is frequently called upon to respond to urgent requests from one or more external partners (*e.g.*, local, state, territory, and tribal health authorities; other federal agencies; local and state leaders; schools; or other partner organizations) to conduct investigations of suicide. Supporting rapid investigations to inform the implementation of effective suicide prevention strategies is one of the most important ways CDC can serve to protect and promote the health of the public. Prior to this information collection request, CDC had collected data for a suicide investigation via the OMB-approved Emergency Epidemic Investigations (EEL) generic information collection plan (OMB Control Number 0920–1011; expiration date 3/31/2020), which supported data collections for Epi-Aid investigations. However, this mechanism is no longer available for rapid suicide responses due to the narrowing in scope of that generic. CDC requests a three-year approval of a generic information collection plan that allows for rapid response to urgent CDC assistance requests to investigate an apparent and unexplained potential cluster or increase in suicidal behavior.

CDC designed the *Rapid Response Suicide Investigation Data Collections* specifically to inform the implementation of prevention strategies in a state, county, community, or vulnerable population where a possible suicide cluster or increasing trend has been observed. CDC will not use this generic information collection plan to conduct research studies or to collect data designed to draw conclusions about the United States or areas beyond the defined geographic location or vulnerable population that is the focus of the investigation.

These public health data are used by external partners (*e.g.*, local, state, territory, and tribal health authorities; other federal agencies; local and state leaders; schools; or other partner organizations) to identify, prioritize, and implement strategies to prevent suicidal behavior and suicide.

Rapid Response Suicide Investigation Data Collections methods will vary and depend on the unique circumstances of the urgent and rapid response and objectives determined by CDC. Investigations may use descriptive and/or cohort- or case-control designs. Data collection modes may include: (a) Archival record abstraction; (b) face-to-face interview; (c) telephone interview; (d) web-based questionnaire; (e) self-administered questionnaire; and (f) focus groups. CDC will likely employ multiple data collection designs and modes in a single investigation. The subpopulation will vary and depend on

the unique circumstances of the *Rapid Response Suicide Investigation Data Collections*.

Requests for assistance may include a state, county, community, or vulnerable population. Suicide rates are increasing across age-groups and vulnerable populations, include, but are not limited to, youth, middle-aged adults, active duty service personnel, veterans, and American Indian/Alaska Native communities. Investigations likely will often require collection of information from 10 or more respondents. The data analytic approach for the *Rapid Response Suicide Investigation Data Collection* will vary and depend on the objectives and methods of the investigation.

Multiple analytical strategies are likely to be employed in a single investigation. This may include descriptive analyses, logistic regression, and temporal and spatial cluster analyses. The goal of the analyses is to inform suicide prevention strategies by understanding (a) significant increases in fatal or nonfatal suicidal behavior; (b) the risk factors associated with trends of fatal or nonfatal suicidal behavior; (c) the groups most affected (*e.g.*, gender, age, location in community or state); and (d) current risk and protective factors and prevention opportunities. The total estimated annualized burden for this collection is 1,000 hours. The only cost to respondents will be time spent responding to the surveys.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Rapid Response Suicide Investigation Data Collection Participants.	Rapid Response Suicide Investigation Data Collection Instruments.	2,000	1	30/60	1,000
Total .....	.....	.....	.....	.....	1,000

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. 2017–24404 Filed 11–8–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Centers for Disease Control and Prevention**

[30Day–18–17ZX]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled “Childhood Blood Lead Surveillance (CBLS) and Adult Blood Lead Epidemiology and

Surveillance (ABLES)” to the Office of Management and Budget (OMB) for review and approval. CDC previously published a “Proposed Data Collection Submitted for Public Comment and Recommendations” notice on April 6, 2017 to obtain comments from the public and affected agencies. CDC did not receive comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget

is particularly interested in comments that:

(a) 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;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639-7570 or send an email to OMB@cdc.gov. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503 or by fax to (202) 395-5806. Provide written comments within 30 days of notice publication.

Proposed Project

Childhood Blood Lead Surveillance (CBLS) and Adult Blood Lead Epidemiology and Surveillance (ABLES)—New—National Center for Environmental Health (NCEH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Over the past several decades, there have been substantial efforts in environmental lead abatement, improved protection from occupational lead exposure, and a reduction in the prevalence of population blood-lead levels (BLLs) over time. U.S. population BLLs have substantially decreased over the last four decades. For example, the CDC has reported the 1976–1980 U.S. BLL mean in children, 6 months to 5 years, as 16.0 micrograms per deciliter ($\mu\text{g}/\text{dL}$); and among adults, 18 to 74 years, as 14.1 $\mu\text{g}/\text{dL}$. More recently, the CDC reported the 2009–2010 U.S. BLL geometric means among children, 1 to 5 years, and among adults, 20 years and older, as 1.2 $\mu\text{g}/\text{dL}$. Despite the

reduction in the overall population BLL over four decades, lead exposures continue to occur at unacceptable levels for individuals in communities and workplaces across the nation. As of 2015, both the National Center for Environmental Health (NCEH) and the National Institute for Occupational Safety and Health (NIOSH) define elevated BLLs as greater than or equal to 5 $\mu\text{g}/\text{dL}$ for individuals of all ages.

NCEH is leading this new three-year information collection project that covers two CDC information collections, one for childhood blood lead surveillance by NCEH and another for adult blood lead surveillance by NIOSH. Thus, blood lead surveillance over the human lifespan is covered under this single ICR, specifically for children, less than 16 years, through the NCEH Childhood Blood Lead Surveillance (CBLS) Program, and for adults, 16 years and older, through the NIOSH Adult Blood Epidemiology and Surveillance (ABLES) Program.

The goal of the NCEH CBLS Program is to support blood lead screening and to promote primary prevention of exposure to lead. Also, the CBLS Program supports secondary prevention of adverse health effects when lead exposures occur in children through improved program management and oversight in respondent jurisdictions.

This new information collection project will cover the NCEH Fiscal Year 2017 (FY17) three-year cooperative agreement, titled “Lead Poisoning Prevention—Childhood Lead Poisoning Prevention—financed partially by Prevention and Public Health Funds” (Funding Opportunity Announcement [FOA] No. CDC-RFA-EH17-1701-PPHF17). The first year of this new program, with 48 awardees, will run concurrently with the final and fourth budget year for “PPHF 2014: Lead Poisoning Prevention—Childhood Lead Poisoning Prevention—financed solely by 2014 Prevention and Public Health Funds” (FOA No. CDC-RFA-EH14-1408PPHF14). The information collection project titled “Healthy Homes and Lead Poisoning Surveillance System (HHLPS)” (OMB Control Number 0920-0931; expiration date 05/31/2018) is funded by an existing four-year FY14 cooperative agreement with up to 40 awardees. Returning awardees will submit childhood blood lead surveillance data under HHLPS for the final year of the FY14 program, and then will continue to submit data for the second year of the FY17 program under this new project.

New FY17 awardees will submit CBLS data only under this new information collection project. NCEH is

requesting approval for the following differences for the new program: (1) Clarifying awardees’ procedures for data delivery into the CBLS system; and (2) revising the CBLS Variables forms to remove healthy homes variables. Based on available FY17 funds, NCEH is also requesting the following: (3) Increasing the number of potential NCEH respondents from 40 to 48; and (4) increasing the NCEH annual time burden from 640 to 760 hours.

On a quarterly basis, CDC anticipates that up to 47 CBLS respondents will submit quarterly text files of individual blood lead test records. Based on experience, CDC also anticipates that one awardee will report quarterly aggregated records to CBLS. The estimated annual time burden for NCEH CBLS is 760 hours.

The goal of the NIOSH Adult Blood Lead Epidemiology and Surveillance (ABLES) Program is to build state capacity for adult blood lead surveillance programs to measure trends in adult blood lead levels and to prevent lead over-exposures. CDC is taking this opportunity to provide the public with a detailed description of the NIOSH ABLES information collection. Previously, ABLES was included but not fully described in the HHLPS information collection request (OMB Control Number 0920-0931; expiration date 05/31/2018). To correct for this omission, NIOSH is requesting approval for the following: (1) Providing a detailed description of the authority and scope of the ABLES information reporting procedures; (2) adding 40 NIOSH respondents to the burden table; and (3) adding 280 hours for the NIOSH annual time burden. Once approved in this new information collection request, CDC will submit a revision request to remove the description of the ABLES Program from the existing HHLPS project.

On an annual basis, and in addition to a brief narrative report of notable lead surveillance activities in the past year, NIOSH gives ABLES respondents the option to report either individual adult case blood lead results or aggregate counts of adult blood lead test results. NIOSH anticipates that 80 percent of state programs will send case records and 20 percent will send aggregate records. The estimated annual time burden for NIOSH ABLES is 280 hours.

In total, CDC is requesting approval for a total annual time burden of 1,040 hours. CDC defines respondents as State or local health departments, or their Bona Fide agents, with lead poisoning prevention programs.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
State or Local Health Departments, or their Bona Fide Agents.	Childhood Blood Lead Surveillance (CBLS) Variables—Text Files.	47	4	4
State or Local Health Departments, or their Bona Fide Agents.	CBLS—Aggregate Records Form	1	4	2
State or Local Health Departments, or their Bona Fide Agents.	Adult Blood Lead Epidemiology and Surveillance (ABLES) Case Records Form and Brief Narrative Report.	32	1	8
State or Local Health Departments, or their Bona Fide Agents.	ABLES Aggregate Records Form and Brief Narrative Report.	8	1	3

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. 2017–24417 Filed 11–8–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention.

[60Day–18–18AF]

Proposed Data Collection Submitted for Public Comment and Recommendations—Assessments To Inform Program Refinement for HIV, Other STD, and Pregnancy Prevention Among Middle and High-School Aged Youth

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) requested publication of a document in the **Federal Register**. Document 2017–24317, Proposed Data Collection Submitted for Public Comment and Recommendations—*Assessments to Inform Program Refinement for HIV, other STD, and Pregnancy Prevention among Middle and High-School Aged Youth*, has been scheduled to publish on November 8, 2017. The document provided the incorrect docket number (CDC–2018–0093).

FOR FURTHER INFORMATION CONTACT: Leroy Richardson, 1600 Clifton Road, MS D–74, Atlanta, GA 30333; telephone (404) 639–4965; email: omb@cdc.gov.

Correction

Correct the docket number to read:
[Docket No. CDC–2017–0093]

Dated: November 3, 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. 2017–24388 Filed 11–8–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–18–17AMO]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled “Assessment of Ill Worker Policies Study” to the Office of Management and Budget (OMB) for review and approval. CDC previously published a “Proposed Data Collection Submitted for Public Comment and Recommendations” notice on July 14, 2017 to obtain comments from the public and affected agencies. CDC did not receive comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) 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;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information,

including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to omb@cdc.gov. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

Assessment of Ill Worker Policies Study—New—National Center for Environmental Health (NCEH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Centers for Disease Control and Prevention (CDC) is requesting a new three-year OMB clearance to conduct information collection entitled “Assessment of Ill Worker Policies Study.” CDC’s National Center for Environmental Health implements the Environmental Health Specialists Network (EHS-Net) program, which conducts studies to identify and understand environmental factors associated with foodborne illness outbreaks and other food safety issues (*e.g.*, ill food workers). These data are

essential to environmental public health regulators' efforts to respond more effectively to and prevent future outbreaks by identifying underlying causes and intervention strategies.

EHS-Net is a collaborative project of the CDC, the U.S. Food and Drug Administration (FDA), the U.S. Department of Agriculture (USDA), industry partners and eight state and local public health departments (California, Minnesota, New York, New York City, Rhode Island, Tennessee, Southern Nevada Health District, and Harris County Texas). CDC funds these state and local health departments, which enables them to collaborate on study design, collect study data, and co-analyze study data with CDC. The federal partners also provide funding and input into study design and data analysis. Ill food service workers have long been identified as a source of contamination in restaurants. The 2013 FDA Food Code specifically addresses food worker health under section 2–201. However, even with these regulations in place food workers continue to serve as a source for disease transmission (e.g., Norovirus).

The FDA Food Code also calls for excluding food workers from working in the restaurant that are diagnosed with an illness or have symptoms. Research has indicated that many food service

workers have reported working while sick and that the reasons provided are multi-faceted. To assist in reducing this national disease burden, it is critical to develop and implement successful interventions that address the reasons that restaurant workers continue to work while sick. The goals of this study include:

- (1) Assess restaurant ill worker management practices and plans; and
- (2) Assess whether an educational intervention will result in restaurants enhancing their ill worker management procedures.

The data from this study can be used to further develop educational materials, trainings, and tools that are targeted towards improving retail food establishment ill worker management practices.

This data collection request aims to address data gap by surveying restaurants on their ill worker policies through a quasi-experimental nonequivalent group pre- post-test design, with implementation of an educational intervention to randomly selected independently-owned restaurants in the EHS-Net area. Data will be collected by study personnel from restaurants that are split into two groups, intervention and control restaurants requiring up to three visits. The assessments at each site visit will

be the same in both the intervention and control restaurants.

Data collection will consist of a manager interview to understand the current practices in the restaurant, a facility observation to observe the practices in place to prevent contamination from an employee, and a food worker survey to obtain their beliefs towards the current policies. The educational intervention planned in the study is designed to encourage restaurants to develop ill worker management policies that have provisions to address the reasons that workers have reported working while ill. The success of the intervention will be measured using a pre- post-test nonequivalent groups design. If the intervention is resulting in having restaurants enhance their ill worker management policies; at the follow up visit, the intervention will be provided to the control restaurants and an additional follow up visit will occur in these restaurants.

For the purpose of the burden hours, eight sites will collect data in 40 restaurants. The total estimated annualized burden hours averaged over the three-year study period are 352 burden hours. Participation in this proposed information collection is voluntary. There is no cost to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Restaurant Managers (Intervention and Control Restaurants).	Manager Recruiting Script	237	1	3/60
Restaurant Managers (Intervention Restaurants) Visit 1.	Manager Informed Consent and Interview Form.	54	1	20/60
Restaurant Managers (Intervention Restaurants) Visit 2.	Manager Informed Consent and Interview Form.	54	1	20/60
Food Workers (Intervention Restaurants) Visit 1.	Food Worker Informed Consent and Survey	270	1	5/60
Food Workers (Intervention Restaurants) Visit 2.	Food Worker Informed Consent and Survey	270	1	5/60
Health Department Workers (Intervention Restaurants) Visit 1.	Restaurant Environment Observation Form ..	54	1	30/60
Health Department Workers (Intervention Restaurants) Visit 2.	Restaurant Environment Observation Form ..	54	1	30/60
Restaurant Managers (Control Restaurants) Visit 1.	Manager Informed Consent and Interview Form.	54	1	20/60
Restaurant Managers (Control Restaurants) Visit 2.	Manager Informed Consent and Interview Form.	54	1	20/60
Restaurant Managers (Control Restaurants) Visit 3.	Manager Informed Consent and Interview Form.	54	1	20/60
Food Workers (Control Restaurants) Visit 1 ..	Food Worker Informed Consent and Survey	270	1	5/60
Food Workers (Control Restaurants) Visit 2 ..	Food Worker Informed Consent and Survey	270	1	5/60
Food Workers (Control Restaurants) Visit 3 ..	Food Worker Informed Consent and Survey	270	1	5/60
Health Department Workers (Control Restaurants) Visit 1.	Restaurant Environment Observation Form ..	54	1	30/60
Health Department Workers (Control Restaurants) Visit 2.	Restaurant Environment Observation Form ..	54	1	30/60

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Health Department Workers (Control Restaurants) Visit 3.	Restaurant Environment Observation Form ..	54	1	30/60

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. 2017–24416 Filed 11–8–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: Prenatal Alcohol and Other Drug Exposures in Child Welfare (PAODE–CW) Study.

OMB No.: New Collection.

Description: The Administration for Children and Families (ACF), U.S. Department of Health and Human Services (HHS) is proposing a data collection activity as part of the Prenatal Alcohol and Other Drug Exposures in Child Welfare (PAODE–CW) Study. The study examines the current state of child welfare practice regarding the identification and provision of services for children with prenatal substance exposures, including alcohol and other drugs.

The descriptive study will document the policies and practices of child welfare agencies and related organizations to identify, assess, and refer to services children who may have been exposed to prenatal substances and/or diagnosed with a resulting condition such as fetal alcohol spectrum

disorders (FASD). The study will document procedures as well as challenges faced and lessons learned to inform the field of practice as well as policy makers, program administrators, and funders at various levels.

The proposed information collection activities consist of semi-structured interviews and surveys conducted at 28 child welfare agency sites. Focus groups conducted at 8 of the 28 sites will gather information on needs, challenges, and strategies to support children with prenatal substance exposures and their families within the child welfare system.

Respondents: State and child welfare agency directors, child welfare staff and supervisors; agency partners and service providers; and family members and caregivers of children who have been prenatally exposed to substances.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Local Agency Staff Interview Protocol—Frontline Only	27.5	1	1	27.5
Local Agency Staff Interview Protocol—Ongoing Only	27.5	1	1	27.5
Local Agency Staff Interview Protocol—Frontline and Ongoing	15	1	1.25	18.75
Local Agency Medical Staff Interview Protocol	14	1	1	14
Local Agency Director Interview Protocol	14	1	1	14
Focus Group of Caregivers	32	1	1.5	48
Local Agency Staff Survey	280	1	.33	92.4
Service Provider Survey	12	1	.33	3.96
Local Agency Data Staff Interview Protocol	6	1	1.5	9

Estimated Total Annual Burden Hours: 255.11.

In compliance with the requirements of the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chap 35) Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 330 C Street SW., Washington, DC 20201. Attn: ACF Reports Clearance Officer. Email address: infocollection@acf.hhs.gov. All

requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to

comments and suggestions submitted within 60 days of this publication.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2017–24420 Filed 11–8–17; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–5994]

Tobacco Products Scientific Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Tobacco Products Scientific Advisory Committee. The general function of the committee is to provide advice and recommendations to the Agency on FDA's regulatory issues. The meeting will be open to the public.

DATES: The meeting will be held on January 24, 2018, from 8:30 a.m. to 5 p.m. and January 25, 2018, from 8 a.m. to 3 p.m.

ADDRESSES: FDA White Oak Conference Center, Building 31, the Great Room (Rm. 1503), 10903 New Hampshire Ave., Silver Spring, MD 20993-0002. Answers to commonly asked questions including information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: <https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm>.

FOR FURTHER INFORMATION CONTACT: Caryn Cohen, Office of Science, Center for Tobacco Products, Food and Drug Administration, Document Control Center, Bldg. 71, Rm. G335, 10903 New Hampshire Ave., Silver Spring, MD 20993-0002, 1-877-287-1373, email: TPSAC@fda.hhs.gov, or FDA Advisory Committee Information Line, 1-800-741-8138 (301-443-0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's Web site at <https://www.fda.gov/AdvisoryCommittees/default.htm> and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

SUPPLEMENTARY INFORMATION:

Agenda: On January 24 and 25, 2018, the committee will discuss modified risk tobacco product applications, submitted by Philip Morris Products S.A. for IQOS system with Marlboro Heatsticks, IQOS system with Marlboro Smooth Menthol Heatsticks, and IQOS system with Marlboro Fresh Menthol Heatsticks.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the

location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at <https://www.fda.gov/AdvisoryCommittees/Calendar/default.htm>. Scroll down to the appropriate advisory committee meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before January 4, 2018. Oral presentations from the public will be scheduled between approximately 8 a.m. and 9 a.m. on January 25, 2018. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before December 27, 2017. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by December 28, 2017.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Caryn Cohen at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at <https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm> for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: October 31, 2017.

Lauren Silvis,
Chief of Staff.

[FR Doc. 2017-24379 Filed 11-8-17; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Food and Drug Administration**

[Docket No. FDA-2014-D-2300]

Evaluating Drug Effects on the Ability To Operate a Motor Vehicle; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a guidance for industry entitled "Evaluating Drug Effects on the Ability to Operate a Motor Vehicle." The purpose of this guidance is to assist sponsors in the evaluation of the effects of psychoactive drugs on the ability to operate a motor vehicle. Driving is a complex activity involving a wide range of cognitive, perceptual, and motor activities. Reducing the incidence of motor vehicle accidents (MVAs) that occur because of drug-impaired driving is a public health priority. This guidance finalizes the draft guidance issued on January 16, 2015, of the same name.

DATES: The announcement of the guidance is published in the **Federal Register** on November 9, 2017.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- Federal eRulemaking Portal: <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a

written/paper submission and in the manner detailed (see “Written/Paper Submissions” and “Instructions”).

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in “Instructions.”

Instructions: All submissions received must include the Docket No. FDA-2014-D-2300 for “Evaluating Drug Effects on the Ability to Operate a Motor Vehicle.” 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 this 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 guidance document.

FOR FURTHER INFORMATION CONTACT:

Naomi Lowy, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 4204, Silver Spring, MD 20993-0002, 301-796-0692.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry entitled “Evaluating Drug Effects on the Ability to Operate a Motor Vehicle.” The purpose of this guidance is to assist sponsors in the evaluation of the effects of psychoactive drugs on the ability to operate a motor vehicle.

Driving is a complex activity involving a wide range of cognitive, perceptual, and motor activities that can be adversely affected by therapeutic drugs. Reducing the incidence of MVAs that occur because of drug-impaired driving is a public health priority.

Drugs that impair driving ability may also impair an individual’s ability to judge the extent of his or her own impairment. This increases the need for objective evaluation of the presence and degree of driving impairment, with risk mitigation strategies based on that information. This guidance recommends a systematic effort to identify drugs for which evaluation of effects on driving abilities may be needed and the types of studies that such an evaluation entails.

This guidance finalizes the draft guidance issued on January 16, 2015, (80 FR 2432) of the same name. Changes made to the guidance took into consideration comments received. In addition to editorial changes made primarily for clarification, the guidance

provides multiple areas of clarification throughout the document.

This guidance is being issued consistent with FDA’s good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on evaluating drug effects on the ability to operate a motor vehicle. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. This guidance is not subject to Executive Order 12866.

II. The Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR parts 312 and 314 have been approved under OMB control numbers 0910–0014 and 0910–0001, respectively.

III. Electronic Access

Persons with access to the internet may obtain the guidance at either <https://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm> or <https://www.regulations.gov>.

Dated: November 3, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–24367 Filed 11–8–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2014-N-0920]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Health and Diet Survey, as Used by the Food and Drug Administration

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by December 11, 2017.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, Fax: 202-395-7285, or emailed to oir_submission@omb.eop.gov. All comments should be identified with the OMB control number 0910-0545. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Ila S. Mizrahi, Office of Operations, Food and Drug Administration, Three White Flint North, 10A-12M, 11601 Landsdown St., North Bethesda, MD 20852, 301-796-7726, PRASStaff@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Health and Diet Survey as Used by the Food and Drug Administration OMB Control Number 0910-0545—Extension

We are seeking to renew OMB approval of the Health and Diet Survey, which is a voluntary consumer survey intended to gauge and to track consumer attitudes, awareness, knowledge, and behavior regarding various topics related to health, nutrition, physical activity, and product labeling. OMB approved this collection as a generic collection on December 5, 2014. The authority for FDA to collect the information derives from FDA's Commissioner of Food and Drugs authority provided in section 1003(d)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 393(d)(2)).

We will use the Health and Diet Survey findings to test and refine our ideas, but will generally conduct further research before making important decisions such as adopting new policies and allocating or redirecting significant resources to support these policies.

This survey has been repeated approximately every 3 to 5 years over the course of the past 3 decades for the

purpose of tracking changes and trends in public opinions and consumer behavior, with some new questions added or omitted or partially modified in each iteration in response to emerging and current events or issues. In the next 3 years, we plan to field this survey two to three times. We will use the information from the Health and Diet Survey to evaluate and develop strategies and programs to encourage and help consumers adopt healthy diets and lifestyles. The information will also help FDA evaluate and track consumer awareness and behavior as outcome measures of their achievement in improving public health.

Description of Respondents: The respondents are adults, age 18 and older, drawn from the 50 States and the District of Columbia. Participation will be voluntary.

In the **Federal Register** of July 18, 2017 (82 FR 32832), FDA published a 60-day notice requesting public comment on the proposed collection of information. We received no comments.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN¹

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Cognitive interview screener	100	1	100	.08 (5 minutes)	8
Cognitive interview	18	1	18	1	18
Pretest screener	2,000	1	2,000	.033 (2 minutes)	66
Pretest	200	1	200	.25 (15 minutes)	50
Survey screener	40,000	1	40,000	.033 (2 minutes)	1,320
Survey	4,000	1	4,000	.25 (15 minutes)	1,000
Total					2,462

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

We base our estimate of the number of respondents and the average burden per response on our experience with previous Health and Diet Surveys and we estimate that the burden for this information collection has increased by 580 hours (from 1,882 to 2,462 hours) since the last OMB approval. The increase is due to an expected increase in the number of participants completing the survey screener (from 30,000 to 40,000 participants) and number of participants taking the survey (from 3,000 to 4,000). We will use a cognitive interview screener with 100 individuals to recruit prospective interview participants. We estimate that it will take a screener respondent approximately 5 minutes (0.08 hours) to complete the cognitive interview screener, for a total of 8 hours. We will

conduct cognitive interviews with 18 participants. We estimate that it will take a participant approximately 1 hour to complete the interview, for a total of 18 hours. Prior to the administration of the Health and Diet Survey, the Agency plans to conduct a pretest to identify and resolve potential survey administration problems. We will use a pretest screener with 2,000 individuals; we estimate that it will take a respondent approximately 2 minutes (0.033 hours) to complete the pretest screener, for a total of 66 hours. The pretest will be conducted with 200 participants; we estimate that it will take a participant 15 minutes (0.25 hours) to complete the pretest, for a total of 50 hours. We will use a survey screener to select an eligible adult respondent in each household reached

by landline telephone numbers to participate in the survey. A total of 40,000 individuals in the 50 states and the District of Columbia will be screened by telephone. We estimate that it will take a respondent 2 minutes (0.033 hours) to complete the screening, for a total of 1,320 hours. We estimate that 4,000 eligible adults will participate in the survey, each taking 15 minutes (0.25 hours), for a total of 1,000 hours. Thus, the total estimated burden is 2,462 hours.

We are requesting this burden for unplanned surveys so as not to restrict our ability to gather information on consumer attitudes, awareness, knowledge, and behavior regarding various topics related to health, nutrition, physical activity, and product labeling. This ability will help the

Agency identify and respond to emerging issues in a more timely manner.

Dated: November 6, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017-24409 Filed 11-8-17; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2014-N-1027]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Infant Formula Recall Regulations

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by December 11, 2017.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, Fax: 202-395-7285, or emailed to oir_submission@omb.eop.gov. All comments should be identified with the OMB control number 0910-0188. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Ila S. Mizrahi, Office of Operations, Food and Drug Administration, Three White Flint North, 10A-12M, 11601

Landsdown St., North Bethesda, MD 20852, 301-796-7726, PRAStaff@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Infant Formula Recall Regulations—21 CFR 107.230, 107.240, 107.250, 107.260, and 107.280, OMB Control Number 0910-0188—Extension

Section 412(e) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 350a(e)) provides that if the manufacturer of an infant formula has knowledge that reasonably supports the conclusion that an infant formula processed by that manufacturer has left its control and may not provide the nutrients required in section 412(i) of the FD&C Act or is otherwise adulterated or misbranded, the manufacturer must promptly notify the Secretary of Health and Human Services (the Secretary). If the Secretary determines that the infant formula presents a risk to human health, the manufacturer must immediately take all actions necessary to recall shipments of such infant formula from all wholesale and retail establishments, consistent with recall regulations and guidelines issued by the Secretary. Section 412(f)(2) of the FD&C Act states that the Secretary shall by regulation prescribe the scope and extent of recalls of infant formula necessary and appropriate for the degree of risk to human health presented by the formula subject to recall. FDA's infant formula recall regulations in part 107 (21 CFR part 107) implement these statutory provisions.

Section 107.230 requires each recalling firm to conduct an infant formula recall with the following elements: (1) Evaluate the hazard to human health, (2) devise a written recall strategy, (3) promptly notify each affected direct account (customer) about the recall, and (4) furnish the appropriate FDA district office with copies of these documents. If the

recalled formula presents a risk to human health, the recalling firm must also request that each establishment that sells the recalled formula post (at point of purchase) a notice of the recall and provide FDA with a copy of the notice. Section 107.240 requires the recalling firm to conduct an infant formula recall with the following elements: (1) Notify the appropriate FDA district office of the recall by telephone within 24 hours, (2) submit a written report to that office within 14 days, and (3) submit a written status report at least every 14 days until the recall is terminated. Before terminating a recall, the recalling firm is required to submit a recommendation for termination of the recall to the appropriate FDA district office and wait for FDA's written concurrence (§ 107.250). Where the recall strategy or implementation is determined to be deficient, FDA may require the firm to change the extent of the recall, carry out additional effectiveness checks, and issue additional notifications (§ 107.260). In addition, to facilitate location of the product being recalled, the recalling firm is required to maintain distribution records for at least 1 year after the expiration of the shelf life of the infant formula (§ 107.280).

The reporting and recordkeeping requirements described previously are designed to enable FDA to monitor the effectiveness of infant formula recalls in order to protect babies from infant formula that may be unsafe because of contamination, nutritional inadequacy, or is otherwise adulterated or misbranded. FDA uses the information collected under these regulations to help ensure that such products are quickly and efficiently removed from the market.

In the **Federal Register** of June 15, 2017 (82 FR 27509), FDA published a 60-day notice requesting public comment on the proposed collection of information. FDA received one comment that was unrelated to the information collection.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN ¹

21 CFR section/activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
107.230; Elements of an infant formula recall	2	1	2	4,450	8,900
107.240; Notification requirements	2	1	2	1,482	2,964
107.250; Termination of an infant formula recall	2	1	2	120	240
107.260; Revision of an infant formula recall ²	1	1	1	625	625

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN ¹—Continued

21 CFR section/activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Total ²					12,729

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

² No burden has been estimated for the recordkeeping requirement in § 107.280 because these records are maintained as a usual and customary part of normal business activities. Manufacturers keep infant formula distribution records for the prescribed period as a matter of routine business practice.

The reporting and third-party disclosure burden estimates are based on FDA's records, which show that there are six manufacturers of infant formula and that there have been, on average, two infant formula recalls per year for the past 3 years. Based on this information, FDA estimates that there will be, on average, approximately two infant formula recalls per year over the next 3 years.

Thus, FDA estimates that two respondents will conduct recalls annually under §§ 107.230, 107.240, and 107.250. The estimated number of respondents for § 107.260 is minimal because FDA seldom uses this section; therefore, FDA estimates that there will be one or fewer respondents annually for § 107.260. The estimated number of hours per response is an average based

on FDA's experience and information from firms that have conducted recalls. FDA estimates that two respondents will conduct infant formula recalls under § 107.230 and that it will take a respondent 4,450 hours to comply with the requirements of that section, for a total of 8,900 hours. FDA estimates that two respondents will conduct infant formula recalls under § 107.240 and that it will take a respondent 1,482 hours to comply with the requirements of that section, for a total of 2,964 hours. FDA estimates that two respondents will submit recommendations for termination of infant formula recalls under § 107.250 and that it will take a respondent 120 hours to comply with the requirements of that section, for a total of 240 hours. Finally, FDA estimates that one respondent will need

to carry out additional effectiveness checks and issue additional notifications, for a total of 625 hours.

Under 5 CFR 1320.3(b)(2), the time, effort, and financial resources necessary to comply with a collection of information are excluded from the burden estimate if the reporting, recordkeeping, or disclosure activities needed to comply are usual and customary because they would occur in the normal course of activities. No burden has been estimated for the recordkeeping requirement in § 107.280 because these records are maintained as a usual and customary part of normal business activities. Manufacturers keep infant formula distribution records for the prescribed period as a matter of routine business practice.

TABLE 2—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN ¹

21 CFR section/activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
107.230; Elements of an infant formula recall	2	1	2	50	100
107.260; Revision of an infant formula recall	1	1	1	25	25
Total ² .....	.....	.....	.....	.....	125

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

Table 2 reports FDA's third-party disclosure burden estimates for §§ 107.230 and 107.260. The estimated burden hours per disclosure is an average based on FDA's experience. The third-party disclosure burden in § 107.230 is the requirement to promptly notify each affected direct account (customer) about the recall, and if the recalled formula presents a risk to human health, the recalling firm must also request that each establishment that sells the recalled formula post a notice of the recall at the point of purchase. FDA estimates that two respondents will conduct infant formula recalls under § 107.230 and that it will take a respondent 50 hours to comply with the third-party disclosure requirements of that section, for a total of 100 hours. The third-party disclosure burden in

§ 107.260 is the requirement to issue additional notifications where the recall strategy or implementation is determined to be deficient. FDA estimates that one respondent will issue additional notifications under § 107.260 and that it will take a respondent 25 hours to comply with the third-party disclosure requirements of that section, for a total of 25 hours.

Dated: November 6, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017-24410 Filed 11-8-17; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2014-N-1414]

Agency Information Collection Activities; Proposed Collection; Comment Request; Class II Special Controls Guidance Document: Labeling Natural Rubber Latex Condoms

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of

certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collection for the labeling of natural rubber latex condoms.

DATES: Submit either electronic or written comments on the collection of information by January 8, 2018.

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 January 8, 2018. The <https://www.regulations.gov> electronic filing system will accept comments until midnight Eastern Time at the end of January 8, 2018. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

Written/Paper Submissions

Submit written/paper submissions as follows:

- **Mail/Hand delivery/Courier (for written/paper submissions):** Dockets

Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in "Instructions."

Instructions: All submissions received must include the Docket No. FDA-2014-N-1414 for "Agency Information Collection Activities; Proposed Collection; Comment Request; Class II Special Controls Guidance Document: Labeling for Natural Rubber Latex Condoms." Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- **Confidential Submissions—**To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION." The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as "confidential." Any information marked as "confidential" will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the

"Search" box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Amber Sanford, Office of Operations, Food and Drug Administration, Three White Flint North, 10A-12M, 11601 Landsdown St., North Bethesda, MD 20852, 301-796-8867, PRAStaff@fda.hhs.gov.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501-3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. "Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Class II Special Controls Guidance Document: Labeling for Natural Rubber Latex Condoms—21 CFR 884.5300; OMB Control Number 0910-0633—Extension

Under the Medical Device Amendments of 1976 (Pub. L. 94-295), class II devices were defined as those devices for which there was insufficient information to show that general controls themselves would provide a reasonable assurance of safety and

effectiveness but for which there was sufficient information to establish performance standards to provide such assurance.

Condoms without spermicidal lubricant containing nonoxynol 9 are classified in class II. They were originally classified before the enactment of provisions of the Safe Medical Devices Act of 1990 (Pub. L. 101-629), which broadened the definition of class II devices and now permit FDA to establish special controls beyond performance standards, including guidance documents, to help provide reasonable assurance of the safety and effectiveness of such devices.

In December 2000, Congress enacted Public Law 106-554, which directed FDA to “reexamine existing condom labels” and “determine whether the labels are medically accurate regarding the overall effectiveness or lack of effectiveness in preventing sexually transmitted diseases. . . .” In response, FDA recommended labeling intended to provide important information for condom users, including the extent of

protection provided by condoms against various types of sexually transmitted diseases.

Respondents to this collection of information are manufacturers and repackagers of male condoms made of natural rubber latex without spermicidal lubricant. FDA expects approximately five new manufacturers or repackagers to enter the market yearly and to collectively have a third-party disclosure burden of 60 hours. The number of respondents cited in table 1 is based on FDA’s database of premarket submissions and the electronic registration and listing database. The average burden per disclosure was derived from a study performed for FDA by Eastern Research Group, Inc., an economic consulting firm, to estimate the impact of the 1999 over-the-counter (OTC) human drug labeling requirements final rule (64 FR 13254, March 17, 1999). Because the packaging requirements for condoms are similar to those of many OTC drugs, we believe the burden to design the labeling for OTC drugs is an appropriate proxy for

the estimated burden to design condom labeling.

The special controls guidance document also refers to previously approved collections of information found in FDA regulations. The collections of information in 21 CFR part 801 have been approved under OMB control number 0910-0485; the collections of information in 21 CFR part 807 subpart E have been approved under OMB control number 0910-0120; and the collections of information in 21 CFR part 820 have been approved under OMB control number 0910-0073.

The collection of information under 21 CFR 801.437 does not constitute a “collection of information” under the Paperwork Reduction Act of 1995. Rather, it is a “public disclosure of information originally supplied by the Federal Government to the recipient for the purpose of disclosure to the public” (5 CFR 1320.3(c)(2)).

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN ¹

Activity	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours
Class II Special Controls Guidance Document: Labeling for Natural Rubber Latex Condoms Classified Under 21 CFR 884.5300	5	1	5	12	60

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

The estimated burden of this information collection has not changed since the last OMB approval.

Dated: November 6, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017-24415 Filed 11-8-17; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2017-D-6231]

Use of a Drug Master File for Shared System Risk Evaluation and Mitigation Strategy Submissions; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is

announcing the availability of a draft guidance for industry entitled “Use of a Drug Master File for Shared System REMS Submissions.” The draft guidance provides information to applicants who are part of a shared system Risk Evaluation and Mitigation Strategy (REMS) on using an electronic Type V Drug Master File (DMF). FDA recommends that applicants who are part of a shared system REMS use a Type V DMF for their REMS submissions to improve the efficiency of the submission and review process.

DATES: Submit either electronic or written comments on the draft guidance by January 8, 2018 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else’s Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see “Written/Paper Submissions” and “Instructions”).

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in “Instructions.”

Instructions: All submissions received must include the Docket No. FDA-2017-D-6231 for “Use of a Drug Master File for Shared System REMS Submissions; Draft Guidance for Industry; Availability.” Received comments will be placed in the docket and, except for those submitted as “Confidential Submissions,” publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- **Confidential Submissions**—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states “THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.” The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as “confidential.” Any information marked as “confidential” will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA’s posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://>

www.regulations.gov and insert the docket number, found in brackets in the heading of this document, into the “Search” box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993-0002; or to the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993-0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Gita Toyserkani, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 2422, Silver Spring, MD 20993-0002, 301-796-1783, Gita.Toyserkani@fda.hhs.gov; or Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993-0002, 240-402-7911.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled “Use of a Drug Master File for Shared System REMS Submissions.”

A REMS is a required risk management plan that uses tools beyond the FDA-approved prescribing information to ensure that the benefits of certain drugs outweigh their risks (see section 505-1 of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 355-1)). FDA can, under certain circumstances, require that the REMS for a drug include one or more elements to assure safe use (ETASU) (see section 505-1(f) of the FD&C Act). When ETASUs are required for an innovator drug, any abbreviated new drug application (ANDA) referencing that innovator drug must use an shared system REMS with the innovator (unless FDA waives the requirement for using a shared system) (see section 505-1(i) of

the FD&C Act). There are also circumstances under which multiple applicants form an SSR to minimize the burden on the health care delivery system, such as for a class of similar products.

Under a shared system REMS, multiple applicants should coordinate the submission of identical documents to their respective applications. To improve the efficiency of the submission and review process for shared system REMS, FDA recommends that applicants who are part of a shared system REMS use a Type V DMF for their REMS submissions. A DMF is a submission to the Agency that may be used to provide confidential detailed information to the Agency. Among other things, a DMF allows the DMF holder to authorize other applicants to reference information in the holder’s DMF. A DMF is submitted solely at the discretion of the DMF holder, and the technical contents of a DMF are customarily reviewed by FDA only in connection with the review of an application.

The use of a DMF is not a requirement for shared system REMS. However, if shared system REMS applicants choose to use the DMF option for their shared system REMS submissions, this guidance (and the technical conformance guide that supplements it, available at <https://www.fda.gov/drugs/developmentapprovalprocess/forms/submissionrequirements/electronic/submissions/ucm535180.htm>) is intended to provide an overview of the approach for doing so. Also, if shared system REMS applicants choose to use the DMF option, as of the date specified by FDA, they must submit the DMF in the Electronic Common Technical Document format, as previously stated in the guidance for industry “Providing Regulatory Submissions in Electronic Format—Certain Human Pharmaceutical Product Applications and Related Submissions Using the eCTD Specifications (Revision 4)” (available at <https://www.fda.gov/Drugs/Guidance/ComplianceRegulatoryInformation/Guidances/default.htm>).

This draft guidance is being issued consistent with FDA’s good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on use of a DMF for submission of shared system REMS. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. This guidance is not subject to Executive Order 12866.

II. Paperwork Reduction Act of 1995

This draft guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR 314.50 have been approved under OMB control number 0910–0001; the collections of information in 21 CFR 314.70 have been approved under OMB control number 0910–0001; the collections of information in 21 CFR 201.57 have been approved under OMB control number 0910–0572; the collections of information in 21 CFR 314.420 have been approved under OMB control number 0910–0001; and the collections of information in 21 CFR part 601 have been approved under OMB control number 0910–0338.

III. Electronic Access

Persons with access to the internet may obtain the draft guidance at either <https://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm> or <https://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/Guidances/default.htm> or <https://www.regulations.gov>.

Dated: November 2, 2017.

Lauren Silvis,
Chief of Staff.

[FR Doc. 2017–24353 Filed 11–8–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–6358]

Blood Products Advisory Committee Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Blood Products Advisory Committee (the Committee). The general function of the committee is to provide advice and recommendations to the Agency on FDA's regulatory issues related to blood and products derived from blood. The meeting will be open to the public.

DATES: The meeting will be held on November 30, 2017, from 8 a.m. to 5:45

p.m. and on December 1, 2017, from 8 a.m. to 3:30 p.m.

ADDRESSES: FDA White Oak Campus, 10903 New Hampshire Ave., Building 31 Conference Center, the Great Room (Rm. 1503), Silver Spring, MD, 20993–0002. Answers to commonly asked questions including information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: <https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm>.

FOR FURTHER INFORMATION CONTACT:

Bryan Emery or Joanne Lipkind, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Avenue, Silver Spring, MD 20993–0002, Bldg. 71, Rm. 6132, at 240–402–8054, bryan.emery@fda.hhs.gov and 240–402–8106, joanne.lipkind@fda.hhs.gov respectively, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's Web site at <https://www.fda.gov/AdvisoryCommittees/default.htm> and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting. For those unable to attend in person, the meeting will also be available via Webcast. The Webcast will be available at the following link for both days: <https://collaboration.fda.gov/bpac2017>.

SUPPLEMENTARY INFORMATION:

Agenda: On November 30, 2017, the Committee members will meet in open session to discuss bacterial risk control strategies for blood collection establishments and transfusion services to enhance the safety and availability of platelets for transfusion. In the afternoon, the Committee will be seated as a device classification panel. In open session, the panel will discuss the appropriate device classification of human leukocyte antigen, human platelet antigen, and human neutrophil antigen devices. On December 1, 2017, the committee members will meet in open session to discuss strategies to reduce the risk of transfusion-transmitted Zika virus. In the afternoon, an information session on the Transfusion Transmissible Infections Monitoring System will be presented to

the Committee. Finally, the Committee will hear an update presentation on the April 6, 2017, FDA public workshop on emerging tick-borne diseases and blood safety.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at <https://www.fda.gov/AdvisoryCommittees/Calendar/default.htm>. Scroll down to the appropriate advisory committee meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before November 22, 2017. Oral presentations from the public will be scheduled between approximately 11:35 a.m. to 12:20 p.m. and 4:15 p.m. to 4:45 p.m. on November 30, 2017. Oral presentations from the public will also be scheduled between approximately 10:45 a.m. and 11:30 a.m. and 3 p.m. to 3:30 p.m. on December 1, 2017. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before November 14, 2017. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by November 15, 2017.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Bryan Emery or Joanne Lipkind at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at <https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm> for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: November 6, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017-24408 Filed 11-8-17; 8:45 am]

BILLING CODE 4164-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; National Centers for Cryo-Electron Microscopy-B.

Date: November 30, 2017.

Time: 2:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: William A. Greenberg, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4168, MSC 7806, Bethesda, MD 20892, (301) 435-1726, greenbergwa@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR-16-433: Support of NIGMS Program Project Grants.

Date: December 1, 2017.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Kenneth A. Roebuck, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5106, MSC 7852, Bethesda, MD 20892, (301) 435-1166, roebuckk@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Vascular and Hematology AREA Application Review.

Date: December 5, 2017.

Time: 2:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Natalia Komissarova, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5207, MSC 7846, Bethesda, MD 20892, 301-435-1206, komissar@mail.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR-15-053: Exploratory Grant Award in Basic Cancer Research (R21).

Date: December 6, 2017.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Craig Giroux, Ph.D., Scientific Review Officer, BST IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5150, Bethesda, MD 20892, 301-435-2204, girouxcn@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Cardiovascular Sciences.

Date: December 7, 2017.

Time: 1:00 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Yuanna Cheng, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4138, MSC 7814, Bethesda, MD 20892, (301) 435-1195, Chengy5@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Serious Adverse Drug Reaction Review.

Date: December 8, 2017.

Time: 10:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Alexander D. Politis, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3210, MSC 7808, Bethesda, MD 20892, (301) 435-1150, politisa@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Emotion, Substance Use and Psychopathology.

Date: December 8, 2017.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Maribeth Champoux, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3170, MSC 7848, Bethesda, MD 20892, 301-594-3163, champoum@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Cancer Biology.

Date: December 8, 2017.

Time: 12:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Juraj Bies, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Rm. 4158, MSC 7806, Bethesda, MD 20892, 301 435 1256, biesj@mail.nih.gov. (Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393-93.396, 93.837-93.844, 93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: November 3, 2017.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2017-24372 Filed 11-8-17; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Eye Institute Special Emphasis Panel; NEI Cooperative Agreement Applications and Clinical Networks I.

Date: November 27, 2017.

Time: 8:30 a.m. to 4:00 p.m.

Agenda: To review and evaluate cooperative agreement applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.

Contact Person: Anne E. Schaffner, Ph.D., Chief, Scientific Review Branch Division of Extramural Research, National Eye Institute, 5635 Fishers Lane, Suite 1300, MSC 9300, Bethesda, MD 20892-9300, (301) 451-2020, aes@nei.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: November 3, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017-24373 Filed 11-8-17; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; 60-Day Comment Request; CareerTrac

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below. The purpose of this notice is to allow 60 days for public comment. The Fogarty International Center (FIC), National Institute of Environmental Health Sciences (NIEHS), including the Superfund Research Program (SRP) within NIEHS, National Institute of

General Medical Science (NIGMS), and National Cancer Institute (NCI), National Institutes of Health, may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

DATES: Comments regarding this information collection are best assured of having their full effect if received within 60-days of the date of this publication.

FOR FURTHER INFORMATION CONTACT: To obtain a copy of the data collection plans and instruments or request more information on the proposed project contact: Dr. Rachel Sturke, Evaluation Officer, Division of Science Policy, Planning, and Evaluation, FIC, NIH, 16 Center Drive, Bethesda, MD 20892 or call non-toll-free number (301) 496-1491 or Email your request, including your address to: rachel.sturke@nih.gov. Formal requests for additional plans and instruments must be requested in writing.

SUPPLEMENTARY INFORMATION: Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 requires: Written comments and/or suggestions from the public and affected agencies are invited to address one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be

collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Proposed Collection Title: CareerTrac, 0925-0568, Expiration Date: 06/30/2019—REVISION, Fogarty International Center (FIC), National Institute of Environmental Health Sciences (NIEHS), National Institute of General Medical Science (NIGMS), National Cancer Institute (NCI), National Institutes of Health (NIH).

Need and Use of Information Collection: This data collection system is being used to track, evaluate and report short and long-term outputs, outcomes and impacts of trainees involved in health research training programs—specifically tracking this for at least ten years following training by having Principal Investigators enter data after trainees have completed the program. The data collection system provides a streamlined, web-based application permitting principal investigators to record career achievement progress by trainee on a voluntary basis. FIC, NIEHS, NCI and NIGMS management will use this data to monitor, evaluate and adjust grants to ensure desired outcomes are achieved, comply with OMB Part requirements, respond to congressional inquiries, and as a guide to inform future strategic and management decisions regarding the grant program.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 16,154.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Number of respondents	Number of responses per respondent	Average time per response (in hours)	Total annual burden hour
FIC Grantee	80	90	30/60	3,600
NIEHS Grantee	60	45	30/60	1,350
NCI/CRCHD Grantee	264	22	30/60	2,904
NIGMS Grantee	80	150	30/60	6,000
Superfund Grantee	20	105	30/60	1,050
Trainees	5000	1	15/60	1,250
Total	5,504	34,808	.....	16,154

Dated: October 15, 2017.

Celia Wolfman,

Project Clearance Liaison, FIC, NIH.

[FR Doc. 2017-24362 Filed 11-8-17; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; 30-Day Comment Request; Generic Clearance To Support the Safe To Sleep® Campaign (Eunice Kennedy Shriver National Institute of Child Health and Human Development)

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below.

DATES: Comments regarding this information collection are best assured of having their full effect if received within 30-days of the date of this publication.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, OIRA_submission@omb.eop.gov or by fax to 202-395-6974, Attention: Desk Officer for NIH.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact: Lorena Kaplan, M.P.H., CHES, Office of Communications, Eunice Kennedy Shriver National Institute of Child Health and Human Development, National Institutes of Health, 31 Center Drive, Room 2A32, Bethesda, Maryland 20892, or call non-toll free number (301) 496-6670 or Email your request, including your address to lorena.kaplan@nih.gov. Formal requests for additional plans and instruments must be requested in writing.

SUPPLEMENTARY INFORMATION: This proposed information collection was previously published in the **Federal Register** on Monday, August 28, 2017,

page 40776–40777 (82 FR 40776–40777) and allowed 60 days for public comment. NICHD received one comment in response to the 60-Day **Federal Register** Notice. The purpose of this notice is to allow an additional 30 days for public comment.

The Eunice Kennedy Shriver National Institute of Child Health and Human Development (NICHD), National Institutes of Health, may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

In compliance with section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below.

Proposed Collection: Generic Clearance to Support the Safe to Sleep® Campaign 0925-0701, REINSTATEMENT WITH CHANGE at the Eunice Kennedy Shriver National Institute of Child Health and Human Development (NICHD), National Institutes of Health (NIH).

Need and Use of Information Collection: This is a request to reinstate with change a generic clearance that would be used for submissions specific to the Eunice Kennedy Shriver National Institute of Child Health and Human Development (NICHD) Safe to Sleep® (STS) public education campaign. Submissions for the STS campaign will be used to assess the understanding and reach of STS campaign materials and messages, and to monitor and improve campaign activities such as training workshops and overall implementation. The purpose of this information collection is to monitor and modify campaign activities, to plan future campaign activities, to develop messages and materials, and to develop distribution and outreach strategies that are effective at communicating their message to bring about the intended response, awareness, and/or behavioral change for the target audiences. This generic clearance will enable the NICHD to: (1) More efficiently assess the implementation of campaign activities; (2) better understand the target audiences' knowledge, attitudes, and beliefs toward STS messages and materials; (3) better understand how the campaign activities have influenced the target audiences' behaviors and

practices; and (4) monitor and improve activities such as trainings, materials, and messages. Having a way to gather feedback on the STS campaign activities is critical to assessing the reach and effect of campaign efforts. Data collected for the campaign can inform where future STS campaign resources can produce the most meaningful results.

Data collected for the STS campaign generic clearance will be used by a number of audiences, including STS campaign staff, NICHD leadership, STS campaign collaborators, Federal SUID/SIDS Workgroup members, SUID/SIDS stakeholders, clinical and maternal and child health professionals. These audiences may use the information collections to: (1) Develop new campaign messages, materials, and/or training curricula; (2) monitor and improve campaign activities; (3) make decisions about campaign activities; (4) inform current campaign activities; and (5) inform and/or change practices and behaviors of program participants.

Examples of the types of information collections that could be included under this generic clearance include: *Focus groups and in-depth interviews* with parents/caregivers and/or health professionals to get feedback on distribution and outreach activities, and/or campaign messages; and *Surveys* with parents/caregivers and/or health professionals to: (1) Assess the usefulness of the new STS campaign materials, including print and on-line materials and a video, (2) track outreach experiences of program participants, (3) assess training participants' changes in knowledge related to safe infant sleep behavior and implementation of outreach methods taught, and (4) assess program participants' resource needs.

The sub-studies for this generic clearance will be small scale, designed to obtain results frequently and quickly to guide campaign development and implementation, inform campaign direction, and be used internally for campaign management purposes. NICHD's current scope and capacity for STS generic sub-studies is non-existent and this request would fill this gap.

Changes have been made to the annualized burden hours to reflect the anticipated data collections during the next 3 years.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 12,920.

ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Type of respondents	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden hours
Focus Groups	General Public	45	1	1	45
Interviews	General Public	45	1	1	45
Pre/Post Tests	General Public	3,500	2	15/60	1,750
Pre/Post Tests	Health Professionals	20,000	2	15/60	10,000
Surveys	Health Professionals	2,000	1	30/60	1,000
Tracking/Feedback Form	Health Educators	40	2	1	80
Total .....	.....	25,630	49,170	.....	12,920

Dated: November 2, 2017.

Jennifer Guimond,

Project Clearance Liaison, Eunice Kennedy Shriver National Institute of Child Health and Human Development, National Institutes of Health.

[FR Doc. 2017-24399 Filed 11-8-17; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Toxicology Program Board of Scientific Counselors; Announcement of Meeting; Request for Comments

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: This notice announces the next meeting of the National Toxicology Program (NTP) Board of Scientific Counselors (BSC). The BSC, a federally chartered, external advisory group composed of scientists from the public and private sectors, will review and provide advice on programmatic activities. The meeting is open to the public and registration is requested for both attendance and oral comment and required to access the webcast. Information about the meeting and registration are available at <http://ntp.niehs.nih.gov/go/165>.

DATES:

Meeting: December 7–8, 2017; Day one begins at 8:30 a.m. Eastern Standard Time (EST) and ends at approximately 5:00 p.m. Day 2 begins at 8:30 a.m. and continues until adjournment.

Written Public Comment

Submissions: Deadline is November 30, 2017.

Oral Comments: Deadline is November 30, 2017.

Registration for Meeting: Deadline December 8, 2017.

Registration to view the meeting via the webcast is required.

ADDRESSES:

Meeting Location: Rodbell Auditorium, Rall Building, National Institute of Environmental Health Sciences (NIEHS), 111 T.W. Alexander Drive, Research Triangle Park, NC 27709.

Meeting Web page: The preliminary agenda, registration, and other meeting materials are at <http://ntp.niehs.nih.gov/go/165>.

Webcast: The meeting will be webcast; the URL will be provided to those who register for viewing.

FOR FURTHER INFORMATION CONTACT: Dr. Mary Wolfe, Designated Federal Officer for the BSC, Office of Liaison, Policy and Review, Division of NTP, NIEHS, P.O. Box 12233, K2-03, Research Triangle Park, NC 27709. Phone: 984-287-3209, Fax: 301-451-5759, Email: wolfe@niehs.nih.gov. Hand Deliver/Courier address: 530 Davis Drive, Room K2130, Morrisville, NC 27560.

SUPPLEMENTARY INFORMATION:

Meeting and Registration: The meeting is open to the public with time scheduled for oral public comments; attendance at the meeting is limited only by the space available. The BSC will provide input to the NTP on programmatic activities and issues. Preliminary agenda topics include: US Strategic Roadmap: New Approaches to Evaluate the Safety of Chemicals and Medical Products; NTP Assessing Alternative Approaches; New Approaches to Hazard Characterization and Risk Assessment; Update on NTP Studies of Glyphosate; and Report on Peer Review of Draft Report on Carcinogens Monograph on Haloacetic Acids. Please see the preliminary agenda for information about the specific presentations. The preliminary agenda, roster of BSC members, background materials, public comments, and any additional information, when available, will be posted on the BSC meeting Web site (<http://ntp.niehs.nih.gov/go/165>) or may be requested in hardcopy from the Designated Federal Official for the BSC. Following the meeting, summary

minutes will be prepared and made available on the BSC meeting Web site.

The public may attend the meeting in person or view the webcast. Registration is required to view the webcast; the URL for the webcast will be provided in the email confirming registration. Individuals who plan to provide oral comments (see below) are encouraged to register online at the BSC meeting Web site (<http://ntp.niehs.nih.gov/go/165>) by November 30, 2017, to facilitate planning for the meeting. Individuals are encouraged to access the Web site to stay abreast of the most current information regarding the meeting. Visitor and security information for those attending in-person is available at niehs.nih.gov/about/visiting/index.cfm. Individuals with disabilities who need accommodation to participate in this event should contact Ms. Robbin Guy at phone: (984) 287-3136 or email: guyr2@niehs.nih.gov. TTY users should contact the Federal TTY Relay Service at 800-877-8339. Requests should be made at least five business days in advance of the event.

Request for Comments: Written comments submitted in response to this notice should be received by November 30, 2017. Comments will be posted on the BSC meeting Web site and persons submitting them will be identified by their name and affiliation and/or sponsoring organization, if applicable. Persons submitting written comments should include their name, affiliation (if applicable), phone, email, and sponsoring organization (if any) with the document. Guidelines for public comments are at http://ntp.niehs.nih.gov/ntp/about_ntp/guidelines_public_comments_508.pdf.

Time is allotted during the meeting for the public to present oral comments to the BSC on the agenda topics. Public comments can be presented in-person at the meeting or by teleconference line. There are 50 lines for this call; availability is on a first-come, first-served basis. The lines will be open from 8:30 a.m. until adjournment,

although the BSC will receive public comments only during the formal public comment periods, which are indicated on the preliminary agenda. Each organization is allowed one time slot per agenda topic. Each speaker is allotted at least 7 minutes, which if time permits, may be extended to 10 minutes at the discretion of the BSC chair.

Persons wishing to present oral comments should register on the BSC meeting Web site by November 30, 2017, indicate whether they will present comments in-person or via the teleconference line, and indicate the topic(s) on which they plan to comment. The access number for the teleconference line will be provided to registrants by email prior to the meeting. On-site registration for oral comments will also be available on the meeting day, although time allowed for comments by these registrants may be limited and will be determined by the number of persons who register at the meeting.

Persons registering to make oral comments are asked to send a copy of their statement and/or PowerPoint slides to the Designated Federal Officer by November 30, 2017. Written statements can supplement and may expand upon the oral presentation. If registering on-site and reading from written text, please bring 20 copies of the statement for distribution to the BSC and NTP staff and to supplement the record.

Background Information on the BSC: The BSC is a technical advisory body comprised of scientists from the public and private sectors that provides primary scientific oversight to the NTP. Specifically, the BSC advises the NTP on matters of scientific program content, both present and future, and conducts periodic review of the program for the purpose of determining and advising on the scientific merit of its activities and their overall scientific quality. Its members are selected from recognized authorities knowledgeable in fields such as toxicology, pharmacology, pathology, biochemistry, epidemiology, risk assessment, carcinogenesis, mutagenesis, molecular biology, behavioral toxicology, neurotoxicology, immunotoxicology, reproductive toxicology or teratology, and biostatistics. Members serve overlapping terms of up to four years. The BSC usually meets biannually. The authority for the BSC is provided by 42 U.S.C. 217a, section 222 of the Public Health Service Act (PHS), as amended.

The BSC is governed by the provisions of the Federal Advisory Committee Act, as amended (5 U.S.C. app.), which sets forth standards for the

formation and use of advisory committees.

Dated: November 1, 2017.

John R. Bucher,

Associate Director, National Toxicology Program.

[FR Doc. 2017-24401 Filed 11-8-17; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the joint meeting of the NCI Board of Scientific Advisors (BSA) and National Cancer Advisory Board (NCAB).

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting. The open session will be videocast and can be accessed from the NIH Videocasting and Podcasting Web site (<http://videocast.nih.gov>).

A portion of the National Cancer Advisory Board meeting will be closed to the public in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended, for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Cancer Institute, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Advisory Board, *Ad Hoc* Subcommittee on Global Cancer Research.

Open: November 28, 2017, 5:30 p.m. to 7:00 p.m.

Agenda: Discussion on Global Cancer Research.

Place: Gaithersburg Marriott Washingtonian Center, Lakeside Conference Room 1 and 2, 9751 Washington Boulevard, Gaithersburg, MD 20878.

Contact Person: Dr. Edward Trimble, Executive Secretary, NCAB *Ad Hoc* Subcommittee on Global Cancer Research, National Cancer Institute—Shady Grove, National Institutes of Health, 9609 Medical Center Drive, Room 3W562, Bethesda, MD 20892, (240) 276-5796, trimble@mail.nih.gov.

Name of Committee: National Cancer Advisory Board, *Ad Hoc* Subcommittee on Population Science, Epidemiology and Disparities.

Open: November 28, 2017, 7:30 p.m. to 9:00 p.m.

Agenda: Discussion on Population Science, Epidemiology and Disparities.

Place: Gaithersburg Marriott Washingtonian Center, Lakeside Conference Room 1 and 2, 9751 Washington Boulevard, Gaithersburg, MD 20878.

Contact Person: Dr. Deborah Winn, Executive Secretary, NCAB *Ad Hoc* Subcommittee on Population Science, Epidemiology and Disparities, National Cancer Institute—Shady Grove, National Institutes of Health, 9609 Medical Center Drive, Room 4E344, Bethesda, MD 20892, (240) 276-6755, winnde@mail.nih.gov.

Name of Committee: NCI Board of Scientific Advisors and National Cancer Advisory Board.

Open: November 29, 2017, 8:30 a.m. to 4:00 p.m.

Agenda: Joint meeting of the NCI Board of Scientific Advisors and National Cancer Advisory Board; NCI Director's report and presentations, NCI Board of Scientific Advisors Concepts Review.

Closed: November 29, 2017, 4:30 p.m. to 5:30 p.m.

Agenda: Review of intramural program site visit outcomes and the discussion of confidential personnel issues.

Place: National Cancer Institute—Shady Grove, 9609 Medical Center Drive, Room TE406 & 408, Rockville, MD 20850.

Contact Person: Paulette S. Gray, Ph.D., Director, Division of Extramural Activities, National Cancer Institute—Shady Grove, National Institutes of Health, 9609 Medical Center Drive, Room 7W444, Bethesda, MD 20892, 240-276-6340, grayp@mail.nih.gov.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NCI-Shady Grove campus. All visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: NCAB: <http://deainfo.nci.nih.gov/advisory/ncab/ncab.htm>, BSA: <http://deainfo.nci.nih.gov/advisory/bsa/bsa.htm>, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: November 6, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017-24402 Filed 11-8-17; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Draft Report on Carcinogens Monograph on Antimony Trioxide; Availability of Document; Request for Comments; Notice of Peer-Review Meeting

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The National Toxicology Program (NTP) announces a meeting to peer review the *Draft Report on Carcinogens (RoC) Monograph on Antimony Trioxide*. The Office of the Report on Carcinogens, Division of the National Toxicology Program (DNTP), National Institute of Environmental Health Sciences (NIEHS) prepared the monograph. This peer-review meeting is by webcast only and is open to the public. Registration is requested for oral comment and is required to access the webcast. Information about the meeting and registration is available at <https://ntp.niehs.nih.gov/go/38853>.

DATES:

Meeting: January 24, 2018, 8:30 a.m. to adjournment at approximately 4:00 p.m. Eastern Standard Time (EST). The meeting may end sooner or later than 4:00 p.m. EST.

Document Availability: The draft monograph should be available by November 30, 2017, at <https://ntp.niehs.nih.gov/go/38853>.

Written Public Comment Submissions: Deadline is January 10, 2018.

Registration for Oral Comments: Deadline is January 10, 2018.

Registration to View Webcast: Deadline is January 24, 2018. Registration to view the meeting webcast is required.

ADDRESSES:

Meeting Location: Webcast.

Meeting Web page: The draft monograph, preliminary agenda, registration, and other meeting materials will be available at <https://ntp.niehs.nih.gov/go/38853>.

Webcast: The URL for viewing the peer-review meeting webcast will be provided to registrants.

FOR FURTHER INFORMATION CONTACT: Candan Byrd, ICF, 2635 Meridian

Parkway, Suite 200, Durham, NC, USA 27713. Phone: (919) 293-1660, Fax: (919) 293-1645, Email: canden.byrd@icf.com.

SUPPLEMENTARY INFORMATION:

Background: The RoC is a congressionally mandated, science-based, public health report that identifies agents, substances, mixtures, or exposures (collectively called “substances”) in our environment that pose a cancer hazard for people in the United States. NTP prepares the RoC on behalf of the Secretary of Health and Human Services.

NTP follows an established, four-part process for preparing the RoC (<https://ntp.niehs.nih.gov/pubhealth/roc/process/index.html>). For each substance selected for review, a draft RoC monograph is prepared that presents (1) information on human exposure to the substance; (2) an assessment of the evidence from cancer studies in humans and experimental animals, mechanisms of carcinogenicity, and other data relevant for evaluating the substance’s potential carcinogenicity; and (3) NTP’s preliminary RoC listing recommendation. The draft monograph also contains a draft profile that provides NTP’s preliminary listing recommendation for the substance and a summary of the scientific evidence considered key to reaching that recommendation.

Antimony trioxide was selected for review following solicitation of public comment, review by the NTP Board of Scientific Counselors on December 14–15, 2016, and approval by the NTP Director (<https://ntp.niehs.nih.gov/go/9741>).

Antimony trioxide is the most commercially significant form of antimony and is a high-production-volume chemical with a production volume exceeding one million pounds per year. Its major industrial use is as a synergist with halogenated flame-retardants in textiles, plastics, and rubber. The main exposures to antimony trioxide are from inhalation of airborne solid dust and for workers in facilities producing or using antimony trioxide. Exposures of the public to antimony trioxide are primarily from environmental exposures secondary to human activities. Antimony trioxide can form in the product life cycle of other antimony compounds, such as during the use of automobile brake containing antimony trisulfate, which can oxidize into antimony trioxide. The draft RoC monograph includes a cancer hazard assessment of antimony trioxide.

Meeting and Registration: The meeting is open to the public with time

set aside for oral public comment. Registration to view the webcast is by January 24, 2018, at <https://ntp.niehs.nih.gov/go/38853>. Registration is required to view the webcast; the URL for the webcast will be provided in the email confirming registration. Individuals with disabilities who need accommodation to view the webcast should contact Candan Byrd by phone: (919) 293-1660 or email: canden.byrd@icf.com. TTY users should contact the Federal TTY Relay Service at (800) 877-8339. Requests should be made at least five business days in advance of the event.

Meeting Materials: The draft monograph and preliminary agenda will be available on the NTP Web site at <https://ntp.niehs.nih.gov/go/38853>. The draft monograph should be available by November 30, 2017. Additional information will be posted when available or may be requested in hardcopy, contact Candan Byrd by phone: (919) 293-1660 or email: canden.byrd@icf.com.

Following the meeting, a report of the peer review will be prepared and made available on the NTP Web site. Individuals are encouraged to access the meeting Web page to stay abreast of the most current information regarding the meeting.

Request for Comments: NTP invites written and oral public comments on the draft monograph. The deadline for submission of written comments is January 10, 2018, to enable review by the peer-review panel and NTP staff prior to the meeting. Registration to provide oral comments is on or before January 10, 2018, at <https://ntp.niehs.nih.gov/go/38853>. Written public comments and any other correspondence on the draft monograph should be sent to Candan Byrd by email: canden.byrd@icf.com. Persons submitting written comments should include name, affiliation, mailing address, phone, email, and sponsoring organization (if any). Written comments received in response to this notice will be posted on the NTP Web site, and the submitter will be identified by name, affiliation, and sponsoring organization (if any). Guidelines for public comments are available at https://ntp.niehs.nih.gov/ntp/about_ntp/guidelines_public_comments_508.pdf.

Oral public comment at this meeting is welcome, with time set aside on January 24 for the presentation of oral remarks on the draft monograph. Public comments will be presented by teleconference line. Fifty (50) lines will be available for this call; availability is on a first-come, first-served basis. The lines will be open from 8:30 a.m. until

adjournment at approximately 4:00 p.m. EST on January 24, 2018 (meeting may end sooner or later than 4:00 p.m. EST). Oral comments will be received only during the formal public comment periods indicated on the preliminary agenda. The access number for the teleconference line will be provided to registrants by email prior to the meeting. Each organization is allowed one time slot. At least 7 minutes will be allotted to each time slot, and if time permits, the allotment may be extended to 10 minutes at the discretion of the chair. Please note: The time per speaker may be decreased if the number of commenters exceeds the total time allotted for public remarks. If the time per speaker changes, commenters would be notified after January 10, 2018, the deadline to register for oral public comments.

Persons wishing to make an oral presentation are asked to register online at <https://ntp.niehs.nih.gov/go/38853> by January 10, 2018. If possible, oral public commenters should send a copy of their slides and/or statement or talking points to Camden Byrd by email: camden.byrd@icf.com by January 10, 2018. Written statements may supplement and may expand the oral presentation.

Background Information on the RoC: Published biennially, each edition of the RoC is cumulative and consists of substances newly reviewed in addition to those listed in previous editions. For each listed substance, the RoC contains a substance profile, which provides information on cancer studies that support the listing—including those in humans and animals and studies on possible mechanisms of action, information about potential sources of exposure to humans, and current Federal regulations to limit exposures. The 14th RoC, the latest edition, was published on November 3, 2016 (available at <https://ntp.niehs.nih.gov/go/roc14>).

Background Information on NTP Peer-Review Panels: NTP panels are technical, scientific advisory bodies established on an “as needed” basis to provide independent scientific peer review and advise NTP on agents of public health concern, new/revised toxicological test methods, or other issues. These panels help ensure transparent, unbiased, and scientifically rigorous input to the program for its use in making credible decisions about human hazard, setting research and testing priorities, and providing information to regulatory agencies about alternative methods for toxicity screening. NTP welcomes nominations of scientific experts for upcoming panels. Scientists interested in serving

on an NTP panel should provide their current curriculum vitae to Camden Byrd by email: camden.byrd@icf.com. The authority for NTP panels is provided by 42 U.S.C. 217a; section 222 of the Public Health Service Act, as amended. The panel is governed by the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), which sets forth standards for the formation and use of advisory committees.

Dated: November 1, 2017.

John R. Bucher,

Associate Director, National Toxicology Program.

[FR Doc. 2017-24400 Filed 11-8-17; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; 30-Day Comment Request; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery (Eunice Kennedy Shriver National Institute of Child Health and Human Development)

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below.

DATES: Comments regarding this information collection are best assured of having their full effect if received within 30-days of the date of this publication.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, OIRA_submission@omb.eop.gov or by fax to 202-395-6974, Attention: Desk Officer for NIH.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact: Dr. Jennifer Guimond, Project Clearance Liaison, Office of Science Policy, Reporting, and Program Analysis, Eunice Kennedy Shriver National Institute of Child Health and Human Development,

National Institutes of Health, 31 Center Drive, Room 2A18, Bethesda, Maryland, 20892 or call non-toll-free number (301) 496-1877 or Email your request, including your address to: Jennifer.guimond@nih.gov.

SUPPLEMENTARY INFORMATION: This proposed information collection was previously published in the **Federal Register** on August 28, 2017, page 40778 (82 FR 40778) and allowed 60 days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment.

The Eunice Kennedy Shriver National Institute of Child Health and Human Development (NICHD), National Institutes of Health, may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

In compliance with section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below.

Proposed Collection: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery—0925-0643, Expiration Date 10/31/2014, REINSTATEMENT WITHOUT CHANGE, Eunice Kennedy Shriver National Institute of Child Health and Human Development (NICHD), National Institutes of Health (NIH).

Need and Use of Information Collection: The proposed information collection activity provides a means to garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide information about the NICHD's customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the

NICHD and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

The solicitation of feedback will target areas such as: Timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. Responses will be assessed to plan and inform efforts to improve or maintain the quality of service offered to the public. If this information is not collected, vital feedback from customers and stakeholders on the NICHD's services will be unavailable.

The NICHD will only submit a collection for approval under this generic clearance if it meets the following conditions:

- The collections are voluntary;
- The collections are low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and are low-cost for both the respondents and the Federal Government;
- The collections are non-controversial and do not raise issues of concern to other Federal agencies;

- Any collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future;

- Personally identifiable information (PII) is collected only to the extent necessary and is not retained;

- Information gathered will be used only internally for general service improvement and program management purposes and is not intended for release outside of the agency;

- Information gathered will not be used for the purpose of substantially informing influential policy decisions; and

- Information gathered will yield qualitative information; the collections will not be designed or expected to yield statistically reliable results or used as though the results are generalizable to the population of study.

Feedback collected under this generic clearance provides useful information, but it does not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting

program performance. Such data uses require more rigorous designs that address: the target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior to fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

As a general matter, information collections will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 4,950.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of collection	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden hours
Conference/Training—Pre and Post Surveys	100	1	15/60	25
Usability Testing	100	1	30/60	50
Focus Groups	750	1	1	750
Customer Satisfaction Survey	13,500	1	15/60	3,375
In-depth Interviews or Small Discussion Group	750	1	1	750
Total	15,200	15,200	.....	4,950

Dated: November 2, 2017.

Jennifer Guimond,

Project Clearance Liaison, Eunice Kennedy Shriver National Institute of Child Health and Human Development, National Institutes of Health.

[FR Doc. 2017-24398 Filed 11-8-17; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection [1651-0103]

Agency Information Collection Activities: Passenger List/Crew List

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 30-Day notice and request for comments; Extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection will be submitting the following information collection request to the Office of Management and Budget

(OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted (no later than December 11, 2017) to be assured of consideration.

ADDRESSES: Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to dhsdeskofficer@omb.eop.gov.

FOR FURTHER INFORMATION CONTACT:

Requests for additional PRA information should be directed to the CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE., 10th Floor, Washington, DC 20229-1177, or via email CBP_PRA@cbp.dhs.gov. Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877-227-5511, (TTY) 1-800-877-8339, or CBP Web site at <https://www.cbp.gov/>.

SUPPLEMENTARY INFORMATION:

CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This proposed information collection was previously published in the **Federal Register** (82 FR 39610) on August 21, 2017, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Passenger List/Crew List.

OMB Number: 1651-0103.

Form Number: Form I-418.

Current Actions: CBP proposes to extend the expiration date of this information collection with an increase

to the estimated burden hours. There is no change to the information collected.

Type of Review: Extension (without change).

Abstract: CBP Form I-418 is prescribed by CBP, for use by masters, owners, or agents of vessels in complying with Sections 231 and 251 of the Immigration and Nationality Act (INA). This form is filled out upon arrival of any person by commercial vessel at any port within the United States from any place outside the United States. The master or commanding officer of the vessel is responsible for providing CBP officers at the port of arrival with lists or manifests of the persons on board such conveyances. CBP is in the process of amending its regulations to allow for the electronic submission of the data elements required on CBP Form I-418. This form is provided for in 8 CFR 251.1 and 251.3. A copy of CBP Form I-418 can be found at <https://www.cbp.gov/newsroom/publications/forms?title=i-418&=Apply>.

Affected Public: Businesses.

Estimated Number of Respondents: 79,337.

Estimated Time per Respondent: 1 hour.

Estimated Total Annual Hours: 79,337.

Dated: October 27, 2017.

Seth Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2017-24392 Filed 11-8-17; 8:45 am]

BILLING CODE 9111-14-P

DEPARTMENT OF HOMELAND SECURITY**U.S. Customs and Border Protection
[1651-0019]****Agency Information Collection
Activities: Vessel Entrance or
Clearance Statement**

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 30-Day notice and request for comments; Extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). The information collection is published in the **Federal Register** to obtain comments

from the public and affected agencies. Comments are encouraged and will be accepted (no later than December 11, 2017) to be assured of consideration.

ADDRESSES: Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to dhsdeskofficer@omb.eop.gov.

FOR FURTHER INFORMATION CONTACT:

Requests for additional PRA information should be directed to the CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE., 10th Floor, Washington, DC 20229-1177, or via email CBP_PRA@cbp.dhs.gov. Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877-227-5511, (TTY) 1-800-877-8339, or CBP Web site at <https://www.cbp.gov/>.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This proposed information collection was previously published in the **Federal Register** (82 FR 39611) on August 21, 2017, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological

collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Vessel Entrance or Clearance Statement.

OMB Number: 1651–0019.

Form Number: CBP Form 1300.

Current Actions: CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to the information being collected.

Type of Review: Extension (without change).

Abstract: CBP Form 1300, *Vessel Entrance or Clearance Statement*, is used to collect essential commercial vessel data at time of formal entrance and clearance in U.S. ports. The form allows the master to attest to the truthfulness of all CBP forms associated with the manifest package, and collects information about the vessel, cargo, purpose of entrance, certificate numbers, and expiration for various certificates. It also serves as a record of fees and tonnage tax payments in order to prevent overpayments. CBP Form 1300 was developed through agreement by the United Nations Intergovernmental Maritime Consultative Organization (IMCO) in conjunction with the United States and various other countries. This form is authorized by 19 U.S.C. 1431, 1433, and 1434, and provided for by 19 CFR part 4, and accessible at <http://www.cbp.gov/newsroom/publications/forms?title=1300>.

Affected Public: Businesses.

Estimated Number of Respondents: 12,000.

Estimated Number of Responses per Respondent: 22.

Estimated Total Annual Responses: 264,000.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Burden Hours: 132,000.

Dated: October 27, 2017.

Seth Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2017–24393 Filed 11–8–17; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3385–EM; Docket ID FEMA–2017–0001]

Florida; Amendment No. 2 to Notice of an Emergency Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency declaration for the State of Florida (FEMA–3385–EM), dated September 5, 2017, and related determinations.

DATES: This amendment was issued October 20, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this emergency is closed effective October 18, 2017.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–24350 Filed 11–8–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140–0008]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of a Currently Approved Collection; Application and Permit for Permanent Exportation of Firearms (National Firearms Act); ATF F 9 (5320.9)

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until January 8, 2018.

FOR FURTHER INFORMATION CONTACT: If you have additional comments, particularly with respect to the estimated public burden or associated response time, have suggestions, need a copy of the proposed information collection instrument with instructions, or desire any additional information, please contact Kenneth Mason, Firearms and Explosives Services Specialist, either by mail at National Firearms Act Branch, 244 Needy Road, Martinsburg, WV 25405, by email at nfaombcomments@atf.gov.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to

respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

1. Type of Information Collection (check justification or form 83):

Revision of a currently approved collection.

2. The Title of the Form/Collection: Application and Permit for Permanent Exportation of Firearms (National Firearms Act).

3. The agency form number, if any, and the applicable component of the Department sponsoring the collection:

Form number (if applicable): ATF F 9 (5320.9).

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. Affected public who will be asked or required to respond, as well as a brief abstract:

Primary: Business or other for-profit.

Other (if applicable): Individuals or households.

Abstract: ATF Form 9 (5320.9) is typically used by a Federal firearms licensee who has paid the special (occupational) tax to deal, manufacture or import NFA firearms. The form must be filed (in quadruplicate) for approval to permanently export NFA firearms registered in the National Firearms Registration and Transfer Record. Once authorization has been granted, one copy is retained by ATF and the remaining copies returned to the exporter to establish that the exportation took place and claim relief from liability for the transfer tax.

5. An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: An estimated 1,783 respondents will utilize the form, and it will take each respondent approximately 18 minutes to complete the form.

6. An estimate of the total public burden (in hours) associated with the collection: The estimated annual public burden associated with this collection is 535 hours which is equal to 1,783 (# of respondents) × .3 (18 minutes).

7. An Explanation of the Change in Estimates: The increase in respondents by 444, and burden hours by 134 respectively, are due to a general increase in the volume of industry submissions for 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: November 6, 2017.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2017-24383 Filed 11-8-17; 8:45 am]

BILLING CODE 4410-FY-P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140-0106]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension, Without Change, of a Currently Approved Collection; Arson and Explosives Training Registration Request for Non-ATF Employees; ATF F 6310.1

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until January 8, 2018.

FOR FURTHER INFORMATION CONTACT: If you have additional comments, particularly with respect to the estimated public burden or associated response time, have suggestions, need a copy of the proposed information collection instrument with instructions, or desire any additional information, please contact Roderic Spencer, National Center for Explosives Training and Research (NCETR) either by mail at 3750 Corporal Road, Redstone Arsenal, AL 35898, or by email at: Roderic.Spencer@atf.gov.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

1. Type of Information Collection (check justification or form 83):

Extension, without change, of a currently approved collection.

2. The Title of the Form/Collection: Arson and Explosives Training Registration Request for Non-ATF Employees.

3. The agency form number, if any, and the applicable component of the Department sponsoring the collection:

Form number (if applicable): ATF F 6310.1.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. Affected public who will be asked or required to respond, as well as a brief abstract:

Primary: State and Local Government.

Other (if applicable): Federal Government.

Abstract: The form is used to obtain information from Federal, State and local, and international law enforcement, and military investigator personnel applying for training conducted by ATF, for the purpose of student registration, program information and program evaluation. The information on the form will be used to determine the eligibility of the applicant to attend the training.

5. An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: An estimated 500 respondents will utilize the form, and it will take each respondent approximately 6 minutes to complete the form for this information collection.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 50 hours which is equal to 500 (# of respondents) * .1 (6 minutes).

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405A, Washington, DC 20530.

Dated: November 6, 2017.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2017-24385 Filed 11-8-17; 8:45 am]

BILLING CODE 4410-FY-P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140-0068]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Revision of a Currently Approved Collection; Police Check Inquiry—ATF F 8620.42

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is being revised to eliminate the Pre-Screening Qualifications Certification—ATF Form 8620.62, which is no longer needed. The proposed information collection is also being published to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and will be accepted for 60 days until January 8, 2018.

FOR FURTHER INFORMATION CONTACT: If you have additional comments, particularly with respect to the estimated public burden or associated response time, have suggestions, need a copy of the proposed information collection instrument with instructions, or desire any additional information, please contact John Dugan, Physical Security Programs Branch, either by

mail at 99 New York Avenue NE., Washington, DC 20226 or by email at John.T.Dugan@atf.gov.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection (check justification or form 83):* Revision of a currently approved collection.

2. *The Title of the Form/Collection:* Police Check Inquiry.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form number (if applicable): ATF F 8620.42.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Individuals or households.

Other (if applicable): Business or other for-profit.

Abstract: The information requested is necessary to determine if individuals (potential contractors, task force officers, and volunteers) interested in providing services to ATF meet DOJ and ATF basic qualification requirements to be considered for access to ATF information, information technology systems, and/or facilities.

5. *An estimate of the total number of respondents and the amount of time*

estimated for an average respondent to respond: An estimated 1,000 respondents will utilize the form, and it will take each respondent approximately 5 minutes to complete the form.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 83 hours, which is equal to 1,000 (# of respondents) * (.0833 (5 mins)).

7. *An Explanation of the Change in Estimates:* The reduction of respondents by 1,500, and burden hours by 175 respectively, is due to the elimination of Pre-Screening Qualifications Certification—ATF Form 8620.62 from 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: November 6, 2017.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2017-24384 Filed 11-8-17; 8:45 am]

BILLING CODE 4410-FY-P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (17-081)]

NASA Advisory Council; Human Exploration and Operations Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, the National Aeronautics and Space Administration (NASA) announces a meeting of the Human Exploration and Operations (HEO) Committee of the NASA Advisory Council (NAC). This Committee reports to the NAC.

DATES: Wednesday, November 29, 2017, 10:00 a.m.–5:00 p.m.; and Thursday, November 30, 2017, 8:30 a.m.–12:00 p.m., Local Time.

ADDRESSES: The Debus Conference Facility, NASA Kennedy Space Center, Visitor Center, SR 405, NASA Kennedy Space Center, FL 32899.

PARKING: Public attendees may park in Lot 4 and Lot 5.

FOR FURTHER INFORMATION CONTACT: Dr. Bette Siegel, Designated Federal Officer,

NAC HEO Committee, NASA Headquarters, Washington, DC 20546, (202) 358-2245, or bette.siegel@nasa.gov.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. This meeting is also available telephonically and by WebEx. You must use a touch tone phone to participate in this meeting. Any interested person may dial the toll free access number 1-888-324-9238 or toll access number 1-517-308-9132, and then the numeric participant passcode: 3403297, to participate in this meeting by telephone. The WebEx link is <https://nasa.webex.com/>, the meeting number is 993 268 960, and the password is Exploration@2017 (case sensitive).

The agenda for the meeting includes the following topics:

- Human Exploration and Operations Mission Directorate Overview
- International Space Station Update
- Exploration Systems Division Update
- Commercial Crew Update
- Advanced Exploration Systems Update
- Future Human Exploration Planning

Attendees will be requested to sign a register before access to the meeting. It is imperative that the meeting be held on these dates to the scheduling priorities of the key participants.

Carol J. Hamilton,

Acting Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2017-24380 Filed 11-8-17; 8:45 am]

BILLING CODE 7510-13-P

NATIONAL FOUNDATION OF THE ARTS AND HUMANITIES

National Endowment for the Arts

The Announcement of the Membership of the NEA Senior Executive Service (SES) Performance Review Board

ACTION: Notice.

SUMMARY: This notice announces the membership of the National Endowment for the Arts (NEA) Senior Executive Service (SES) Performance Review Board (PRB).

DATES: *Applicable:* November 2, 2017.

ADDRESSES: Send comments concerning this notice to: National Endowment for the Arts, 400 7th Street SW., Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Craig McCord Sr. by telephone at (202) 682-5473 or by email at mccordc@arts.gov.

SUPPLEMENTARY INFORMATION: 4314(c)(1) through (5) of Title 5, U.S.C., requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more SES Performance Review Boards. The Board shall review and evaluate the initial appraisal of a senior executive's performance by the supervisor, along with any response by the senior executive, and make recommendations to the appointing authority relative to the performance of the senior executive.

The following persons have been selected to serve on the Performance Review Board of the National Endowment for the Arts (NEA):

Ann Eilers—Deputy Chairman for Management and Budget
Michael Griffin—Chief of Staff
Ronald Luczak—Office of Security, Facilities, and Logistics Director, Department of Education

Dated: November 1, 2017.

Jane Chu,

Chairman.

Dated: November 6, 2017.

Jillian Miller,

Director of Guidelines and Panel Operations, Administrative Services, National Endowment for the Arts.

[FR Doc. 2017-24374 Filed 11-8-17; 8:45 am]

BILLING CODE P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Notice of Proposed Collection; Comment Request

AGENCY: National Endowment for the Arts.

ACTION: Notice of proposed collection; comment request.

SUMMARY: The National Endowment for the Arts (NEA), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995. This program helps to ensure that requested data is provided in the desired format; reporting burden (time and financial resources) is minimized; collection instruments are clearly understood; and the impact of collection requirements on respondents is properly assessed. Currently, the National Endowment for the Arts is soliciting comments concerning the proposed information collection for applications from individuals applying to the Literature

Fellowships: Translation Projects category. A copy of the information collection request can be obtained by contacting the office listed below in the address section of this notice.

DATES: Written comments must be submitted to the office listed in the address section below within 60 days from the date of this publication in the **Federal Register**. We are 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
- Can help the agency minimize the burden of the collection of information on those who are to respond, including through the electronic submission of responses.

ADDRESSES: Email comments to Jillian Miller, Director, Office of Guidelines and Panel Operations, National Endowment for the Arts, at millerj@arts.gov.

FOR FURTHER INFORMATION CONTACT: Jillian Miller, Director of Guidelines and Panel Operations, National Endowment for the Arts, at millerj@arts.gov or 202/682-5504.

Dated: November 6, 2017.

Jillian Miller,

Director of Guidelines and Panel Operations, Administrative Services, National Endowment for the Arts.

[FR Doc. 2017-24430 Filed 11-8-17; 8:45 am]

BILLING CODE 7537-01-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 October 5, 2017, the National Science Foundation published a notice in the **Federal Register** of a permit applications received. The permits were issued on November 6, 2017 to:

1. Vernon G. Chu, BBC Worldwide Americas, Inc. Permit No. 2018–018
2. David Schutt Permit No. 2018–003

Nadene G. Kennedy,
Polar Coordination Specialist, Office of Polar Programs.

[FR Doc. 2017–24423 Filed 11–8–17; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2017–0001]

Sunshine Act Meeting Notice

DATE: Weeks of November 13, 20, 27, December 4, 11, 18, 2017.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of November 13, 2017

There are no meetings scheduled for the week of November 13, 2017.

Week of November 20, 2017—Tentative

There are no meetings scheduled for the week of November 20, 2017.

Week of November 27, 2017—Tentative

Tuesday, November 28, 2017

10:00 a.m. Briefing on Security Issues (Closed—Ex. 1).

Thursday, November 30, 2017

10:00 a.m. Briefing on Equal Employment Opportunity, Affirmative Employment, and Small Business (Public); (Contact: Larniece McKoy Moore: 301–415–1942).

This meeting will be webcast live at the Web address—<http://www.nrc.gov/>.

Week of December 4, 2017—Tentative

There are no meetings scheduled for the week of December 4, 2017.

Week of December 11, 2017—Tentative

Tuesday, December 12, 2017

9:00 a.m. Hearing on Combined Licenses for Turkey Point, Units 6 and 7: Section 189a. of the Atomic Energy Act Proceeding (Public Meeting); (Contact: Manny Comar: 301–415–3863).

This meeting will be webcast live at the Web address—<http://www.nrc.gov/>.

Week of December 18, 2017—Tentative

There are no meetings scheduled for the week of December 18, 2017.

* * * * *

The schedule for Commission meetings is subject to change on short notice. For more information or to verify the status of meetings, contact Denise McGovern at 301–415–0681 or via email at Denise.McGovern@nrc.gov.

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: <http://www.nrc.gov/public-involve/public-meetings/schedule.html>.

* * * * *

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (e.g., braille, large print), please notify Kimberly Meyer, NRC Disability Program Manager, at 301–287–0739, by videophone at 240–428–3217, or by email at Kimberly.Meyer-Chambers@nrc.gov. Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555 (301–415–1969), or email Brenda.Akstulewicz@nrc.gov or Patricia.Jimenez@nrc.gov.

Dated: November 7, 2017.

Denise L. McGovern,
Policy Coordinator Office of the Secretary.

[FR Doc. 2017–24565 Filed 11–7–17; 4:15 pm]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2016–59; MC2018–20 and CP2018–42; MC2018–21 and CP2018–43]

New Postal Products

AGENCY: Postal Regulatory Commission.
ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning negotiated service agreements. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* November 14, 2017.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. Introduction
- II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's Web site (<http://www.prc.gov>). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.40.

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633,

39 U.S.C. 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s)*: CP2016–59; *Filing Title*: USPS Notice of Change in Prices Pursuant to Amendment to Priority Mail & First-Class Package Service Contract 9: November 3, 2017; *Filing Authority*: 39 CFR 3015.5; *Public Representative*: Kenneth R. Moeller; *Comments Due*: November 14, 2017.

2. *Docket No(s)*: MC2018–20 and CP2018–42; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & First-Class Package Service Contract 25 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: November 3, 2017; *Filing Authority*: 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.*; *Public Representative*: Christopher C. Mohr; *Comments Due*: November 14, 2017.

3. *Docket No(s)*: MC2018–21 and CP2018–43; *Filing Title*: USPS Request to Add Priority Mail Contract 372 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: November 3, 2017; *Filing Authority*: 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.*; *Public Representative*: Christopher C. Mohr; *Comments Due*: November 14, 2017.

This notice will be published in the **Federal Register**.

Stacy L. Ruble,

Secretary.

[FR Doc. 2017–24412 Filed 11–8–17; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82013; File No. SR–NASDAQ–2017–074]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing of Amendment No. 2 and Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change, as Modified by Amendment Nos. 1 and 2, To Adopt the Midpoint Extended Life Order

November 3, 2017.

I. Introduction

On July 21, 2017, the NASDAQ Stock Market LLC (“Exchange” or “Nasdaq”) 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 the Midpoint Extended Life Order (“MELO”). The proposed rule change was published for comment in the **Federal Register** on August 9, 2017.³ On August 9, 2017, the Exchange filed Amendment No. 1 to the proposed rule change.⁴ On September 21, 2017, pursuant to Section 19(b)(2) of the Act,⁵ the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to approve or disapprove the proposed rule change.⁶ The Commission has received three comment letters on the proposal.⁷ On October 30, 2017, the Exchange filed Amendment No. 2 to the proposed rule change.⁸ The Commission is publishing this notice and order to solicit comments on the proposed rule change, as modified by Amendment Nos. 1 and 2, from interested persons and to institute proceedings pursuant to Section 19(b)(2)(B) of the Act⁹ to determine whether to approve or disapprove the proposed rule change, as modified by Amendment Nos. 1 and 2.

II. Description of the Proposal

The Exchange proposed to offer the MELO order type. A MELO would be a non-displayed order priced at the midpoint between the National Best Bid

and Offer (“NBBO”) and would not be eligible to execute until a minimum period of one half of a second (“Holding Period”) has passed after acceptance of the order by the system.¹⁰ Once eligible to trade, MELOs would be ranked in time priority at the NBBO midpoint among other MELOs.¹¹ If a limit price is assigned to a MELO, the order would be: (1) Eligible for execution in time priority if upon acceptance of the order by the system, the midpoint price is within the limit set by the participant; or (2) held until the midpoint falls within the limit set by the participant, at which time the Holding Period would commence and thereafter the system would make the order eligible for execution in time priority.¹²

If a MELO is modified by a member (other than to decrease the size of the order or to modify the marking of a sell order as long, short, or short exempt) during the Holding Period, the system would restart the Holding Period.¹³ Similarly, if a MELO is modified by a member (other than to decrease the size of the order or to modify the marking of a sell order as long, short, or short exempt) after it has become eligible to execute, the order would have to satisfy a new Holding Period.¹⁴

Movements in the NBBO while a MELO is in the Holding Period would not reset the Holding Period, even if, as a result of the NBBO move, the MELO’s limit price is less aggressive than the NBBO midpoint.¹⁵ Also, if a MELO has met the Holding Period, but the NBBO midpoint is no longer within its limit, it would nonetheless be ranked in time priority among other MELOs if the NBBO later moves such that the midpoint is within the order’s limit price (*i.e.*, no new Holding Period).¹⁶

MELOs may be entered via any of the Exchange’s communications protocols and the type of communications protocol used would not affect how the system handles MELOs.¹⁷ If there is no NBB or NBO, the Exchange would accept MELOs but would not allow MELO executions until there is an

² 17 CFR 240.19b–4.

³ See Securities Exchange Act Release No. 81311 (August 3, 2017), 82 FR 37248 (“Notice”).

⁴ In Amendment No. 1, the Exchange updated the proposal to reflect the approval of the proposal by the Exchange’s Board of Directors on July 21, 2017. Amendment No. 1 is available at <https://www.sec.gov/comments/sr-nasdaq-2017-074/nasdaq2017074.htm>. Because Amendment No. 1 is a technical amendment that does not alter the substance of the proposed rule change, it is not subject to notice and comment.

⁵ 15 U.S.C. 78s(b)(2).

⁶ See Securities Exchange Act Release No. 81668, 82 FR 45095 (September 27, 2017). The Commission designated November 7, 2017 as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to approve or disapprove, the proposed rule change.

⁷ See Letters to Brent J. Fields, Secretary, Commission, from Stephen John Berger, Managing Director, Government & Regulatory Policy, Citadel Securities, dated August 30, 2017 (“Citadel Letter”); Ray Ross, Chief Technology Officer, The Clearpool Group, dated September 12, 2017 (“Clearpool Letter”); and Joanna Mallers, Secretary, FIA Principal Traders Group, dated September 19, 2017 (“FIA PTG Letter”).

⁸ In Amendment No. 2, the Exchange: (1) Modified the proposal to prevent MELOs from trading when better-priced non-displayed orders rest on the Nasdaq book; (2) provided additional description, clarification, and rationale for certain aspects of the proposal; and (3) responded to several concerns raised by commenters on the proposal. Amendment No. 2 is available at <https://www.sec.gov/comments/sr-nasdaq-2017-074/nasdaq2017074.htm>.

⁹ 15 U.S.C. 78s(b)(2)(B).

¹⁰ See proposed Nasdaq Rule 4702(b)(14)(A).

¹¹ See *id.*

¹² See *id.*

¹³ See *id.* The Exchange noted that any change to a MELO that would result in a change in the order’s timestamp would result in the MELO being considered altered, and thus the order would be subject to a new Holding Period before being eligible to trade and its priority would be based on the new timestamp. See Amendment No. 2 at n.16.

¹⁴ See proposed Nasdaq Rule 4702(b)(14)(A).

¹⁵ See Amendment No. 2 at n.11.

¹⁶ See proposed Nasdaq Rule 4702(b)(14)(A); Amendment No. 2 at n.15.

¹⁷ See Amendment No. 2 at n.10.

¹ 15 U.S.C. 78s(b)(1).

NBBO.¹⁸ MELOs would be eligible to trade if the NBBO is locked.¹⁹ If the NBBO is crossed, MELOs would be held by the system until such time that the NBBO is no longer crossed, at which time they would be eligible to trade.²⁰ MELOs may be cancelled at any time, including during the Holding Period.²¹

MELOs would be active only during Market Hours.²² MELOs entered during Pre-Market Hours would be held by the system in time priority until Market Hours.²³ MELOs entered during Post-Market Hours would not be accepted by the system, and MELOs remaining unexecuted after 4:00 p.m. ET would be cancelled by the system.²⁴ MELOs would not be eligible for the Nasdaq opening, halt, and closing crosses.²⁵

MELOs must be entered with a size of at least one round lot, and any shares of a MELO remaining after an execution that are less than one round lot would be cancelled.²⁶ MELOs may have a minimum quantity order attribute.²⁷ MELOs may not be designated with a time-in-force of immediate or cancel ("IOC") and are ineligible for routing.²⁸ They also may not have the discretion, reserve size, attribution, intermarket sweep order, display, or trade now order attributes.²⁹

¹⁸ See *id.* at 12. If there is no NBB or NBO upon entry of a MELO, the system would hold the order in time priority, together with any other MELOs received while there is no NBB or NBO. See *id.* Once there is an NBBO, the Holding Period would begin for the held MELOs based on time priority. See *id.*

¹⁹ See *id.* at 12–13.

²⁰ See *id.* at 13.

²¹ See proposed Nasdaq Rule 4702(b)(14)(A).

²² See proposed Nasdaq Rule 4702(b)(14)(B). Market Hours begin after the completion of the Nasdaq Opening Cross (or at 9:30 a.m. ET in the case of a security for which no Nasdaq Opening Cross occurs). See Nasdaq Rule 4703(a).

²³ See proposed Nasdaq Rule 4702(b)(14)(B). "Pre-Market Hours" means the period of time beginning at 4:00 a.m. ET and ending immediately prior to the commencement of Market Hours. See Nasdaq Rule 4701(g). A MELO entered during Pre-Market Hours would be held by the system until the completion of the Opening Cross (or 9:30 a.m. ET if no Opening Cross occurs), ranked in the time that it was received by the Nasdaq book upon satisfaction of the Holding Period. See Amendment No. 2 at 11–12.

²⁴ See proposed Nasdaq Rule 4702(b)(14)(B). "Post-Market Hours" means the period of time beginning immediately after the end of Market Hours and ending at 8:00 p.m. ET. See Nasdaq Rule 4701(g).

²⁵ See proposed Nasdaq Rule 4703(l); Amendment No. 2 at 12. MELOs in existence at the time a halt is initiated would be ineligible to execute and held by the system until trading has resumed and the NBBO has been received by Nasdaq. See proposed Nasdaq Rule 4702(b)(14)(A).

²⁶ See proposed Nasdaq Rule 4702(b)(14)(B).

²⁷ See *id.*

²⁸ See *id.*; see also Amendment No. 2 at 11 and 13.

²⁹ See Amendment No. 2 at 13–14.

Once a MELO becomes eligible to execute by existing unchanged for the Holding Period, the MELO may only execute against other eligible MELOs.³⁰ MELOs would not execute if there is a resting non-displayed order priced more aggressively than the NBBO midpoint, and they instead would be held until the resting non-displayed order is no longer on the Nasdaq book or the NBBO midpoint matches the price of the resting non-displayed order.³¹ MELO executions would be reported to Securities Information Processors and provided to Nasdaq's proprietary data feeds without any new or special indication.³²

As proposed, MELOs would be subject to real-time surveillance to determine if the order type is being abused by market participants.³³ In addition, the Exchange intends to implement a process, at the same time as the implementation of MELOs, to monitor the use of MELOs with the intent to apply additional measures, as necessary, to ensure their usage is appropriately tied to the intent of the order type.³⁴ The Exchange stated that this process may include metrics tied to participant behavior, such as the percentage of MELOs that are cancelled prior to the completion of the Holding Period, the average duration of MELOs, and the percentage of MELOs where the NBBO midpoint is within the limit price when received.³⁵ The Exchange stated that it is committed to determining whether there is opportunity or prevalence of behavior that is inconsistent with normal risk management behavior.³⁶ According to the Exchange, manipulative abuse is subject to potential disciplinary action under the Exchange's rules, and other behavior that is not necessarily manipulative but nonetheless frustrates the purposes of the MELO order type may be subject to penalties or other participant requirements to discourage such behavior, should it occur.³⁷

The Exchange stated that it plans to implement MELO within thirty days after Commission approval of the proposal.³⁸ The Exchange would make MELOs available to all members and to all securities upon implementation, and would announce the implementation date by Equity Trader Alert.³⁹

³⁰ See proposed Nasdaq Rule 4702(b)(14)(A).

³¹ See *id.*; see also Amendment No. 2 at 9.

³² See Amendment No. 2 at 15.

³³ See *id.* at 22.

³⁴ See *id.*

³⁵ See *id.*

³⁶ See *id.* at 22–23.

³⁷ See *id.* at 23.

³⁸ See *id.* at 16.

³⁹ See *id.*

III. Summary of Comments and the Exchange's Response

The Commission received one comment letter that expressed support for the proposal⁴⁰ and two comment letters that expressed concerns about the proposal.⁴¹

One commenter stated its belief that MELOs could provide a valuable tool for investors, and particularly institutional investors, seeking to execute in large size.⁴² This commenter also stated its belief that MELOs have the potential to attract longer-term market participants to Nasdaq, and would provide an additional method to allow investors to effectively implement their investment strategies on an exchange.⁴³ The commenter observed that, because MELOs would be on an exchange, they would be available to all Exchange participants, which the commenter asserted is a fairer and more transparent way for markets to operate as compared to off-exchange trading venues.⁴⁴

Two commenters expressed concern with the degree of order segmentation presented by the proposal.⁴⁵ They expressed the view that MELOs would create a separate order book within the Nasdaq matching system where only MELOs could interact with each other.⁴⁶ One of these commenters stated that the proposal represents an unprecedented level of exchange-based order flow segmentation.⁴⁷ This commenter acknowledged the existence of limited exchange-based mechanisms that have the effect of restricting some order flow interaction, but contended that the proposal goes significantly beyond any such existing restrictions.⁴⁸ This commenter noted that the use of MELOs would result in two orders failing to interact even if they are of the same size and have prices that cross each other, and suggested that the Commission consider carefully whether this is consistent with the definition and purpose of an exchange.⁴⁹

⁴⁰ See Clearpool Letter.

⁴¹ See Citadel Letter and FIA PTG Letter.

⁴² See Clearpool Letter at 1–3.

⁴³ See *id.* at 2.

⁴⁴ See *id.*

⁴⁵ See Citadel Letter at 1–3; FIA PTG Letter at 2. One of these commenters also expressed the concern that the costs of approving the MELO order type would far outweigh the potential benefits. See FIA PTG Letter at 2. This commenter asserted that artificially introducing latency negatively impacts the price discovery and formation functions of the exchange. See *id.* This commenter also expressed broad concerns about complexity in today's equity market structure, which are outside the scope of the Exchange's proposal. See *id.*

⁴⁶ See Citadel Letter at 1–3; FIA PTG Letter at 2.

⁴⁷ See Citadel Letter at 1.

⁴⁸ See *id.* at 3.

⁴⁹ See *id.*

In addition, one commenter remarked that market participants with marketable held orders or resting orders seeking to execute against marketable held order flow would be unlikely to utilize MELOs because marketable held orders are typically required to be executed fully and promptly.⁵⁰ According to the commenter, as use of the “MELO order book” increases, liquidity in the “legacy Nasdaq order book” could be negatively impacted to the detriment of retail investors.⁵¹ Moreover, the commenter stated that investors submitting resting MELOs would not be able to interact with marketable held order flow.⁵² The commenter suggested that the Exchange could partially mitigate the negative impacts of MELO order segmentation by revising its proposal to allow any order to immediately interact with a resting MELO as long as it is priced beyond the midpoint.⁵³

In contrast, one commenter stated that allowing MELOs to interact with non-MELOs would defeat the purpose of the MELO order type.⁵⁴ This commenter also stated that it does not believe that the proposal would negatively impact liquidity or price discovery on the Nasdaq market because the MELO order type should have little to no detrimental effect on participants using other order types.⁵⁵ According to this commenter, to the extent that the MELO order type would provide incentives for order flow to be directed to a fair access exchange and away from private market centers, price discovery for the broader markets might improve.⁵⁶

In Amendment No. 2, the Exchange stated that although MELOs may forgo the opportunity to interact with other liquidity on the Exchange, users of MELOs accepted this possibility in return for the ability to interact with other market participants with the same time horizon.⁵⁷ The Exchange also

stated its belief that it is not unfair or discriminatory that non-displayed orders resting on Nasdaq that are priced more aggressively than the NBBO midpoint would not participate in MELO executions.⁵⁸ According to the Exchange, the use of resting non-displayed orders and MELOs would be available to all participants, and participants would simply need to evaluate which order type best serves their investment needs.⁵⁹ Moreover, the Exchange stated that it has conducted a pro forma study of the effect of applying MELOs to the current market: It reviewed all executions occurring on Nasdaq in August 2017 and found that only 0.37% of resting non-displayed orders traded at a price better than the prevailing midpoint at the time of execution.⁶⁰ According to the Exchange, consequently, the number of situations in which a participant would have to consider the trade-offs between posting a non-displayed buy (sell) order at a higher (lower) price as compared to submitting a MELO is minimal.⁶¹ In addition, the Exchange reiterated that all members may use MELOs and thus have access to MELO liquidity.⁶² Finally, in Amendment No. 2, the Exchange amended the proposal to provide that MELOs would not execute if there is a resting non-displayed order priced more aggressively than the NBBO midpoint; instead, MELOs would be held until the resting non-displayed order is no longer on the Nasdaq book or the NBBO midpoint matches the price of the resting non-displayed order.⁶³

One commenter raised the concern that, under the proposal, MELO executions would be reported to the Securities Information Processors and provided on Nasdaq’s proprietary data feed in the same manner as all other transactions on Nasdaq.⁶⁴ This commenter stated that this approach likely would raise concerns about market fairness and introduce significant complexity for investors, broker-dealers, and regulators when attempting to analyze market activity and assess execution quality.⁶⁵ This commenter noted, by way of example, that investors may see their orders executed on Nasdaq at worse prices than other contemporaneous executions on Nasdaq and that, without Nasdaq

labeling MELO executions as such, investors may not know why this has occurred.⁶⁶ This commenter also asserted that, without labeling MELO executions differently than other executions on Nasdaq, broker-dealer routing logic may be influenced by liquidity that is not actually accessible, and regulators may experience difficulties in accurately filtering market data when evaluating compliance with regulatory requirements such as best execution.⁶⁷ This commenter urged the Commission to require that executions resulting from MELOs be marked as such on the tape.⁶⁸ Alternatively, the commenter suggested that Nasdaq offer the MELO order type on a separate exchange.⁶⁹

By contrast, one commenter stated that it does not believe that the lack of specific identification of MELOs in trade reports would result in any difficulties for the markets, or complexity for investors or other market participants when assessing execution quality.⁷⁰ According to this commenter, users of the MELO order type would be provided with anonymity and confidentiality, which the commenter asserted are critical tools in preventing potentially predatory counterparties from determining intention and using that information to generate short-term profits at the expense of longer-term investors.⁷¹ In addition, this commenter stated that Nasdaq and all other exchanges currently offer many order types that when executed do not provide specific indicators showing exactly which order types were used, and professed not to see how allowing an exchange to add another order type without such trade reporting disclosure would harm market participants’ ability to measure market quality, as they do not currently have that ability.⁷²

In Amendment No. 2, the Exchange stated that it currently does not identify on data feeds in real time the order types and attributes that resulted in an execution (e.g., reserve order attribute).⁷³ According to the Exchange, not identifying MELOs is important to ensure that investors are protected from market participants that would

⁵⁰ See *id.* at 1–2.

⁵¹ See *id.* at 2.

⁵² See *id.*

⁵³ See *id.*

⁵⁴ See Clearpool Letter at 3.

⁵⁵ See *id.*

⁵⁶ See *id.*

⁵⁷ See Amendment No. 2 at 19. The Exchange also compared MELOs to the minimum quantity order attribute, as well as the retail price improvement orders available on Nasdaq BX, Inc. See *id.* The Exchange stated that both of these types of orders provide the opportunity to interact with orders meeting certain characteristics, and consequently may miss the opportunity to receive an execution if the contra-side order does not meet the specified characteristics. See *id.* In addition, the Exchange compared its proposal to the Nasdaq Crossing Network, which created a series of intra-day crosses at the NBBO midpoint. See *id.* at 20. The Exchange stated that Nasdaq Crossing Network eligible orders were not available for execution against orders resting on the Nasdaq book. See *id.* at 20–21.

⁵⁸ See *id.* at 20.

⁵⁹ See *id.*

⁶⁰ See *id.* at 21.

⁶¹ See *id.*

⁶² See *id.*

⁶³ See proposed Nasdaq Rule 4702(b)(14)(A).

⁶⁴ See Citadel Letter at 3.

⁶⁵ See *id.*

⁶⁶ See *id.*

⁶⁷ See *id.*

⁶⁸ See *id.*

⁶⁹ See *id.*

⁷⁰ See Clearpool Letter at 2.

⁷¹ See *id.*

⁷² See *id.*

⁷³ See Amendment No. 2 at n.34. The Exchange also noted that there is no real-time transparency regarding which destination or broker matched a buyer and seller when transactions are reported to a trade reporting facility. See *id.* at 25–26. Instead, there are delayed reports that identify where the executions occurred. See *id.* at 26.

otherwise take advantage of such knowledge and undermine the usefulness of the order type.⁷⁴ In addition, the Exchange stated that, like any of the order types or attributes provided by the Exchange, members must assess which ones would provide them with the best execution in achieving their investment goals.⁷⁵

Lastly, one commenter asserted that allowing MELOs to be cancelled at any time during the Holding Period does not appear to be consistent with the intended use of the order type.⁷⁶ Instead, according to this commenter, a MELO should only be permitted to be cancelled after the Holding Period has expired and the order has been placed in the order book.⁷⁷ Another commenter, by contrast, did not have an issue with providing market participants the ability to cancel MELOs during the Holding Period.⁷⁸ This commenter stated that it believes this would be an important feature of the MELO order type because many firms use algorithms to source liquidity simultaneously from multiple venues.⁷⁹ According to the commenter, to the extent that liquidity is found elsewhere than Nasdaq within the Holding Period, it would be critically important that the firm be able to cancel its orders from Nasdaq and re-allocate those shares to other venues.⁸⁰ This commenter stated that it does not believe any market participants would be gamed or harmed in such a circumstance.⁸¹

In Amendment No. 2, the Exchange stated that MELOs may be cancelled at any time, including during the Holding Period, in order to allow members to effectively manage risk.⁸² The Exchange also acknowledged that the potential exists for some participants to use MELOs in a way that conflicts with the stated intention of the order type to allow longer term investors the

opportunity to safely find like-minded counterparties at the midpoint on Nasdaq.⁸³ For this reason, the Exchange represented that MELOs would be subject to real-time surveillance to determine if the order type is being abused by market participants.⁸⁴ The Exchange also stated that it plans to implement a process, at the same time as the implementation of MELOs, to monitor the use of MELOs, with the intent to apply additional measures, as necessary, to ensure their usage is appropriately tied to the intent of the order type.⁸⁵ According to the Exchange, manipulative abuse is subject to potential disciplinary action under the Exchange's rules, and other behavior that is not necessarily manipulative but nonetheless frustrates the purposes of the MELO order type may be subject to penalties or other participant requirements to discourage such behavior, should it occur.⁸⁶

V. Proceedings To Determine Whether To Approve or Disapprove SR–NASDAQ–2017–074, as Modified by Amendment Nos. 1 and 2, and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Act⁸⁷ to determine whether the proposed rule change, as modified by Amendment Nos. 1 and 2, should be approved or disapproved. Institution of proceedings is appropriate at this time in view of the legal and policy issues raised by the proposal, as discussed below. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, as described below, the Commission seeks and encourages interested persons to provide additional comment on the proposed rule change, as modified by Amendment Nos. 1 and 2.

Pursuant to Section 19(b)(2)(B) of the Act,⁸⁸ the Commission is providing notice of the grounds for disapproval under consideration. As discussed above, the Exchange has proposed to

offer a new MELO order type, which would be non-displayed, pegged to the NBBO midpoint, and eligible for execution only after a half-second Holding Period has completed following the acceptance of the MELO by the Exchange system (although MELOs could be cancelled at any time, including during the Holding Period). In addition, MELOs would be eligible to execute only against other MELOs and would not be eligible to execute against any other trading interest on the Nasdaq book, including resting contra-side orders that are priced more aggressively than the NBBO midpoint.

The Commission is instituting proceedings to allow for additional analysis of, and input from commenters with respect to, the consistency of the proposal with Sections 6(b)(5)⁸⁹ and 6(b)(8)⁹⁰ of the Act. Section 6(b)(5) of the Act requires that the rules of a national securities exchange be designed, among other things, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest, and not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. Section 6(b)(8) of the Act requires that the rules of a national securities exchange not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

V. Procedure: Request for Written Comments

The Commission requests that interested persons provide written submissions of their data, views, and arguments with respect to the issues identified above, as well as any other concerns they may have with the proposal. In particular, the Commission invites the written views of interested persons concerning whether the proposed rule change, as modified by Amendment Nos. 1 and 2, is consistent with Section 6(b)(5), 6(b)(8), or any other provision of the Act, or rules and regulations thereunder. Although there does not appear to be any issues relevant to approval or disapproval which would be facilitated by an oral presentation of data, views, and arguments, the Commission will consider, pursuant to Rule 19b–4 under the Act,⁹¹ any request for an

⁷⁴ See *id.* at 25. According to the Exchange, MELO is designed to increase access to, and participation on, Nasdaq for investors that are less concerned with the time to execution, but rather are looking to source liquidity, often in greater size, at the NBBO midpoint against a counterparty order that has the same objectives. See *id.* at 17. The Exchange noted that the proposal is designed to help ensure that members with MELOs are not disadvantaged by other order types entered by participants that have the benefit of knowing, and reacting to, rapid changes in the market. See *id.* at 9.

⁷⁵ See *id.* at 25.

⁷⁶ See Citadel Letter at 4.

⁷⁷ See *id.* This commenter also suggested that the Exchange should clarify that MELOs cannot be designated IOC, see *id.*, but the Commission notes that that fact is already stated in the proposal, see *supra* note 28 and accompanying text.

⁷⁸ See Clearpool Letter at 3.

⁷⁹ See *id.*

⁸⁰ See *id.*

⁸¹ See *id.*

⁸² See Amendment No. 2 at 8.

⁸³ See *id.* at 22.

⁸⁴ See *id.*

⁸⁵ See *id.* According to the Exchange, this process may include metrics tied to participant behavior, such as the percentage of MELOs cancelled prior to completion of the Holding Period, the average duration of MELOs, and the percentage of MELOs where the NBBO midpoint is within the limit price when received. See *id.*

⁸⁶ See *id.* at 23. The Exchange stated that punitive fees or other prerequisite requirements tied to MELO usage would be implemented by rule filing under Section 19(b) of the Act, should the Exchange determine that they are necessary to maintain a fair and orderly market. See *id.*

⁸⁷ 15 U.S.C. 78s(b)(2)(B).

⁸⁸ *Id.*

⁸⁹ 15 U.S.C. 78f(b)(5).

⁹⁰ 15 U.S.C. 78f(b)(8).

⁹¹ 17 CFR 240.19b–4.

opportunity to make an oral presentation.⁹²

Interested persons are invited to submit written data, views, and arguments regarding whether the proposed rule change, as modified by Amendment Nos. 1 and 2, should be approved or disapproved by November 30, 2017. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by December 14, 2017. 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 No. SR-NASDAQ-2017-074 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 No. SR-NASDAQ-2017-074. The 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.

⁹² Section 19(b)(2) of the Act, as amended by the Securities Acts Amendments of 1975, Public Law 94-29 (June 4, 1975), grants to the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. See Securities Acts Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR-NASDAQ-2017-074 and should be submitted by November 30, 2017. Rebuttal comments should be submitted by December 14, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁹³

Eduardo A. Aleman,
Assistant Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-82009; File No. SR-OCC-2017-008]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing of Proposed Rule Change Related to The Options Clearing Corporation's Collateral Risk Management Policy

November 3, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934,¹ and Rule 19b-4 thereunder,² notice is hereby given that on October 27, 2017, The Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by OCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

This proposed rule change by The Options Clearing Corporation ("OCC") would formalize and update OCC's Collateral Risk Management Policy ("CRM Policy"). This policy would promote compliance with Rule 17Ad-22(e)(5), which generally requires a covered clearing agency to have policies and procedures reasonably designed to, among other things, limit the assets it accepts as collateral to those with low credit, liquidity, and market risks and subject such assets to appropriate haircuts and concentration limits that

are reviewed for continued sufficiency not less than annually.³ The Collateral Risk Management Policy is included as confidential Exhibit 5 of the filing.

The proposed rule change does not require any changes to the text of OCC's By-Laws or Rules. All terms with initial capitalization that are not otherwise defined herein have the same meaning as set forth in the OCC By-Laws and Rules.⁴

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC 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. OCC 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

(1) Purpose

Background

On September 28, 2016, the Commission adopted amendments to Rule 17Ad-22⁵ and added new Rule 17Ab2-2⁶ pursuant to Section 17A of the Securities Exchange Act of 1934, as amended, ("Act")⁷ and the Payment, Clearing, and Settlement Supervision Act of 2010 ("Payment, Clearing and Settlement Supervision Act")⁸ to establish enhanced standards for the operation and governance of those clearing agencies registered with the Commission that meet the definition of a "covered clearing agency," as defined by Rule 17Ad-22(a)(5)⁹ (collectively, the new and amended rules are herein referred to as "CCA" rules). The CCA rules require that a covered clearing agency, among other things, establish, implement, maintain, and enforce written policies and procedures reasonably designed to:

"[l]imit the assets it accepts as collateral to those with low credit, liquidity, and market risks, and set and enforce appropriately conservative haircuts and concentration limits if the covered clearing agency requires

³ 17 CFR 240.17Ad-22(e)(5).

⁴ OCC's By-Laws and Rules can be found on OCC's public Web site: <http://optionsclearing.com/about/publications/bylaws.jsp>.

⁵ 17 CFR 240.17Ad-22.

⁶ 17 CFR 240.17Ab2-2.

⁷ 15 U.S.C. 78q-1.

⁸ 12 U.S.C. 5461 *et seq.*

⁹ 17 CFR 240.17Ad-22(a)(5).

⁹³ 17 CFR 200.30-3(a)(12); 17 CFR 200.30-3(a)(57).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

collateral to manage its or its participants' credit exposure; and require a review of the sufficiency of its collateral haircuts and concentration limits to be performed not less than annually."¹⁰

OCC meets the definition of a covered clearing agency, and is therefore subject to the requirements of the CCA rules, including Rule 17Ad-22(e)(5).¹¹

Collateral Risk Management Policy

OCC proposes to formalize and update its CRM Policy. The purpose of the CRM Policy is to describe OCC's framework for collateral acceptability, valuations and haircuts, and collateral maintenance. The CRM Policy, as proposed, is designed to promote compliance with the Rule 17Ad-22(e)(5)¹² requirements that mandate that covered clearing agencies have written policies and procedures that are reasonably designed to limit collateral to assets with low credit, liquidity, and market risks, and that establish appropriately conservative haircuts and concentration limits that are reviewed no less than annually. OCC notes that the CRM Policy is part of a broader framework regarding collateral risk management, including OCC's By-Laws, Rules, and other policies, that are designed to ensure that OCC accepts appropriate collateral to remain resilient in times of market stress.¹³

With regard to a covered clearing agency's policies and procedures that address collateral, the Commission noted in the release adopting the CCA rules that such policies and procedures generally should take into account whether the covered clearing agency has: (1) Limited the assets it accepts to those with low credit, liquidity, and market risks; (2) established prudent valuation practices and developed haircuts that are regularly tested and take into account stressed market conditions; (3), established stable and conservative haircuts to reduce the need for pro-cyclical adjustments; (4) avoided concentrated holdings of certain assets where such holdings would significantly impair the ability to liquidate the assets quickly and without significant adverse price affects; (5) mitigated risks associated with the use of cross-border collateral, as applicable, and ensured that the collateral can be

used in a timely manner; and (6) uses a collateral management system that is well designed and operationally flexible.¹⁴

Certain descriptions in the CRM Policy are included to promote compliance with the Commission's guidance and Rule 17Ad-22(e)(5). For example, consistent with the guidance regarding cross-border collateral, the CRM Policy provides that OCC has the authority to reduce the haircut value of Canadian government securities if it observes increased credit risk, and that OCC applies an additional haircut to such securities to cover exchange rate risk. Consistent with the Commission's guidance that collateral risk management systems should remain operationally flexible, the CRM Policy also describes the authority of the Financial Risk Management department ("FRM") to reject a collateral withdrawal request if OCC determines that a Clearing Member's reasonably anticipated settlement obligations exceed available liquidity resources.

The descriptions below provide a general overview of the three substantive sections of OCC's CRM Policy.

Collateral Acceptability

The CRM Policy describes the categories of risk that are considered by OCC in determining which asset classes should be acceptable forms of collateral as margin assets and Clearing Fund contributions. OCC's assessment of an asset class generally includes an evaluation of market risk, credit risk, liquidity risk. This assessment is conducted by the Credit and Liquidity Risk Working Group ("CLRWG"), which is a cross functional group comprised of representatives from multiple departments as noted in the Credit and Liquidity Risk Working Group Procedure. The CRM Policy further provides that the CLRWG establishes criteria for each asset class considered an acceptable form of collateral that evaluates additional risks with respect to the asset class such as execution risk, custody risk, and operational risk. With respect to market risks, the CRM Policy provides that eligible assets classes are accepted after consideration of their liquidity, price transparency, price volatility, offset potential with contracts cleared by OCC, modeling implications and projected inventories.

With respect to credit risk, the CRM Policy separately considers counterparty risk and sovereign credit risk. For example, to safeguard against counterparty risk, the CRM Policy

provides that FRM evaluates the creditworthiness of counterparties, including custodial agents and settlement banks, against existing qualification standards and monitors the health of such counterparties on an ongoing basis through established processes, supported by a separate policy within OCC.¹⁵ With respect to sovereign credit risk,¹⁶ the CRM Policy provides that CLRWG assess such risks against existing minimum sovereign ratings and by evaluating, among other characteristics, credit, market, liquidity, and exchange rate risks.

Pursuant to the CRM Policy, OCC mitigates liquidity risk¹⁷ by limiting acceptable collateral to asset classes with low liquidity risk, giving no value to a participant for its own (or its affiliate's) debt or equity securities¹⁸ and limiting the amount of a particular asset type that a participant may pledge.¹⁹ The CRM Policy also provides that OCC takes other risks, such as execution risk,²⁰ custody risk,²¹ and operational risk,²² into consideration when managing collateral risk.

Valuations and Haircuts

The CRM Policy describes OCC's approach to valuing collateral and setting and applying haircuts. With respect to valuation, the CRM Policy provides that OCC's key considerations focus on its pricing process, the period of time between collateral revaluations

¹⁵ Specifically, evaluations of OCC's counterparties are supported by the Counterparty Credit Risk Management Policy.

¹⁶ Sovereign credit risk refers primarily to the risk associated with accepting a foreign country's debt as collateral or the impact sovereign risk could have on the credit risk of OCC's counterparties.

¹⁷ Liquidity risk generally refers to the potential price impact that may be observed when selling a collateral position whose size surpasses the market's current depth.

¹⁸ Giving no value to a participant's own securities or its affiliate's securities is a means of addressing wrong-way risk. See CCA Adopting Release, *supra* note 11, at n.317 (discussing wrong-way risk). Notwithstanding this prohibition, equity securities of participants can be used to hedge options positions on such equity securities. See OCC Rules 601 and 610.

¹⁹ Limiting the amount of a particular asset type a participant may pledge is also a means of addressing concentration risk. Specifically, the CRM Policy provides that OCC mitigates concentration risk by limiting the aggregation or concentration of large positions relative to market depth for a security and, consistent with OCC's liquidation assumptions, restricts the value given to collateral assets beyond amounts that are determined to serve as a hedge to a Clearing Member's portfolio.

²⁰ Execution risk generally refers to the risk that a counterparty fails to deliver cash or securities when required.

²¹ Custody risk refers to, for example, the risk that a custodian holding OCC collateral becomes insolvent.

²² Operational risk generally refers to the risk that collateral cannot be delivered on a timely basis.

¹⁰ 17 CFR 240.17Ad-22(e)(5).

¹¹ *Id.*

¹² *Id.*

¹³ Securities Exchange Act Release No. 78961 (September 28, 2016), 81 FR 70786, 70812 (October 13, 2016) ("CCA Adopting Release") (noting that the requirements of Rule 17Ad-22(e)(5) are "intended to 'help ensure that a covered clearing agency is resilient in times of market stress'").

¹⁴ *Id.* at 70816.

(which are at least daily), established haircuts to mitigate market risk, and the periodic re-evaluation of the adequacy of existing haircuts. OCC's pricing information, as described in the CRM Policy, feeds into OCC's processes for establishing margin levels or haircuts, daily mark-to-market valuation of collateral, and intraday valuation of collateral. Given the importance of pricing data to inform these processes, OCC maintains redundant information feeds from multiple sources to ensure accuracy and quality. The CRM Policy further summarizes OCC's two approaches for valuing collateral: Collateral in Margins ("CiM") and haircuts.²³ For collateral that is not managed using the CiM process, the CRM Policy provides that OCC subjects such collateral to percentage haircuts established at the time the collateral is accepted by OCC and that are monitored regularly to ensure the haircuts remain adequate.

Collateral Management Process

The CRM Policy also outlines the three parts of OCC's collateral management processes: (1) Systems and processing; (2) reconciliation; and (3) reporting. With respect to systems and processing, the CRM Policy provides, among other things, that OCC's collateral management system has controls intended to ensure that no Clearing Member goes into collateral deficit and that it is designed to report the excess/deficit status for each account in real-time. OCC also stress tests the system annually to ensure that it can accommodate a large number of automated transactions. With respect to reconciliation, the CRM Policy provides that OCC performs daily balancing of collateral against activity and inventory data from custodial banks and depositories. The CRM Policy further provides that OCC regularly reviews collateral deposited pursuant to a letter of credit or depository receipt, and the escrow deposit banks, to ensure that acceptable and sufficient collateral is maintained. With respect to reporting, the CRM Policy provides that OCC systematically delivers end-of-day activity and inventory reports to Clearing Members and custody banks and that reports regarding intraday activity can also be obtained.

Finally, the CRM Policy provides an overview of OCC's collateral re-investment options, collateral re-hypothecation and substitution ability, existing cross-margining agreements and margin offsets, which are detailed separately in OCC's Cash and Investment Management Policy.

Governance and Annual Review

The CRM Policy provides that the CLRWG reviews the policy's performance and adequacy on at least an annual basis, including with respect to collateral eligibility, concentration limits, collateral haircuts and monitoring processes. Recommendations for changes are presented to OCC's Management Committee and then the Risk Committee. The CRM Policy also specifies that collateral haircuts and concentration limits are reviewed on an annual basis by persons who are independent of OCC management and that adding a new asset class as acceptable collateral requires approval from OCC's Management Committee, Board of Directors and the Commission.

(2) Statutory Basis

Section 17A(b)(3)(F) of the Act²⁴ 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, in general, protect investors and the public interest. The CRM Policy sets forth the processes that OCC uses to limit collateral to assets with low credit, liquidity, and market risks, and to establish appropriately conservative haircuts and concentration limits. OCC believes that the proposed rule change is consistent with Section 17A(b)(3)(F) because the CRM Policy is reasonably designed to protect investors and the public interest by setting forth the processes that OCC uses to limit the collateral assets that OCC accepts to appropriate, risk-adjusted assets that, in turn, promote the prompt and accurate clearance and settlement of securities transactions by supporting OCC's ability to use the collateral to meet settlement obligations, as necessary, even in times of market stress.

Rule 17Ad-22(e)(5)²⁵ requires that OCC establish, implement, maintain and enforce written policies and procedures that are reasonably designed to "[l]imit the assets it accepts as collateral to those with low credit, liquidity, and market risks." As described in more detail above in the subsection discussing Collateral Acceptability, the CRM Policy

provides that in determining assets that are acceptable as collateral OCC evaluates market, credit and liquidity risk as well as additional risks, such as execution, custody and operational risk. Rule 17Ad-22(e)(5)²⁶ also requires OCC to set and enforce appropriately conservative haircuts and concentration limits. In this regard, the CRM Policy describes that, with respect to collateral valuation, OCC's key considerations focus on its pricing process, the period between collateral revaluations (which are at least daily), established haircuts to mitigate market risk and the periodic re-evaluation of the adequacy of existing haircuts. Moreover, OCC mitigates concentration risk by limiting the aggregation or concentration of large positions relative to market depth for a security and, consistent with OCC's liquidation assumptions, restricts the value given to collateral assets beyond amounts that are determined to serve as a hedge to a Clearing Member's portfolio. Finally, Rule 17Ad-22(e)(5)²⁷ provides that OCC must require a review of the sufficiency of its collateral haircuts and concentration limits to be performed not less than annually. The CRM Policy is consistent with this provision because it requires its performance and adequacy to be reviewed on at least an annual basis, including with regard to collateral eligibility, concentration limits, collateral haircuts and related monitoring processes. For these reasons, OCC believes that the proposed rule change is consistent with Rule 17Ad-22(e)(5).²⁸

The proposed rule change is not inconsistent with the existing rules of OCC, including any other rules proposed to be amended.

(B) Clearing Agency's Statement on Burden on Competition

Section 17A(b)(3)(I) of the Act²⁹ requires that the rules of a clearing agency not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. OCC does not believe that the proposed rule change would impact or impose any burden on competition.³⁰ The proposed rule change sets forth the framework, as described in the CRM Policy, that OCC already uses pursuant to its approved By-Laws and Rules to accept collateral with low credit, liquidity, and market risks, and to set and enforce

²³ Under the CiM approach, the current market value of margin assets is included as a positive asset value in the calculation of a portfolio's net asset value within OCC's System for Theoretical Analysis and Numerical Simulations ("STANS"). OCC then offsets this positive asset value based on, among other things, the expected shortfall and stress test charges associated with an account, resulting in a net excess or net deficit.

²⁴ 15 U.S.C. 78q-1(b)(3)(F).

²⁵ 17 CFR 240.17Ad-22(e)(5).

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ 15 U.S.C. 78q-1(b)(3)(I).

³⁰ *Id.*

appropriately conservative haircuts and concentration limits. The framework further requires that a review of the sufficiency of OCC's collateral haircuts and concentration limits be performed not less than annually. Under this framework, and as provided for in its By-Laws and Rules, all Clearing Members are subject to the same limitations on acceptable collateral as well as to the same haircuts and concentration limits. Consequently, no Clearing Member is provided a competitive advantage over any other Clearing Member. Further, the proposed rule change would not affect Clearing Member's access to OCC's services or impose any direct burdens on Clearing Members. Accordingly, the proposed rule change would not unfairly inhibit access to OCC's services or disadvantage or favor any particular user in relationship to another user.

For the foregoing reasons, OCC believes that the proposed rule change is in the public interest, would be consistent with the requirements of the Act applicable to clearing agencies, and would not impact or impose a burden on competition.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments on the proposed rule change were not and are not intended to be solicited with respect to the proposed rule change and none have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

- (A) by order approve or disapprove the proposed rule change, or
- (B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the 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-OCC-2017-008 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-OCC-2017-008. 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 OCC and on OCC's Web site at http://www.theocc.com/components/docs/legal/rules_and_bylaws/sr_occ_17_008.pdf. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-OCC-2017-008 and should be submitted on or before November 30, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated Authority.³¹

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017-24369 Filed 11-8-17; 8:45 am]

BILLING CODE 8011-01-P

³¹ 17 CFR 200.30-3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-82012; File No. SR-Phlx-2017-93]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 1080(p)(2) To Enhance Anti-Internalization Functionality

November 3, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on November 2, 2017, Nasdaq PHLX LLC ("Phlx" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The 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 amend Rule 1080(p)(2) to enhance anti-internalization functionality.

The text of the proposed rule change is available on the Exchange's Web site at <http://nasdaqphlx.cchwallstreet.com/>, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to enhance the anti-internalization ("AIQ") functionality

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

provided to Specialists and Registered Options Traders (“ROTs”) (collectively, “market makers”)³ on the Exchange by giving members the flexibility to choose to have this protection apply at the badge level (*i.e.*, existing functionality), at the Exchange account level, or at the member firm level. The Exchange believes that this enhancement will provide helpful flexibility for market making firms that wish to prevent trading against all quotes and orders entered by their firm, or Exchange account, instead of just quotes and orders that are entered under the same badge.

Currently, the Exchange provides mandatory AIQ functionality whereby quotes and orders entered by market makers using the same Phlx badge are not executed against quotes and orders entered on the opposite side of the market using the same badge.⁴ When a quote or order entered by a market maker would trade with other quotes or orders from the same badge, the trading system cancels the resting quote or order back to the entering party prior to execution.⁵ AIQ assists market makers in reducing trading costs from unwanted executions potentially resulting from the interaction of executable buy and sell trading interest from the same firm when performing the same market making function.

Today, this protection prevents market makers from trading against their own quotes and orders at the badge level. The proposed enhancement to this functionality would allow members to choose to have this protection applied at the badge level as implemented today, at the Exchange account level, or at the member firm level. If members choose to have this protection applied at the Exchange account level, AIQ would prohibit quotes and orders from different badges associated with the same Exchange account from trading against one another. Similarly, if the members choose to have this protection applied at the member firm level, AIQ would prohibit quotes and orders from different badges within the member firm from trading against one another. Members that do not select to have this protection applied at the Exchange

account level or member firm level will have their AIQ protection defaulted to the badge level protection applied today. The Exchange believes that the proposed AIQ enhancement will provide members with more tailored self-trade functionality that allows them to manage their trading as appropriate based on the members’ business needs. While the Exchange believes that some firms will want to restrict AIQ to trading against interest from the same badge—*i.e.*, as implemented today—the Exchange believes that other firms will find it helpful to be able to configure AIQ to apply at the Exchange account level or at the member firm level so that they are protected regardless of which badge the order or quote originated from. Similar flexibility is offered on the Exchange’s affiliate, the Nasdaq Options Market (“NOM”),⁶ and also on the BATS BZX Exchange (“BZX”), which provides members the ability to apply Match Trade Prevention (“MTP”) modifiers—*i.e.*, BZX’s version of self-trade protection—based on MPID, Exchange Member, trading group, or Exchange Sponsored Participant identifiers.⁷

The examples below illustrate how AIQ would operate based on the badge level protection, the Exchange account level, or for members that choose to apply AIQ at the member firm level:

Example 1

1. Member ABC (badge 123A & 555B) with AIQ configured at the badge level.
2. 123A Quote: \$1.00 (5) × \$1.10 (20).
3. 555B Buy Order entered for 10 contracts at \$1.10.
4. 555B Buy Order executes 10 contracts against 123A Quote. 123A and 555B are permitted trade against one another because Member ABC has configured AIQ to apply at the badge level. This is the same as existing functionality.

Example 2

1. Member ABC (Account 999 with badges 123A and 555B, and Account 888 with badge 789A) with AIQ configured at the Exchange account level.
2. 123A Quote: \$1.00 (5) × \$1.10 (20).
3. 789A Quote: \$1.05(10) × \$1.10 (20).
4. 555B Buy Order entered for 30 contracts at \$1.10.
5. 555B Buy Order executes against 789A Quote but 555B Buy Order does not execute against 123A Quote. AIQ purges the 123A Quote and the

remaining contracts of the 555B Buy Order rests on the book at \$1.10. 123A and 555B are not permitted trade against one another because Member ABC has configured AIQ to apply at the Exchange account level. This is new functionality as the member has opted to have AIQ operate at the Exchange account level.

Example 3

1. Same as Example 2 above but Member ABC has AIQ configured at the member level.
2. AIQ purges the 123A Quote and the 789A Quote and the 555B Buy Order rests on the book at \$1.10. This is new functionality as the member has opted to have AIQ operate at the member level.

Implementation

The Exchange proposes to launch the AIQ functionality described in this proposed rule change in either Q4 2017 or Q1 2018. The Exchange will announce the implementation date of this functionality in an Options Trader Alert issued to members prior to the launch date.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b) of the Act.⁸ In particular, the proposal is consistent with Section 6(b)(5) of the Act,⁹ because it is designed to promote just and equitable principles of trade, 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.

The Exchange believes that the proposed rule change is consistent with the protection of investors and the public interest as it is designed to provide Phlx market makers with additional flexibility with respect to how to implement self-trade protections provided by AIQ. Currently, all market makers are provided functionality that prevents quotes and orders from one badge from trading with quotes and orders from the same badge. This allows market makers to better manage their order flow and prevent undesirable executions where the market maker, using the same badge, would be on both sides of the trade. While this functionality is helpful to our members, some members would prefer not to trade

³ Specialists and ROTs are considered market makers on Phlx. See Rule 1014.

⁴ See Rule 1080(p).

⁵ *Id.* A quote or order entered by a market maker only triggers AIQ when it would trade with other quotes or orders from the same market maker. Thus, an incoming quote or order entered by a market maker may interact with other interest with priority on the book prior to triggering AIQ. After AIQ is triggered, the incoming quote or order may continue to trade with resting interest from other participants.

⁶ See NOM Chapter VI, Sec. 10. See also Securities Exchange Act Release No. 81171 (July 19, 2017), 82 FR 34557 (July 25, 2017) (SR–Nasdaq–2017–069).

⁷ See BZX Rule 21.1(g).

⁸ 15 U.S.C. 78f(b).

⁹ 15 U.S.C. 78f(b)(5).

with quotes and orders entered by different badges within the same Exchange account or member. Thus, the Exchange is proposing to provide members with flexibility with respect to how AIQ is implemented. While members that like the current functionality can continue to use it, members who would prefer to prevent self-trades across different badges within the same Exchange account or at the member level will now be provided with functionality that lets them do this. Similar flexibility is offered on both NOM and BZX.¹⁰ The Exchange believes that flexibility to apply AIQ at the Exchange account or member firm level would be useful for Phlx members too. The Exchange believes that the proposed rule change is designed to promote just and equitable principles of trade and will remove impediments to and perfect the mechanisms of a free and open market as it will further enhance self-trade protections provided to market makers similar to those protections provided on other markets. This functionality does not relieve or otherwise modify the duty of best execution owed to orders received from public customers.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,¹¹ the Exchange does not believe that the proposed rule change will impose any burden on intermarket or intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is designed to enhance AIQ functionality provided to Exchange market makers, and will benefit members that wish to protect their quotes and orders against trading with other quotes and orders within the same Exchange account or member, rather than the more limited badge standard applied today. The new functionality, which provides similar flexibility to that offered on both NOM and BZX, is also completely voluntary, and members that wish to use the current functionality can also continue to do so. The Exchange does not believe that providing more flexibility to members will have any significant impact on competition. In fact, 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 either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act¹² and subparagraph (f)(6) of Rule 19b-4 thereunder.¹³

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-Phlx-2017-93 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-Phlx-2017-93. This file

¹² 15 U.S.C. 78s(b)(3)(A)(iii).

¹³ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

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. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-Phlx-2017-93 and should be submitted on or before November 30, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁴

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017-24370 Filed 11-8-17; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-82008; File No. SR-Phlx-2017-88]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Exchange's Pricing Schedule at Section IV, Entitled "Other Transaction Fees"

November 3, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,²

¹⁴ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

¹⁰ See supra notes 6-7.

¹¹ 15 U.S.C. 78f(b)(8).

notice is hereby given that on October 30, 2017, Nasdaq PHLX LLC (“Phlx” or “Exchange”) filed with the Securities and Exchange Commission (“SEC” or “Commission”) the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Exchange’s Pricing Schedule at Section IV, entitled “Other Transaction Fees.” Specifically, the Exchange proposes to amend its subsidy program, the Market Access and Routing Subsidy or “MARS,” for Phlx members that provide certain order routing functionalities³ to other Phlx members and/or use such functionalities themselves.

The text of the proposed rule change is available on the Exchange’s Web site at <http://nasdaqphlx.cchwallstreet.com/>, at the principal office of the Exchange, and at the Commission’s Public Reference Room.

II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the

places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Phlx proposes to amend its subsidy program, MARS, which pays a subsidy to Phlx members that provide certain order routing functionalities to other Phlx members and/or use such functionalities themselves. Generally, under MARS, Phlx pays participating Phlx members to subsidize their costs of providing routing services to route orders to Phlx. The Exchange believes that MARS will continue to attract higher volumes of electronic equity and ETF options volume to the Exchange from non-Phlx market participants as well as Phlx members with the proposed amendments.

Today, to qualify for MARS, a Phlx member’s order routing functionality would be required to meet certain criteria.⁴ With respect to Complex Orders, the Exchange would not require Complex Orders to enable the electronic routing of orders to all of the U.S. options exchanges or provide current consolidated market data from the U.S. options exchanges. Any Phlx member may apply for MARS, provided the requirements are met, including a robust and reliable System. The member is solely responsible for implementing and operating its System.

Today, a MARS Payment would be made to Phlx members that have System Eligibility and have routed the requisite number of Eligible Contracts daily in a month, which were executed on Phlx. For the purpose of qualifying for the MARS Payment, Eligible Contracts

include Firm,⁵ Broker-Dealer,⁶ Joint Back Office or “JBO”⁷ or Professional⁸ equity option orders that are electronically delivered and executed. Eligible Contracts do not include floor-based orders, qualified contingent cross or “QCC” orders,⁹ price improvement or “PIXL” orders,¹⁰ Mini-Option orders¹¹ or Singly-Listed Options¹² orders. The Eligible Contracts requirements are not being amended.

Phlx members that have System Eligibility and have executed the requisite number of Eligible Contracts in a month are paid rebates today as follows:

Tiers	Average daily volume (“ADV”)	MARS payment
1	1,000	\$0.01
2	27,500	0.08
3	32,500	0.10
4	40,000	0.12

With respect to the MARS program, the Exchange proposes two sets of changes. First, the Exchange proposes to change the eligibility criteria for the program so that, instead of requiring the member’s System to designate Phlx to

⁵ The term “Firm” or (“F”) applies to any transaction that is identified by a Participant for clearing in the Firm range at OCC.

⁶ The term “Broker-Dealer” applies to any transaction which is not subject to any of the other transaction fees applicable within a particular category.

⁷ The term “Joint Back Office” or “JBO” applies to any transaction that is identified by a member or member organization for clearing in the Firm range at OCC and is identified with an origin code as a JBO. A JBO will be priced the same as a Broker-Dealer. A JBO participant is a member, member organization or non-member organization that maintains a JBO arrangement with a clearing broker-dealer (“JBO Broker”) subject to the requirements of Regulation T Section 220.7 of the Federal Reserve System as further discussed at Exchange Rule 703.

⁸ The term “professional” means any person or entity that (i) is not a broker or dealer in securities, and (ii) places more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). See Rule 1000(b)(14).

⁹ A QCC Order is comprised of an order to buy or sell at least 1000 contracts that is identified as being part of a qualified contingent trade, as that term is defined in Rule 1080(o)(3), coupled with a contra-side order to buy or sell an equal number of contracts. The QCC Order must be executed at a price at or between the NBBO and be rejected if a Customer order is resting on the Exchange book at the same price. A QCC Order shall only be submitted electronically from off the floor to the Exchange’s match engine. See Rule 1080(o).

¹⁰ PIXL is the Exchange’s price improvement mechanism known as Price Improvement XL or (PIXLSM). See Rule 1080(n).

¹¹ Mini Options are further specified in Phlx Rule 1012, Commentary .13.

¹² Singly Listed Options are options overlying currencies, equities, ETFs, ETNs treasury securities and indexes not listed on another exchange.

³ The order routing functionalities permit a Phlx member to provide access and connectivity to other members as well as utilize such access for themselves. The Exchange notes that under this arrangement one Phlx member may be eligible for payments under MARS, while another Phlx member might potentially be liable for transaction charges associated with the execution of the order, because those orders were delivered to the Exchange through a Phlx member’s connection to the Exchange and that member qualified for the MARS Payment. Consider the following example: Both members A and B are Phlx members but A does not utilize its own connections to route orders to the Exchange, and instead utilizes B’s connections. Under this program, B will be eligible for the MARS Payment while A is liable for any transaction charges resulting from the execution of orders that originate from A, arrive at the Exchange via B’s connectivity, and subsequently execute and clear at The Options Clearing Corporation or “OCC,” where A is the valid executing clearing member or give-up on the transaction. Similarly, where B utilizes its own connections to execute transactions, B will be eligible for the MARS Payment, but would also be liable for any transaction resulting from the execution of orders that originate from B, arrive at the Exchange via B’s connectivity, and subsequently execute and clear at OCC, where B is the valid executing clearing member or give-up on the transaction.

⁴ Specifically the member’s routing system (hereinafter “System”) would be required to: (1) Enable the electronic routing of orders to all of the U.S. options exchanges, including Phlx; (2) provide current consolidated market data from the U.S. options exchanges; and (3) be capable of interfacing with Phlx’s API to access current Phlx match engine functionality. The member’s System would also need to cause Phlx to be one of the top three default destination exchanges for individually executed marketable orders if Phlx is at the national best bid or offer (“NBBO”), regardless of size or time, but allow any user to manually override Phlx as the default destination on an order-by-order basis. The Exchange does not require Complex Orders to enable the electronic routing of orders to all of the U.S. options exchanges or provide current consolidated market data from the U.S. options exchanges.

be one of the top three default destination exchanges for individually executed marketable orders (if Phlx is at the NBBO), the Rule would require the member's System to designate Phlx to be one of the top five default designation exchanges in those circumstances. The Exchange proposes this change in recognition of the increasing number of options trading venues that exist and the desire of members for additional flexibility to route orders to such venues.

Second, the Exchange proposes to replace the existing MARS Payment schedule in its entirety with a new schedule that will include all new ADV tiers as well as different rebate amounts that depend upon whether the Eligible Contracts that a member executes at a particular ADV tier are in Standard and Poor's Depository Receipts/SPDRs ("SPY")¹³ or not. The proposed tier schedule is as follows:

Tiers	Average daily volume ("ADV")	MARS payment	
		Non-SPY	SPY
1	1,000	\$0.01	\$0.01
2	30,000	0.10	0.10
3	40,000	0.12	0.12
4	52,500	0.14	0.12
5	65,000	0.18	0.12
6	75,000	0.20	0.12

As is the case today, no payment will be made with respect to orders that are routed to Phlx, but not executed.¹⁴

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,¹⁵ in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,¹⁶ in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities

markets. In Regulation NMS, while adopting a series of steps to improve the current market model, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system "has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies."¹⁷

Likewise, in *NetCoalition v. Securities and Exchange Commission*¹⁸ ("NetCoalition") the D.C. Circuit upheld the Commission's use of a market-based approach in evaluating the fairness of market data fees against a challenge claiming that Congress mandated a cost-based approach.¹⁹ As the court emphasized, the Commission "intended in Regulation NMS that 'market forces, rather than regulatory requirements' play a role in determining the market data . . . to be made available to investors and at what cost."²⁰

Further, "[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . ." ²¹ Although the court and the SEC were discussing the cash equities markets, the Exchange believes that these views apply with equal force to the options markets.

The Exchange believes that its proposal is reasonable to relax its MARS eligibility criteria so that members' Systems need only designate Phlx to be among their top five (rather than top three) default destination exchanges for individually executed marketable orders. The Exchange recognizes that the number of options trading venues has increased over the last few years and that members may desire or require flexibility to route orders to these venues. The proposal accommodates members in this respect without compromising their ability to participate

in the MARS program. The proposal is not unfairly discriminatory in that the relaxed criteria will apply equally to all those who participate in the MARS program.

The Exchange also believes that its proposal is reasonable to replace the existing MARS Payment schedule with a new schedule comprising new ADV tiers. The proposed schedule is designed to attract higher volumes of electronic equity and ETF options orders to the Exchange, which will, in turn, benefit all Phlx members by offering greater price discovery, increased transparency, and an increased opportunity to trade on the Exchange. The Exchange intends for the proposed schedule to achieve these results by increasing the number of ADV tiers in the schedule from four to six and, at each tier, paying a rebate that will be roughly the same as or greater than that which it pays now.²² For example, proposed Tiers 4, 5, and 6 will entitle members to receive payments of \$0.14, \$0.18, and \$0.20 for non-SPY executions, respectively, and \$0.12 for SPY executions, whereas the current top rebate is \$0.12 for all types and volumes of executions.

The proposed tier structure will also allow Phlx members to price their services at a level that will enable them to attract order flow from market participants who would otherwise utilize an existing front-end order entry mechanism offered by the Exchange's competitors instead of incurring the cost in time and money to develop their own internal systems to be able to deliver orders directly to the Exchange's System.

The proposed MARS Payment schedule is not unfairly discriminatory because the Exchange will uniformly pay all Phlx members the rebates specified in the proposed MARS Payment tiers provided that the Phlx member has executed the requisite number of Eligible Contracts. Moreover, the Exchange believes that the proposed MARS Payments offered by the Exchange are equitable and not unfairly discriminatory because any qualifying Phlx member that offers market access and connectivity to the Exchange and/or utilize such functionality themselves may earn the MARS Payment for all Eligible Contracts.

Although the Exchange proposes to offer different rebates for executions of Eligible Contracts in SPY and those in other options, the Exchange does not

¹³ Options overlying Standard and Poor's Depository Receipts/SPDRs ("SPY") are based on the SPDR exchange-traded fund ("ETF"), which is designed to track the performance of the S&P 500 Index.

¹⁴ A Phlx member will not be entitled to receive any other revenue for the use of its System specifically with respect to orders routed to Phlx with the exception of the Marketing Fee.

¹⁵ 15 U.S.C. 78f(b).

¹⁶ 15 U.S.C. 78f(b)(4) and (5).

¹⁷ Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) ("Regulation NMS Adopting Release").

¹⁸ *NetCoalition v. SEC*, 615 F.3d 525 (D.C. Cir. 2010).

¹⁹ See *NetCoalition*, at 534–535.

²⁰ *Id.* at 537.

²¹ *Id.* at 539 (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

²² The only instance in which the proposed schedule would result in member receiving a lower rebate than it does now for a given ADV would be where the member's ADV is between 27,500 and 30,000 contracts.

believe that this proposal is unfairly discriminatory. SPY options are currently the most actively traded options class and the Exchange does not need to pay same rebates to incent members to route orders on SPY to the Exchange as it may need to pay to attract other types of options orders. Moreover, pricing by symbol is a common practice on many U.S. options exchanges.

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. In terms of inter-market competition, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited. In sum, if the changes proposed herein are unattractive to market participants, it is likely that the Exchange will lose market share as a result. Accordingly, the Exchange does not believe that the proposed changes will impair the ability of members or competing order execution venues to maintain their competitive standing in the financial markets.

In terms of intra-market competition, the Exchange believes that its proposed rebate schedule will be highly competitive, both with respect to SPY, which is the most actively traded options class, as well as non-SPY options. Indeed, the proposed rebates under the new schedule will in most instances be the same, if not higher, as they are under the existing schedule.

Likewise, the proposed change to the MARS eligibility criteria is pro-competitive because it will make it easier for members to qualify for the program while routing orders to venues other than Phlx.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.²³

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-Phlx-2017-88 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-Phlx-2017-88. 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. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-Phlx-2017-88 and should be submitted on or before November 30, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁴

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017-24368 Filed 11-8-17; 8:45 am]

BILLING CODE 8011-01-P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15366 and #15367; SOUTH CAROLINA Disaster Number SC-00052]

Presidential Declaration Amendment of a Major Disaster for Public Assistance Only for the State of South Carolina

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of South Carolina (FEMA-4346-DR), dated 10/16/2017.

Incident: Hurricane Irma.

Incident Period: 09/06/2017 through 09/13/2017.

DATES: Issued on 11/01/2017.

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,

²³ 15 U.S.C. 78s(b)(3)(A)(ii).

²⁴ 17 CFR 200.30-3(a)(12).

409 3rd Street SW., Suite 6050,
Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of South Carolina, dated 10/16/2017, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Abbeville, Newberry, Saluda

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2017–24360 Filed 11–8–17; 8:45 am]

BILLING CODE 8025–01–P

SOCIAL SECURITY ADMINISTRATION

[Docket No: SSA–2017–0061]

Agency Information Collection Activities: Proposed Request and Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance

by the Office of Management and Budget (OMB) in compliance with Public Law 104–13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes revisions of OMB-approved information collections.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, email, or fax your comments and recommendations on the information collection(s) to the OMB Desk Officer and SSA Reports Clearance Officer at the following addresses or fax numbers.

(OMB), Office of Management and Budget, *Attn:* Desk Officer for SSA, *Fax:* 202–395–6974, *Email address:* *OIRA_Submission@omb.eop.gov.* (SSA), Social Security Administration, OLCA, *Attn:* Reports Clearance Director, 3100 West High Rise, 6401 Security Blvd., Baltimore, MD 21235, *Fax:* 410–966–2830, *Email address:* *OR.Reports.Clearance@ssa.gov.*

Or you may submit your comments online through www.regulations.gov,

referencing Docket ID Number [SSA–2017–0061].

I. The information collections below are pending at SSA. SSA will submit them to OMB within 60 days from the date of this notice. To be sure we consider your comments, we must receive them no later than January 8, 2018. Individuals can obtain copies of the collection instruments by writing to the above email address.

1. Application for Mother's or Father's Insurance Benefits—20 CFR 404.339–404.342, 20 CFR 404.601–404.603—0960–0003. Section 202(g) of the Social Security Act (Act) provides for the payment of monthly benefits to the widow or widower of an insured individual if the surviving spouse is caring for the deceased worker's child (who is entitled to Social Security benefits). SSA uses the information on Form SSA–5–BK to determine an individual's eligibility for mother's or father's insurance benefits. The respondents are individuals caring for a child of the deceased worker who is applying for mother's or father's insurance benefits under the Old Age, Survivors, and Disability Insurance program.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–5–F6 (paper)	6,542	1	15	1,636
Modernized Claims System	42,175	1	15	10,544
Totals	48,717	.....	.....	12,180

2. Letter to Employer Requesting Wage Information—0960–0138. SSA must establish and verify wage information for Supplemental Security Income (SSI) applicants and recipients when

determining SSI eligibility and payment amounts. SSA collects wage data from employers on Form SSA–L4201 to determine eligibility and proper payment amounts for SSI applicants and

recipients. The respondents are employers of SSI applicants and recipients.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–L4201	133,000	1	30	66,500

3. Modified Benefit Formula Questionnaire—Foreign Pension—0960–0561. SSA uses Form SSA–308 to determine exactly how much (if any) of a foreign pension we can use to reduce the amount of Title II Social Security retirement or disability benefits under the modified benefit formula. In addition, SSA has agreed to pay the full

amount of all reductions or refund the full amount of all sums that SSA made to, or collected from, the Class member's of Social Security old age, survivors, and disability insurance benefits payments (OASDI Benefits), due to the application of the Windfall Elimination Provision to those OASDI Benefits based on the receipt of Old Age Benefits from

the National Institute of Israel, per the Greenberg, et al. v. Colvin case settlement. The respondents are applicants for Title II Social Security retirement or disability benefits who have foreign pensions.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA-308	4,430	1	10	738
Greenberg Cases	363	1	60	363
Totals	4,793	.....	.....	1,101

II. SSA submitted the information collections below to OMB for clearance. Your comments regarding these information collections would be most useful if OMB and SSA receive them 30 days from the date of this publication. To be sure we consider your comments, we must receive them no later than December 11, 2017. Individuals can obtain copies of the OMB clearance

packages by writing to OR.Reports.Clearance@ssa.gov.

1. *Application to Collect a Fee for Payee Service—20 CFR 404.2040a & 20 CFR 416.640a—0960-0719.* Sections 205(j)(4)(A) and (B) and 1631(a)(2) of the Act allow SSA to authorize certain organizational representative payees to collect a fee for providing payee services. Before an organization may collect this fee, they complete and

submit Form SSA-445. SSA uses the information to determine whether to authorize or deny permission to collect fees for payee services. The respondents are private sector businesses or State and local government offices applying to become fee-for-service organizational representative payees.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
Private sector business	90	1	10	15
State/local government offices	10	1	10	2
Totals	100	.....	.....	17

2. *Redetermination of Eligibility for Help with Medicare Prescription Drug Plan Costs—20 CFR 418.3125—0960-0723.* As per the requirements of the Medicare Modernization Act of 2003, SSA conducts low-income subsidy eligibility redeterminations for Medicare beneficiaries who currently receive the Medicare Part D subsidy and who meet certain criteria. Respondents complete Form SSA-1026-REDE under the

following circumstances: (1) When individuals became entitled to the Medicare Part D subsidy during the past 12 months; (2) if they were eligible for the Part D subsidy for more than 12 months; or (3) if they reported a change in income, resources, or household size. Part D beneficiaries complete the SSA-1026-SCE when they need to report a potentially subsidy-changing event, including the following: (1) Marriage;

(2) spousal separation; (3) divorce; (4) annulment of a marriage; (5) spousal death; or (6) moving back in with one's spouse following a separation. The respondents are current recipients of the Medicare Part D low-income subsidy who will undergo an eligibility redetermination for one of the reasons mentioned above.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA-1026-REDE	98,990	1	18	29,697
SSA-1026-SCE	4,267	1	18	1,280
REDE Field Office Interview	50,529	1	18	15,159
SCE Field Office Interview	3,468	1	18	1,040
Total	157,254	.....	.....	47,176

Dated: November 6, 2017.

Naomi R. Sipple,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 2017-24387 Filed 11-8-17; 8:45 am]

BILLING CODE 4191-02-P

DEPARTMENT OF STATE

[Public Notice: 10195]

The State Department's List of Entities and Subentities Associated With Cuba (Cuba Restricted List)

AGENCY: Department of State.

ACTION: Initial publication of list of entities; notice.

SUMMARY: The Department of State is publishing a List of Restricted Entities and Subentities Associated with Cuba (Cuba Restricted List) with which direct financial transactions will be generally prohibited under the Cuban Assets Control Regulations (CACR). This list will also be considered during review of license applications submitted to the Department of Commerce's Bureau of Industry and Security (BIS) pursuant to

the Export Administration Regulations (EAR).

DATES: Effective on November 9, 2017.

FOR FURTHER INFORMATION CONTACT:

Benjamin Barron, Office of Economic Sanctions Policy and Implementation, tel.: 202-647-7489; Robert Haas, Office of the Coordinator for Cuban Affairs, tel.: 202-647-9273, Department of State, Washington, DC 20520.

SUPPLEMENTARY INFORMATION:

Background

On June 16, 2017, the President signed the National Security Presidential Memorandum on Strengthening the Policy of the United States Toward Cuba (NSPM). As required by the NSPM, on November 9, 2017 the Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing a final rule in the **Federal Register** amending the CACR, 31 CFR part 515, and the Department of Commerce's Bureau of Industry and Security (BIS) is publishing a final rule in the **Federal Register** amending, among other sections, the section of the Export Administration Regulations (EAR) regarding Cuba, 15 CFR part 746. The regulatory amendment to the CACR adds new 515.209, which generally prohibits direct financial transactions with certain entities and subentities identified on the State Department's Cuba Restricted List, published below, and accessible on the State Department's Web site. The regulatory amendment to the EAR, specifically 746.2 notes BIS will generally deny applications to export or reexport items for use by entities or subentities identified on the Cuba Restricted List. (<http://www.state.gov/e/eb/tfs/spi/cuba/cubarestrictedlist/index.htm>). The State Department will update the Cuba Restricted List periodically.

The publication of the Cuba Restricted List implements the directive in paragraph 3(a)(i) of the NSPM for the Secretary of State to identify the entities or subentities, as appropriate, that are under the control of, or act for or on behalf of, the Cuban military, intelligence, or security services or personnel, and publish a list of those identified entities and subentities with which direct financial transactions would disproportionately benefit such services or personnel at the expense of the Cuban people or private enterprise in Cuba.

Electronic Availability

This document and additional information concerning the Cuba Restricted List are available from the

Department of State's Web site (<http://www.state.gov/e/eb/tfs/spi/cuba/>).

List of Restricted Entities and Subentities Associated With Cuba as of November 9, 2017

Below is the U.S. Department of State's list of entities and subentities under the control of, or acting for or on behalf of, the Cuban military, intelligence, or security services or personnel with which direct financial transactions would disproportionately benefit such services or personnel at the expense of the Cuban people or private enterprise in Cuba. For information regarding the prohibition on direct financial transactions with these entities, please see section 515.209 of the Cuban Assets Control Regulations (31 CFR 515).

****Entities or subentities owned or controlled by another entity or subentity on this list are not treated as restricted unless also specified by name on the list.****

Ministries

MININT—Ministerio del Interior
MINFAR—Ministerio de las Fuerzas Armadas Revolucionarias

Holding Companies

GAESA—Grupo de Administración Empresarial S.A.
Gaviota—Grupo de Turismo Gaviota
Compañía Turística Habaguanex S.A.
UIM—Unión de Industria Militar
CIMEX—Corporación CIMEX S.A.

Hotels in Havana and Old Havana

Aparthotel Montehabana (Habaguanex)
Gran Hotel Manzana Kempinski (Gaviota)
H10 Habana Panorama (Gaviota)
Hostal Valencia (Habaguanex)
Hotel Ambos Mundos (Habaguanex)
Hotel Armadores de Santander (Habaguanex)
Hotel Beltrán de Santa Cruz (Habaguanex)
Hotel Conde de Villanueva (Habaguanex)
Hotel del Tejadillo (Habaguanex)
Hotel el Bosque (Habaguanex)
Hotel el Comendador (Habaguanex)
Hotel el Mesón de la Flota (Habaguanex)
Hotel Florida (Habaguanex)
Hotel Habana 612 (Habaguanex)
Hotel Kohly (Habaguanex)
Hotel Los Frailes (Habaguanex)
Hotel Marqués de Prado Ameno (Habaguanex)
Hotel Palacio del Marqués de San Felipe y Santiago de Bejucal (Habaguanex)
Hotel Palacio O'Farrill (Habaguanex)
Hotel Park View (Habaguanex)
Hotel Raquel (Habaguanex)
Hotel San Miguel (Habaguanex)

Hotel Telégrafo (Habaguanex)
Hotel Terral (Habaguanex)
Memories Miramar Havana (Gaviota)
Memories Miramar Montehabana (Gaviota)

Hotels in Santiago de Cuba

Villa Gaviota Santiago (Gaviota)

Hotels in Varadero

Blau Marina Varadero Resort (Gaviota)
Grand Memories Varadero (Gaviota)
Iberostar Laguna Azul (Gaviota)
Iberostar Playa Alameda (Gaviota)
Meliá Marina Varadero (Gaviota)
Meliá Peninsula Varadero (Gaviota)
Memories Varadero (Gaviota)
Naviti Varadero (Gaviota)
Ocean Varadero El Patriarca (Gaviota)
Ocean Vista Azul (Gaviota)
Paradisus Princesa del Mar (Gaviota)
Paradisus Varadero (Gaviota)
Sol Sirenas Coral (Gaviota)

Hotels in Pinar del Rio

Hotel Villa Maria La Gorda y Centro Internacional de Buceo (Gaviota)
Hotel Villa Cabo de San Antonio (Gaviota)

Hotels in Baracoa

Hostal 1511 (Gaviota)
Hostal La Habanera (Gaviota)
Hostal La Rusa (Gaviota)
Hostal Rio Miel (Gaviota)
Hotel El Castillo (Gaviota)
Hotel Porto Santo (Gaviota)
Villa Maguana (Gaviota)

Hotels in Cayos de Villa Clara

Hotel Cayo Santa María (Gaviota)
Dhawa Cayo Santa María (Gaviota)
Hotel Playa Cayo Santa María (Gaviota)
Iberostar Ensenachos (Gaviota)
Meliá Buenavista (Gaviota)
Meliá Cayo Santa María (Gaviota)
Ocean Casa del Mar (Gaviota)
Memories Flamenco (Gaviota)
Meliá Las Dunas (Gaviota)
Memories Azul (Gaviota)
Memories Paraíso (Gaviota)
Royalton Cayo Santa María (Gaviota)
Sol Cayo Santa María (Gaviota)
Villa Las Brujas (Gaviota)
Warwick Cayo Santa María (Gaviota)

Hotels in Holguín

Blau Costa Verde Beach & Resort (Gaviota)
Hotel Playa Costa Verde (Gaviota)
Hotel Playa Pesquero (Gaviota)
Memories Holguín (Gaviota)
Paradisus Río de Oro Resort & Spa (Gaviota)
Playa Costa Verde (Gaviota)
Playa Pesquero Premium Service (Gaviota)
Sol Rio de Luna y Mares (Gaviota)
Villa Cayo Naranjo (Gaviota)

Villa Cayo Saetia (Gaviota)
Villa Pinares de Mayari (Gaviota)

Hotels in Jardines del Rey

Hotel Playa Coco Plus (Gaviota)
Iberostar Playa Pilar (Gaviota)
Meliá Jardines del Rey (Gaviota)
Memories Caribe (Gaviota)
Pestana Cayo Coco (Gaviota)

Hotels in Topes de Collantes

Hostal Los Helechos (Gaviota)
Los Helechos (Gaviota)
Villa Caburni (Gaviota)

Tourist Agencies

Gaviota Tours
Crucero del Sol

Marinas

Marina Gaviota Cabo de San Antonio
(Pinar del Rio)
Marina Gaviota Cayo Coco (Jardines del
Rey)
Marina Gaviota Las Brujas (Cayos de
Villa Clara)
Marina Gaviota Puerto Vita (Holguín)
Marina Gaviota Varadero (Varadero)

Stores in Old Havana

Casa del Abanico (Habaguanex)
Colección Habana (Habaguanex)
Florería Jardín Wagner (Habaguanex)
Joyería Coral Negro (CIMEX)—
Additional locations throughout Cuba
La Casa del Regalo (Habaguanex)
San Ignacio 415 (Habaguanex)
Soldadito de Plomo (Habaguanex)
Tienda El Navegante (Habaguanex)
Tienda Muñecos de Leyenda
(Habaguanex)
Tienda Museo El Reloj Cuervo y
Sobrinos (Habaguanex)

*Entities Directly Serving the Defense
and Security Sectors*

CIDAI—Centro de Investigación y
Desarrollo de Armamento de
Infantería
MECATRONICS—Centro de
Investigación y Desarrollo de
Electrónica y Mecánica
SIMPRO—Centro de Investigación y
Desarrollo de Simuladores
CIDAO—Centro de Investigación y
Desarrollo del Armamento de
Artillería e Instrumentos Ópticos y
Ópticos Electrónicos
DCM TRANS—Centro de Investigación
y Desarrollo del Transporte
GELCOM—Centro de Investigación y
Desarrollo Grito de Baire
CID NAV—Centro de Investigación y
Desarrollo Naval
TECNOPRO—Empresa Militar
Industrial “G.B. Francisco Cruz
Bourzac”
YABO—Empresa Militar Industrial
Coronel Francisco Aguiar Rodríguez

TECNOTEX—Empresa Cubana
Exportadora e Importadora de
Servicios, Artículos y Productos
Técnicos Especializados
XETID—Empresa de Tecnologías de la
Información Para La Defensa
PLAMEC—Empresa Militar Industrial
Ignacio Agramonte
Empresa Militar Industrial Astilleros
Astimar
Empresa Militar Industrial Astilleros
Centro
CAHOMA—Empresa Militar Industrial
Comandante Ernesto Che Guevara
DEGOR—Empresa Militar Industrial
Desembarco Del Granma
CORCEL—Empresa Militar Industrial
Emilio Barcenás Pier
NAZCA—Empresa Militar Industrial
Granma
CASEG—Empresa Militar Industrial
Transporte Occidente
Empresa Militar Industrial Yuri Gagarin
UAM—Unión Agropecuaria Militar
CUBAGRO—Empresa Comercializadora
y Exportadora de Productos
Agropecuarios y Agroindustriales
ULAEX—Unión Latinoamericana de
Explosivos
TECAL—Empresa de Tecnologías
Alternativas
ACERPROT—Agencia de Certificación y
Consultoría de Seguridad y Protección
ETASE—Empresa de Transporte y
Aseguramiento
AGROMIN—Grupo Empresarial
Agropecuario del Ministerio del
Interior
SEPSA—Servicios Especializados de
Protección
Ferretería TRASVAL
EMIAT—Empresa Importadora
Exportadora de Abastecimientos
Técnicos
APCI—Agencia de Protección Contra
Incendios
Impresos de Seguridad
PNR—Policía Nacional Revolucionaria
DSE—Departamento de Seguridad del
Estado
TGF—Tropas de Guardafronteras
OIBS—Organización Integración para el
Bienestar Social
PROVARI—Empresa de Producciones
Varias
DATYS—Empresa Para El Desarrollo De
Aplicaciones, Tecnologías Y Sistemas

Additional Subentities of CIMEX

Publicitaria Imagen (Advertising)
Cachito (Beverage Manufacturer)
Jupiña (Beverage Manufacturer)
Najita (Beverage Manufacturer)
Tropicola (Beverage Manufacturer)
ECUSE—Empresa Cubana de Servicios
Context (Fashion)
La Maison (Fashion)
Zona Especializada de Logística y
Comercio (ZELCOM)

ADESA/ASAT—Agencia Servicios
Aduanales (Customs Services)
Inmobiliaria CIMEX (Real Estate)
Inversiones CIMEX
Ron Caney (Rum Production)
Ron Varadero (Rum Production)
Telecable (Satellite Television)
Datacimex

Additional Subentities of GAESA

GRAFOS (Advertising)
Empresa Inmobiliaria Almest (Real
Estate)
Sociedad Mercantín Inmobiliaria Caribe
(Real Estate)
RAFIN S.A. (Financial Services)
TECNOIMPORT
UCM—Unión de Construcciones
Militares
ANTEX—Corporación Antillana
Exportadora
Almacenes Universales (AUSA)
Dirección Integrada Proyecto Mariel
(DIP)
Terminal de Contenedores de Mariel,
S.A.
Terminal de Contenedores de la Habana
(TCH)
Zona Especial de Desarrollo Mariel
(ZEDM)
Zona Especial de Desarrollo y
Actividades Logísticas (ZEDAL)

Additional Subentities of Gaviota

AT Comercial
PhotoService
Producciones TRIMAGEN S.A. (Tiendas
Trimagen)
Manzana de Gomez (Shopping Mall)

Additional Subentities of Habaguanex

Sociedad Mercantil Cubana Inmobiliaria
Fenix S.A. (Real Estate)

Dated: November 2, 2017.

Brian McFeeters,

*Acting Assistant Secretary, Bureau of
Economic and Business Affairs, Department
of State.*

[FR Doc. 2017-24449 Filed 11-8-17; 8:45 am]

BILLING CODE 4710-AE-P

SURFACE TRANSPORTATION BOARD

[Docket No. MCF 21078]

**National Express LLC—Acquisition of
Control—Queen City Transportation,
LLC**

AGENCY: Surface Transportation Board.

ACTION: Notice tentatively approving
and authorizing finance transaction.

SUMMARY: On October 13, 2017, National
Express LLC (National Express or
Applicant), a noncarrier, filed an
application under to acquire control of
Queen City Transportation, LLC (Queen

City). The Board is tentatively approving and authorizing the transaction, and, if no opposing comments are timely filed, this notice will be the final Board action.

DATES: Comments must be filed by December 26, 2017. Applicant may file a reply by January 8, 2018. If no opposing comments are filed by December 26, 2017, this notice shall be effective on December 27, 2017.

ADDRESSES: Send an original and 10 copies of any comments referring to Docket No. MCF 21078 to: Surface Transportation Board, 395 E Street SW., Washington, DC 20423-0001. In addition, send one copy of comments to Applicant's representative: Andrew K. Light, Scopelitis, Garvin, Light, Hanson & Feary, P.C., 10 W. Market Street, Suite 1400, Indianapolis, IN 46204.

FOR FURTHER INFORMATION CONTACT: Nathaniel Bawcombe (202) 245-0376. Federal Information Relay Service (FIRS) for the hearing impaired: 1-800-877-8339.

SUPPLEMENTARY INFORMATION: Applicant, a noncarrier, states that it is a holding company organized under the laws of the state of Delaware that is indirectly controlled by a British corporation, National Express Group, PLC (Express Group). Applicant states that Express Group indirectly controls the following passenger motor carriers (collectively, National Express Affiliated Carriers): Beck Bus Transportation Corp. (Beck); Carrier Management Corporation, d/b/a Matthews Bus Company (CMI); Diamond Transportation Services, Inc. (Diamond); Durham School Services, L.P. (Durham); MV Student Transportation, Inc. (MV); National Express Transit Corporation (NETC); National Express Transit Services Corporation (NETSC); National Express Transit—Yuma (NETY); Petermann Ltd. (Petermann); Petermann Northeast LLC (Northeast); Petermann Northwest LLC (Northwest); Petermann Southwest LLC (Southwest); Petermann STSA, LLC (STSA); The Provider Enterprises, Inc. (Provider); Rainbow Management Service Inc. (Rainbow); Robertson Transit, Inc. (Robertson); Safeway Training and Transportation Services Inc. (Safeway); Septran, Inc. (Septran); Smith Bus Service, Inc. (Smith); Suburban Paratransit Service, Inc. (Suburban Paratransit); Trans Express, Inc. (Trans Express); Trinity, Inc. (Trinity); Trinity Cars, Inc. (Trinity Cars); Trinity Coach LLC (Trinity Coach); Trinity Student Delivery LLC (Trinity Student); and White Plains Bus Company, Inc., d/b/a Suburban Charters (White Plains).

Applicant asserts the following facts regarding the National Express Affiliated Carriers held by Express Group:

- Beck is a passenger motor carrier primarily engaged in providing student school bus transportation services in the state of Illinois under contracts with regional and local school jurisdictions. Beck also provides charter passenger services to the public. It holds interstate carrier authority from Federal Motor Carrier Safety Administration (FMCSA) under MC-143528.

- CMI is a passenger motor carrier doing business as Matthews Bus Company and is primarily engaged in providing student school bus transportation services in the state of Pennsylvania under contracts with regional and local school jurisdictions. CMI also provides intrastate charter passenger services to the public. CMI does not have interstate carrier authority as it is not required for the operations conducted by CMI.

- Diamond is a passenger motor carrier providing exempt interstate and regulated intrastate paratransit and shuttle services in the District of Columbia metropolitan area. It does not have interstate carrier authority.

- Durham is a passenger motor carrier primarily engaged in providing student school bus transportation services in several states under contracts with regional and local school jurisdictions. Durham also provides charter passenger services to the public. It holds interstate carrier authority under MC-163066.

- MV is a passenger motor carrier primarily engaged in providing student school bus transportation services in the state of Illinois under contracts with regional and local school jurisdictions. MV also provides charter passenger services to the public. It holds interstate carrier authority under MC-148934.

- NETC is an intrastate passenger motor carrier with its principal place of business in Cincinnati, Ohio. NETC does not have interstate carrier authority.

- NETSC is a passenger motor carrier engaged primarily in providing intrastate transit services in the areas of Westmoreland, Pa.; Arlington, Va.; Greensboro, N.C.; Jackson, Miss.; Orlando, Fla.; and Vallejo, Cal. NETSC does not have interstate carrier authority as it is not required for the operations conducted by NETSC.

- NETY is a passenger motor carrier primarily engaged in providing interstate paratransit services in the area of Yuma, Ariz. It holds interstate carrier authority under FMCSA Docket No. 960629.

- Petermann is a passenger motor carrier primarily engaged in providing non-regulated school bus transportation services in the state of Ohio under contracts with regional and local school jurisdictions. Petermann also provides charter passenger services to the public. It holds interstate carrier authority under MC-364668.

- Northeast is a passenger motor carrier primarily engaged in providing student school bus transportation services, primarily in the states of Ohio and Pennsylvania under contracts with regional and local school jurisdictions. Northeast also provides charter passenger services to the public. It holds interstate carrier authority under MC-723926.

- Northwest is a passenger motor carrier primarily engaged in providing non-regulated school bus transportation services under contracts with regional and local school jurisdictions. Northwest does not have interstate carrier authority as it is not required for the operations conducted by Northwest.

- Southwest is a passenger motor carrier primarily engaged in providing student school bus transportation services in the state of Texas under contracts with regional and local school jurisdictions. Southwest also provides charter passenger services to the public. It holds interstate carrier authority under MC-644996.

- STSA is a passenger motor carrier primarily engaged in providing student school bus transportation services, primarily in the state of Kansas under contracts with regional and local school jurisdictions. STSA also provides charter passenger services to the public. It holds interstate carrier authority under MC-749360.

- Provider is a passenger motor carrier doing business as Provider Bus, and is primarily engaged in providing non-regulated school bus transportation services in the state of New Hampshire under contracts with regional and local school jurisdictions. Provider does not have interstate carrier authority as it is not required for the operations conducted by Provider.

- Rainbow provides interstate and intrastate charter and special party passenger transportation services in the state of New York. It holds interstate carrier authority under MC-490015.

- Robertson is a passenger motor carrier primarily engaged in providing non-regulated school bus transportation services in the state of New Hampshire under contracts with regional and local school jurisdictions. Robertson also provides charter passenger service to the public. It does not have active interstate

carrier authority, though MC-176053 is assigned to it.

- Safeway is a passenger motor carrier primarily engaged in providing non-regulated school bus transportation services in the state of New Hampshire under contracts with regional and local school jurisdictions. It does not have active interstate carrier authority, though MC-522039 is assigned to it.

- Septran is a passenger motor carrier primarily engaged in providing non-regulated school bus transportation services in the state of Illinois under contracts with regional and local school jurisdictions. It does not have active interstate carrier authority, though MC-795208 is assigned to it.

- Smith is a passenger motor carrier primarily engaged in providing non-regulated school bus transportation services in the state of Maryland and surrounding areas under contracts with regional and local school jurisdictions. Smith does not have interstate carrier authority as it is not required for the operations conducted by Smith.

- Suburban Paratransit is a motor carrier providing paratransit services primarily in Westchester County and Bronx, N.Y. Suburban Paratransit does not have interstate carrier authority as it is not required for the operations conducted by Suburban Paratransit.

- Trans Express provides interstate and intrastate passenger transportation services in the state of New York. It holds interstate carrier authority under MC-187819.

- Trinity is passenger motor carrier engaged in providing non-regulated school bus transportation services in southeastern Michigan, and also operates charter service to the public. Trinity holds interstate carrier authority under MC-364003.

- Trinity Cars is an intrastate passenger motor carrier providing for-hire sedan and van service in southeastern Michigan. It does not have active interstate carrier authority, though MC-632139 is assigned to it.

- Trinity Coach is a passenger motor carrier providing intrastate private and charter motor coach services in the state of Michigan. It does not have active interstate carrier authority, though MC-537169 is assigned to it.

- Trinity Student is a passenger motor carrier primarily engaged in providing non-regulated school bus transportation services in the areas of Toledo and Cleveland, Ohio. Trinity Student also provides charter passenger services. It holds interstate carrier authority under MC-836335.

- White Plains is a passenger motor carrier doing business as Suburban Charters, and it operates primarily as a

provider of non-regulated school bus transportation services in the state of New York. White Plains also operates as a motor passenger carrier providing charter service to the public. It holds interstate carrier authority under MC-160624.

Applicant asserts the following facts about Queen City:

- Queen City is an Ohio limited liability company. It operates primarily as a provider of non-regulated school bus transportation services in the area of Cincinnati, Ohio. Queen City also provides interstate and intrastate charter services under the assumed names, Charter Bus Services and Klug Bus Services. For purposes of its interstate passenger operations, it holds interstate carrier authority under MC-163846.

Applicant states that all of the issued and outstanding membership interest of Queen City is owned and held by Haid Acquisitions LLC (Seller), an Ohio limited liability company, of which Aaron M. Haid, an individual, is the sole member. Applicant further states that neither the Seller nor Mr. Haid has any direct or indirect ownership interest in any other interstate passenger motor carrier and that Queen City is not affiliated with any other passenger carriers that have interstate operating authority.

Applicant asserts that National Express would acquire all of the outstanding membership interest in Queen City, resulting in 100% control of Queen City through the membership acquisition. Applicant further states that, other than the National Express Affiliated Carriers and Queen City, there are no other affiliated carriers with regulated interstate operations that are involved in this application.

Under 49 U.S.C. 14303(b), the Board must approve and authorize a transaction that it finds consistent with the public interest, taking into consideration at least: (1) The effect of the proposed transaction on the adequacy of transportation to the public; (2) the total fixed charges that result; and (3) the interest of affected carrier employees. Applicant submitted information, as required by 49 CFR 1182.2, including information to demonstrate that the proposed transaction is consistent with the public interest under 49 U.S.C. 14303(b), see 49 CFR 1182.2(a)(7), and a statement that the aggregate gross operating revenues of the National Express Affiliated Carriers and Queen City exceeded \$2 million for the preceding 12-month period consistent with 49 U.S.C. 14303(g), see 49 CFR 1182.2(a)(5).

Applicant submits that the proposed transaction would have no material

impact on the adequacy of transportation services to the public, as Queen City would continue to provide the services it currently provides using the same names. Applicant states that Queen City “will continue to operate, but going forward, will be operating within the National Express corporate family, an organization already thoroughly experienced in passenger transportation operations.” (Appl. 14.)

According to Applicant, “[t]he addition of Queen City to the carriers held by National Express is consistent with the practices within the passenger motor carrier industry of strong, well-managed transportation organizations adapting their corporate structure to operate several different passenger carriers within the same market, but in different geographic areas.” (*Id.*) Applicant asserts that Queen City is experienced in some of the same market segments already served by some of the National Express Affiliated Carriers. Applicant expects the transaction to result in operating efficiencies and cost savings derived from economies of scale, all of which, Applicant states, would help to ensure the provision of adequate service to the public. (*Id.*) Applicant further asserts that bringing Queen City within the National Express corporate family would serve to enhance the viability of the overall organization and the operations of the National Express Affiliated Carriers, which would ensure the continued availability of adequate passenger transportation service for the public. (*Id.*)

Applicant also claims that neither competition nor the public interest would be adversely affected by the contemplated transaction. Applicant states that Queen City is “a relatively small carrier in the overall markets in which it competes: unregulated metropolitan school bus operations and regulated motor coach passenger charter services.” (*Id.* at 16.) Applicant states that, with respect to Queen City’s school bus operations, it competes directly with First Student, Inc., and other school bus service providers in the Cincinnati metropolitan area. It further explains that there are a number of motor coach passenger charter services in the Cincinnati metropolitan area, resulting in a very competitive market. (*Id.*) Applicant also explains that there is limited overlap in service areas and/or in customer bases among the National Express Affiliated Carriers and Queen City. (*Id.*) Thus, Applicant states that the impact of the contemplated transaction on the regulated motor carrier industry would be minimal at most and that neither competition nor

the public interest would be adversely affected.

Applicant asserts that there are no significant fixed charges associated with the contemplated transaction. Applicant also states that it does not anticipate a measurable reduction in force or changes in compensation levels or benefits to employees. Applicant submits, however, that staffing redundancies could result in limited downsizing of back-office or managerial level personnel.

The Board finds that the acquisition proposed in the application is consistent with the public interest and should be tentatively approved and authorized. If any opposing comments are timely filed, these findings will be deemed vacated, and, unless a final decision can be made on the record as developed, a procedural schedule will be adopted to reconsider the application. See 49 CFR 1182.6(c). If no opposing comments are filed by the expiration of the comment period, this notice will take effect automatically and will be the final Board action.

This action is categorically excluded from environmental review under 49 CFR 1105.6(c).

Board decisions and notices are available on our Web site at "WWW.STB.GOV".

It is ordered:

1. The proposed transaction is approved and authorized, subject to the filing of opposing comments.

2. If opposing comments are timely filed, the findings made in this notice will be deemed vacated.

3. This notice will be effective December 27, 2017, unless opposing comments are filed by December 26, 2017.

4. A copy of this notice will be served on: (1) The U.S. Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590; (2) the U.S. Department of Justice, Antitrust Division, 10th Street & Pennsylvania Avenue NW., Washington, DC 20530; and (3) the U.S. Department of Transportation, Office of the General Counsel, 1200 New Jersey Avenue SE., Washington, DC 20590.

Decided: November 3, 2017.

By the Board, Board Members Begeman and Miller.

Tammy Lowery,
Clearance Clerk.

[FR Doc. 2017-24429 Filed 11-8-17; 8:45 am]

BILLING CODE 4915-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE-2017-92]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of the FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number involved and must be received on or before November 29, 2017.

ADDRESSES: Send comments identified by docket number FAA-2012-1137 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M-30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12-140, West Building Ground Floor, Washington, DC 20590-0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202-493-2251.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <http://www.regulations.gov>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

Docket: Background documents or comments received may be read at <http://www.regulations.gov> at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12-140 of the

West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Deana Stedman, AIR-673, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98057-3356, email deana.stedman@faa.gov, phone (425) 227-2148; or Alphonso Pendergrass, ARM-200, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, email alphonso.pendergrass@faa.gov, phone (202) 267-4713.

This notice is published pursuant to 14 CFR 11.85.

Issued in Renton, Washington, on November 3, 2017.

Victor Wicklund,

Manager, Transport Standards Branch.

Petition for Exemption

Docket No.: FAA-2012-1137.

Petitioner: The Boeing Company.

Section of 14 CFR Affected:
§§ 25.901(c) and 25.981(a)(3).

Description of Relief Sought: The Boeing Company has requested a 96-month extension to the existing Time-Limited Partial Grant of Exemption 10905 for the Fuel Quantity Indication System on all Model 737-600/-700/-700C/-800/-900/-900ER (737 NG) commercial airplane production through 2019, and a small number of 737-700 military platforms based on the Model 737 NG through 2025.

[FR Doc. 2017-24386 Filed 11-8-17; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Change in Use of Aeronautical Property at Laurinburg-Maxton Airport, Maxton, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) is requesting public comment on a request by the Laurinburg-Maxton Airport Commission, on behalf of the airport Sponsor (the City of Laurinburg and the Town of Maxton), to change a portion of airport property from aeronautical to non-aeronautical use at the Laurinburg-Maxton Airport. The request consists of release of approximately 10.66 acres to Scotland County Economic

Development Corporation (SCEDC) to be used for future economic development.

DATES: Comments must be received on or before December 11, 2017.

ADDRESSES: Comments on this notice may be mailed or delivered in triplicate to the FAA at the following address: Memphis Airports District Office, Attn: Koty Brown, Program Manager, 2600 Thousand Oaks Boulevard, Suite 2250, Memphis, TN 38118.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Ms. Joanne Gentry, Executive Director for Laurinburg-Maxton Airport Commission at the following address: 16701 Airport Road, Maxton, NC 28364.

FOR FURTHER INFORMATION CONTACT: Koty Brown, Program Manager, Federal Aviation Administration, Memphis Airports District Office, 2600 Thousand Oaks Boulevard, Suite 2250, Memphis, TN 38118-2482.

The application may be reviewed in person at this same location, by appointment.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the request to release property for non-aeronautical purposes at Laurinburg-Maxton Airport, Maxton, NC under the provisions of 49 U.S.C. 47107(h)(2). The FAA determined that the request to release property at Laurinburg-Maxton Airport (MEB) submitted by the Laurinburg-Maxton Airport Commission on behalf of the City of Laurinburg and the Town of Maxton meets the procedural requirements of the FAA and the release of the property does not and will not impact future aviation needs at the airport. The FAA may approve the request, in whole or in part, no sooner than thirty days after the publication of this notice.

The following is a brief overview of the request:

The Laurinburg-Maxton Airport Commission on behalf of the City of Laurinburg and the Town of Maxton is proposing the release of approximately 10.66 acres to Scotland County Economic Development Corporation (SCEDC) to be used for future economic development. This property is located along SR 1434 Airport Road in Scotland County, NC. The property is separated from the majority of airport property by SR 1434 Airport Road. The proposed use of this property is compatible with airport operations.

Any person may inspect, by appointment, the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

Issued in Memphis, TN, on November 3, 2017.

Tommy L. Dupree,

Acting Manager, Memphis Airports District Office, Southern Region.

[FR Doc. 2017-24413 Filed 11-8-17; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Federal Railroad Administration

Fiscal Year 2017 Positive Train Control Grant Program Project Selections

AGENCY: Federal Transit Administration (FTA), Federal Railroad Administration (FRA), DOT.

ACTION: Notice.

SUMMARY: The U.S. Department of Transportation's (DOT) Federal Transit Administration (FTA) and Federal Railroad Administration (FRA) announce the selection of projects for the Fiscal Year (FY) 2017 Positive Train Control (PTC) Grant Program. A total of \$197.01 million in the PTC grant funding, authorized under the Fixing America's Surface Transportation (FAST) Act, will be provided to 17 projects in 13 states. On July 29, 2016, FTA and FRA published a Notice of Funding Opportunity (NOFO) announcing the availability of Federal funding for the PTC Grant Program. These funds will provide financial assistance to states, local governments, and public agencies for the implementation of positive train control systems to improve safety. Funds allocated in this announcement must be obligated in a grant by September 30, 2018.

FOR FURTHER INFORMATION CONTACT: Recipients selected for competitive funding in Table 1 should contact the appropriate FTA Regional Office for information regarding applying for the funds or program-specific information. A list of FTA's Regional Offices can be found at www.fta.dot.gov. For questions regarding PTC technology or statutory and regulatory requirements, please contact Mr. Devin Rouse, Program Manager, Federal Railroad Administration (phone: (202) 493-6185, email: devin.rouse@dot.gov). A TDD is available at 1-800-877-8339 (TDD/FIRS).

SUPPLEMENTARY INFORMATION: In response to the NOFO, FTA and FRA received 27 proposals from 16 states requesting \$455 million in Federal funds, indicating significant demand for funding to expedite the implementation

of PTC systems. Project proposals were evaluated based on each applicant's responses to the program evaluation criteria outlined in the NOFO.

FTA is funding the 17 projects shown in Table 1 for a total of \$197.01 million. Recipients selected for competitive funding should work with their FTA Regional Office to submit a grant application in FTA's transit award management system (TrAMS) for the projects identified in the attached table to quickly obligate funds. As funds must be obligated by September 30, 2018, all grant applications must be submitted to FTA by June 30, 2018. Grant applications must include the eligible activities applied for in the original project application. Funds must be used consistent with the competitive proposal and for the eligible capital purposes established in the NOFO.

In cases where the award amount is less than the proposer's total requested amount, recipients must submit grant applications to fund the scalable project option as described in the project's application. If the award amount does not correspond to the scalable option, for example due to a cap on the award amount, the recipient should work with the FTA Regional Office to reduce scope or scale the project so that a complete phase or project is accomplished. Recipients are reminded that program requirements such as cost sharing or local match can be found in the NOFO. A discretionary project identification number has been assigned to each project for tracking purposes and must be used in the TrAMS application.

On October 16, 2008, Congress enacted the Railroad Safety Improvement Act of 2008 (RSIA), which required Class 1 railroad main lines and commuter railroad passenger service to fully implement positive train control by December 31, 2015. In the Positive Train Control Enforcement and Implementation Act of 2015, Congress extended the deadline for implementing positive train control to December 31, 2018. FTA will streamline the grant application process to help commuter railroads meet the approaching deadline. FTA is providing pre-award authority and will reimburse eligible project costs on successful projects consistent with the selected project proposals. The eligibility for reimbursement using pre-award authority is contingent upon the project meeting other Federal requirements, such as environmental requirements, prior to costs being incurred. FTA is not applying its regulation, 49 CFR part 633 Project Management Oversight to this program. Furthermore, FTA waives the requirement that projects be listed in the

Statewide Transportation Improvement Plan (STIP). Department of Labor (DOL) certification is also not required. The above waivers are only applicable to funds awarded in this notice.

Post-award reporting requirements include submission of the Federal financial report and milestone progress reports in TrAMS as appropriate (see FTA Circular 5010.1E, Award

Management Requirements). Unless specifically waived, recipients must comply with all applicable Federal statutes, regulations, executive orders, FTA circulars, and other Federal requirements in carrying out the project supported by the FTA grant, including FTA's Buy America requirements.

Recipients must follow all third-party procurement guidance as described in

FTA Circular 4220.1F Third Party Contracting Guidance.

Issued in Washington, DC, this 3rd day of November 2017.

K. Jane Williams,

Acting Administrator, Federal Transit Administration.

Heath Hall,

Acting Administrator, Federal Railroad Administration.

TABLE 1—FISCAL YEAR 2017 POSITIVE TRAIN CONTROL PROJECT SELECTIONS

State	Recipient	Project ID	Project description	Grant amount
CA	Peninsula Corridor Joint Powers Board (JPB).	D2017-PTCP-014	This project will dual equip seven Caltrain trains with Incremental Train Control System (ITCS) and Interoperable Electronic Train Management System (I-ETMS) to provide service for approximately 32 miles from south of San Jose to Gilroy, CA on Union Pacific Railroad (UPRR) territory.	\$21,680,000
CA	Southern California Regional Rail Authority (SCRRA).	D2017-PTCP-015	This project will develop, test, and deploy tools and processes to improve the reliability, efficiency, and security of SCRRA's Interoperable Electronic Train Management System (I-ETMS) PTC with an upgrade from a non-vital to a vital overlay system across 249 miles in the greater Los Angeles region of Southern California.	3,200,000
FL	South Florida Regional Transportation Authority (SFRTA).	D2017-PTCP-006	This project will complete the installation of the established Interoperable Electronic Train Management System (I-ETMS) PTC technology consisting of wayside interface units, near side station controls, base radio stations, a back office server, on-board PTC kits, and a crew training simulator on the South Florida Rail Corridor.	31,633,176
FL	Florida Department of Transportation (FDOT).	D2017-PTCP-007	This project will implement the Interoperable Electronic Train Management System (I-ETMS) computer-aided dispatch system, track database, and communication network, along 110 miles of the Central Florida Rail Corridor.	1,841,153
IL	Commuter Rail Division of the RTA (Metra).	D2017-PTCP-008	This project comprises three subprojects that include the installation of wayside PTC signals, reconfiguration of signals, and upgrade of existing PTC Automatic Block Signaling systems on Metra's Milwaukee District West and North lines in Illinois.	20,168,000
IL	Illinois Department of Transportation (IDOT).	D2017-PTCP-009	This project will complete the design, delivery, installation, testing, and certification of a fully integrated Interoperable Electronic Train Management System (I-ETMS) PTC on two contractual routes for Amtrak's use that comprise 14.7 route miles of Terminal Railroad Association of St. Louis (TRRA) right-of-way into and out of St. Louis, Missouri.	18,869,888
MA	Massachusetts Bay Transportation Authority (MBTA).	D2017-PTCP-001	This project will include the installation of a back office system for PTC that consists of an existing Cab Signaling System (CSS) with Automatic Train Control (ATC) supplemented by the addition of the latest revision to the Advanced Civil Speed Enforcement System II (ACSES II) for the MBTA.	7,815,963
MD	Maryland Transit Administration (MTA).	D2017-PTCP-004	This project includes installing Interoperable Electronic Train Management System (I-ETMS) PTC within the Northeast Corridor along MARC's tracks, and equipping 11 MARC 2A cab cars with I-ETMS. The work will be on the Penn Line between Washington, D.C. Union Station and the northern limits of MARC service at Perryville, MD, a total distance of approximately 77 directional miles.	9,440,000
MO	Missouri Department of Transportation (MoDOT).	D2017-PTCP-012	This project will design, deliver, install, test, and certify a fully integrated and functional Interoperable Electronic Train Management System (I-ETMS) PTC over approximately 8.5 route miles of Kansas City Terminal Railway right-of-way where Amtrak operates in the Kansas City metropolitan region of Missouri.	12,024,877
NJ	New Jersey Transit Corporation (NJ Transit).	D2017-PTCP-002	This project will implement New Jersey Transit's PTC Phase III, which involves the purchase of onboard equipment kits, along with the installation, testing, and commissioning of the equipment on a total of 440 locomotives, electric mobile units, and cab cars.	10,000,000
NM	Rio Metro Regional Transit District (Rio Metro).	D2017-PTCP-010	This project will include the installation of the Interoperable Electronic Train Management System (I-ETMS) PTC onboard technology on nine locomotives.	3,600,000

TABLE 1—FISCAL YEAR 2017 POSITIVE TRAIN CONTROL PROJECT SELECTIONS—Continued

State	Recipient	Project ID	Project description	Grant amount
NY	New York State Department of Transportation (NYSDOT).	D2017-PTCP-003	This project will implement Advanced Civil Speed Enforcement System (ACSES) PTC on the Amtrak controlled section of the Empire Corridor Hudson Line, a Federally Designated High Speed Rail Corridor, which spans multiple jurisdictions along its 94 miles from Poughkeepsie to Hoffmans, New York.	33,749,974
OR	Oregon Department of Transportation (ODOT).	D2017-PTCP-016	This project will install and test PTC equipment on two Talgo Series 8 trainsets owned by ODOT and operated by Amtrak for the regional Amtrak Cascades intercity passenger rail service connecting Eugene, Oregon to Vancouver, British Columbia.	1,200,000
OR	Tri-County Metropolitan Transportation District of Oregon (TriMet).	D2017-PTCP-017	This project will implement two PTC safety modifications on the 15 mile long Westside Express (WES) commuter rail corridor from Wilsonville to Beaverton, Oregon. The first modification is designed to positively stop a train in advance of a malfunctioning grade crossing, and the second modification will stop a train prior to a work zone or limit speed throughout the work zone.	2,704,000
PA	Southeastern Pennsylvania Transportation Authority (SEPTA).	D2017-PTCP-005	This project will install the Advanced Civil Speed Enforcement System (ACSES II) PTC System along a 3-mile portion of restored Regional Rail service from Elwyn to Wawa, Pennsylvania, and deploy an onboard survey map software that contains the physical characteristics of the railroad that dictate train operating speeds throughout SEPTA's rail network.	5,800,000
TX	Capital Metropolitan Transportation Authority (Capital Metro).	D2017-PTCP-011	This project will install the PTC fiber backbone for an Enhanced Automatic Train Control (E-ATC) PTC system on Capital Metro's approximately 33 miles of its commuter rail territory in Austin, TX.	9,762,969
UT	Utah Transit Authority (UTA).	D2017-PTCP-013	This project involves the design and testing of a two-step No-Code Proceed system to assure the safe operation of UTA's FrontRunner Enhanced Automated Train Control (E-ATC) PTC on its two mainline track segments from Provo to Ogden and Ogden to Pleasant View, Utah.	3,520,000
Total ..	.....	.....	.....	\$197,010,000

[FR Doc. 2017-24364 Filed 11-8-17; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2017-0179]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel DOS HOMBRES; Invitation for Public Comments**AGENCY:** Maritime Administration, Department of Transportation.**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 December 11, 2017.

ADDRESSES: Comments should refer to docket number MARAD-2017-0179.

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 DOS HOMBRES is:

—*Intended Commercial Use of Vessel:*
“Scuba Dive Charters and Sport Fishing Charters”

—*Geographic Region:* “Florida”

The complete application is given in DOT docket MARAD-2017-0179 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: November 3, 2017.

T. Mitchell Hudson, Jr.,
Secretary, Maritime Administration.

[FR Doc. 2017-24358 Filed 11-8-17; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2017-0177]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel LADY DEENA II; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

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 December 11, 2017.

ADDRESSES: Comments should refer to docket number MARAD-2017-0177. 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 LADY DEENA II is:

—*Intended Commercial Use of Vessel:*
“Carry passengers for hire”

—*Geographic Region:* “Florida”

The complete application is given in DOT docket MARAD-2017-0177 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: November 3, 2017.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2017-24357 Filed 11-8-17; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2017-0180]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel VESTA; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

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 December 11, 2017.

ADDRESSES: Comments should refer to docket number MARAD-2017-0180. 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 VESTA is:

—*Intended Commercial Use of Vessel:*

Week long captained charter sailing

—*Geographic Region:* “Florida”

The complete application is given in DOT docket MARAD-2017-0180 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: November 3, 2017.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2017-24354 Filed 11-8-17; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2017-0181]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel ANDIAMO; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

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 December 11, 2017.

ADDRESSES: Comments should refer to docket number MARAD-2017-0181. 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 ANDIAMO is:

—*Intended Commercial Use of Vessel:*

“Carry passengers for hire”

—*Geographic Region:* “Florida”

The complete application is given in DOT docket MARAD-2017-0181 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)

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By Order of the Maritime Administrator.

Dated: November 3, 2017.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2017-24359 Filed 11-8-17; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2017-0176]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel SAMADHI; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

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 December 11, 2017.

ADDRESSES: Comments should refer to docket number MARAD-2017-0176. 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 SAMADHI is:

—*Intended Commercial Use of Vessel:* “Up to 12 passengers on Lake Michigan”

—*Geographic Region:* “Michigan, Wisconsin, Illinois”

The complete application is given in DOT docket MARAD-2017-0176 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)

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By Order of the Maritime Administrator.

Dated: November 3, 2017.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2017-24355 Filed 11-8-17; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2017-0178]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel PUDDLE JUMPER; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

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 December 11, 2017.

ADDRESSES: Comments should refer to docket number MARAD-2017-0178. 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 PUDDLE JUMPER is:

—*Intended Commercial Use of Vessel:*

“Occasional fishing charters (6 or less customers) and cruises”

—*Geographic Region:* “New Jersey”

The complete application is given in DOT docket MARAD-2017-0178 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)

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By Order of the Maritime Administrator.

Dated: November 3, 2017.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2017-24356 Filed 11-8-17; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION**National Highway Traffic Safety Administration****Reports, Forms, and Record Keeping Requirements Agency Information Collection Activity Under OMB Review**

AGENCY: National Highway Traffic Safety Administration (NHTSA), U.S. Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 this notice announces the Information Collection Request (ICR) abstracted below will be submitted to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected burden. A **Federal Register** Notice with a 60-day comment period soliciting public comments on the following information collection was published on July 17, 2017 (**Federal Register**/Vol. 82, No. 135/pp. 32758–32759).

DATES: Comments must be received on or before December 11, 2017.

ADDRESSES: You may submit comments, within 30 days, to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention NHTSA Desk Officer.

FOR FURTHER INFORMATION CONTACT: Dr. Kathy Sifrit, Office of Behavioral Safety Research (NPD–320), National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., W46–472, Washington, DC 20590. Dr. Sifrit's phone number is (202) 366–0868 and her email address is kathy.sifrit@dot.gov.

SUPPLEMENTARY INFORMATION:

Title: Visual Scanning Training for Older Drivers.

Type of Request: New information collection requirement.

Abstract: Older adults comprise an increasing proportion of the driving population and exposure-based analyses have consistently shown increased rates of crash involvement for drivers as they age into their 70's, 80's and beyond. Studies have identified particular

situations where older drivers are most at risk, including navigating intersections and merging. These tasks share attributes of elevated demand on visual search and visual attention skills.

The visual scanning training protocol that is the focus of this study was designed to be delivered in one-on-one sessions by a generalist occupational therapist (OT) in a clinical setting, targeting visual field expansion, simultaneous processing of multiple visual stimuli, and ocular skill (visual search routine) exercises.

A preliminary analysis of the training's effectiveness was provided through performance of the NHTSA study, "Validation of Rehabilitation Training Programs for Older Drivers" (See DOT HS 811 749, April 2013). While these results were encouraging, the sample size was small and the research team, program developer and NHTSA all agreed that additional evidence was needed before widespread promotion of this intervention might be warranted. That is the focus of the proposed research.

Study staff will invite drivers 70 and older from a continuing care retirement community to a public meeting to describe the opportunity including inclusion and exclusion criteria. The project plans to recruit a total of 90 participants for the study. Participants will be randomly assigned to either a visual scanning training program (a series of four one-hour one-on-one training sessions) or to a control (placebo) activity for the same number of hours as the visual training protocol. All participants will undergo three, one-hour on-road evaluations by a Certified Driver Rehabilitation Specialist (CDRS) over the course of the study: One before training, one immediately after training, and a final evaluation three months after training. The CDRS will provide instructions about what route to follow and will score how safely the participant drives using standard procedures and criteria that are broadly accepted in the profession. The CDRS scores will be used to determine the effectiveness of the training protocol relative to the control (placebo) group.

Following training, the 45 study participants enrolled in the visual scanning training group will complete a

brief questionnaire to determine whether they believe the training will help them to be a safer driver, whether they would recommend the training to friends or relatives, and what they would pay for such training. The training feedback, as well as the CDRS road test scores, will be used to evaluate the effectiveness of the training. Following the second and third evaluations, each study participant will receive a \$100 gift card as compensation for his/her participation.

Findings will provide information about whether this training program improves the driving performance of drivers 70 and older, and whether they find the training acceptable. NHTSA will use the information to inform recommendations to the public, and particularly to the OT community, regarding this training program.

Affected Public: Participants will include 90 licensed drivers 70 and older.

Estimated Total Annual Burden: The total burden for data collection would be 690 hours.

Comments are invited on the following:

(i) 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;

(ii) the accuracy of the Department's estimate of the burden of the proposed information collection;

(iii) ways to enhance the quality, utility and clarity of the information to be collected; and

(iv) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

A comment to OMB is most effective if OMB receives it within 30 days of publication of this notice.

Authority: 44 U.S.C. 3506(c)(2)(A).

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

Jeff Michael,

Associate Administrator, Research and Program Development.

[FR Doc. 2017–24394 Filed 11–8–17; 8:45 am]

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Part II

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Office of the Secretary

Civilian Acquisition Workforce Personnel Demonstration (AcqDemo) Project;
Department of Defense (DoD); Notice

DEPARTMENT OF DEFENSE**Office of the Secretary****[Docket ID: DOD–2017–OS–0031]****Civilian Acquisition Workforce Personnel Demonstration (AcqDemo) Project; Department of Defense (DoD)**

AGENCY: Office of the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) (DASD (CPP)), DoD.

ACTION: Notice of consolidation, modification, and republication as amended of a personnel demonstration project plan.

SUMMARY: The DoD, with the approval of the Office of Personnel Management (OPM), received authority to conduct a personnel demonstration project within DoD's civilian acquisition workforce and among those supporting personnel assigned to work directly with it. The purpose of this notice is to publish the approval of the consolidation of the original AcqDemo project plan and, as appropriate, the still relevant interventions described in the six subsequent amendments and one notice of intent as listed in Appendix A into a single document for better understanding and ease of use; record the modifications made to existing demonstration project initiatives as a result of experience gained from their use; describe additional personnel management initiatives undertaken to generate further improvement of and increased efficiencies in support for the DoD acquisition workforce; and republish the AcqDemo Project Plan as amended and as updated for corrections, deletions, additions, and clarifications.

DATES: Implementation of this demonstration project plan will begin no earlier than November 1, 2017.

FOR FURTHER INFORMATION CONTACT: DoD: Scott Wortman, Program Manager, Civilian Acquisition Workforce Personnel Demonstration Project, 9820 Belvoir Road, Ft. Belvoir, VA 22060, 703–805–5050; DoD: Ms. Megan Maciejewski, Defense Civilian Personnel Advisory Service, Human Resources Operational Programs and Advisory Services, Staffing Policy Division, 4800 Mark Center Drive, Suite 05F16, Alexandria, VA 22350–1100, 571–372–1538.

SUPPLEMENTARY INFORMATION:**A. Background**

The AcqDemo Project was established under the authority of the Secretary of Defense, with the approval of OPM. Subject to the authority, direction, and

control of the Secretary, the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)) carries out the powers, functions, and duties of the Secretary concerning the DoD acquisition workforce (AWF). Title 10 United States Code (U.S.C.) chapter 87 describes general authorities and responsibilities, defense acquisition positions, Acquisition Corps, education and training, and general management provisions applicable to the Defense AWF. The purpose of the AcqDemo, as stated in 10 U.S.C. chapter 87, section 1762, is “to determine the feasibility or desirability of one or more proposals for improving the personnel management policies or procedures that apply with respect to the acquisition workforce of the [DoD] and supporting personnel assigned to work directly with the acquisition workforce.”

This demonstration project was originally authorized under Section 4308 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 1996 (Public Law 104–106, 110 Stat. 669; 10 United States Code Annotated (U.S.C.A.) 1701 note), as amended by section 845 of NDAA for FY 1998 (Pub. L. 105–85, 111 Stat. 1845); Section 813 of NDAA for FY 2003 (Pub. L. 107–314, 116 Stat. 2609); and Section 1112 of NDAA for FY 2004 (Pub. L. 108–136, 117 Stat. 1634). The NDAA for FY 2004 authorized the National Security Personnel System (NSPS) and most AcqDemo employees converted to the NSPS in 2006. Section 1113 of NDAA for FY 2010 (Pub. L. 111–84, 123 Stat. 2190) repealed the NSPS and directed conversion of all NSPS employees to their previous pay system by January 1, 2012. All NSPS employees formerly in AcqDemo were transitioned back to AcqDemo during the month of May 2011. On January 7, 2011, the original demonstration project authority was repealed and codified at 10 U.S.C. 1762 pursuant to Section 872 of the Ike Skelton NDAA for FY 2011 (Pub. L. 111–383, 124 Stat. 4300, 4302). With the enactment of Section 872 of the Ike Skelton NDAA for Fiscal Year (FY) 2011, Public Law 111–383, Congress extended the authority for AcqDemo until September 30, 2017, and increased the total number of persons who may participate in the project from 95,000 to 120,000. Congress further extended the authority for AcqDemo to December 31, 2020, in Section 846 of NDAA for FY 2016 (Pub. L. 114–92). Through Section 867 of NDAA for FY 2017 (Pub. L. 114–328), Congress provided that the Secretary of Defense shall exercise the authorities granted to the OPM under 5

U.S.C. 4703 for purposes of the demonstration project.

OPM approved and published the final project plan for the AcqDemo on January 8, 1999, in 64 **Federal Register** (FR) 1426–1492. Since that time, six amendments have been approved and published, and one notice of intent to amend published by OPM. These are listed in Appendix A.

DoD recently published a seventh amendment under the Secretary's authority on July 11, 2017, in 82 FR 32056–32121, providing notice of the intent to consolidate, enhance, and clarify the provisions of the original FRN project plan. This amendment announced a 30-day public comment period during which comments would be accepted on the modifications to the demonstration project plan. DoD received comments from 35 individuals during the comment period which closed on August 10, 2017. Most commenters addressed several topics which in some cases were duplicated by other commenters so the total number of comments exceeds the number of individuals cited above. A number of comments provided insight and encouragement for the project; some requested clarification of policy and purpose of several interventions; many addressed procedural aspects of the flexibilities; and still others noted various places in the notice where formatting, grammatical, and/or typographical errors were found. All comments were carefully considered and adjudicated. In addition, relevant administrative edits were made as a result of further coordination throughout the Department. The following summary addresses the pertinent comments received, provides responses, and notes resultant changes to the original AcqDemo project plan.

B. Summary of Comments*(1) General Positive Comments*

Two commenters addressed the necessity of implementing a personnel demonstration project for the Department's acquisition workforce and the supporting personnel assigned to work directly with the acquisition workforce. Another commenter touted that AcqDemo is intended to improve the evaluation process for Government employees, especially high performers constantly contributing above their position's expectations.

(2) Governance

Comment: One commenter questioned the level of delegated authority as it pertains to supervisory and team leader

cash differentials used by Heads of Participating Organizations.

Response: The AcqDemo is designed to improve the local acquisition manager's ability and authority to manage the acquisition workforce effectively. As such, the project provides managers, at the lowest practical level, the authority, control, and flexibility they need to manage their workforce. *Each participating organization has the authority to manage and oversee AcqDemo implementation and operation within the overarching USD(AT&L), HCI and/or AcqDemo Program Office policy and guidance.*

(3) Classification

Five commenters had varying recommendations and suggestions pertaining to classification:

Comment: Commenter suggested to relocate the information on maximum broadband level, section II.A.5. to Recruitment and Staffing.

Response: The AcqDemo's maximum broadband level is synonymous with the full performance level for a position under the GS. Every AcqDemo position is given a maximum broadband level at the time it is classified even if the classification is at the maximum broadband level. This provides employees, supervisors, and human resource specialists with the information needed to determine if the position could qualify as a career ladder position to be competitively filled at a lower broadband level with potential to the maximum broadband level, e.g., an NJ-II broadband level position with potential to an NJ-IV broadband level. Recommendation not adopted.

Comment: A commenter recommended referencing the use of OPM classification standards when an organization is establishing control points as a compensation strategy.

Response: Recommendation has been adopted.

Comment: Commenter recommended that the word "appraisal" be changed to "assessments" in the first sentence of Appendix E.

Response: DoD agrees with this change.

Comment: Commenter suggested that in Section II.A.5., first sentence, that "appropriate career field and certification level for Acquisition positions" be added to the list of information items found in a Position Requirements Document (PRD).

Response: DoD agrees with adding the following acquisition position information: "critical acquisition position indicator; appropriate

acquisition career field and certification level for an acquisition position."

Comment: Commenter intimated that the Classification Authority and PRD policy sections, as written in the notice, do not establish standard procedures that enforce accountability for supervisors or the delegated PRD authority to ensure accuracy of PRDs.

Response: The DoD Instruction 1400.25-V511, dated May 28, 2015, is a key reference for the AcqDemo classification program as it contains direction for proper classification of positions, consistency of reviews, and appeals procedures. Other information regarding detailed processing under AcqDemo is reserved for operational guidance and will be considered for the updated Operational Guide.

(4) Recruitment and Staffing

Five commenters had a variety of concerns and proposed changes, as follows:

Comment: One commenter suggested in Section II.B.3.b and 4(f)3, to change the word "characteristics" to "qualifications" in various places and to remove the phrase "internal government hiring" under Section II.B.3.a.

Response: Suggestions have been adopted and made.

Comment: One commenter recommended changing the specific title, "Better Buying Power 3.0," to "acquisition initiatives" for a more generic terminology and inquired how DoD will implement placing GS equivalent grade and step specific remarks on an SF 50 when an employee leaves AcqDemo.

Response: DoD made the change from "Better Buying Power 3.0" to "acquisition initiatives." Regarding the use of a SF-50 to document an employee's equivalent GS grade and step upon his/her departure from AcqDemo, this is no longer a valid method. The requirement to add equivalent grade and step information is removed from the FRN and will be addressed, as appropriate, in the Operational Guide.

Comment: One commenter recommended to allow for non-competitive reassignment of a GS employee whose current position's grade is included in the AcqDemo broadband level of the position to be filled but has a lower maximum basic pay than the broadband level. The recommendation also provides the flexibility for a basic pay increase not to exceed the amount the employee has earned toward his or her next within-grade increase.

Response: The recommendation has been adopted and a waiver to 5 CFR 335.103(c) included.

Comment: One commenter had questions regarding various procedures in the recruitment and selection processes, such as the qualifications criteria, modified term appointment options, external hiring authorities, the streamlined AcqDemo DE-Category Rating process and the Expanded Detail and Temporary Promotion Authority.

Response: Detailed procedural information and guidance is more appropriately placed in Operational Guidance. Changes will be incorporated into the AcqDemo Operational Guide. DoD will utilize the questions posed to ensure information requested will be addressed.

(5) Pay Administration

Comment: One commenter suggested a change to Section II.C.5. that while on temporary promotion a pay increase may be applied to the temporary promotion basic pay.

Response: Basic pay changes resulting from contributions and performance based on the duties of the temporary promotion position apply to that position not a lower broadband level position that may not have any duties similar to those of the temporary promotion position. To do otherwise is against basic classification and pay principles. Any basic pay increase under the CCAS would be determined and applied to the temporary position based on the application of that system for the pay pool in which an employee is a member.

Comment: One commenter requested that the promotion language be clarified for the Human Resource community and the ACDP flexibility should be looked at as a recruiting tool for "hard to fill" positions.

Response: Recommendations adopted. Regarding the use of ACDP as a recruiting tool, this will be discussed in the revision of the Operational Guide. Revised promotion definitions are:

(1) AcqDemo Employees. A promotion occurs when an AcqDemo employee moves from his/her current broadband level to a higher broadband level within the same career path (e.g., NK-I to NK-II), or a different career path and broadband level in which the new broadband level has a higher maximum basic pay than the broadband level from which the employee is being moved (e.g., NK-II to NH-II).

(2) Non-AcqDemo Employee Entering the Demo. A promotion action occurs:

(a) When a current non-AcqDemo employee in a graded system is selected for an AcqDemo position in a broadband

level which includes referenced grades with higher basic pay than the selectee's current grade, or

(b) When a current non-AcqDemo employee in a paybanded system is selected for a position in an AcqDemo broadband level which includes referenced GS grade(s) with higher basic pay than the highest referenced grade included in the current payband from which the selectee is moving.

(6) Compensation Strategy

Three comments were submitted with varying remarks and propositions:

Comment: One commenter stated that AcqDemo is not being implemented as intended in terms of its broadband structures and "control points" within those broadbands. It was intended that movement within the broadband was free from one end to another and would be based on performance.

Response: The AcqDemo Project requires a cost-disciplined approach to maintain cost control. Cost discipline requires a continued comparison with the Government-wide system to ensure an effective balance between cost, and personnel management benefits such as improved organizational communication, and greater recognition of higher contributors. This cost-disciplined approach also requires Participating Organizations to consider and implement a logical and effective compensation management strategy, aimed at providing the appropriate level of compensation for the contribution expended in accomplishing work at an assigned level. AcqDemo evaluation of the salary cost of AcqDemo over time indicated greater growth than the comparable GS comparison group. Based on this, greater emphasis is being placed on utilizing a cost-disciplined approach using compensation strategies suited to each Participating Organization's position management structure and mission.

Comment: One commenter stated that the compensation strategy is being modified to add stratification and pay ranges within broadbands, without establishing criteria for stratification, which effectively eliminates the benefits of broadbands without any checks and balances.

Response: Each Participating Organization will have the authority to manage and oversee the implementation of compensation strategies best suited to their position management structure, mission, and workforce requirements. A Participating Organization is responsible for implementing this regulation within overarching USD(AT&L), HCI, and/or AcqDemo Program Office policy and guidance and

conducting periodic evaluations to determine compliance with the cost-disciplined approach.

Comment: One Commenter expressed concern about hard base pay ceilings placed on NH-4 positions.

Response: Broadbands are used in AcqDemo to provide flexibility in hiring, assignment, and basic pay growth; however, not all positions in a broadband will have duties with the level of complexity, scope, and difficulty commanding contribution at the top level of the broadband. Some positions only have duties that provide growth through part of the broadband. These limits are based on the scope, difficulty, and value of the position to the organization of the work expected to be done in the position.

Comment: One commenter recommended the deletion of the requirement for copies of an organization's internal pay setting guidance to be provided to the AcqDemo Program Management Office located in Section II.C.1.

Response: Recommendation is adopted. However, the requirement will be retained and published in an Operational Guide. This promotes transparency to all.

(7) Contribution-Based Compensation and Appraisal (CCAS)

There were thirteen comments, as follows:

Comment: One commenter intimated that AcqDemo is another "good old boy" personnel system.

Response: AcqDemo establishes a structured, group review process to assess employees contributions to the mission and quality of performance. This process is designed to reduce favoritism and promote fairness. Specifically, the use of pay pool panels ensures that an individual supervisor's ratings are reviewed by his/her peers (i.e., by other raters in the same pay pool) and by the supervisor of all raters in that pool. In addition, rated employees are rank-ordered by the entire pay pool panel. The intent here is not so much to require ranking per se as to ensure that inflation or deflation by any rater will be identified and corrected via the normal operation of the panel process. Finally, the pay pool manager (who is generally at a higher organizational level than all of the above-mentioned supervisors) oversees and approves the results of the group review process.

Comment: One commenter requested 3 check blocks be added per factor to improve visibility so that the pay pool won't miss the written intent of the supervisor's rating.

Response: The software that supports AcqDemo will have a section that the supervisor will use to record the performance appraisal level appropriate for each factor, e.g., a 1—Unacceptable, 3—Fully Successful, or 5—Outstanding, so that the supervisor's intent is clear.

Comment: One commenter lamented that too much time is wasted on preparing an appraisal's written justifications.

Response: This demonstration establishes a structured, group review process to assess employee contributions to the mission and quality of performance. The group reviews the written assessments to ensure that ratings are consistent across the pay pool. They also may provide supplemental guidelines and requirements for preparation of the written assessments to best suit their review process.

Comment: Another commenter praised the AcqDemo program and its intent to improve the evaluation process for Government employees, especially high performers constantly contributing above their position's expectations, but added that AcqDemo must evaluate Agencies' methods for executing the process to ensure the AcqDemo objectives are being accomplished;

Response: The demonstration project authorizing legislation found in 5 U.S.C. 4703 mandates evaluation of the demonstration project to assess the effects of project features and outcomes. This FRN includes a section covering the types of evaluations to be used.

Comment: One commenter noted an error in II.D.3.c.(2) NPR, lines 9–13 and recommended a change from "±8.0 scores" to "approximately 8.0 scores";

Response: DoD agrees and this change has been made.

Comment: One commenter requested more clarification on rendering an appraisal within 15 months of entering on duty under CCAS.

Response: The wording surrounding the 15-month rating period has been changed as follows: The first CCAS appraisal for an employee who enters AcqDemo during the period July 3 through September 30 must be rendered within 18 months of when the employee entered AcqDemo during this period.

Comment: One commenter stated that the pay pool part of the FRN needs to be revisited because some organizations *raise the decisions on pay increases much too high in the organization—far away from the people who actually supervise or manage the workers being appraised.*

Response: AcqDemo Participating Organizations are delegated the authority to place the review and

approval of CCAS actions at the organizational levels that best work within their organizational structure.

Comment: One commenter praised the establishment of the supervisory differential and suggested making it standard for all AcqDemo supervisory positions.

Response: Supervisory and team leader differentials are subject to controls per Section II.C.12 of the FRN. Participating Organizations are delegated the authority to develop guidance on its use within the parameters of these controls. To require the differential to be standard for all AcqDemo supervisory positions would limit an organization's ability to decide how and when to use it within the guidance provided.

Comment: One commenter recommended numerous changes in Sections II.D.1 that provide additional clarity on the pay pool panel process, to include a requested change to Table 2, Broadband 1, Categorical Scores from Medium High to Medium.

Response: DoD agreed with all the changes, which have been made.

Comment: One commenter also recommended adding numerous details in Section II. D. 4, 5 & 6 to include mention of reduction to broadband level, add OCS and supervisor assessment to items grievable and delete CCAS pay determinations, to name a few.

Response: Changes made as appropriate, but the overall level of procedural detail recommended is not appropriate for inclusion nor required in the FRN and will be addressed, as appropriate, in the AcqDemo Operational Guide and training material.

Comment: One commenter was happy to see the number of factors reduced from 6 to 3; but wanted to see more details on the execution process addressed in the FRN.

Response: This level of detail is not required in the FRN and will be addressed, as appropriate in the AcqDemo Operational Guide and training material.

Comment: One commenter suggested the use of DAWDF monies be set aside to supplement the pay pool awards funding.

Response: DAWDF cannot be used for supplementing pay pool awards funding above applicable caps.

Comment: One commenter requested that Guest Rater details be included in Section D.

Response: The CCAS process and CAS2Net automated system accommodate other roles, such as guest raters, and guidance will be included, as

appropriate, in the Operational Guide and the CAS2Net Users Guide.

Comment: One commenter concurred with the criteria for determining when an employee should be placed on a CIP. The previous FRN guidance regarding the mid-point level of the next lower broadband was harder to quantify.

Response: DoD agrees with the commenter. The new FRN provides clearer guidance and the CIP process will be included in the AcqDemo Operational Guide.

(8) Employee Development

Comment: One commenter recommended Classification, Staffing, and Pay Setting training courses for Human Resource Professionals.

Response: DoD agrees with this commenter. The AcqDemo Program Office offers initial implementation training to Human Resources Specialists in classification, staffing, pay setting, and the CCAS. In addition, the Program Office provides an in-depth Operational Guide covering the AcqDemo processes and procedures.

(9) Evaluation Plan

Comment: One commenter stated that AcqDemo should be abandoned and resources reinvested in improving the GS system and that pay banding fundamentally inflates costs, with employees commonly earning well above the market rate for the skills/duties required of their positions.

Response: Title 5 U.S.C. 4703 mandates evaluation of demonstration projects to assess the effects of its features and outcomes. The AcqDemo Project requires a cost disciplined-approach to maintain cost control. Cost discipline requires a continued comparison with the Government-wide system to ensure an effective balance between salary cost, value of position, and personnel management benefits. This ensures there are checks and balances throughout AcqDemo's processes while continuing to provide the flexibilities outlined in this regulation.

(10) Administrative Corrections

Comment: Five commenters made note of various places in the FRN where formatting, grammatical, and or typographical errors were found.

Response: DoD has made the appropriate changes and corrections.

C. Overview

The project was initially designed in the 1997–1999 timeframe by a Process Action Team under the authority of then-Under Secretary of Defense for Acquisition, Technology, and Logistics

with the participation of and review by DoD and the OPM. The purpose of the project is to enhance the quality, professionalism, and management of the DoD acquisition workforce through improvements in the efficiency and effectiveness of the human resources management system. The project interventions strive to support DoD's efforts to "create a professional, agile, and motivated workforce that consistently makes smart business decisions, acts in an ethical manner, and delivers timely and affordable capabilities to the warfighter."¹

The original AcqDemo Project Plan included streamlined hiring and appointment authorities; a Voluntary Emeritus Program; broadbanding; simplified classification; combined classification and appraisal criteria into six factors; revised reduction-in-force procedures; a contribution-based compensation and appraisal system; academic degree and certification training; and sabbaticals. A number of new initiatives have been added and clarifications made to this updated project plan based on experience gained with the original processes and procedures since implementation in January 1999; feedback from participants at all AcqDemo organizational levels; changes in title 5 U.S.C. and title 5 Code of Federal Regulations (CFR); changes in legislative language impacting AcqDemo employee/organization coverage and project evaluation; environmental conditions such as a weak economy, government downsizing, and sequestration; and concerns with the relationship between position management, Contribution-based Compensation and Appraisal System (CCAS) scoring; compensation management; and appropriate pay. The new or modified initiatives and/or topics include target broadband level; reduction of the six classification and appraisal factors to three factors; direct hire authority; modified expedited hiring authority; rule of many; expanded supervisory probationary period; expanded detail and temporary promotion authority; revised reduction-in-force procedures basing order of retention primarily on individual employee performance; compensation management; clarification of various pay setting procedures for conversions, new hires, employee movement within AcqDemo, and employees voluntarily joining AcqDemo; supervisory and team

¹ DoD Directive 5000.52, January 12, 2005, Subject: Defense Acquisition, Technology, and Logistics Workforce Education, Training, and Career Development Program.

leader cash differentials; accelerated compensation for developmental positions; student intern relocation incentive; overall assessment of the quality of performance; CCAS very high score methodology; and modified contribution improvement plan procedures. The text of the original FRN and its amendments have been realigned and rewritten, as necessary, to improve clarity, organize by topic, remove duplication, eliminate outdated and cancelled items, and include revisions to existing flexibilities and descriptions of new interventions. Consequently, the document needs to be read in its entirety to obtain the full scope of the modernized demonstration project.

D. Evaluation Results

Since its implementation in early 1999, the AcqDemo interventions have confirmed that a human resources system tailored to the mission and needs of the AWF increases workforce satisfaction with the personnel management system, while providing quality acquisition products to DoD customers as evidenced by the 2006 AcqDemo Summative Evaluation² and periodic AcqDemo employee attitude surveys.

The June 2006 Summative Evaluation Report stated: "AcqDemo had a positive impact on overall workforce quality by enabling managers to compete with the private sector for the best talent available and make timely job offers to potential employees. When AcqDemo procedures were fully implemented, hiring timeliness was significantly improved. AcqDemo succeeded in retaining 'high contributors' and increasing the separation rates of 'low contributors' without damaging employees' overall sense of fairness. AcqDemo resulted in high levels of customer satisfaction, and both employees and supervisors realized the benefits of AcqDemo flexibilities in responding to customer requirements quickly. Finally, a variety of data indicated that there was a positive shift in workforce satisfaction with the AcqDemo personnel management system."

Since the return of employees from NSPS in May 2011, there continues to be strong evidence that the initiatives implemented under the AcqDemo are effective:

(1) Component acquisition leaders' feedback on effectiveness of AcqDemo programs on recruitment and retention has been positive.

(2) Senior Leader interviews were positive on the outcomes of programs but suggested processes may need to be tweaked, e.g., two recommended changes were (a) to decrease the number of classification and appraisal factors from six factors to three factors to further simplify position classification and streamline the CCAS appraisal process, and (b) add a very high score scheme to each of the three factors for contributions above the maximum score for each career path to provide more gradation and increase flexibility for assessment of different levels of contribution. Following receipt of the Senior Leader feedback, the workforce was polled on a draft proposal for three factors in 2014. Over 56% of the workforce was in favor of converting to the more concise language recommended by the Senior Leaders. Additionally, overwhelming support on the three-factor format was received during follow-on Senior Leader Interviews that were conducted as well as numerous requests for a very high score contribution appraisal structure for each of the factors as initially suggested. Therefore, the three new factors, each with their very high score scheme, are included in the updated AcqDemo Project Plan described in this FRN.

(3) Additional organizations are seeking to join AcqDemo.

(4) Analysis³ provided evidence that people who entered the acquisition workforce and were covered by an AcqDemo pay plan (or any demonstration pay plan) were retained longer compared to those in the General Schedule (GS) plan. Retention was 24 percent higher for the AcqDemo pay plan than for the GS plan.

(5) Results from the 2015 OPM Federal Employee Viewpoint Survey (FEVS) indicated that 87% of the 2015 AcqDemo FEVS responses were better than the 2014 AcqDemo FEVS responses.

(6) Interview and survey data suggest that many aspects of AcqDemo are positively perceived, i.e., supervisory perceptions regarding the ability to hire people as needed and to reassign or

reclassify employees in response to changing mission needs.

(7) Survey respondents reported being more optimistic about opportunities for promotion and were more likely to believe that their organization is retaining the highest-performing employees among their peers in the organizations selected for comparison.

(8) A 2016 independent research report⁴ indicated that unionized employees have fared well in AcqDemo as compared to unionized employees in the GS system. AcqDemo provided higher starting salaries, paid higher salaries overall, and offered a more rapid increase in salaries. The annualized basic pay was \$700 to \$1,400 higher for bargaining union members compared to their GS counterparts. Unionized employees were more likely to receive promotions than nonunionized employees, while within the GS comparison group the reverse occurred. The four-year retention rate for AcqDemo unionized employees was 80.3 percent compared to a corresponding rate of 78.5 percent for the weighted GS control group.

(9) The 2016 OPM FEVS Employee Engagement Index questions, which best exemplify "an employee's sense of purpose," and the New Inclusive Intelligence (IQ) Index questions, which "center on behaviors that help create an inclusive environment," show continued year after year improvement from 2014 through 2016 and consistently higher positive responses than the DoD and overall Federal workforce across all subcomponents. The top three AcqDemo 2016 positive items reflect a sense of pride in work and are shown below with their respective percentage of positive responses:

- (a) When needed I am willing to put in the extra effort to get a job done. (95.2%)
- (b) Pay raises depend on how well employees perform their jobs. (39.8%)
- (c) How satisfied are you with your opportunity to get a better job in your organization? (37.9%)

This information is a testament to the success of AcqDemo as a valuable human resources management tool in the efforts of the USD(AT&L) to emphasize and achieve broader and stronger workforce professional and technical qualifications, abilities, and

²Department of Defense (DoD) Civilian Acquisition Workforce Personnel Demonstration Project (AcqDemo), *Summative Evaluation Report, June 2006*, prepared by the AcqDemo Project Office, 2001 N. Beauregard Street, Suite 210, Alexandria, Virginia 22311.

³RAND Corporation, *Retention and Promotion of High-Quality Civil Service Workers in the Department of Defense Acquisition Workforce*, by Christopher Guo, Philip Hall-Partyka, Susan M. Gates; Copyright 2014; Chapter 4, Effects of Acquisition Demonstration Pay Plan on Retention, page 34, 1st partial paragraph; and Conclusion, page 36, 1st paragraph.

⁴RAND Corporation, *2016 Assessment of the Civilian Acquisition Workforce Personnel Demonstration Project*, by Jennifer Lamping Lewis, Laura Werber, Cameron Wright, Irina Danescu, Jessica Hwang, Lindsay Daugherty; Copyright 2017; Report Number RR1783.

capabilities for all fifteen DoD acquisition career fields and one career path. With the extension of the AcqDemo authority until December 31, 2020, the Department now has an additional opportunity to better adjust AcqDemo to the emergent qualifications associated with the myriad, complex defense acquisition situations with timely workforce development and more efficient, agile, and effective processes and procedures. New as well as modified flexibilities in human resources management activities can be tested and adjusted for maximum effectiveness in support of the USD(AT&L) “principle that continuous improvement is the best approach to improving the performance of the defense acquisition enterprise.”⁵

E. Notification Responsibilities

The DoD AcqDemo Program Office will post this amendment on the Program Office’s Web site at <http://acqdemo.hci.mil>. In addition, Participating Organizations will be requested to notify employees, appropriate union officials, and other stakeholders of this FRN as well as their communication vehicles, *e.g.*, Web site; letters to employees and union officials; consultation and negotiation with union officials; town halls; etc.; and the DoD Program Office Web site and information contained therein.

Dated: November 2, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

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I. Introduction

A. Executive Summary

AcqDemo is an acquisition-based alternative human resource management pay and personnel system that provides managers and organizations with increased flexibilities in recruitment, staffing, classification, performance management, compensation, and employee development. The purpose of the project is to enhance the quality, professionalism, and management of the DoD AWF through improvements in the efficiency, effectiveness, and agility of the human resources management system. This project not only provides a system that retains, recognizes, and rewards employees for their contributions, but also supports their personal and professional growth as acquisition specialists and professionals. In addition, this demonstration project provides managers, at the lowest practical level, the authority, control, and flexibility they need to achieve effective workforce management, quality acquisition processes, and superior products.

⁵ Better Buying Power 3.0, *White Paper*, Office of the Under Secretary of Defense Acquisition, Technology and Logistics, Honorable Frank Kendall, 19 September 2014.

B. Governance

1. Management Oversight

The AcqDemo Project was established under the authority of the Secretary of Defense (SECDEF), with the approval of OPM. Subject to the authority, direction, and control of the SECDEF, the USD(AT&L) carries out the powers, functions, and duties of the SECDEF concerning the DoD AWF. The USD(AT&L) is authorized to establish policies and procedures, in coordination with the Under Secretary of Defense for Personnel and Readiness (USD(P&R)), for the effective management of the acquisition, technology, and logistics workforce in the DoD, which includes management and oversight of the DoD AcqDemo. To assist in this endeavor, the USD(AT&L) chartered the DoD Civilian Acquisition Workforce Personnel Demonstration Project Program Office in September 1999. The Office of Human Capital Initiatives was chartered by the USD(AT&L) in November 2015, and the Director designated as the senior official responsible for the AcqDemo program. The Director, Human Capital Initiatives, is responsible for oversight, policy, direction, design and centralized management of the AcqDemo. Subject to the authority, direction, and control of the Director, Human Capital Initiatives, the AcqDemo Program Manager is responsible for the centralized management of the DoD AcqDemo Project. The Program Manager also has authority to establish and chair an Executive Council comprised of a representative from each DoD Component, Agency, and Field Activity with organizations and/or teams participating in the AcqDemo Project (hereafter referred to as Participating Organizations) plus USD(P&R) and/or USD(AT&L) representatives serving in an advisory role as appropriate. Each Participating Organization has authority to manage and oversee AcqDemo implementation and operation within overarching USD(AT&L), HCI, and/or AcqDemo Program Office policy and guidance.

2. Personnel Policy Boards

It is envisioned that each Participating Organization, to include subordinate AcqDemo participating organizations and/or teams, shall establish a Personnel Policy Board (PPB). The PPB is the body to manage, evaluate, and make policy and procedural changes for its respective organization within the parameters of the AcqDemo Project Plan published in the Federal Register notice 64 FR 1426–1492, DoD AcqDemo Program Office guidance, and

Department of Defense Instructions (DoDIs). The Executive Director, members, and staff of the Board are designated by the Head of the Participating Organization. Should any Participating Organization elect not to establish a PPB, the charter of an existing group within the respective organization must be modified to include the duties detailed in Section I.B.2(a) through (i). In either case, the Board is tasked, at a minimum, with the following:

- (a) Overseeing the civilian pay budget;
- (b) Addressing issues associated with two or more pay systems (e.g., AcqDemo, GS, and other pay banded systems);
- (c) Determining the composition of the CCAS pay pool in accordance with the established guidelines and statutory constraints;
- (d) Reviewing operation of the organization's CCAS pay pools;
- (e) Providing guidance to pay pool managers;
- (f) Administering funds to CCAS pay pool managers;
- (g) Reviewing hiring and promotion salaries;
- (h) Monitoring award pool distribution by organization and acquisition workforce (AWF) employees vs. non-AWF employees; and
- (i) Assessing the need for and making changes to local demonstration project procedures and policies when needed to further define specific interventions to ensure standard application across the participating AcqDemo organization(s) and/or team(s).

3. AcqDemo Project Plan Revisions

Modifications to the AcqDemo Project Plan must be made from time to time as experience is gained, results are analyzed, and conclusions are reached on how the various flexibilities are working individually and within the overall project. Minor policy and procedural modifications of this published AcqDemo project plan within already existing waivers may be made by the Director, Human Capital Initiatives, with delegation to the Program Manager, and published in internal issuances and AcqDemo Memorandums and/or at <http://acqdemo.hci.mil> to inform stakeholders such as USD(P&R); AcqDemo Executive Council; Defense Civilian Personnel Advisory Service; Participating Organizations; employees; Unions; and/or other interested parties as appropriate. New waivers from law or regulation must be approved by the USD(AT&L) in coordination with the USD(P&R) and published in a **Federal Register** notice.

4. AcqDemo Internal Guidance

The DoD AcqDemo Program Office is responsible for preparing and/or issuing implementation, operational, sustainment, and other internal guidance such as AcqDemo Memoranda, Operating Procedures, and/or DoDIs regarding the AcqDemo provisions to Participating Organizations. This internal guidance, which can be found at <http://acqdemo.hci.mil>, supplements with additional details the general guidelines and parameters established through legislation and **Federal Register** notices. Participating Organizations may issue additional internal guidance to ensure standard application across AcqDemo participating subordinate organizations and teams. All personnel laws, regulations, and guidelines not waived by the AcqDemo Project Plan will remain in effect. Basic employee protections and entitlements such as grievance, merit system principles, equal opportunity, leave, insurance, annuities, etc., are unchanged by AcqDemo and remain applicable.

5. Legal Authority

For actions taken under the auspices of the demonstration project, the legal authority code Z2W, Public Law 111–383, will be used. For all other actions, the nature of action codes (NOAC) and legal authority codes prescribed by OPM and/or DoD will continue to be used unless revised or new codes are developed for specific AcqDemo interventions. Information and guidance on codes specific to AcqDemo will be published in internal implementing issuances.

C. Organization and Team Participation

1. Scope of Acquisition Organizations. The DoD has numerous civilian acquisition organizations and teams in the Departments of the Army, the Navy (including the Marine Corps), and the Air Force as well as several Defense agencies and field activities. These organizations and teams are located not only across the United States but also in various foreign countries. Various elements of these organizations may be included in AcqDemo if they request to participate in AcqDemo, meet the eligibility requirements, are coordinated with the USD(P&R), and approved by the USD(AT&L).

2. Request to Participate in AcqDemo. As a demonstration project, AcqDemo is subject to audit, evaluation, and reporting requirements as Department leaders consider expanding participation in AcqDemo and the merits of undertaking modified and installing new initiatives. Therefore, to

assist in the effective management of the project, it is necessary to establish and utilize a formal application and approval process for organizations and teams desiring to participate in AcqDemo. The broad parameters of this process are described below with finite content requirements to be issued by the DoD AcqDemo Program Office using various internal DoD issuances such as AcqDemo Memorandum, AcqDemo Operating Procedures, and/or DoDIs. As experience is gained using this process, analysis is conducted, and conclusions reached, minor modifications may be made by the DoD AcqDemo Program Office.

3. **Calls for Additional Participation.** The AcqDemo Program Office may establish a regular schedule or periodically announce opportunities for interested acquisition organizations to apply for approval to participate in AcqDemo. Out-of-cycle participation requests will be reviewed on a case-by-case basis. During the demonstration project authority period, limited expansion of the project may be determined valuable by the USD(AT&L). In these cases, plans for such expansion will be coordinated with the USD(P&R) prior to execution.

4. **Eligibility Requirements.** Organizational and team participation in AcqDemo is voluntary. For an interested organization or team to be approved to participate, the following conditions must be met:

(a) At least one-third of the workforce selected to participate in the demonstration project consists of members of the acquisition workforce (civilian employees occupying positions coded as meeting the requirements of the Defense Acquisition Workforce Improvement Act (DAWIA) of 1990 as amended);

(b) At least two-thirds of the workforce participating in the demonstration project consists of members of the acquisition workforce and supporting personnel assigned to work directly with the acquisition workforce;

(c) Positions are classified to an approved occupational series; and

(d) The organization or team request is coordinated through the chain of command, to include the USD(P&R), for approval by USD(AT&L) for participation in the AcqDemo Project. Following receipt of appropriate coordination and approvals for the requesting organization to participate in AcqDemo, the AcqDemo Program Office staff will initiate appropriate notification to the requesting Military Department or DoD Component and USD(P&R). In addition, any organization

approved to participate will notify affected employees, labor organizations, and other appropriate stakeholders.

5. **Application Process.** The organization or team seeking approval to participate in AcqDemo would follow the process steps listed below:

(a) Complete the following preliminary activities:

(1) Review the AcqDemo design with the Participating Organization's DoD AcqDemo Executive Council Representative, if applicable, and DoD AcqDemo Program Office officials;

(2) Informally coordinate concurrence of their participation within its component leadership for any enterprise planning impacts; and

(3) Assess the acceptance level of the workforce with participation, views of stakeholders such as local bargaining union leadership (if applicable), and consider any other local climate and/or operational issues that would impact effective implementation of the project.

(b) Gather and include the required information described below in an application packet:

(1) Complete DoD Component, DoD Agency, or DoD Field Activity address.

(2) Identification of the acquisition-related mission of the population requesting participation, including a brief discussion of the major functions performed.

(3) Requesting organizations are encouraged to provide any applicable local workforce challenges being encountered that are not covered in 64 FR 1426–1492 and indicate how it is anticipated that AcqDemo could help address such challenges.

(4) Workforce Demographic Data.

(5) Identification of occupational series that need to be added.

(6) A statement of confirmation that applicable Within-Grade Increase (WGI) buy-in conversion costs, if applicable, have been estimated and do not present an adverse financial impact on payroll budgeting and execution.

(7) Communication plan, as available.

(8) Desired conversion date for candidate population.

(c) Route the application package through its command channels to the Service Acquisition Executive and the Assistant Secretary for Manpower and Reserve Affairs (M&RA) for the Military Departments or the appropriate equivalent authority for other DoD components for appropriate review and endorsement to the DoD AcqDemo Program Manager. The AcqDemo Program Office staff will review the application package for compliance with required information and eligibility requirements and facilitate coordination of eligibility with

USD(P&R), Defense Civilian Personnel Advisory Services (DCPAS) and participation approval with USD(AT&L). The AcqDemo Program Manager will then ensure the approval decisions are implemented, with quarterly updates provided to USD(P&R) and USD(AT&L).

D. Eligible Organizations

Appendix B provides two tables containing lists of organizations that have been determined to be eligible to participate. Table 1 of Appendix B provides a list of those organizations that were determined to be eligible to participate as of July 1, 2002. Table 1A of Appendix B contains a list of new or realigned organizations whose eligibility to participate in AcqDemo was approved by the DoD in calendar year 2014 and by OPM in calendar year 2015.

E. Workforce Coverage

1. **Covered Workforce.** Section 872 of the Ike Skelton NDAA for FY 2011 increased the number of employees who may participate in AcqDemo from 95,000 to 120,000 at any one time. The scope of AcqDemo workforce coverage for the DoD-wide critical acquisition function gives primary consideration to the number and diversity of occupations within (1) the acquisition workforce; and (2) the supporting personnel assigned to work directly with the acquisition workforce. This coverage encompasses acquisition-related duties and positions in fifteen acquisition career fields and one career path: auditing; business-cost estimating; business-financial management; contracting; facilities engineering; information technology; life cycle logistics; production, quality, and manufacturing; program management; industrial property; purchasing; science and technology management; engineering; test and evaluation; small business; and the career path of international acquisition, with all but two career fields considered critical acquisition career fields. This position management structure reflects the structure described in Appendix 1 of the April 2010 DoD Strategic Human Capital Plan (SHCP) Update for the Defense Acquisition Workforce as well as in the Defense Acquisition Workforce update for the 2016 DoD SHCP. The occupational series for this collection of duties and associated positions included in the AcqDemo are listed in Appendix C.

Additionally, in determining the scope of the demonstration project, DoD human resources management design goals and priorities for the entire civilian workforce were considered.

While the intent of this project is to provide DoD activities with increased control and accountability for their covered workforce, the decision was made to restrict development efforts initially to positions in the GS and GM pay plans. Employees covered under the Performance Management and Recognition System Termination Act (pay plan code GM) are GS employees and are covered under the demonstration project. The AcqDemo currently includes employees who previously held positions under the GS or GM pay plan codes or under one of the National Security Personnel System pay plan codes or under other pay systems. Employees and positions in other personnel systems and pay plans may be converted into AcqDemo as a result of reorganizations, restructuring, realignment, consolidation, Base Realignment and Closure decisions, legislative dictates, or other organizational changes as determined appropriate by the AcqDemo Program Manager. Students and recent graduates hired through the Pathways Programs may be included as determined by Participating Organizations. Excluded from coverage of this project at this time are Senior Executive Service, Senior Level, Scientific and Technical, Federal Wage System, and Administratively Determined positions. Also excluded from the project are (1) positions allocated to a Physicians and Dentist Pay Plan, either GP or GR; (2) positions covered by the Defense Civilian Intelligence Personnel System (10 U.S.C. chapter 83); (3) positions covered by or to be included in one of the Science and Technology Reinvention Laboratory (STRL) personnel

demonstration projects (Section 342(b) of the NDAA for FY 1995, Pub. L. 103–337 (10 U.S.C. 2358), as amended); (4) primary or secondary law enforcement officer (LEO) positions (5 U.S.C. 5541(3)); and (5) administrative law judge positions. To determine if an organization and series are included, locate the organization in Appendix B, either in Table 1 or Table 1A, and then find the job series in Appendix C.

2. Current Participating Employees. Table 1 provides a breakout of the AcqDemo actual population as of July 29, 2016, by Participating Organizations including number of employees by career path, broadband level, and bargaining unit representation. Of the 33,639 employees, 6.45% or 2,171 are represented by labor unions. The American Federation of Government Employees and the National Federation of Federal Employees represent the largest number of employees. The International Association of Fire Fighters, International Federation of Professional and Technical Engineers, and Laborers' International Union of North America represent the remainder of AcqDemo bargaining unit employees.

F. Bargaining Requirements

1. Written Agreements. Employees within a unit to which a labor organization is accorded exclusive recognition under chapter 71 of title 5, U.S.C., shall not be included as part of the demonstration project unless the exclusive representative and the agency have entered into a written agreement covering participation in and implementation of this project. In order to ensure that the integrity of the acquisition demonstration project is

maintained, parties may not change the design and intent of any of the project initiatives during negotiations. DoD has authority to operate only ONE project with the initiatives applying to all Participating Organizations. Revisions to initiatives may only be made in accordance with Section I.B.3 of this project plan.

The parties may use mediation or any other mutually acceptable means to resolve disputes over the implementation of the project with respect to unit employees. Neither party may request the assistance of the Federal Service Impasses Panel to resolve such disputes. Either labor or management may unilaterally withdraw from negotiations over the application of this demonstration project to bargaining unit members at any time up until final agreement approval, without such action being considered an unfair labor practice under Section 7116 of title 5, U.S.C., for refusing to negotiate in good faith.

Written agreements addressing the initial implementation of the demonstration project to bargaining unit members of Participating Organizations are subject to agency head review and approval within DoD prior to implementation. Thus, agreements will be reviewed as provided in 5 U.S.C. 7114(c).

2. Subsequent Negotiations. Once a written agreement is reached and approved allowing for the local implementation of the project, all subsequent negotiations during the life of the project shall be subject to binding impasse procedures under Section 7119 of title 5, U.S.C.

**Table 1. Participating DoD Components/Service including
Number of AcqDemo Employees by Career Path,
Broadband Level, and Union Representation
Data as of February 8, 2017**

Component	Career Path	Broadband Level Number of Employees (GS Grades Included)					Bargaining Unit Employees
		2/8/2017					
		I	II	III	IV	Total	
Air Force 15,897	NH	0 (GS 1-4)	1,357 (GS 5-11)	10,686 (GS 12-13)	2,936 (GS 14-15)	14,979	449
	NJ	0 (GS 1-4)	101 (GS 5-8)	250 (GS 9-11)	256 (GS 12-13)	607	3
	NK	7 (GS 1-4)	256 (GS 5-7)	48 (GS 8-10)		311	29
Army 8,560	NH	0 (GS 1-4)	438 (GS 5-11)	4,346 (GS 12-13)	3,338 (GS 14-15)	8,122	1,549
	NJ	0 (GS 1-4)	3 (GS 5-8)	78 (GS 9-11)	77 (GS 12-13)	158	0
	NK	0 (GS 1-4)	165 (GS 5-7)	115 (GS 8-10)		280	105
Navy 4,514	NH	0 (GS 1-4)	151 (GS 5-11)	1,748 (GS 12-13)	2,501 (GS 14-15)	4,400	5
	NJ	0 (GS 1-4)	2 (GS 5-8)	11 (GS 9-11)	51 (GS 12-13)	64	0
	NK	1 (GS 1-4)	28 (GS 5-7)	21 (GS 8-10)		50	0
Marine Corps 1,822	NH	0 (GS 1-4)	111 (GS 5-11)	1,154 (GS 12-13)	535 (GS 14-15)	1,800	0
	NJ	0 (GS 1-4)	0 (GS 5-8)	3 (GS 9-11)	10 (GS 12-13)	13	0
	NK	0 (GS 1-4)	6 (GS 5-7)	3 (GS 8-10)		9	0
4th Estate 4,913	NH	3 (GS 1-4)	172 (GS 5-11)	2,163 (GS 12-13)	2,487 (GS 14-15)	4,825	0
	NJ	0 (GS 1-4)	27 (GS 5-8)	5 (GS 9-11)	0 (GS 12-13)	32	0
	NK	1 (GS 1-4)	35 (GS 5-7)	20 (GS 8-10)		56	0
Joint Services 304	NH	0 (GS 1-4)	9 (GS 5-11)	232 (GS 12-13)	63 (GS 14-15)	304	0
	NJ	0 (GS 1-4)	0 (GS 5-8)	0 (GS 9-11)	0 (GS 12-13)	0	0
	NK	0 (GS 1-4)	0 (GS 5-7)	0 (GS 8-10)		0	0
	Totals	12	2,861	20,883	12,254	36,010	2,140

II. Personnel System Interventions

A. Classification

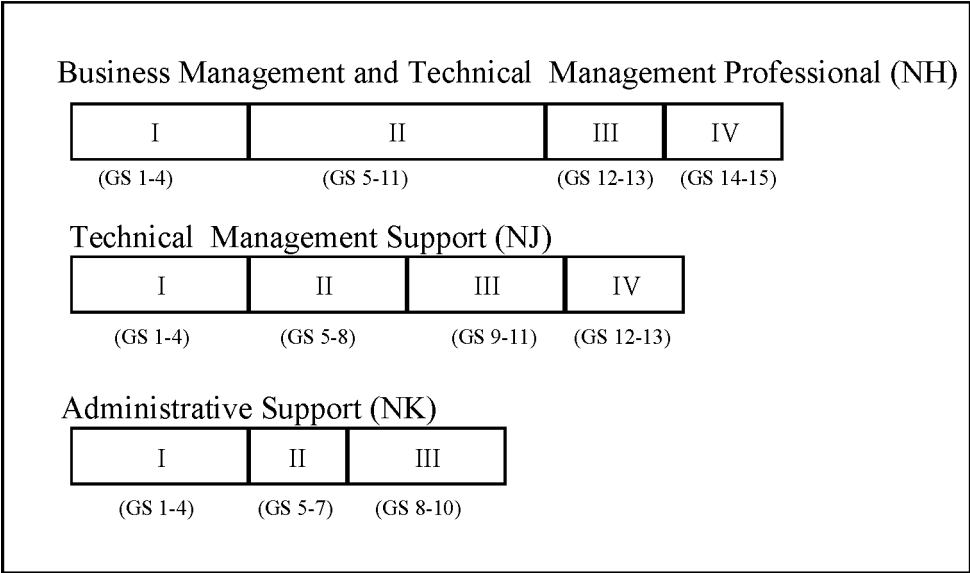
1. Broadbanding

a. The broadbanding system replaces the current GS fifteen-grade structure. The fifteen GS grades are arranged into three or four broadband levels within a career path in accordance with recognized advancement expected within the occupations assigned to the career path. Broadband level pay ranges were derived from base pay rates under 5 U.S.C. 5303 of the banded GS grades. The lowest basic pay rate of any given broadband level is that for step 1 of the lowest GS grade in that broadband level. Likewise, the highest basic pay rate of

any given broadband level is that for step 10 of the highest GS grade in that broadband level. There is a natural overlap in basic pay ranges in the GS grades that also occurs in the broadband system. Once employees move into the demonstration project, GS grades as well as WGIs and quality step increases will no longer apply and promotions will be less frequent. Movement through a broadband level will be based on employee appraisals under the CCAS; movement to a higher broadband level will be by competitive or non-competitive promotion; and voluntary or involuntary movement to a lower broadband level by a change to a lower broadband level personnel action.

b. There are three distinct career paths where AcqDemo occupations with similar characteristics are grouped together to facilitate advancement, pay progression, and more competitive recruitment of quality candidates at differing rates. The career paths are designated as Business Management and Technical Management Professional, Pay Plan NH; Technical Management Support, Pay Plan NJ; and Administrative Support, Pay Plan NK. The occupations placed within each of these career paths are listed in Appendix C. The three career paths and their associated broadband levels compared to GS grades are shown in Figure 1, Career Paths and Broadband Structure.

Figure 1. Career Paths and Broadband Structure



c. The broadband levels represent basic pay only and will be labeled I, II, III, or IV. Comparison to the GS base pay table is used in setting the minimum and maximum basic pay limits of the broadband levels. As the rates of the GS are increased for any annual across-the-board GS pay increase, the minimum and maximum basic pay rates of the broadband levels will also increase. Basic pay rates for employees are established within the minimum and maximum basic pay range for their position's broadband level. Section C, Pay Administration, offers more detail on how to set pay within a broadband level.

Since employees' pay progression through a broadband level depends on their contribution to the organization's mission and accomplishment of higher

level, broader scope, and/or more difficult work assignments, there will be no scheduled WGIs or scheduled across-the-board GS increases for employees covered by the broadbanding system. Advancement to a higher broadband level is typically through merit promotion or competitive recruitment procedures. Movement to a lower broadband level may be voluntary or involuntary. Special salary rates will no longer be applicable to demonstration project employees. Employees will be eligible for the locality pay of their geographical area with the exception of those employees stationed at an overseas location.

2. Occupational Series, Titles, and Classification Standards

The AcqDemo Project will continue to use the occupational series designators and position titles consistent with those authorized by DoD and/or OPM to identify positions. The current AcqDemo occupational series will be placed into appropriate career paths as shown in Appendix C. Appendix C has been updated to remove those series cancelled by OPM, to provide current series titles, to include additional series, and to move existing series to different or additional career paths. Other occupational series may be added or current series revised or deleted as a result of fluctuations in mission requirements or future DoD or OPM modifications to occupational series. Titling practices consistent with those

established by DoD or OPM classification standards will be used to determine the official title of positions. References to the grade criteria in the position classification standards may be useful in developing compensation strategies such as control points within a broadband level but not necessarily for determining the broadband level of an AcqDemo position. Rather, the AcqDemo provides definitions for each of the career paths and corresponding broadband levels within them as described in Appendix D.

3. Classification Level and Appraisal Factors

a. *General.* Under the demonstration project, a standard set of three classification level and appraisal factors has been developed for each career path—Factor 1. Job Achievement and/or Innovation; Factor 2. Communication and/or Teamwork; and Factor 3. Mission Support. These factors comprised of expected contribution criteria and broadband level descriptors and discriminators, as aligned to the three career paths and their broadband levels, will be used for broadband level classification and employee contribution assessment. The employee contribution assessment includes both a determination of an Overall Contribution Score (OCS) and a performance appraisal level for each factor. While the basic classification and appraisal factors, descriptors, and discriminators cannot be changed, the factors with the addition of an employee's contribution plan are fundamental to the success of an acquisition organization and capture the critical content and expectations for positions in the three career paths—Business Management and Technical Management Professional, Technical Management Support, and Administrative Support.

b. *Expected Contribution Criteria.* The AcqDemo utilizes baseline expected contribution criteria prepared for each of the three factors. These criteria are applicable to all contributions at all broadband levels under the appropriate factor. The criteria form the basis from which specific contribution expectations, standards, goals, or objectives are developed for an employee's contribution plan for the classification level of work in the employee's position. These criteria may only be modified by the DoD AcqDemo Program Office.

c. *Factors.* The factors are derived from the Office of Personnel Management, *Introduction to the Position Classification Standards*, Appendix 3, *Primary Standard*, and

represent the primary type of work and contribution typically found in positions classified to a specific career path and broadband level.

(1) *Descriptors.* Descriptors are narrative statements that are written at increasing levels of complexity, scope, and value of position and employee contribution. They are meant to correspond with the broadband levels, and their associated ranges of basic pay, for classification and appraisal purposes. While the descriptors indicate a position classification and/or contribution level appropriate at the upper end of each broadband level, a broadband may actually contain an array of positions with varying levels of work, responsibilities, and value. These attributes range from just above the upper end of the next lower broadband level to an employee's position to the upper end of the employee's broadband level as defined by an organization's position management structure needed to accomplish its mission. Descriptors are not to be used individually to determine position classification or assess contributions, but rather are to be considered as a group to derive a single evaluation of each factor.

(2) *Discriminators.* The discriminators refine the descriptors. For example, the Communication and/or Teamwork factor has four discriminators (oral, written, contribution to team, and effectiveness), which are the same for all broadband levels. The discriminators help to define the type and complexity of work; degree of responsibility; and scope of contributions that need to be ultimately accomplished to reach the highest basic pay potential within a broadband level for an employee's position and contributions. The discriminators are often times included in the duties portion of the Position Requirements Document to clarify the generic descriptors as to type and level of work, and in contribution expectations, standards, goals, and/or objectives included in an employee's contribution plan to foster contributions at the appropriate level and value for the position within its broadband level and to support the organization's strategic goals and objectives needed to meet its mission.

(3) *Summary.* The three factor evaluations when taken as a whole result in either a classification determination of the broadband level for the position or an OCS and performance appraisal for an employee's contribution assessment depending on the action being addressed. This structure in turn would be used to set the stage for determination of position classification, contribution assessment, and ultimately

compensation decisions. The definitions for the career paths and corresponding broadband levels within them are found in Appendix D. The classification levels with descriptors, discriminators, and appraisal factors can be found in Appendix E.

4. Classification Authority

Under the AcqDemo, Heads of Participating Organizations (or equivalent) will have delegated classification authority and may re-delegate this authority to subordinate management levels to a level not lower than one management level above the first-line supervisor of the position under review, except in the case of those employees reporting directly to the Head of the Participating Organization or equivalent. First-line supervisors will provide classification recommendations. Individuals knowledgeable and experienced in classification methodology, to include Human Resources Specialists, may provide ongoing consultation and guidance to managers and supervisors throughout the classification process.

5. Position Requirements Document

Under the demonstration project's classification system, a PRD combines the position information; staffing requirements; factors, descriptors, and discriminators; expected contribution criteria for the assigned broadband level; critical acquisition position indicator; appropriate acquisition career field and certification level for an acquisition position; and position evaluation statement into a single document. The information contained in the PRD is mandatory and must be provided. The AcqDemo Program Office has developed fillable templates for each career path broadband level to aid supervisors in producing a PRD. These templates may be found on the AcqDemo Web site at: <http://acqdemo.hci.mil/PRD.html>. Participating Organizations may use an alternative automated system and PRD format to support AcqDemo classification as needed as long as the mandatory information is included. The objectives in developing the new PRD are to: (a) Simplify the descriptions and the preparation process through automation; (b) provide more flexibility in work assignments; and (c) provide a more useful tool for other functions of personnel management, e.g., recruitment, assessment of contribution, employee development, and reduction in force.

6. Fair Labor Standards Act

Fair Labor Standards Act (FLSA) exemption or non-exemption determinations will be made consistent with criteria found in 5 CFR part 551. All employees are covered by the FLSA unless they meet criteria for exemption. Positions will be evaluated as needed by comparing the duties and responsibilities assigned, the broadband level descriptors for each broadband level, and the 5 CFR part 551 FLSA criteria.

7. Maximum Broadband Level

Each position under the demonstration project will have a designated maximum broadband level. This maximum broadband level will be identified as the top broadband level within a career path for a particular position and the broadband level to which an incumbent, selected competitively or through merit promotion for a lower broadband level, may be advanced without further competition, *e.g.*, incumbent selected for an NJ-II position with potential to an NJ-IV position. These broadband levels will be based upon the full performance levels of positions before conversion into AcqDemo. After conversion a newly created or re-described AcqDemo position may be assigned a different maximum broadband level based on the AcqDemo organization's position management structure, change in mission, reorganization, and similar factors. Maximum broadband levels may vary based upon occupation or career path. An employee's basic pay will be capped at the maximum rate for the designated broadband level until the employee has been promoted into the next higher broadband level.

8. Classification Appeals

An employee may appeal the occupational series, title, or broadband level of his or her own position at any time. An employee may not appeal the accuracy of the position requirements document; the demonstration project classification criteria; the pay-setting criteria; the propriety of a salary schedule; or matters grievable under an administrative or negotiated grievance procedure or an alternative dispute resolution procedure.

An employee must formally raise the areas of concern to supervisors in the immediate chain of command, either orally or in writing. If an employee is not satisfied with the supervisory response, he/she may appeal to the Head of his/her organization. If the employee is not satisfied with the supervisory response, he/she may then

appeal to his/her organization's Component or Agency level in accordance with their instructions. If the employee is not satisfied with the Component or Agency decision, the employee may appeal to the DoD appellate level. Appellate decisions rendered by DoD will be final and binding on all administrative, certifying, payroll, disbursing, and accounting officials of the Department. The evaluation of classification appeals under this demonstration project is based upon the demonstration project classification criteria. Case files will be forwarded for adjudication through the civilian personnel/human resources office providing personnel service and will include copies of appropriate demonstration project criteria. Time periods for case processing under 5 CFR 511.605 apply.

B. Recruitment and Staffing

One of the goals of the DAWIA Program is to create well-trained, multi-skilled professionals who can effectively manage multi-million-dollar programs. Hiring restrictions and complex processes unduly increase hiring timelines, exhaust valuable resources, and unnecessarily detract attention from the acquisition mission. Managers must be able to compete with academia and the private sector for the best talent and be able to make timely job offers to potential employees who display the experience, education, competencies, knowledge, skills, abilities, and motivation to be successful in the highly dynamic DoD acquisition environment. The program has statutory and regulatory requirements necessitating substantial education, training and experience, special certifications, and continuous learning designed to create a cadre of highly skilled acquisition professionals ready for assignment to the DoD's most senior acquisition positions.

The position management structure for the DAWIA Program contains three categories of AWF members and positions that may be found in each of the acquisition career fields. The largest category is comprised of persons assigned to developmental and mid-level acquisition positions. The next category encompasses Critical Acquisition Positions which are senior acquisition positions with significant responsibility, primarily involving supervisory or management duties in acquisition systems. The top level of positions, Key Leadership Positions, require special USD(AT&L) attention, have significant leadership responsibilities, are held by personnel in the most demanding acquisition

positions, and are critical to the success of the DoD acquisition program.

To maintain an adequate complement of trained AWF members in each of the position categories and career fields, the DoD establishes hiring strategies and goals that are published in its biennial Human Capital Strategic Workforce Plan. A recent Government Accountability Office (GAO)⁶ review of the results from the goals expressed in the DoD 2010 acquisition workforce plan and to be achieved by 2015, indicated that DoD did not reach the growth targets for six acquisition career fields by about 4,400 personnel. This includes four critical career fields, *i.e.*, contracting; business; production, quality, and manufacturing; and engineering along with two non-critical career fields, *i.e.*, property and purchasing. This shortfall in reaching essential growth targets illustrates the need for more efficient, agile, and effective hiring flexibilities to provide consideration of a broader spectrum of candidates from which to quickly acquire and steadfastly maintain a high quality acquisition workforce and its direct support personnel for each of the sixteen acquisition career fields.

1. Appointment Authorities

a. Competitive and Excepted Appointing Authorities. Under this demonstration project, there are two primary tenure existing competitive service appointment options used in the competitive service and excepted service: Permanent and temporary time-limited (which includes temporary and term (or term-like in the excepted service)). The permanent option consists of the existing career-conditional and career appointments (and equivalent appointments in the excepted service). The temporary limited option may be used to fill a short-term position, *i.e.*, one that is not expected to last longer than one year and is filled on a temporary basis. However, if warranted, the temporary limited appointment may be extended not to exceed two additional years for a total of 3 years of service pursuant to 5 U.S.C. 9902. As appropriate under the provisions of this demonstration project, Participating Organizations may use other competitive service or excepted service appointing authorities and assignment mechanisms including the Veterans' Recruitment Appointment, Pathways Programs, and Appointment for Individuals with Disabilities for

⁶ United States Government Accountability Office, Report to Congressional Committees, *Defense Acquisition Workforce, Actions Needed to Guide Planning Efforts and Improve Workforce Capability*, December 2015, GAO-16-80.

appointments into AcqDemo. While authorities such as Expert and Consultant and Intergovernmental Personnel Act appointments are not covered by the FRN, Participating Organizations may use them.

b. Modified Term Appointment Option

(1) The modified term option is based on the existing term appointment. A modified term appointment is expected to last longer than one year but not to exceed five years unless a one-year extension is locally approved for a total not to exceed six years when the need for an employee's service is not permanent. Reasons for making a modified term appointment include, but are not limited to, carrying out special project work; staffing new or existing programs of limited duration; filling a position in activities undergoing review for reduction or closure; replacing permanent employees who have been temporarily assigned to another position, are on extended leave, or have entered military service; and hiring college students for the Acquisition Student Intern Program. Most selections for modified term appointments will be made under the competitive examining processes or by using direct-hire procedures. However, an AcqDemo Participating Organization may give a noncompetitive modified term appointment to a selectee who is qualified for the position and is eligible for one of the categories listed in 5 CFR 316.302(b), items (1) through (8).

(2) Reassignment. A Participating Organization may place a modified term employee in any other modified term position provided the employee meets the qualifying requirements of that position. However, such reassignment will not serve to extend the appointment beyond the original term appointment time period. The minimum eligibility requirements for the position will be determined according to OPM's Operating Manual "*Qualifications Standards for General Schedule Positions*" and applicable DAWIA requirements. DAWIA requirements may be used as quality ranking factors. Both sets of eligibility requirements do provide waivers by an appropriate authority.

(3) Conversion to Career-Conditional Appointment. Employees hired under the modified term appointment authority are in a temporary status but may be eligible for conversion to career-conditional appointments or career appointments if applicable. To be converted, the employee must: (a) Have been selected for the term position under competitive procedures, with the announcement specifically stating that

the individual(s) selected for the term position(s) may be eligible for conversion to career-conditional appointment at a later date; (b) have served two years of continuous service in the term position; and (c) have been considered to have adequate contributions for two appraisal cycles (including the current appraisal cycle) immediately preceding conversion. Service under a modified term appointment immediately prior to a permanent appointment shall count toward the probationary period requirements described in 10 U.C.S. Section 1599e.

(4) Benefits and Appeal Rights. Benefits and appeal rights are the same as those currently afforded term employees.

2. Targeted Recruitment and Outreach

Hiring managers of Participating Organizations are encouraged to use a variety of sources for their targeted recruitment and outreach efforts for both permanent and time-limited positions in the competitive and excepted services, including: Colleges/universities with degree programs that meet acquisition position requirements, job fairs, virtual career fairs, professional organizations, alumni associations, USAJOBS and non-Federal employment Web sites, employee referrals, contractors, and separating or retiring military members. Short-term or long-term job announcements may be posted for current and/or projected vacancies, multiple vacancies, broadband levels, and/or geographic locations as appropriate based upon the availability of qualified candidates and the type of position being filled. Hiring managers have, in consultation with their Human Resources Offices, the option of making on-the-spot tentative job offers at job fairs and other recruiting events when using a noncompetitive or direct hiring authority. These offers are contingent upon meeting appropriate public notice requirements, clearing local priorities to include Priority Placement Program, Reemployment Priority List, and Interagency Career Transition Assistance Plan, and meeting any other requirements (e.g., security clearances, certifications).

3. Qualifications and Assessments

An applicant's basic eligibility for a position will be determined using OPM's Operating Manual, "*Qualifications Standards for General Schedule Positions*," and DAWIA requirements as appropriate. Experience gained in both permanent and time-limited competitive and excepted

service positions as well as external government positions may be considered as appropriate.

a. Qualifications. Minimum eligibility requirements will be those corresponding to the lowest GS grade referenced in the broadband level of the position being filled. Qualifying experience is defined as one year at the next lower broadband level in AcqDemo or an equivalent career path and broadband level in a different pay banding system; or one GS grade or equivalent level lower than the lowest GS grade referenced in the AcqDemo broadband level of the position being filled; or a combination of both this AcqDemo and GS experience.

b. Assessments. For assessment purposes, selective placement factors may be established in accordance with OPM's Operating Manual "*Qualifications Standards for General Schedule Positions*" when judged to be critical to successful job performance. Selective factors identify any qualifications that are required when a selectee starts the job. Based on his/her characteristics, if an applicant does not meet a selective factor, he/she is ineligible for further consideration. Quality ranking factors are experience, competencies, knowledge, skills, abilities, and DAWIA certifications required that are expected to enhance performance in a position and focus on the level of proficiency the selectee brings to the job. Unlike selective factors, quality ranking factors are not used to "screen out" applicants but to focus on the level of proficiency applicants would bring to the position. Both the selective factors and/or quality ranking factors, when used for applicant assessment, will be communicated to applicants via a vacancy announcement or public notice when such is required.

4. External Hiring Authorities

a. General Principles. When exercising the AcqDemo external hiring authorities, Participating Organizations will adhere to all applicable authorities and the following principles:

(1) A highly qualified workforce is critical to the Department's acquisition mission.

(2) Recruitment efforts should be designed to attract diverse candidates who are representative of all segments of society.

(3) Merit factors shall be the basis for selecting individuals for positions. All personnel programs and practices shall be administered in accordance with DoD Directive 1020.02E, "Diversity Management and Equal Opportunity in the DoD".

(4) The criteria in 5 U.S.C. 2108 and 5 U.S.C. 2108a for determining the preference eligibility of each applicant shall apply to AcqDemo without change. DoD AcqDemo Program Office and Participating Organizations' procedures shall ensure that, at a minimum:

(a) Selecting officials treat veterans' preference eligibility as a positive factor when making a selection from external recruitment sources or where veterans' preference is otherwise applicable. The detailed definition of "positive factor" rests with participating organizations and is expected to be described in internal issuances and on vacancy announcements. The AcqDemo Program Office guidance is stated generally to keep veterans' preference as a highlighted item to define how it will be addressed in external recruiting and to provide maximum flexibility to Participating Organizations in developing their policy.

(b) When making final selections, any candidates with veterans' preference should be considered for appointments if they are found to best meet mission requirements.

(c) If a non-preference eligible candidate is selected over a veteran considered to best meet mission requirements, the reasons for non-selection of any veteran considered to best meet mission requirements must be documented in writing. Non-selection documentation must be made part of the permanent selection record. Reasons for non-selection will be provided to the veteran candidate by the servicing human resources office if requested by the veteran. Participating Organizations may establish a higher level review and/or approval process above the selecting official if appropriate.

(5) Displaced employee procedures shall be adhered to when using this authority.

(6) Participating Organizations must ensure transparency, accountability, and auditability in hiring processes.

b. Direct Hire Appointments for the Business and Technical Management Professional Career Path. The Head of a Participating Organization may appoint qualified candidates possessing at least a baccalaureate degree required by OPM or DoD qualification standards covering acquisition positions and/or qualified candidates for those positions involving 51% or more of time in direct support of acquisition positions in a critical acquisition career field classified to the Business and Technical Management Professional, NH, career path, without regard to the provisions of 5 U.S.C. chapter 33, subchapter I (other than

sections 3303, 3308, and 3328 of such title).

c. Veteran Direct Hire Appointments for the Business and Technical Management Professional and Technical Management Career Paths. The Head of a Participating Organization may appoint qualified veteran candidates to acquisition positions in a critical acquisition career field and to those positions involving 51% or more of time in direct support of an acquisition position classified to either the Business and Technical Management Professional, NH, career path or to the Technical Management Support, NJ, career path, without regard to the provisions of 5 U.S.C. chapter 33, subchapter I (other than sections 3303 and 3328 of such title). The term "veteran" has the meaning given that term in 38 U.S.C. 101.

d. Acquisition Student Intern Appointments. The Head of a Participating Organization, without regard to the provisions of 5 U.S.C. chapter 33, subchapter (other than sections 3303 and 3328 of such title), may appoint candidates enrolled in a program of undergraduate or graduate instruction at an institution of higher education leading to either:

(1) A baccalaureate degree in a course of study required by OPM or DoD qualification standards for an acquisition position in a critical acquisition career field; or

(2) A degree the completion of which (including any additional essential credit hours or related experience in an acquisition-related field as defined by DoD internal issuances) provides competencies, knowledge, skills, etc., directly linked to an acquisition position's requirements (selective placement or quality ranking factors) for one of the critical acquisition career fields.

An "institution of higher education" for this purpose has the same meaning as that term is defined in Section 101 and 102 of the Higher Education Act of 1965 (20 U.S.C. 1001). Appointments under this authority may be made using a term appointment authority or the Pathways appointment authority.

e. Scholastic Achievement Appointment. This demonstration project establishes a Scholastic Achievement Appointment that provides the authority to appoint candidates with degrees to acquisition positions with positive education requirements without regard to the provisions of subchapter I of chapter 33 of title 5, U.S.C. (other than sections 3303 and 3328 of such title). This authority allows for competitive appointment to acquisition positions

classified to either the NH-II or NH-III broadband level of the Business and Technical Management Professional career path. Candidates may be appointed under this procedure if:

(1) They have at least a baccalaureate degree required by OPM or DoD qualification standards, or a degree the completion of which (including any additional essential credit hours or specialized experience in an acquisition-related field as identified by DoD internal issuances) provides competencies, knowledge, skills, etc., directly linked to an acquisition position's requirements for one of the critical acquisition career fields plus any selective factors, quality ranking factors, and/or DAWIA certification requirements stated in a vacancy announcement;

(2) the candidate has a cumulative grade point average (GPA) of 3.25 or better (on a 4.0 scale) in those courses in those fields of study that are specified in the OPM Qualification Standards for the occupational series and an overall undergraduate GPA of at least 3.0 on a 4.0 scale; and

(3) the appointment is into a permanent or term position at a pay level within the NH-II broadband level basic pay range. Appointments may also be made to the NH-III broadband level on the basis of graduate education and/or experience, but with the requirement of a GPA of at least 3.5 on a scale of 4.0 for graduate courses in the field of study required for the occupation.

f. Simplified Hiring Processes. The goal of the simplified hiring processes is to enable AcqDemo Participating Organizations to expedite the hiring and appointment of qualified persons to acquisition positions as well as to direct support positions in any of the fifteen acquisition career fields using the approaches described below:

(1) A name request may be submitted to expedite the appointment of a qualified candidate identified through a Participating Organization's targeted recruitment actions.

(2) A certificate of eligibles may be developed from qualified applicants to a vacancy announcement who have been evaluated or rated under an appropriate assessment methodology such as the Administrative Careers with America examination, USA Hire, or OPM category rating procedures.

(3) This demonstration project established a streamlined AcqDemo Delegated Examining-Category Rating process. This process may be used to fill both acquisition positions and those in direct support of acquisition positions covered by this demonstration project.

An applicant's basic eligibility will be determined using OPM's Operating Manual "Qualifications Standards for General Schedule Positions" and any DAWIA requirements as needed. Minimum eligibility qualification requirements will be those corresponding to the lowest GS grade referenced in the broadband level of the position being filled. Qualifying experience is defined as one year at the next lower broadband level in AcqDemo or an equivalent career path and broadband level in a different pay banding system; or one GS grade or equivalent level lower than the lowest GS grade referenced in the AcqDemo broadband level of the position being filled; or a combination of both this AcqDemo and GS experience. Selective placement factors may be established in accordance with OPM's Operating Manual "Qualifications Standards for General Schedule Positions" when judged to be critical to successful job performance and become part of the minimum qualification requirements for the position being filled. Selective placement factors identify any qualifications that are required when a selectee starts the job. Based on the applicant's characteristics, if an applicant does not meet a selective factor, he/she is ineligible for further consideration. Quality ranking factors are experience, competencies, knowledge, skills, abilities, and DAWIA certifications required that are expected to enhance performance in a position and focus on the level of proficiency the selectee brings to the job. Unlike selective factors, quality ranking factors are not used to "screen out" applicants but to focus on assessing the level of proficiency applicants would bring to the position. Both the selective factors and/or quality ranking factors, when used for applicant assessment, will be communicated to applicants via a vacancy announcement, public notice, or job announcement when such notice is required.

Candidates who meet the basic minimum eligibility qualifications will be further evaluated based on knowledge, skills, and abilities which are directly linked to the position(s) to be filled. Based on this assessment, candidates will be placed in one of the quality groups, *i.e.*, Superior, Highly Qualified, or Basically Qualified. The process for listing names within each specific category is to be determined by the Participating Organization.

Selecting officials should be provided with a reasonable number of qualified candidates from which to choose. All candidates in the highest group will be certified. If there is an insufficient

number of candidates in the highest group, candidates in the next lower group may then be certified; should this process not yield a sufficient number, groups will be certified sequentially until a selection is made or the qualified pool is exhausted. When two or more groups are certified, candidates will be identified by quality group (*i.e.*, Superior, Highly Qualified, or Basically Qualified). Veterans' preference eligibility will be determined when making final selections. When making final selections, any candidates with veterans' preference should be considered for appointments if they are found to best meet mission requirements.

(4) Rule of Many. When there are no more than 25 applicants for an acquisition position or a direct support position in any career field, all eligible applicants regardless of veterans' preference may be referred. Veterans' preference eligibility will be determined when making final selections. When making final selections, any candidates with veterans' preference should be considered for appointments if they are found to best meet mission requirements.

(5) Voluntary Emeritus Program.

(a) Eligibility and Program Criteria.

Under the demonstration project, Heads of Participating Organizations have the authority to offer voluntary assignments in Participating Organizations and to accept the gratuitous services of the following individuals:

1—AcqDemo retired or separated civilian employees who served in either DAWIA-covered positions or positions in direct support to DAWIA-coded positions (for the Voluntary Emeritus Program, hereinafter referred to as AcqDemo employees) and

2—Non-AcqDemo DoD retired or separated civilian employees and former military members who worked in DAWIA-covered positions.

Voluntary Emeritus Program assignments are not considered employment by the Federal Government (except as indicated below). Thus, such assignments do not affect a former civilian employee's entitlement to buy-outs or severance payments based on earlier separation from Federal Service. This program may not be used to replace or substitute for work performed by civilian employees occupying regular acquisition positions required to perform the mission of the Participating Organization.

The Voluntary Emeritus Program will ensure continued quality acquisition by allowing experienced, former civilian and military DoD acquisition professionals who served in DAWIA-

covered positions and former AcqDemo employees to accept retirement incentives with the opportunity to retain a presence in the acquisition community. The program will be beneficial during manpower reductions as program managers, engineers, other skilled acquisition professionals and former AcqDemo employees who provided direct support to acquisition professionals to accept retirement and return to provide a continuing source of corporate knowledge and valuable on-the-job training or mentoring to less experienced employees.

To be accepted into the Voluntary Emeritus Program, a volunteer must be recommended to the decision-making authority by one or more acquisition managers familiar with the skills that the volunteer offers to the organization. Acquisition managers at any level may initiate the decision process, however the decision-making documentation must be routed through the senior acquisition manager of the organization where the volunteer will be assigned, enroute to the Head of the Participating Organization making the decision. No one who applies is entitled to an emeritus position. The decision-making authority must document the decision process for each applicant (whether accepted or rejected) and retain the documentation throughout the assignment. Documentation of rejections will be maintained for two years.

To ensure success and encourage participation, the volunteer's Federal retirement pay (whether the retirement pay is based upon military or civilian service) will not be affected while the volunteer is serving in emeritus status. Retired or separated AcqDemo employees, non-AcqDemo DoD civilian employees and military members who served in DAWIA-coded positions may accept an emeritus position without a "break in service" or mandatory waiting period.

Voluntary Emeritus Program volunteers will not be permitted to monitor contracts on behalf of the Government but may participate on any contract if no conflict of interest exists. The volunteer may be required to submit a financial disclosure form annually and will not be permitted to participate on any contracts where a conflict of interest exists. The same rules that currently apply to source selection members will apply to volunteers.

(b) Agreement Requirements. An agreement will be established among the volunteer, the decision-making authority, and the Human Resources Office. The agreement must be finalized

before the assumption of duties and shall include:

1—A statement that the service provided is gratuitous, does not constitute an appointment in the Civil Service, is without compensation or other benefits except as provided for in the agreement itself, and that, except as provided in the agreement regarding work-related injury compensation, any and all claims against the Government because of the service are waived by the volunteer;

2—A statement that the volunteer will be considered a Federal employee for the purposes of:

a—Subchapter I of 5 U.S.C. chapter 81 (using the formula established in 10 U.S.C. 1588 for determination of compensation) (work-related injury compensation);

b—28 U.S.C. chapter 171 (tort claims procedure);

c—5 U.S.C. 552a (records maintained on individuals); and

d—18 U.S.C. chapter 11 (conflicts of interest).

3—The volunteer's work schedule;

4—Length of agreement (defined by length of project or time defined by weeks, months, or years);

5—Support provided by the activity (travel, administrative, office space, supplies, etc.);

6—A one-page statement of duties and experience;

7—A statement specifying that no additional time will be added to a volunteer's service credit for such purposes as retirement, severance pay, and leave as a result of being a member of the Voluntary Emeritus Program;

8—A provision allowing either party to void the agreement with ten days' written notice; and

9—The level of security access required by the volunteer (any security clearance required by the position will be managed by the Participating Organization and may or may not result in a delay in setting the volunteer's reporting date).

5. Expanded Initial Probationary Period. The original AcqDemo expanded initial probationary period covering periods of training beyond 1 year has been eliminated and replaced by the provisions of 10 U.S.C. 1599e (NDAA 2016 (Pub. L. 114–92), section 1105, Required Probationary Period for New Employees of the Department of Defense). 10 U.S.C. 1599e requires a two-year probationary period for “. . . any individual appointed to a permanent position within the competitive service at the Department of Defense . . .” Use of this provision will be required for Participating Organizations.

6. Staffing Within AcqDemo.

a. Expanded Supervisory and/or Managerial Probationary Periods. New supervisors, that is, those who have not previously completed a civil service supervisory probationary period, will be required to complete a one-year probationary period for the initial appointment to a supervisory position. An additional supervisory probationary period of one year may be required when an employee is officially assigned to a different supervisory position that constitutes a major change in supervisory responsibilities from any previously held supervisory position, e.g., moving from a journeyman level supervisory acquisition position to a Critical Acquisition Position or moving from a Critical Acquisition Position to a Key Leadership Position. If, during a supervisory probationary period, the decision is made to return the employee to a non-supervisory position for reasons related to supervisory contribution and/or performance, the probationary employee's supervisor will provide written notification subject to higher level management approval and the employee will be returned to a comparable position of no lower basic pay than the position from which promoted or reassigned.

b. Internal AcqDemo Assignment Process. Today's environment of downsizing and workforce transition mandates that the organization have maximum flexibility to assign individuals. The AcqDemo waivers to title 5 U.S.C. and title 5 CFR enable organizations to have the maximum flexibility under the broadbanding structure to assign an employee within broad descriptions, consistent with the needs of the organization and the individual's qualifications. Employees may receive subsequent organizational assignments to projects, tasks, or functions within their broadband level requiring the same occupational series, level and area of expertise, knowledge, skills, abilities, competencies, qualifications, and DAWIA certification, as appropriate, as their current position and typically without change in their rate of basic pay. For instance, a technical expert can be assigned to any project, task, or function requiring similar technical expertise. Likewise, a manager could be assigned to manage any similar function or organization consistent with that individual's qualifications. Assignments generally may be accomplished as Realignment using Nature of Action Code 790 and do not constitute a position change. However, if the assignment results in an occupational series change; broadband level change; change to competencies,

knowledge, skills, or abilities; change in acquisition certification levels; change in official duty station; or change to a different agency, a different Nature of Action Code, an official SF–50, and/or Defense Civilian Personnel Data System (DCPDS) data field updates may be required by the OPM *Guide to Processing Personnel Actions* or internal guidance. Further guidance on documenting the assignment will be published in implementing issuances.

c. Expanded Detail and Temporary Promotion Authority. Current regulations require that temporary promotions and details for more than 120 days to higher broadband level positions than an employee currently holds or previously held must be made competitively. Under the demonstration project, AcqDemo Participating Organizations would be able to effect temporary promotions and details to higher broadband level positions than AcqDemo employees currently hold or previously held without competition as long as the temporary promotion, detail, or a combination of a detail and temporary promotion does not exceed one year within a 24-month period to positions within the demonstration project. If any detail and/or temporary promotion is needed beyond one year, competition is required. In addition, renewing the detail or temporary promotion in 120-day or other short-term renewals is waived under this demonstration project.

d. Exceptions to Competition. The following actions are exceptions from competitive procedures:

(1) Non-competitive Movements Involving Promotion:

(a) Promotion, re-promotion, reassignment, change to a lower broadband level, transfer, or reinstatement to an AcqDemo position in a broadband level having a referenced GS grade or level of work and no greater promotion potential than the GS grade or level of work and promotion potential of the position a reinstatement candidate held or an employee currently holds or previously held on a permanent basis in the competitive service.

(b) Promotion without current competition when the employee was appointed through competitive procedures to a position with a documented GS career ladder position or target pay band/broadband level or promotion potential equivalent to a referenced GS grade or level of work in a higher broadband level than the employee's current position.

(c) A temporary promotion or detail of an AcqDemo employee to a position in

a higher broadband level not to exceed one year in a 24-month period.

(d) A promotion resulting from the correction of an initial classification error or the issuance of a new classification standard.

(2) Other Non-Competitive Movements

(a) Movement of a graded employee to a broadband level containing a referenced grade the same as the employee's current grade or grade previously held and pay setting rules the same as upon initial conversion of an organization. The pay setting rules provide an adjustment to an employee's basic pay for a WGI Buy-in, if eligible. Competition is normally required to set pay at a higher rate than the WGI Buy-in. In any case, the employee's basic pay shall not exceed the basic pay range of the new broadband level.

(b) Movement is to a position in a broadband level having a referenced GS grade or level of work equal to that of the employee's current position and no promotion potential. For example: Employee's current position is a GS-318-7 without promotion potential and the employee is moving to an NK-318-II position which contains the GS-7 as the highest grade and offers no promotion potential; or

(c) Movement is to a position in a broadband level having a referenced range of GS grades or levels of work containing that of the employee's current position with no potential to a higher broadband level. For example: Employee's current position is a GS-1102-12 with potential to a full performance level of GS-1102-13 and the employee is moving to an NH-1102-III position which contains both the referenced GS-12 and the referenced full performance level of GS-13 without further promotion potential to a higher referenced GS grade found in the NH-IV broadband level; or

(d) Referenced GS grade or level of work or potential of the new position is no greater than the GS grade or level of work of a position previously held by the employee on a permanent basis in the competitive service. For example: Employee held a competitive service GS-855-7 position with potential to GS-855-11 from May 1, 2012 to April 30, 2014 and is returned to an NH-855-II position on July 6, 2015 which contains the range of referenced GS grades (GS-7 through 11) and levels of work without potential to a higher referenced GS grade found in the NH-III broadband level; or

(e) Movement is to an AcqDemo position from a different pay banded demonstration project with referenced GS grades of selectee's current payband

position split between two AcqDemo broadband levels without further promotion potential. For example: Employee's current position is an Engineering Technician, Pay Band DT-IV (includes referenced GS grades 11 and 12). Candidate being considered for either an AcqDemo NJ-802-III position containing referenced GS grades 9 and 11 or an NJ-802-IV position containing referenced GS grades 12 and 13. Candidate could be placed non-competitively in the NJ-802-III position but would need to compete for the NJ-802-IV as this broadband level includes a referenced GS grade which is higher than the highest referenced GS grade included in the payband from which the candidate is moving.

(3) A position change permitted by demonstration project reduction-in-force procedures.

(4) Consideration of a candidate not given proper consideration in a prior competitive promotion action under the demonstration project.

(5) Conversion of an AcqDemo employee from a modified term appointment to a permanent appointment in the same broadband level and occupational family as the modified term position.

(6) Addition of supervisory duties within the assigned broadband level.

(7) Reclassification to include impact of person in the job or an accretion of duty promotion.

(8) Any other non-competitive action as authorized under 5 CFR 335.103.

e. Reduction in Force

(1) Employee Separations Primarily on the Basis of Performance. For any RIF of civilians covered by the AcqDemo within DoD, the determination as to which employees will be separated from employment will be made primarily on the basis of performance.

(2) Title 10 U.S.C. Section 1597. AcqDemo Participating Organizations, in accordance with 10 U.S.C. 1597, may not implement any involuntary reduction or furlough of civilians and may not implement any substantial reduction of contract operations or contract employment (involving 100 or more people) during a fiscal year, until the expiration of the 45-day period beginning on the date that the Component for the Participating Organization submits to Congress a report setting forth the reasons such reductions or furloughs are required and a description of any change in workload or position requirements that will result from same.

(3) Coordination with the Office of the USD(P&R). DoD Components of

Participating Organizations will coordinate with the Office of the USD(P&R) (ATTN: Office of the Deputy Assistant Secretary of Defense for Civilian Personnel Policy) regarding any proposed involuntary reduction or furlough of civilians or any substantial reduction of contract operations or contract employment (involving 100 or more people) during a fiscal year. The coordination process must occur before any notification to an employee or member of the public regarding such action, release of information to an employee or the public, or notification to a Member or Committee of Congress, or their staffs, or other executive branch agencies.

(4) Minimizing the need for RIF as a result of Workforce Reshaping. The Heads of Participating Organizations will consider and employ every reasonably available option, consistent with applicable policies and procedures, to mitigate the size of a proposed RIF, including job changes or retraining, the use of voluntary early retirement authority or voluntary separation incentive payments, hiring freezes, termination of temporary employees, reductions in work hours, curtailment of discretionary spending, and other pre-RIF placement activities for employees eligible for placement assistance and referral programs.

(5) RIF Procedures. If a RIF becomes necessary, RIF procedures will be used when an employee faces separation or downgrading due to lack of work, shortage of funds, reorganization, insufficient personnel ceiling, the exercise of re-employment or restoration rights, or furlough for more than 30 calendar or more than 22 discontinuous days. Generally, AcqDemo RIF shall be conducted according to the provisions of 5 CFR part 351, except as otherwise specified below:

(a) Competitive Areas. A competitive area establishes the boundaries within which employees compete for retention under AcqDemo RIF regulations. AcqDemo competitive areas may be refined beyond a given component or part of a component at a given geographic location. Generally, the geographic area of coverage will be the local commuting area. Once the geographic area is determined, additional factors will be introduced to ensure that there is sufficient flexibility within the competitive area to effect such reassignments and reallocations of work as necessary to carry out the mission of the organization with minimal disruptions. Typically, these additional factors could include such items as career path (pay plan), specific broadband level(s) within a career path,

and occupational series. Additional factors may include lines of business, product lines, organizational units, funding lines, and/or functional area, or a combination of these elements and must include all AcqDemo project employees within the defined competitive area. For each defined RIF competitive area, AcqDemo and non-AcqDemo employees must be placed in separate RIF competitive areas. The RIF competitive areas will be established no fewer than 90 days in advance of any planned effective date of an AcqDemo RIF. All AcqDemo project employees within the AcqDemo defined competitive area must be included in that competitive area. Therefore, AcqDemo employees would not displace non-AcqDemo employees and vice versa.

(b) Master Retention List. Competitive service employees and excepted service employees are placed on separate Master Retention Lists which are established in accordance with this FRN. A Master Retention List contains the names and position information for all competing employees in the RIF competitive area ranked by tenure group category and within each category by three retention factors, *i.e.*, average annual rating of record, veterans' preference, and RIF service computation date (SCD). The employees are listed within the tenure groups in the order of their relative retention standing with performance being the primary retention factor. For example, the employee with the highest average annual rating of record, *i.e.*, a Level 5—Outstanding Rating, is at the top of a tenure group category list; an employee with no months of assessed performance would be at the bottom of the Tenure Group I—Less than 12 months of Assessed Performance category; and the employee who received an unacceptable performance appraisal as his/her most recent rating of record, *i.e.*, a Level 1—Unacceptable Rating, is placed in Tenure Group I—Current Unacceptable Rating of Record category ranked by average annual rating of record. Further ranking occurs in each category using additional retention factors to accommodate veterans' preference and RIF service computation date. A sample Master Retention List is contained in Appendix G.

(c) Tenure Groups

1—Tenure Group Change. Tenure Groups I and II, as defined in 5 CFR 351.501(b) for competitive service and 5 CFR 351.502(b) for excepted service, have been combined into a new Tenure Group I for the competitive service and a new Tenure Group I for the excepted service. Tenure group III remains the

same and will be listed below any Tenure Group I categories. Under AcqDemo, the conversion to permanent appointment of term employees (Tenure Group III) previously selected through competitive procedures, and who otherwise meet conditions required for such conversion, may be converted to permanent appointments (Tenure Group I), provided such conversions are effective not less than 90 days prior to the effective date of the RIF.

2—Tenure Group Categories

a—Competing employees within a competitive area are listed on a master retention list in one of two tenure groups: Tenure Group I includes all permanent career and career-conditional employees and Tenure Group III includes employees on Term Appointments. Tenure Group I is divided into three categories: Tenure Group I employees who have 12 months or more of assessed performance; Tenure Group I employees who have less than 12 months of assessed performance; and Tenure Group I employees who received an unacceptable performance appraisal as their most recent rating of record. Tenure Group III employees are also divided into three categories: Tenure Group III employees who have 12 months or more of assessed performance; Tenure Group III employees who have less than 12 months or more of assessed performance; and Tenure Group III employees who received an unacceptable performance appraisal as their most recent rating of record.

b—Periods of Assessed Performance. For purposes of AcqDemo RIF, employees are placed in one of two assessed performance categories: Employees with a period of assessed performance of less than 12 months and employees with a period of assessed performance of 12 months or more. An employee's period of assessed performance for RIF purposes will be the sum of the months of assessed performance associated with the employee's performance appraisals within the most recent four-year period preceding the "cutoff date" established for the RIF. Periods of time in a rating cycle for which an employee's performance was not assessed are not included in the employee's period of assessed performance. For example, if an employee receives a rating of record after serving 10 months of a 12-month appraisal cycle, the employee's period of assessed performance is "10 months" for that rating cycle.

(a) Retention Factors.

1—Average Annual Rating of Record. The average annual rating of record is

the primary retention factor in determining which employees shall be separated from employment.

a—Rating of Record Criteria. A rating of record may be issued only in accordance with the AcqDemo appraisal cycle, other approved appraisal periods under AcqDemo, another DoD performance management program, or a performance management system used by another federal agency with which an employee was formerly employed. Ratings of record may not be issued solely for purposes of documenting performance in advance of a RIF. An employee's average annual rating of record for RIF purposes is the average of the ratings of record averages drawn from the two most recent annual CCAS ratings or other official ratings of record received by the employee within the four-year period preceding the "cutoff date" established for the RIF, except when the employee's most recent rating of record is "unacceptable." When the most recent rating of record is "unacceptable," only that rating of record will be considered for purposes of RIF. Other rating of record exceptions include the following situations:

- i. Employees serving as fulltime union representatives or on a prolonged absence due to a work-related injury discussed in Section II.D.2(h)(5); and
- ii. Employees who were absent for military service referred to in Section II.D.2(h)(6).

b—"Cutoff Date." The "cutoff date" is the date after which no new rating of record will be considered for purposes of the RIF. The "cutoff date" established will be at least 60 days prior to the date of the issuance of RIF notices.

c—CCAS Ratings of Record. The CCAS average annual rating of record is the average of the averages obtained for each of the two most recent CCAS ratings of record (if less than two, the actual rating of record average) that determined the final performance appraisal level for each of the two most recent annual ratings of record in the four-year period preceding the "cutoff date" established for the RIF. The averages for the two CCAS ratings of record would be totaled and the sum divided by two to determine the average annual rating of record for RIF retention. The resulting quotient will be rounded to the nearest tenth of a decimal point. If the hundredths decimal is less than 0.05, the tenths decimal does not change. If the hundredths decimal is equal to or greater than 0.05, the tenths decimal is increased by ".1".

d—Non-CCAS Ratings of Record. An employee may have a non-CCAS rating from another Federal organization as one or both of the two most recent

ratings of record within the most recent four-year period preceding the RIF “cutoff date.” In this instance, the average annual rating of record will be determined by converting the employee’s two non-CCAS ratings (if less than two, the actual rating) to the corresponding numeric rating, regardless of performance summary level pattern (for example: Highly Successful—Level 4; Pass—Level 3; Marginally Successful—Level 2; or Unacceptable—Level 1) provided by the summary level pattern used by the employee’s former Federal organization, totaling the numeric ratings, and dividing by the actual number of ratings. If one of the two most recent ratings is a CCAS rating, add the average obtained for determination of the annual CCAS rating of record and the numeric rating of record level for the non-CCAS rating of record to obtain a total, and divide the sum by two. The resulting quotient, for either scenario, is rounded in the same manner as for two CCAS ratings as described in Section II.B.6.e(5)(d)1–a.

e—Employees without a Rating. Presumptive status ratings 1, 2, and 3 assigned pursuant to Section II.D.6.h will not be used for RIF purposes. In the event of a RIF, employees with less than 12 months of assessed performance within the most recent four-year period prior to a RIF “cutoff date” will be placed at the bottom of Tenure Group I—Less than 12 months of Assessed Performance.

f—CIP. Employees under a CIP are listed on the master retention list in their appropriate tenure group category until a decision is reached. If the decision is that the employees have improved to a fully successful level, the employees will continue to compete in their appropriate tenure group category with other employees whose average ratings of record are above unacceptable. If the decision results in an unacceptable rating of record, the employees are listed in Tenure Group 1—Current Unacceptable Rating of Record according to their retention standing and compete only within this tenure group.

g—Unacceptable Ratings of Record. If an employee’s most recent annual or other official rating of record, *e.g.*, rating of record based on completion of a CIP, is “unacceptable,” the employee would compete only in Tenure Group I—Current Unacceptable Rating of Record with other employees who received a current unacceptable rating of record. If a position encumbered by an unacceptable employee is the best offer for an employee with a rating of record above unacceptable, the employee with

the higher retention standing may be offered the position regardless of the retention standing of the unacceptable employee. If there is no other position listed in Tenure Group I—Current Unacceptable Rating of Record for which the unacceptable employee is qualified, the employee will be separated. The unacceptable employee has no further displacement rights.

2—Veterans’ Preference. Competing employees are placed in a veterans’ preference subgroup in accordance with the definitions in 5 CFR 351.501(c). The three veterans’ preference subgroups are: AD (30% disabled veteran); A (a veteran who is eligible for veterans’ preference for purposes of RIF, but is not eligible for placement in the AD category); and B (an employee not eligible for veterans’ preference for purposes of RIF.)

3—Length of Service (DoD SCD–RIF). The DoD service computation date includes all creditable service under 5 CFR 351.503(a) and (b). Each AcqDemo Participating Organization is responsible for establishing the DoD SCD–RIF applicable to each employee competing for retention under this process. Additional service credit for outstanding and fully successful performance appraisals will not be calculated in the DoD SCD–RIF.

(e) Displacement. The AcqDemo RIF process has a single round of competition which replaces the traditional two-round (bump and retreat) process. Displacement is limited to an employee’s current career path, broadband level, and one broadband level below that is within the employee’s career path. Broadband level I employees would displace within their current broadband level I. Preference eligible employees with a compensable service connected disability of 30 percent or more may displace within the two broadband levels below their present broadband level within their career path not to exceed the equivalent of 5 GS grades below the employee’s present GS grade-level equivalent. Broadband level I preference eligible employees with a compensable service connected disability of 30 percent or more can displace within their current broadband level. Offer of assignment shall be to the position that requires no reduction or the least possible reduction in broadband. Where more than one such position exists, the employee must be offered the position encumbered by the employee with the lowest retention standing.

(f) Qualifications for Assignment. An employee is qualified to displace another employee on the retention list if he or she meets the designated

standards and requirements in 5 CFR 351.702, including DAWIA certification, if applicable, for the position. (However, statutory waivers shall continue to apply.) Recency of experience may be used, when appropriate, to determine an employee’s proper placement. The “undue disruption” standard currently outlined in 5 CFR 351.203 will serve as the criteria to determine if an employee is fully qualified.

(g) Pay Retention. Employees covered by the demonstration are not eligible for grade retention. Pay retention will be granted to employees downgraded by reduction in force whose rate of basic pay exceeds the maximum basic pay range of the broadband level to which assigned. Such employees will be entitled to retain the rate of basic pay received immediately before the reduction, not to exceed 150% of the maximum salary of the lower broadband level.

(h) Appeals. Under the demonstration project, all employees affected by a reduction-in-force action, other than a reassignment, maintain the right to appeal to the Merit Systems Protection Board (MSPB) if they believe the process/procedures were not properly applied.

(i) Vacant Positions. Prior to RIF, employees may be offered a vacant position in the same broadband as the highest broadband available by displacement. Employees may also be offered placement into vacant positions for which management has waived the qualifications requirements. When an AcqDemo Participating Organization chooses to fill a vacancy with an employee who will be released from his/her position, the organization must consider the relative retention standing of all released employees. The vacant position must be offered to the released employee with the highest retention standing before offering a position to a released employee with a lower retention standing. If the employee is not placed into a vacant position and cannot be made an offer of assignment via displacement, the employee shall be separated.

(j) Interim RIF Process. In the event a RIF is necessary after the final FRN is published but before a rating of record with an average score can be established for employees in the competitive area pursuant to this FRN, the USD(P&R) may approve an interim RIF process.

C. Pay Administration

1. Introduction

AcqDemo inspires the use of a compensation strategy that utilizes all available and appropriate compensation

tools to attract and retain an agile, highly-skilled, professional acquisition workforce and the supporting personnel assigned to work with that workforce. Organizations executing the DoD acquisition mission need talent with very specific skills, knowledge, and certifications. To be successful in this mission also demands a commitment to providing the warfighter with state-of-the-art effective and reliable weapon systems that yield equally effective and predictable results. AcqDemo's compensation philosophy insures equitable pay for the duties of the position, recognizes individual competency achievements, and rewards contribution to mission. To assist in this endeavor, AcqDemo provides a number of interventions and policies for special situations such as pay setting for new hires, reinstatement eligibles, and non-AcqDemo Federal civilian employees voluntarily accepting an AcqDemo position; promotions; buy-ins on voluntary permanent lateral transfers, reassignments, and realignments into AcqDemo; changes to lower career path, broadband level, and/or basic pay; supervisory and team leader cash differentials; accelerated compensation for developmental positions; and a contribution-based compensation system that aligns employees' pay to their contributions to the organization's mission and to the scope, difficulty, and value of their positions.

The DoD AcqDemo Program Office will issue policy and guidance on pay setting. Participating Organizations are encouraged, through their Personnel Policy Boards to issue internal guidance and/or criteria to further define their compensation policy and processes based upon funding levels; qualifications and experience of selectees; market conditions; difficulty of position; and organizational level of position to ensure standard application.

Modifications to the AcqDemo pay administration guidance, processes, and/or procedures may be made by the DoD AcqDemo Program Manager as experience is gained, economic conditions change, results are analyzed, and conclusions are reached. Any supplemental policies, guidance, and procedures on pay setting (and modifications to those policies, guidance, and procedures) issued by the DoD AcqDemo Program Office and Participating Organizations will adhere to the pay administration provisions and waivers in this **Federal Register** notice.

2. Compensation Strategy

A primary goal of AcqDemo is to compensate employees appropriately for

their individual and organizational contribution to the mission of their organization and the value of their position. This goal promotes greater compensation for those who are the highest contributors; encouragement for the lowest contributors to improve; and appropriate compensation for all levels of contribution in between. Equal with the need to appropriately recognize and compensate employee contribution is the need to effectively manage the compensation levels of the AcqDemo organizational positions.

Upon initial mass conversion into the AcqDemo, an organization's position management structure rarely changes even though positions may be placed in a broadband level that indicates the availability of a higher maximum basic pay. For example, a GS-5 Mail Clerk full performance position may convert into the NK-II broadband level which contains referenced GS grades 5-7. However, depending upon an organization's position management structure and assessment of the difficulty, scope, and value of the position, the organization may develop a compensation strategy (e.g., a control point) that limits full performance Mail Clerk positions to a maximum basic pay equivalent to GS-5, Step 10, basic pay. Likewise, a contract specialist position under the organization's position management structure may have been considered to have the difficulty, scope, and value equivalent to the basic pay of a GS-12, step 10, position and the organization may want to maintain this value and set a control point at that basic pay.

Although each position contained within a broadband level could have access to the complete range of pay options, it does not mean that all jobs within that broadband level should be compensated at the top rate of basic pay of the broadband level. Instead, management decisions should be made about the appropriate compensation value of the organization's position management structure, based on factors such as level of effort, required skills and/or certifications, and labor market conditions. Once made, management should seek to maintain that level of compensation, unless changes occur in the stated compensation factors. Total pay set above or below the target basic pay is contingent upon the employee's overall contribution to the mission. This approach challenges the organization to consider the value identified for each position when determining an appropriate level and means of compensation (basic pay adjustment and/or award) for individual compensation.

Although broadbanding makes available a broader range of compensation choices, basic pay adjustments known within AcqDemo as Contribution Rating Increase (CRI) adjustments, are not the sole means to compensate employees, and in some cases are not the recommended means. As the compensation value of organizational positions are identified, managers should consider utilizing appropriate means to preserve those values. Compensation methodologies include the assignment of a maximum OCS, to coincide with the identified compensation value. A CRI resulting from the assignment of an OCS assumes the level of contribution, and associated basic pay, is expected to continue at least at that level and will be reflected in the employee's Contribution Plan for future assessment cycles. These scores or values should be identified against PRDs, and then considered during hiring actions and in determining compensation means to recognize contribution assessments. Means to preserve the identified compensation values may include the establishment of control points or pay ranges within a broadband level. When compared to their counterparts in other compensation systems, e.g., GS and STRL, these employees as a group should generally maintain equity with the normal pay progression scenarios in these systems. For example, for positions equivalent to GS-14 in value and level of difficulty, control points should be established based on the basic pay ranges of the lowest referenced GS grade in the appropriate broadband level, i.e., GS-14, step 10, for the NH-IV broadband level. These tools should be considered to, at a minimum, require a management decision to establish an appropriate compensation value or to increase an employee's basic pay above the identified compensation value. The use of such methodologies establishes compensation equity, consistency, and transparency for employees and supervisors alike throughout the organization. No matter what the compensation system, over time positions reach a plateau where salary growth levels off; some at the top of the pay scale and others at other points.

3. Aggregate Limitation on Basic Pay

The calendar year aggregate limitation on pay under 5 U.S.C. 5307 and 5 CFR part 530, subpart B, of the rate payable for level I of the Executive Schedule applies to employees. In addition, the maximum rate of basic pay for each broadband level will be limited to the maximum rate of basic pay for the highest referenced grade covered by the

broadband. Other than where a retained rate applies, basic pay rates will be limited to the maximum rate of basic pay payable for each broadband level.

4. Special Rates

AcqDemo will not utilize OPM derived special rates. Employees on special rates at the time of conversion of their organization into AcqDemo will have their pay protected under the provisions of Section II.F of this notice. New hires, reinstatement eligibles, and non-AcqDemo Federal civilian employees entering an AcqDemo position not as the result of a conversion will have pay set in accordance with Section II.C.9 of this notice.

5. Promotions

a. Definitions.

(1) **AcqDemo Employees.** A promotion occurs when an AcqDemo employee moves from his/her current broadband level to a higher broadband level within the same career path (e.g., NK-I to NK-II) or a different career path and broadband level in which the new broadband level has a higher maximum basic pay than the broadband level from which the employee is being moved (e.g., NK-II to NH-II).

(2) **Non-AcqDemo Employee Entering the Demo.** A promotion action occurs:

(a) When a current non-AcqDemo employee in a graded system is selected for an AcqDemo position in a broadband level which includes referenced grades with higher basic pay than the selectee's current grade, or

(b) When a current non-AcqDemo employee in a paybanded system is selected for a position in an AcqDemo broadband level which includes referenced GS grade(s) with higher basic pay than the highest referenced grade included in the current payband from which the selectee is moving.

b. **Setting Pay.** When setting pay for a promotion action, either permanent or temporary, consideration must be given to both the value of the position and the selectee's expected level of contribution in the new position. The basic pay for a permanent or temporary promotion action will be set within the broadband level for the employee's new position, starting at 0% and not to exceed 20% of the employee's current basic pay. However, if the minimum rate of the employee's new broadband level is more than 20 percent greater than his/her current basic pay, then the minimum rate of the new broadband level is the new basic pay. The employee's basic pay shall not exceed the maximum basic pay range of the new broadband level.

c. Temporary Promotion Basic Pay Adjustment Guidelines.

(1) **Upon Termination.** When a temporary promotion is terminated, an employee's pay entitlements will be re-determined based on the employee's permanent position of record with appropriate adjustments to reflect any CCAS ratings, e.g., a presumptive rating and/or General Pay increases applicable to the permanent position during the period of the employee's temporary promotion. While on a temporary promotion, any basic pay adjustments to reflect a CCAS rating for contributions and General Pay increases occurring while on that temporary promotion will be applied to the temporary promotion basic pay and not the basic pay of the permanent position of record. If a temporary promotion of less than 1 year is extended so that the total time of the temporary promotion equals or exceeds 1 year, pay may be set in the permanent position based on a rate received under the temporary promotion, subject to the specific policies and rules established by the Head of the Participating Organization or Personnel Policy Board.

(2) **When Made Permanent.** If a temporary promotion is made permanent immediately after the temporary promotion ends, the temporary promotion is converted to a permanent promotion without a change in basic pay. If there is any period of time between the end of an employee's temporary promotion and the beginning of a permanent promotion, the employee must be returned to his/her permanent position and his/her permanent position's rate of basic pay recomputed as if the employee had never been temporarily promoted. Also, at the organization's discretion and if eligible, pay may be set in the permanent position based on a rate received under the temporary promotion if that would yield a higher basic pay rate. However, the higher basic pay rate may not exceed the basic pay range of the new broadband level. Whatever method is used, the resulting rate is the basis for any subsequent promotion.

6. Retained Pay

a. **Calculation.** Retained pay under AcqDemo is the combined basic pay and locality pay compared to the maximum rate of the highest applicable rate range that applies to the highest referenced GS grade included in the broadband level of an employee's new position. If the retained rate is greater than the maximum rate of the highest applicable rate range for the new position, an employee continues to be entitled to the existing retained rate. If the retained rate

is equal to or less than the maximum rate of the highest applicable rate range for the new position, the payable rate of basic pay is converted to the employee's new AcqDemo basic pay rate and appropriate locality pay, and retained pay terminates.

b. **Pay Adjustments.** Employees on retained pay in the demonstration project are to be treated as GS employees and will receive pay adjustments in accordance with 5 U.S.C. 5363 and 5 CFR part 536 except under the following provisions: (1) Pay retention provisions do not apply to conversions from General Schedule special rates to demonstration project pay, as long as total pay is not reduced; (2) pay retention provisions do not apply to movements to a lower broadband level as a result of not receiving the general increase due to a contribution assessment, either annual or interim, of "Unacceptable" for the most recent contribution appraisal cycle; and (3) an employee on pay retention whose most recent annual or interim contribution assessment is "Unacceptable" may have the 50 percent of the amount of the increase in the maximum rate of basic pay payable for the broadband level of the employee's position reduced or denied. An employee receiving retained pay is not eligible for a CCAS contribution rating increase, since such increases are limited by the maximum basic pay rate for the employee's broadband level. Depending upon the employee's CCAS assessment, employees on retained pay may be eligible to receive a CCAS contribution award.

c. **Promotion from Retained Pay.** When an employee on retained pay is promoted to a higher broadband level, the employee's basic pay upon promotion will be set in the higher broadband level: (1) Not to exceed 20 percent of the maximum basic pay of the employee's existing broadband level as determined by AcqDemo internal policies, or (2) at the employee's existing retained rate, whichever is greater. The final basic pay should align with the position's value (its target basic pay) and the employee's expected contribution in the position.

d. **Adverse Action or Contribution-based Reduction in Pay to Include Change to Lower Broadband Level and/or Change in Career Path.** An employee may receive an involuntary reduction in broadband level with or without a reduction in basic pay; an involuntary reduction in basic pay within his/her existing broadband level and career path; and/or an involuntary move to a new position in a different career path due to an adverse or contribution-based

action. Involuntary reductions in pay will result in a basic pay level consistent with an employee's demonstrated contribution level. For involuntary change to lower broadband level, the employee's basic pay will be reduced by a percentage determined by Participating Organizations, but will be set no lower than the minimum basic pay of the broadband level to which assigned. Employees placed into a lower broadband due to an adverse or contribution-based action are not entitled to pay retention.

e. Change to Lower Broadband Level/Change in Career Path, Other Than by Adverse or Contribution-Based Action. If an employee is subject to an involuntary change to a lower broadband level/change in career path by other than an adverse or contribution-based action, such as a reclassification of his/her position, the employee is entitled to pay retention if all conditions in title 5 U.S.C. 5363 and 5 CFR part 536, subparts A and C are met.

f. Reduction-in-Force (RIF) Action (Including Employees Who are Offered and Accept a Vacancy at a Lower Broadband Level or in a Different Career Path). The employee is entitled to pay retention in accordance with 5 U.S.C. 5363 and 5 CFR part 536, subpart A.

7. General Pay Increase (GPI)

The GS base rates may be adjusted each January under the provisions in 5 U.S.C. 5303. Under AcqDemo, the minimum and maximum basic pay rate of each broadband level will be adjusted at the same time as this GPI. The amount of the increase calculated for an organization's AcqDemo employees will be based on the amount of any GPI and is allocated for use in that organization's pay pool fund and disbursed to employees based upon their contribution assessments under the CCAS as described in Section II.D.2.d(2).

8. Locality Pay

All employees will be entitled to the locality pay authorized for their official worksite in accordance with 5 CFR part 531, subpart F, if eligible. In addition, the locality-adjusted pay of any employee may not exceed the rate for Executive Level IV. Geographic movement within the demonstration project will result in the employee's locality pay being recomputed using the newly applicable locality pay percentage, which may result in a higher or lower locality pay and thus, a higher or lower adjusted basic pay. This adjustment is not an adverse action.

9. Hires From Outside the AcqDemo

a. New Hires. For new hires who are receiving their first Federal government appointment as a civilian employee, initial basic pay will be set within the basic pay range for the broadband level of the position for which hired at a level consistent with the individual's qualifications and the level of work and contribution expected for the position at the time of hire. Other considerations in determining starting basic pay are available labor market conditions relative to special qualifications requirements, scarcity of qualified applicants, programmatic urgency, and education/experience of new selectees.

b. Reinstatement Eligible Hires. For reinstatement eligibles, initial basic pay will be set within the basic pay range for the broadband level of the position for which hired giving consideration to the various criteria mentioned for new hires from outside the AcqDemo. AcqDemo Highest Previous Rate (HPR) as defined in Section II.C.13 and AcqDemo internal guidance may provide an appropriate tool for establishing basic pay in this instance. Reinstatement eligibility refers to the ability for those individuals who previously held a career or career-conditional appointment to apply for jobs in the competitive Federal service open to status applicants.

c. Non-AcqDemo Federal Civilian Employees Voluntarily Joining AcqDemo. Federal employees entering into the AcqDemo from a graded system, e.g., GS or a pay banded system not as the result of a conversion will be moved into a career path and broadband level with basic pay set in accordance with AcqDemo guidance and reflective of the duties and responsibilities of the AcqDemo position and an individual's qualifications. AcqDemo HPR may provide an appropriate tool for establishing basic pay in this instance. The move will be described using the appropriate nature of action, e.g., promotion, reassignment, transfer, etc., as provided by the OPM's *Guide to Processing Personnel Actions* or AcqDemo Program Office guidance.

(1) Lateral Transfers, Reassignments, and Realignment

(a) Employees in Graded Systems. Individual employees in graded systems, (e.g., GS) who enter the project voluntarily by permanent lateral transfer, reassignment, or realignment to an AcqDemo position in a broadband level containing a referenced grade the same as the employee's current grade may be subject to the same pay setting rules as those GS employees entering the demonstration project upon initial conversion of their organization. These

rules provide an adjustment to an employee's basic pay for a WGI Buy-in, if eligible. Competition is normally required to set pay higher than the WGI Buy-in. Eligibility criteria will be defined in implementing issuances. In any case, the employee's basic pay shall not exceed the basic pay range of the new broadband level.

(b) Non-GS Employees. Federal employees in other pay systems, e.g., a Science and Technology Reinvention Laboratory Personnel Demonstration Project, who do not have WGI eligibility under their current pay system, are not eligible for a WGI Buy-in when they move into the AcqDemo by lateral transfer, reassignment, or realignment. A Career Ladder Promotion Buy-in is not authorized for movement from a pay system other than the GS pay system to the AcqDemo pay system by a permanent lateral transfer, reassignment, or realignment.

(2) Temporary Reassignments Not To Exceed (NTE)

Current AcqDemo authorities do not provide authority for Temporary Reassignments NTE to, from, or within AcqDemo. However, if a Component or agency has established a Temporary Reassignment NTE Nature of Action Code, it may be used to move non-AcqDemo employees into AcqDemo, move AcqDemo employees out of AcqDemo to a non-AcqDemo organization, and move AcqDemo employees within AcqDemo, but no WGI Buy-in or Career Ladder Promotion Buy-in is authorized for any of these personnel actions.

10. Internal AcqDemo Employee Movements

a. Movement within a Broadband Level. The movement of an employee's basic pay in relation to the minimum and maximum basic pay range for his/her position's broadband level is determined by the assessment of the employee's contributions through the CCAS, Section II.D, or Accelerated Compensation for Developmental Positions (ACDP), Section II.C.11.

b. Change to Lower Broadband Level or Different Career Path. When an employee accepts a voluntary change to a lower broadband level or a different career path, basic pay may be set at any point within the broadband level to which assigned, except that the new basic pay will not exceed the employee's current basic pay or the maximum basic pay of the broadband level to which assigned, whichever is lower. Upon request for or acceptance of a change to a lower broadband level or different career path, the employee will be required to provide a written

statement acknowledging voluntary acceptance and understanding of the effect of such a move on pay and benefits. This paragraph does not apply to promotion actions.

11. ACDP

a. AcqDemo will implement ACDP to provide recognition for employees in DAWIA-coded positions and those in positions requiring 51% or more of time in direct support of acquisition positions in a critical acquisition career field classified to Broadband Levels I, II, and III of the Business and Technical Management Professional Career Path who:

(1) Are participating in formal training programs, internships, or other developmental capacities; and

(2) Have demonstrated successful or better growth and development in the attainment of job-related competencies; and

(3) Have demonstrated effective accomplishment of a level of work higher than that represented by an AcqDemo employee's Expected Overall Contribution Score (set by current basic pay) under CCAS.

b. Standards by which ACDP increases will be provided and development criteria by which additional basic pay increases may be given will be established in combination with the CCAS and documented in internal business rules, policies, and procedures.

c. ACDPs may be awarded twice per CCAS appraisal cycle but not sooner than six months after the effective date of an ACDP for a basic pay increase ranging from 0% not to exceed a 10% increase and a growth in the employee's Overall Contribution Score. The amount of the ACDP increase may not cause the employee's basic pay to exceed the top of the employee's broadband level, the target pay for the employee's maximum broadband level, or compensation strategy set by internal business rules, policies, or procedures for both the position's value and employee contributions.

d. ACDPs will not be funded from pay pool allocations. A general O&M budget allocation or equivalent for civilian salaries, as appropriate, would be used to cover ACDP basic pay increases.

12. Supervisory and Team Leader Cash Differentials

a. Supervisory and team leader cash differentials may be used by Heads of Participating Organizations as an additional tool to incentivize and compensate supervisors and team leaders as defined by the OPM *General Schedule Supervisory Guide or Leader*

Grade Evaluation Guide in situations where:

(1) Organizational level and scope, difficulty, and value of position warrants additional compensation;

(2) Supervisory and/or team leader positions are extremely difficult to fill; or

(3) Salary inequities may exist between the supervisor's or team leader's and non-supervisory/non-team leader subordinates' basic pay.

b. A supervisory cash differential may not exceed 10 percent of basic pay and a team leader cash differential may not exceed 5 percent of basic pay. A cash differential is not paid from pay pool funds; is not included as part of basic pay for entitlement calculations (e.g., retirement and Thrift Savings Plan); and is subject to the total aggregate limitation on pay. Because it is not part of basic pay, supervisors or team leaders who are at the maximum basic pay for their respective broadband level may still receive a supervisory cash differential. It is paid on a pay period basis with a specified not to exceed date of one year or less; reviewed every year at the same time as the CCAS annual assessment and may be terminated or reduced as dictated by fiscal limitations, changes in assignment or scope of work, and/or an employee's removal from the supervisory or team leader position regardless of cause. Termination or reduction of a cash differential is not an adverse action and is not subject to appeal or grievance. A signed statement by an employee receiving a cash differential acknowledging all of the stipulations will be required.

c. Payment criteria to be considered in determining the amount of the cash differential will be outlined in internal implementing issuances and will contain considerations such as the needs of the organization to attract, retain, and motivate high-quality supervisors and team leaders; budgetary constraints; years and quality of related experience and current level of compensation; length of the assignment and difficulty of the supervisory or team leader duties; organizational level of the position; and impact on the organization.

d. The cash differentials are not automatic by virtue of holding a supervisory or team leader position. They will be used selectively, not routinely, to compensate only those supervisors and/or team leaders who fully meet the criteria. The contribution of supervisors and team leaders to the mission of their organization will be assessed separately under the CCAS.

13. Highest Previous Rate (HPR)

AcqDemo HPR may be considered in setting pay in placement actions authorized under rules that are consistent with those found in 5 CFR 531.221 through 531.223 as described in AcqDemo internal policy and guidance. Use of AcqDemo HPR will be at the discretion of the Head of the Participating Organization and subject to policies established by the organization's senior leaders and/or Personnel Policy Board. AcqDemo HPR allows a Participating Organization to set pay for an AcqDemo employee at a rate above the rate that would be established using normal AcqDemo rules, based on a higher rate of basic pay the employee received previously in another Federal job. The AcqDemo HPR may be used for reemployment, transfer, reassignment, promotion, demotion, change in type of appointment, termination of a critical position pay authority under 5 CFR part 535, movement from a non-GS pay system, or termination of grade or pay retention under 5 CFR part 536.

14. Recruitment, Relocation, and Retention Incentives

The participating AcqDemo organizations may make full use of the recruitment, retention, and relocation incentive payments under 5 U.S.C. 5753 and 5754; OPM's regulations at 5 CFR part 575, subparts A through C; and any supplemental policy guidance.

15. Non-CCAS Awards

To provide additional flexibility in motivating and rewarding individuals and groups, some portion of a Participating Organization's award budget will be reserved for special acts and other categories as they occur. Awards may include, but are not limited to, special acts, patents, invention awards, suggestions, and on-the-spot. The funds available to be used for these traditional title 5 U.S.C. awards are separately allocated within the constraints of the organization's budget. The Service Acquisition Executives of AcqDemo Participating Organizations will have the authority to grant special act awards to covered employees not to exceed \$25,000 in accordance with the criteria established by DoD, Component, or Agency instructions.

D. Contribution-Based Compensation and Appraisal System

1. Overview

The purpose of the CCAS is to provide an equitable and flexible method for appraising and compensating the DoD civilian

acquisition workforce and its supporting personnel. It is central to the objectives of the DAWIA and acquisition initiatives which emphasize continuing efforts to increase the productivity, efficiency, and effectiveness of the Department's many acquisition, technology, and logistics efforts and the professionalism of the acquisition workforce. CCAS integrates classification, contribution, and compensation into a cohesive management system that recognizes level of difficulty, scope, and value of an employee's position; impact of contribution results on strategic goals, objectives, and organizational mission accomplishment; and appropriate compensation in recognition of the value of an employee's contribution and position. CCAS allows for more employee involvement in the contribution/performance appraisal process, increases communication between supervisors and employees, promotes a clear accountability of contribution by each employee, facilitates employee progression tied to organizational contribution, and provides an understandable basis for basic pay changes. Most of the funds previously allocated for performance-based awards will be reserved for distribution under the CCAS system based on employee contribution.

CCAS is a contribution-based appraisal system that goes beyond a performance-based rating system. That is, it emphasizes and measures the value and effectiveness of the employee's contribution to the mission and goals of the organization, rather than merely how well the employee performed a job as defined by a set of standards for the work to be accomplished. Past experience with the existing civilian performance appraisal system indicates that standards in performance plans are often tailored to the individual's level of previous performance. Hence, an employee may have been rewarded by basic pay step increases meeting standards of performance beneath those actually needed to achieve the expected organizational mission outcomes. Under CCAS, an employee's performance is a component of contribution that influences the employee's ultimate overall expectations and contribution assessment. CCAS promotes basic pay adjustment decisions made on the basis of an individual's overall annual contribution to the mission of the organization when compared to the classification and appraisal factors and an employee's contribution plan, expected results, and the scope, level of difficulty, and value of the employee's

position. The three key components of CCAS are the appraisal process, the Integrated Pay Schedule as a mechanism to relate contribution to pay, and the compensation adjustment results.

2. CCAS Appraisal Process

a. *Annual Cycle.* The annual appraisal cycle begins on October 1 and ends on September 30 of the following year. In the event a management decision is made to terminate the demonstration project or the management of an AcqDemo Participating Organization directs conversion of its employees out of AcqDemo to a different pay and/or personnel system, the annual appraisal cycle may be condensed so that a closeout appraisal or a closeout appraisal and a payout may be completed as determined appropriate. Section II.F.3.b provides additional operating details for situations of this type.

b. *Assessment Criteria.* An employee's contribution is assessed by using the same set of three factors, descriptors, and discriminators used for classification of positions to appropriate broadband levels as discussed in Section II.A.3. Classification Level and Appraisal Factors. Taken together, these factors, descriptors, and discriminators capture the critical content of jobs in each career path that is relevant to the success of a DoD acquisition organization. Each factor has multiple levels of increasing contribution corresponding to the broadband levels. Each factor also contains descriptors and discriminators for each respective level within the relevant career path. The descriptors are written so that all factors are considered critical and are weighted equally. However, if pay pool panel members/managers agree that some factors are more important than others to effectively accomplish the organization's mission, they may adjust the factor weights. The factors, descriptors, and discriminators may not be modified. The three factors with their descriptors and discriminators are located in Appendix E. In conjunction with the contribution factor assessment is an overall assessment of the quality of performance in achieving contribution results. A set of generic performance appraisal quality levels is provided in Table 3. A written Contribution Plan containing an employee's goals, objectives, and expected contribution in relation to each factor should be developed collaboratively by the supervisor and the employee working together to have a clear understanding of what is needed for the employee to satisfactorily and effectively contribute to the

organization's mission. The supervisor is responsible for ensuring completion of the plan.

c. *Appraisal Eligibility.* To be eligible for an appraisal, employees must be under CCAS on September 30 and have served in an AcqDemo position under CCAS for 90 calendar days or more immediately preceding September 30 before they may receive an annual contribution assessment. If on October 1, the employee has served in an AcqDemo position under CCAS for less than 90 calendar days immediately prior to the end of the cycle, the rating official shall wait for the subsequent annual cycle to assess the employee. The first CCAS appraisal for an employee who enters AcqDemo during the period July 3 through September 30 must be rendered within 18 months of when the employee entered AcqDemo during this period. Employees who have served under CCAS in an AcqDemo position for less than 90 calendar days immediately preceding the end of the rating cycle shall not receive contribution rating increases or contribution awards for that cycle. However, their basic pay shall be increased by the amount and at the time of the next General Schedule pay increase as adjusted by 5 U.S.C. 5303.

d. *Beginning of Appraisal Cycle Activities.* (1) *Contribution Planning Meeting.* At the beginning of the annual appraisal period, a supervisor and an employee plan how the employee will contribute to the mission of the organization during the appraisal cycle. This contribution planning meeting typically includes discussion of career path and broadband level, contribution factors, organizational mission, expected contribution criteria, Expected OCS (EOCS), contribution results, assessment of the quality of performance, and career development. Normally, new employees who join AcqDemo during an appraisal cycle should have their contribution plan established within 30 days, but will not have a CCAS OCS until after their first annual CCAS assessment process. However, until their contribution plan is formalized, they may determine their EOCS range by using the Expected Contribution Range (ECR) calculator found on the AcqDemo Web site at <http://acqdemo.hci.mil/tools.html> under the Tools tab. Future CCAS assessments may alter an employee's ECR. At this time, employees will be advised that all factors are critical and of any factor weights that have been established. Key terms such as "team" and "customer" will be defined or clarified.

(2) *Pay Pool.* (a) *Composition.* A pay pool is a group of employees among

whom the funding allocated to CCAS is distributed. This might be all the employees in a division or directorate, or employees involved in the same type of work, *e.g.*, supervisors. The pay pool structure and allocated funds are under the authority of the Head of a Participating Organization. The following minimal guidelines will apply. A pay pool:

1—Is based on the organizational structure and should include a range of salaries and contribution levels;

2—Should be large enough to constitute a reasonable size, *i.e.*, not less than 35 individuals (when possible) or more than 300 individuals when sensible;

3—Should be large enough to include a second level of supervision, since the CCAS process uses a group of supervisors in the pay pool to determine OCS and recommended basic pay adjustments; and

4—May have the pay pool manager as a member of the pay pool. However, the pay pool manager shall not directly influence or participate in the determination of his/her own contribution assessments, recommend his/her own individual basic pay levels, or establish the amount of his/her own individual basic pay levels. Also, the supervisors within the pay pool shall not directly influence or participate in the determination of their own contribution assessments, recommend their own individual basic pay levels, or establish the amount of their own individual basic pay levels.

(b) *Pay Pool Panel Process.* The CCAS pay pool panel process is designed to validate the evaluation of contribution and performance against the three factors among a group of peer managers from across an organization. This process works to achieve fairness and standard application of the factor descriptors, expected contribution criteria, and performance appraisal levels. At the onset of each appraisal period, a Personnel Policy Board or equivalent board verifies the accuracy of the pay pool structure for the organization, develops and/or validates pay pool business rules, and administers funds to pay pool managers. The pay pool panel is typically composed of the pay pool manager and those who report directly to him/her. Their purpose is to share a common view of the organization mission, goals, and objectives in reviewing the contribution and performance of employees by subordinate supervisors and bring a common perspective to how employees are evaluated and, therefore, compensated and appraised.

(c) *Funding.* The funding allocation to be included in the pay pool will be computed based on the salaries of the employees in the pay pool as of the last calendar day of the CCAS appraisal period. The amount of funding available within a pay pool will be based on a balancing of appropriate factors, including the following: (1) General Pay Increase; (2) historical spending for WGI, quality step increases, and promotions between grades encompassed in the same broadband level; (3) awards (performance-based awards as defined in 5 U.S.C. 4505(a)); (4) labor market conditions and the need to recruit and retain a skilled workforce to meet the business needs of the organization; (5) the fiscal condition of the organization; and (6) guidance from the AcqDemo Program Office. The USD(P&R) may, at his/her discretion, adjust the minimum funding levels set forth in this paragraph to take into account factors such as the Department's fiscal condition, guidance from the Office of Management and Budget, and equity in circumstances when funding is reduced or eliminated for GS pay raises or awards. The pay pool funding allocation includes three forms of compensation:

1—General Pay Increase (GPI). The GPI is the across-the-board basic pay increase authorized by law or the President for the GS under 5 U.S.C. 5303. The funds allocated for the GPI that are not awarded may be transferred to either the CRI Fund or the Contribution Award (CA) Fund or divided among them barring any higher authority restrictions.

2—CRI Fund. The CRI fund includes what are WGIs, quality step increases, and promotions between grades encompassed in the same broadband level. The maximum CRI funding allocation will be set each year by the DoD AcqDemo Program Manager with a minimum funding of not less than 2.0 percent of the activity's total basic pay budget. This figure will be adjusted by the DoD AcqDemo Program Manager as necessary to maintain cost discipline over the life of the demonstration project. The amount of funding available to each pay pool is determined annually by the Personnel Policy Board, or equivalent. CRI funds not awarded may be transferred to the CA fund based on DoD AcqDemo Program Office Guidance. In the event of an out-of-cycle payout, this funding floor may be suspended.

3—CA Fund. The CA Fund includes what were formerly performance awards and will be used for awards given under the CCAS process. The CA funding allocation will be set at not less than 1.0

percent of an activity's total adjusted basic pay budget. A minimum of 10% of the CA fund is withheld to be used for other awards not related to the CCAS process, *e.g.*, on-the-spot awards and group awards, which will continue to be encouraged by management to promote excellence in acquisition and attainment of organizational goals. CA funding not granted may not be transferred to other funding categories. In the event of an out-of-cycle payout, this funding floor may be suspended.

e. Feedback during the Appraisal Cycle. Ongoing supervisor (or designated rating official) and employee discussion during the appraisal cycle of specific work assignments, objectives, contribution expectations, strengths, weaknesses, and the employee's contribution results, and assessment of the quality of performance within the CCAS framework is essential. This must include discussion of any inadequate contribution and quality of performance in one or more of the factors.

Approximately midway through each appraisal cycle, a midpoint assessment is conducted. The supervisor and employee will meet to discuss progress. The employee is highly encouraged to complete a midpoint assessment and the supervisor will complete a midpoint assessment. CAS2Net will contain a function to capture the midpoint assessments of both the employee (if provided) and supervisor.

f. Evaluation at the Conclusion of the Appraisal Cycle. The CCAS, using a holistic approach, provides a process that evaluates the scope of work, level of difficulty, value of position and contributions, performance rating levels, and quality of an employee's efforts in achieving contribution results. This methodology fosters consistency and equity in contribution assessments. It also offers the employee and supervisor an opportunity to address accomplishments from an all-inclusive approach. Employees are highly encouraged to complete an annual self-assessment. The supervisor will complete an annual assessment.

(1) Compensation Equity

(a) Contribution Scores. Rating officials use the Integrated Pay Schedule design to assess the contribution level of work against the employee's current compensation level indicated by the employee's EOCS. Each factor will receive two types of scores, the categorical score and a numerical score. At the end of the annual appraisal period, the rating official determines preliminary categorical and numerical scores. The categorical score is determined by comparing an employee's

contribution results to the set of descriptors and discriminators for a particular factor and broadband level as a group and selecting the most appropriate categorical score level shown in Table 2 below. The numerical score is selected by a pay pool panel following further refinement and rank ordering of the categorical scores. The panel selects the numerical score from the range of scores associated with the specific categorical score selected as representative of an employee's overall

contribution. The numerical scores that may be available for use in the assessment process depend upon the value of an employee's position as developed through the organization's position management structure and compensation strategy. Table 2 shows the structure for the broadband and very high score levels and their associated categorical scores and numerical score ranges for each career path. Very high scores are available to recognize an employee for exemplary contributions

and overall quality of performance the results of which are substantially beyond what was expected and warrant a score exceeding the top score for the highest broadband level in the employee's career path. Very high scores for factors may only be assigned to employees holding a position in Level IV of the Business and Technical Management Professional Career Path, Level IV of the Technical Management Support Career Path, or Level III of the Administrative Support Career Path.

TABLE 2—CONTRIBUTION CATEGORICAL SCORES AND NUMERICAL SCORE RANGES BY CAREER PATH

Broadband and very high score levels	Categorical scores	Business and technical professional (NH)	Technical support (NJ)	Administrative support (NK)
		Numerical score range	Numerical score range	Numerical score range
Very High Score	High	115	95	70
	Medium	110	91	67
	Low	105	87	64
IV	High	96–100	79–83	.....
	Med	84–95	67–78	.....
	Low	79–83	61–66	.....
III	High	79–83	62–66	57–61
	Med	67–78	52–61	47–56
	Low	61–66	43–51	38–46
II	High	62–66	47–51	42–46
	Med High	51–61	41–46	.....
	Med	41–50	36–40	30–41
	Med Low	30–40	30–35	.....
	Low	22–29	22–29	22–29
I	High	24–29	24–29	24–29
	Med	6–23	6–23	6–23
	Low	0–5	0–5	0–5

(b) Contribution Scoring Process. The process for scoring a factor begins by assessing an employee's contributions and his/her results during the appraisal cycle in relation to his/her contribution plan, the factor descriptors, discriminators, and expected contribution criteria for the broadband level of the employee's position; and the assessment of quality of performance. At the end of the appraisal cycle, the rating official meets with his/her employees, requesting them to summarize the impact and quality of their contributions against the factor descriptions, expected contribution criteria, and the objectives and expectations described in their contribution plans. From employee input, customer feedback, his/her own knowledge, and other sources, the rating official assigns, from the appropriate career path broadband or very high score level for the employee's position, a preliminary categorical score. This step is repeated for each of the three factors.

During the pay pool panel process, panel members will assign a numerical score (or validate the preliminary numerical score) from the numerical score range appropriate for the chosen categorical score for each factor by considering contributions (documented and addressed by panel members) against the factor level descriptors and discriminators, expected contribution criteria, the contribution plan, the quality of performance criteria, and the impact of the contributions on the organization. If the employee's contributions are awarded a very high score, the score must be one of the three numerical scores assigned to the very high score level for the employee's career path. At the discretion of the Pay Pool Manager, different weights may be applied to the factors to produce a weighted average, provided that the weights are applied uniformly across the pay pool and employees are advised in advance, *i.e.*, at the beginning of the rating period. Weighting may not result in any factor becoming zero. The preliminary numeric scores assigned for

each of the three factors are totaled and the sum averaged to obtain an OCS. The OCS will be rounded to the nearest whole number. An OCS average with a decimal of less than 0.5 will be rounded down to the nearest whole number. Averages with 0.5 and higher will be rounded up to the nearest whole number.

(1) Quality of Performance

(a) Appraisal Criteria. 10 U.S.C. 1597(f) requires the determination of which DoD employees shall be separated from employment in a reduction in force to be made primarily on the basis of performance. In order to comply with 10 U.S.C. 1597(f), the CCAS has been modified to embrace the quality of performance an employee demonstrates in achieving his/her expected contribution results through an assessment of performance under each of the three contribution factors. Three performance appraisal levels are provided as shown in Table 3 below together with generic quality criteria. The performance level to be assigned to

each contribution factor should reflect an employee's level of performance during the appraisal cycle as compared to the CCAS factor descriptors and discriminators, expected contribution criteria, an employee's contribution

plan, and the impact of the quality of the contributions on the organization. A Participating Organization may supplement the generic criteria with additional standards that identify milestones, production, due dates, or

other measureable aspects of success contributing to the accomplishment of the goals and objectives necessary to meet an organization's mission and are achievable during the appraisal cycle.

TABLE 3—PERFORMANCE APPRAISAL QUALITY LEVELS

Performance appraisal level	Performance appraisal level quality criteria
Level 5—Outstanding	An employee's quality of performance exhibited in achieving his/her contribution results substantially and consistently surpasses the factor-specific expected contribution criteria and the employee's contribution plan goals and objectives.
Level 3—Fully Successful	An employee's performance consistently achieves, and sometimes exceeds, the factor-specific expected contribution criteria and his/her contribution plan goals and objectives.
Level 1—Unacceptable	An employee's performance fails to meet the expectations for quality of work and the required results for the goals and objectives set forth in his/her contribution plan for the appraisal cycle.

(b) Performance Appraisal Process. The quality of performance appraisal is conducted in conjunction with the contribution scoring process. As the rating official considers such items as the employee's self-assessment, feedback, and personal observations in preparation for assigning preliminary CCAS categorical scores, he/she will also assess the quality of the employee's performance in achieving his/her contribution results under each of the

three contribution factors. A preliminary performance appraisal level of either Level 5—Outstanding, Level 3—Fully Successful, or Level 1—Unacceptable from Table 3 will be assigned by the rating official to each of the three contribution factors. The three performance appraisal levels are averaged to calculate the annual rating of record. The resulting quotient will be rounded to the nearest tenth of a decimal point. If the hundredths and

thousandths places of the decimal reflect forty-nine or less, they are dropped and the tenths place does not change. If the hundredths and thousandths places of the decimal is fifty or more, they are dropped and the tenths place is increased by ".1". The final average will then reflect the employee's overall job performance during the appraisal cycle based on the rating criteria outlined in Table 4.

TABLE 4—RATING CRITERIA

Rating of record	Rating criteria
Level 5—Outstanding	The average score of the three appraisal levels is 4.3 or greater, with no contribution factor being rated a "1" (Unacceptable), resulting in a rating of record that is a "5".
Level 3—Fully Successful	The average score of the three appraisal levels is less than 4.3, with no contribution factor being rated a "1" (Unacceptable), resulting in a rating of record that is a "3".
Level 1—Unacceptable	Any contribution factor rated as "1".

During the pay pool panel process, panel members will review the preliminary performance appraisal level justifications for the contribution factors and rating of record for all pay pool members for consistency and equity of application within the pay pool population before final approval. The average raw score of the three appraisal levels and the approved annual rating of record will be recorded in the DCPDS. The annual rating of record will be recorded as a Level 5—Outstanding, Level 3—Fully Successful, or Level 1—Unacceptable.

g. Pay Pool Panel Responsibilities. The pay pool panel meets at key points in the assessment process, e.g., following assignment of preliminary categorical scores, numeric score ranges,

and quality of performance levels; after assignment of preliminary OCS and ranking employees and their contributions; and/or following assignment of preliminary categorical scores and numeric score ranges; and/or following a final review of the OCS and the recommended compensation adjustments for employees of the pay pool. During the pay pool panel meetings, panel officials review contribution assessments to include employee feedback, rank order, contribution scores, compensation adjustments, performance appraisal levels, average raw score for the three levels, and performance rating of record for all employees, correcting any inconsistencies identified and making the appropriate adjustments.

The pay pool panel members are encouraged to include initial rating officials in the process to ensure equity and consistency in the scoring, ranking, and appraisal of all employees and establish local policies and procedures to guide the inclusion of these officials in a uniform manner. Together, with the Pay Pool Manager, the pay pool panel members determine a consistent approach to involving initial rating officials in the process.

Final approval of OCS, compensation adjustments, and ratings of record rests with the Pay Pool Manager, the individual within the organization responsible for managing the CCAS process. Rating officials will communicate the supervisor assessment, factor scores, OCS, quality

of performance appraisal levels, average raw score, rating of record, and compensation adjustments to each employee and discuss the results after final approval by the Pay Pool Manager.

h. Special Circumstances affecting a CCAS Assessment. When an employee cannot be evaluated readily by the normal CCAS appraisal process due to special circumstances that take the individual away from normal duties or duty station (*e.g.*, long-term fulltime training; active military duty; extended sick leave; qualified family and medical leave; fulltime union representation; leave without pay, etc.), the rating official will document the special circumstances on the appraisal form. The rating official will then determine which of the following five options to use, guided by local business rules and with consideration of any special legal entitlements such as the Uniformed Services Employment and Reemployment Rights Act (USERRA) which may affect that determination:

(1) Use available observations and documentation to prepare an assessment and determine a recommended OCS and an appropriate CCAS quality of performance appraisal level; or

(2) Assign a Presumptive—Status 1: New AcqDemo hires with less than the necessary time to receive an actual CCAS contribution assessment.

(3) Assign a Presumptive—Status 2: Presume the employee is contributing consistently with his/her EOCS representative of his/her basic pay level by recommending the EOCS for the OCS and Level 3—Fully Successful rating of record; or

(4) Assign a Presumptive—Status 3: Recommend the pay pool panel recertify the employee's last contribution assessment OCS if greater than the current EOCS and the last CCAS rating of record if higher than the expected rating of record performance appraisal level. [Option (3) is not available (a) for first year AcqDemo assessments and/or (b) for employees who have changed broadband levels during the assessment period.]

(5) Assign a Presumptive—Status 4: Prolonged Absence Due to Work-related Injury or Fulltime Union Representation Duties. A Presumptive—Status 4 may be used as a rating of record for purposes of RIF for those periods in which an employee did not receive a performance appraisal due to a prolonged absence resulting from a work-related injury approved for compensation pursuant to an Office of Workers' Compensation Program or while performing the duties of a fulltime union representative. Presumptive—Status 4 is limited to only periods of time for which the employee has no rating of record under any performance management system within the four-year period preceding the "cutoff date" established for the RIF. A Presumptive—Status 4 presumes the employee is contributing consistently with his/her EOCS representative of his/her basic pay level by recommending the EOCS for the OCS and an overall Level 3—Fully Successful rating of record.

(6) Assign a Presumptive—Status 5: Employees Absent for Military Service. Employees who are absent for military service will receive a CCAS assessment

and be assigned a rating of record provided they have performed work in an AcqDemo position under an approved CCAS contribution plan for a minimum of 90 calendar days. If an employee absent for military service has not performed work under an approved contribution plan for a minimum of 90 days and has no rating of record under any performance management system within the previous four-year period, the employee will be presumed to be contributing consistently with his/her EOCS representative of his/her basic pay level and will receive the rating of record most frequently given among the actual ratings of record in the same competitive area. Employees performing military service who do not meet the 90-calendar day requirement but have a rating of record under any performance management system within the four-year period preceding the RIF "cutoff date" will receive a CCAS rating of record consistent with this previous rating of record and will be assigned their most recent rating of record as the new CCAS rating of record for the appraisal cycle.

3. Integrated Pay Schedule. The CCAS Integrated Pay Schedule (IPS), Figure 2, is the foundation for the basic pay structure under the demonstration project. It provides a direct link between increasing levels of contribution and increasing basic pay. The IPS covers basic pay only and is the same for all AcqDemo employees, career paths, and positions regardless of geographical location. The appropriate locality pay is added following the determination of basic pay.

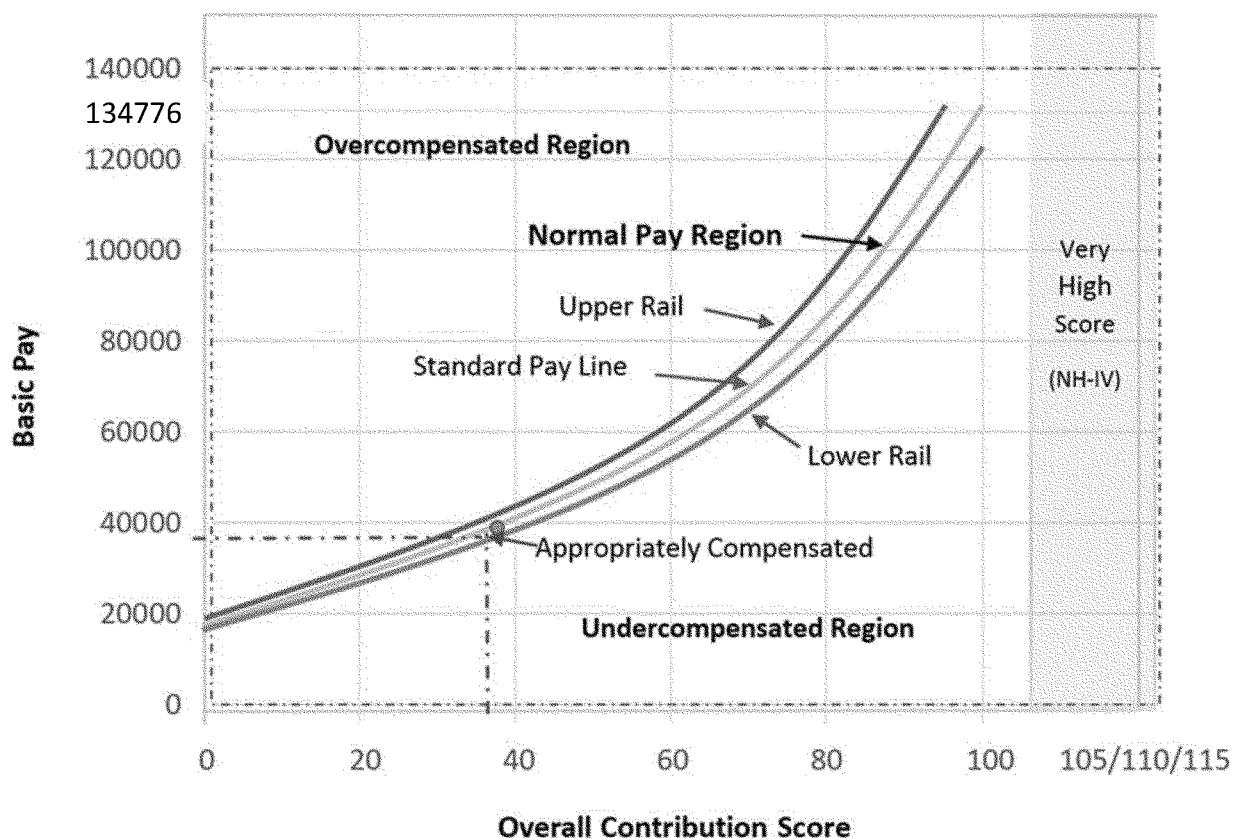


Figure 2. Integrated Pay Schedule

a. **IPS Horizontal Axis.** The horizontal axis of the IPS represents the OCS available through contribution appraisals. The OCS span from a score of zero to the maximum OCS of 100, with a notional “very high score” level containing three scores to accommodate “very high scores” as appropriate for those employees in the top broadband level of their respective career paths. The “very high scores” of 105, 110, and 115 are provided for employees in Broadband Level IV of the Business and Technical Management Professional career path; “very high scores” of 87, 91, and 95 are provided for employees in Broadband Level IV of the Technical Management Support career path; and “very high scores” of 64, 67, and 70 are provided for employees in Broadband Level III of the Administrative Support career path.

b. **IPS Vertical Axis.** The vertical axis of the IPS spans from the highest basic pay of GS–15, step 10. This encompasses the full basic pay range (excluding locality pay) available under AcqDemo.

c. **Normal Pay Region (NPR).** The goal of CCAS is to make basic pay consistent with the scope, level, and difficulty of an employee’s position and the value of

his/her contributions to the mission of the organization. Within the full basic pay range embodied in the IPS vertical axis, an NPR was developed around a Standard Pay Line (SPL) to provide a mechanism to determine appropriate compensation. The NPR represents the area of the IPS where basic pay and value and level of contributions and position are assumed to be properly related and appropriately compensated. This relationship is represented by the marker where an employee’s basic pay and OCS intersect in relation to the NPR and the SPL, the reference line for OCS.

(1) **SPL.** The SPL begins at an OCS of zero and the basic pay of a GS–1, Step 1, and terminates at an OCS of 100 and the basic pay of a GS–15, Step 10. Changes in OCS correspond to a constant percentage change in basic pay along the SPL. The constant percentage change (or SPL factor) used to arrange OCS evenly along the SPL in 100 increments, where 100 is the range of OCS points can be thought of as approximately a +2 percentage change in basic pay associated with a one score change in the OCS. The SPL factor for calendar year 2017 can be computed from the GS–15, Step 10 pay and the

GS–1, Step 1 pay. The SPL factor for calendar year 2017 is 1.0200426. The SPL factor normally changes on an annual basis with any General Schedule base pay increase granted to the Federal civilian workforce.

(2) **NPR.** Employees whose annual OCS plotted against their basic pay falls on or within the upper and lower rails of the NPR are considered to be in the “Normal Pay” Region for basic pay adjustments. The upper and lower rails encompass an area of approximately 8 scores, or $\pm 8.0\%$ from the SPL in terms of basic pay or approximately ± 4.0 in terms of scores, relative to the SPL. Given these constraints, the formulae for the NPR SPL and upper and lower rails found in Figure 2 are:

$$\text{Basic Pay Upper Rail} = (\text{GS}–1, \text{Step } 1) \times (1.0800) \times (\text{SPL factor})^{\text{OCS}}$$

$$\text{Basic Pay SPL} = (\text{GS}–1, \text{Step } 1) \times (\text{SPL factor})^{\text{OCS}}$$

$$\text{Basic Pay Lower Rail} = (\text{GS}–1, \text{Step } 1) \times (0.9200) \times (\text{SPL factor})^{\text{OCS}}$$

An example calculation is provided below for an OCS of 50 and 51 using calendar year 2017 basic pay for GS–1, Step 1. It indicates an approximate 2% in basic pay between OCS along the SPL.

OCS 50:

$$\text{Basic Pay Upper Rail } (\$54,112) = (\$18,576) * (1.0800) * (1.0200426)^{50}_{(\text{GS-1, Step 1})}$$

$$\text{Basic Pay SPL } (\$50,103) = (\$18,576) * (1.0200426)^{50}_{(\text{GS-1, Step 1})}$$

$$\text{Basic Pay Lower Rail } (\$46,095) = (\$18,576) * (0.9200) * (1.0200426)^{50}_{(\text{GS-1, Step 1})}$$

OCS 51:

$$\text{Basic Pay Upper Rail } (\$55,196) = (\$18,576) * (1.0800) * (1.0200426)^{51}_{(\text{GS-1, Step 1})}$$

$$\text{Basic Pay SPL } (\$51,108) = (\$18,576) * (1.0200426)^{51}_{(\text{GS-1, Step 1})}$$

$$\text{Basic Pay Lower Rail } (\$47,019) = (\$18,576) * (0.9200) * (1.0200426)^{51}$$

d. Overcompensated Region. Employees whose annual OCS when plotted against their basic pay falls above the upper rail of the NPR into the “overcompensated” region are considered overpaid for their level of contribution and compensation adjustments, and “unacceptable” for their contribution assessment. Typically, employees who are scored above the upper rail into the overcompensated region are not meeting contribution and performance expectations and will be placed on a CIP.

e. Undercompensated Region. Employees whose annual OCS when plotted against their basic pay falls below the lower rail of the NPR into the “undercompensated” region are considered underpaid for their level of contribution and position, in the “Undercompensated” Category for compensation adjustments, and have either a Level 5—Outstanding or Level 3—Fully Successful rating of record as part of their contribution assessment. These employees may expect to receive greater basic pay increases than those eligible employees who fall within the normal pay region.

f. Relation to Career Paths. The IPS and the NPR are the same for all the career paths. What varies among the career paths are the beginnings and endings of the broadband levels. The minimum and maximum numerical OCS values and associated basic pay for each broadband level by career path are provided in Table 5. These minimum and maximum breakpoints represent the lowest and highest GS base pay for the grades banded together and, therefore, the minimum and maximum basic pay possible under AcqDemo for each broadband level.

TABLE 5—OCS AND BASIC PAY RANGES BY CAREER PATH AND BROADBAND LEVEL
[Calendar Year 2017]

Broadband and very high score levels	GS grades	Numerical score range	Basic pay range
Business Management and Technical Management Professional (NH)			
I	1–4	0–29	\$18,526–\$33,164.
II	5–11	22–66	\$28,545–\$68,025.
III	12–13	61–83	\$62,722–\$96,958.
IV	14–15	79–100	\$88,136–\$134,776.
Very High Score	N/A	105, 110, or 115	N/A.
Technical Management Support (NJ)			
I	1–4	0–29	\$18,526–\$33,164.
II	5–8	22–51	\$28,545–\$50,904.
III	9–11	43–66	\$43,251–\$68,025.
IV	12–13	61–83	\$62,722–\$96,958.
Very High Score	N/A	87, 91, or 95	N/A.
Administrative Support (NK)			
I	1–4	0–29	\$18,526–\$33,164.
II	5–7	22–46	\$28,545–\$45,970.
III	8–10	38–61	\$39,159–\$61,922.
Very High Score	N/A	64, 67, and 70	N/A.

4. Compensation Adjustments. After the initial assignment into the CCAS, employees' yearly contributions and performance will be determined by the CCAS contribution assessment process described above, and their OCS versus their current rate of basic pay will be plotted on the IPS graph (Figure 3) to determine their compensation category. The marker at the intersection of the OCS vertical straight line with the current basic pay horizontal straight line respective to the Participating Organization's choice of target line, *i.e.*, SPL, upper rail, or lower rail of the NPR,

gives a relative measure of the compensation (basic pay) versus contribution (OCS) for pay adjustment and/or award determinations. The target line of the SPL, upper rail, or lower rail, or other target line is chosen by a Participating Organization to serve as a compensation strategy for CRI payouts and to determine the number of employees eligible to receive a CRI based on their position in the Normal Pay Region in relation to the target line. For instance, since the AcqDemo goal is to have employees' basic pay centered on the SPL, if the Lower Rail were used

as the target line, fewer people would receive payouts, but those that did would receive larger payouts. Whereas, if the Upper Rail were used as the target line, more people would receive payouts, but each payout would be smaller. The SPL allows for something in between the upper and lower rail options.

a. Compensation Categories. Employees fall into one of the three compensation categories: Overcompensated, appropriately compensated, or undercompensated.

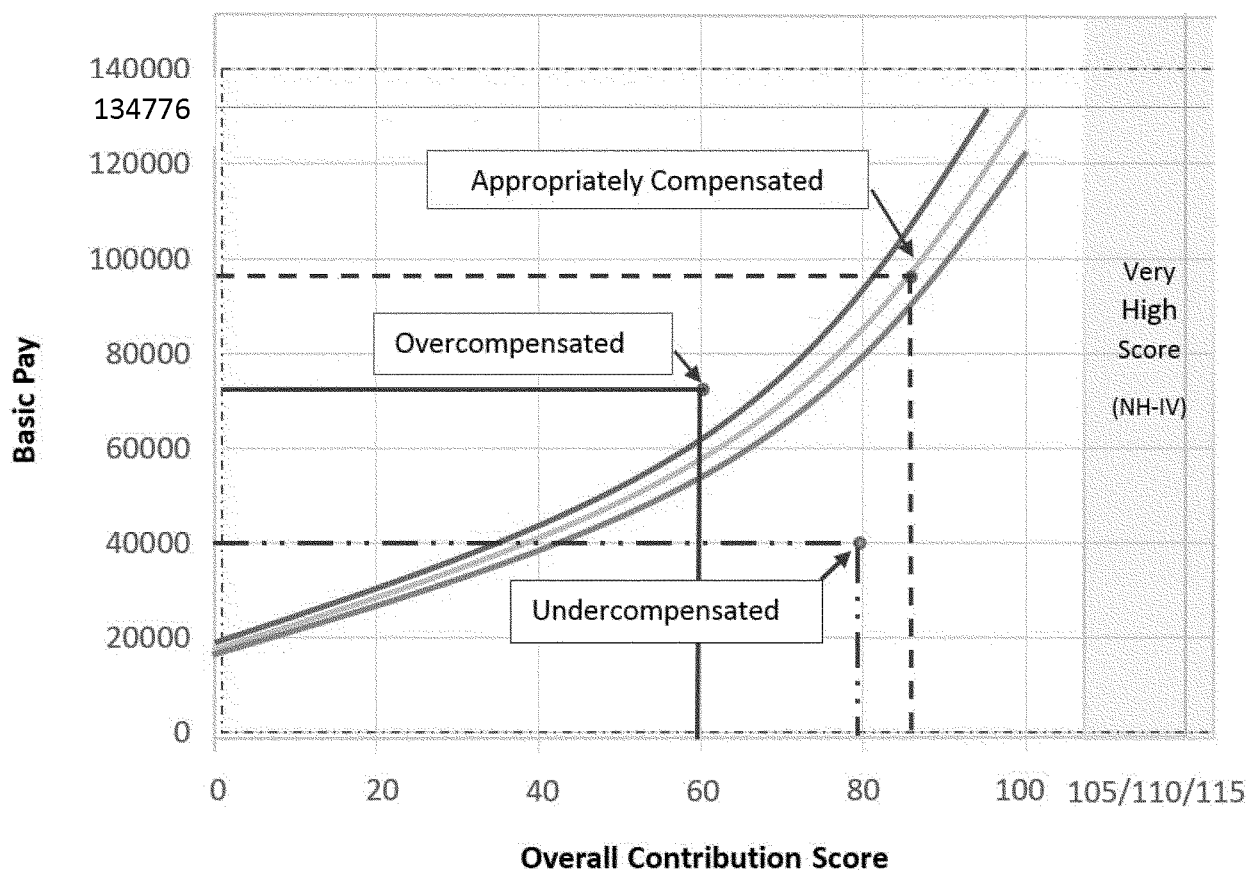


FIGURE 3. PLOTTING OCS VERSUS CURRENT BASIC PAY ON THE INTEGRATED PAY SCHEDULE TO DETERMINE COMPENSATION CATEGORIES JANUARY 2017

Depending on the category into which an employee's marker falls, he/she may be eligible for one to three forms of additional compensation. The pay pool panel has the option of awarding the employee up to and including the full General Pay Increase (as authorized by law or the President), a CRI (an increase in basic pay and/or a CRI carryover lump sum payment for the CRI basic pay amount that exceeds a control point in or the maximum basic pay of an

employee's broadband level) and/or a contribution award (a lump sum payment that does not affect basic pay). In general, those employees whose marker plots in the undercompensated region of the IPS may receive greater percentage basic pay increases than those whose marker plots in the overcompensated region of the IPS. Employees on retained rate in the demonstration project will generally receive pay adjustments in accordance

with 5 U.S.C. 5363 and 5 CFR part 536; however, the normal retained rate increase granted in connection with a general pay increase may be reduced or denied for an employee with an OCS above the upper rail and a performance appraisal of Level 1—Unacceptable. An employee receiving a retained rate is not eligible for a contribution rating increase, since such increases are limited by the maximum salary rate for the employee's broadband level. Over

time, people will migrate closer to the standard pay line and receive basic pay

appropriate for their level of contribution and position. An outline of

compensation eligibility by contribution category is given in Table 6.

TABLE 6—COMPENSATION ELIGIBILITY CHART

Category	General pay increase	Contribution rating increase	Contribution award	Locality pay ⁷
Overcompensated	Could be reduced or denied ⁸ .	No	No	Yes.
Appropriately Compensated	Yes	Yes ⁹ —Up to 6	Yes ¹⁰	Yes.
Undercompensated	Yes	Yes—Up to 20% ^{11 12}	Yes	Yes.

b. Local Policy. Each Pay Pool Manager will set the necessary guidelines for pay adjustments in the pay pool based on guidance received from the organization's Personnel Policy Board, Head of the Participating Organization, and/or Component. Decisions will be consistent within the pay pool, reflect cost discipline over the life of the demonstration project, and be subject to review by Components and the DoD AcqDemo Project Office.

c. Documentation. Basic pay adjustments and cash awards will be documented by a SF-50, Notification of Personnel Action. The performance appraisal level is uploaded into DCPDS at the same time as the pay adjustments and cash awards. For historical and analytical purposes, the CCAS Appraisal Form, to include the contribution plan, employee self-assessment, supervisor annual assessment, effective date of CCAS assessments, annual performance appraisal level, contribution rating level, actual basic pay increases, and applicable "bonus" amounts, will be maintained for each demonstration project employee. Each Participating Organization shall provide for maintenance of contribution-related records for their employees for a minimum of four years, as required in 5 CFR 293.402 and 404.

5. Contribution Improvement Plan

a. Regulatory Coverage. This section applies to reassignment, reduction in broadband level with or without a reduction in pay; reduction in pay with or without a reduction in broadband level; or removal of demonstration project employees based solely on inadequate contribution. Inadequate contribution is identified by the employee's annual CCAS contribution assessment resulting in an OCS falling above the upper rail of the NPR (which

normally occurs at either a -3 or -4 OCS or greater negative number) and an unacceptable rating of record, or the deterioration of an employee's contribution during the appraisal year such that, if rated, the employee would receive an OCS score above the upper rail of the NPR and an unacceptable performance appraisal level on at least one of the three contribution appraisal factors; or by a combination of these results. An inadequate contribution assessment in any one contribution factor at any time during the appraisal period is considered grounds for the initiation of a CIP that may result in reassignment, reduction in broadband level, reduction in pay, or removal action, hereafter referred to as contribution-based actions. The following procedures replace those established in 5 U.S.C. 4303 pertaining to reductions in grade or removal for unacceptable contribution except with respect to appeals of such actions. As is currently the situation for contribution-based actions taken under 5 U.S.C. 4303, inadequate contribution-based actions shall be sustained if the decision is supported by substantial evidence and the Merit Systems Protection Board shall not have mitigation authority with respect to such actions. The separate statutory authority to take inadequate contribution-based actions under 5 U.S.C. chapter 75, as modified in the waiver section of this notice (Section VII), remains unchanged by these procedures.

b. CIP. When a supervisor determines during or at the end of the appraisal period that an employee is not completing work assignments adequately, the supervisor must make a determination as to whether the employee is contributing inadequately in one or more of the contribution factors and/or quality of performance levels. All contribution factors are

considered critical elements. A determination of inadequate contribution must be made by comparing the employee's contribution to the expected contribution criteria in the appraisal factors as well as the contribution expectations established in the employee's CCAS Contribution Plan covering the factors and fully successful performance.

If an employee's annual CCAS assessment or a contribution assessment during the appraisal year results in the need for a CIP, the supervisor must inform the employee, in writing, that he/she will be placed on a CIP and that, unless the employee's contribution increases such that the OCS would be scored in the NPR, contribution would be considered fully successful, and this level of effort is sustained, he/she may be subject to one of the previously listed contribution-based actions. If an employee is placed on a CIP near the end of the appraisal cycle, the CIP may not extend past October 31, with a decision rendered no later than November 15.

When the rating official informs the employee of possible contribution-based actions that may occur, the rating official will afford the employee a reasonable opportunity to demonstrate acceptable contribution and/or performance with regard to identifiable factors. A CIP must provide the employee this opportunity to demonstrate adequate contribution. The CIP will state the preliminary factor scores above the upper rail, how the employee's contribution and/or performance are inadequate, what improvements are required, recommendations on how to achieve adequate contribution and/or performance, assistance that the agency shall offer to the employee in improving inadequate contribution, and consequences of failure to improve.

⁷ Basic pay plus locality pay may not exceed the rate payable for level IV of the Executive Schedule.

⁸ Also applies to employees on pay retention whose contribution and performance assessment is "Unacceptable".

⁹ May not exceed upper rail of NPR for employee's OCS or maximum basic pay for current broadband level.

¹⁰ Pay pool manager approves up to \$10,000 for a contribution award. Amounts exceeding \$10,000 not to exceed \$25,000 for a contribution award

require Head of the Participating Organization approval.

¹¹ Over 20% requires approval of the Head of the Participating Organization.

¹² May not exceed 6% above the lower rail or the maximum basic pay for current broadband level.

Additionally, the CIP will normally include a clarification (or further clarification) of the meaning of terms used in the employee's specific responsibilities and assignments described under the appraisal factors.

Once an employee has been afforded a reasonable CIP opportunity to demonstrate adequate contribution and/or performance but fails to do so and receives an unacceptable rating of record based on the CIP, a reassignment, reduction in broadband level with or without a reduction in pay, reduction in pay with or without a reduction in broadband level, or removal action may be proposed in accordance with 5 U.S.C. 4303 and related OPM regulations under 5 CFR part 432. This unacceptable rating of record will be considered an official rating of record for RIF purposes whether it is issued during an appraisal cycle or as an annual rating of record. If it is an employee's most recent/current rating of record in the four-year period preceding a RIF, the employee would be listed on the Master Retention List in the category Tenure Group I—Current Unacceptable Performance Appraisal.

If the employee's contribution increases to an adequate level and is again determined to deteriorate in any factor within two years from the beginning of the opportunity period, actions may be initiated to effect a contribution-based action with no additional opportunity to improve. If an employee has contributed adequately for two years from the beginning of a CIP opportunity period, and the employee's overall contribution once again declines to an inadequate level, the employee will be afforded an additional opportunity to demonstrate adequate contribution before it is determined whether or not to propose a contribution-based action.

An employee who is subject to a proposed contribution-based action is entitled to a 30-day advance notice of the proposed action that identifies specific instances of inadequate contribution by the employee on which the action is based. The employee will be afforded a reasonable time to answer the notice of proposed action orally and/or in writing.

A decision to pursue a contribution-based action on an employee for inadequate contribution may be based only on those instances of inadequate contribution that occurred during the two-year period ending on the date of issuance of the proposed action. The employee will be issued written notice at or before the time the action will be effective. Such notice will specify the instances of inadequate contribution by

the employee on which the action is based and will inform the employee of any applicable appeal or grievance rights.

c. Inadequate Contribution under 5 U.S.C. 7512. Employees may also be removed or reduced in broadband level based on inadequate contribution (which inherently addresses performance) under the provisions of 5 U.S.C. 7512.

d. Procedural and Appeal Rights. All procedural and appeal rights set forth in the applicable statute and related OPM regulations will be afforded to demonstration project employees reassigned, removed, reduced in pay or reduced in level for inadequate contribution.

e. Documentation. All relevant documentation concerning a contribution-based action that is based on a determination of inadequate contribution will be preserved and made available for review by the affected employee or a designated representative in accordance with the employee's DoD Component policy for records management. At a minimum, the records, in accordance with 5 CFR 432.107, will consist of a copy of the notice of proposed action; the written answer of the employee or a summary when the employee makes an oral reply; and the written notice of decision and the reasons thereof, along with any supporting material including documentation regarding the opportunity afforded the employee to demonstrate adequate contribution.

6. CCAS Grievance Procedures

a. Bargaining Unit Employees. Bargaining unit employees who are covered under a collective bargaining agreement may grieve the contribution assessment which includes the OCS and performance appraisal level received under the CCAS and supervisor assessment under the grievance-arbitration provisions of the applicable collective bargaining agreement. The negotiated grievance procedure shall be the sole and exclusive procedure for resolving such grievances. If an employee is in a bargaining unit in which grievances over appraisal scores have been excluded from the negotiated grievance procedure, the employee may use the administrative grievance procedure (5 CFR part 771) with supplemental instructions described in paragraph b below.

b. Administrative Grievance Procedures. Employees not included in a bargaining unit may grieve the contribution assessment which includes the OCS and performance appraisal level received under the CCAS and

supervisor assessment using procedures established under the appropriate Administrative Grievance Procedures (5 CFR part 771). Under these procedures, the employee's grievance will first be considered by the rating official who reviews and submits a recommendation to the pay pool panel. The pay pool panel may accept the rating official's recommendation or reach an independent decision. In the event that the pay pool panel's decision is different from the rating official's recommendation, appropriate justification will be provided. The pay pool panel's decision is final unless the employee requests reconsideration by the next higher official to the Pay Pool Manager. That official would then render the final decision on the grievance.

E. Employee Development

1. Academic Degree and Certificate Training

Trained and educated personnel are a critical resource in an acquisition organization. This demonstration supports the concept that well-developed training and development programs are essential to improving the performance of AWF individuals and those employees in direct support positions to the AWF, thus raising the overall level of performance of the AWF as well as serving as a valuable tool for recruiting and retaining motivated employees. AWF members have a continuous learning (CL) requirement to ensure maintenance of currency in their career field. They must earn a minimum of 80 CL points every two years. Some have specific education and/or statutory requirements depending on their career field. In addition, all acquisition positions have certification requirements whereby AWF members must become certified in their primary career field at the level required within 24 months of assignment. Currently, DAWIA authorizes degree and certificate training for acquisition-coded positions. This demonstration extends that authority and expands its coverage to the acquisition direct support positions included in the project. It also provides authorization at the local level to administer and pay for these degree and certificate training programs. This authorization will facilitate continuous attainment of advanced, specialized knowledge essential to the AWF and its direct support employees. It also provides a capability to assist in the recruiting and retaining of personnel critical to the present and future requirements of the AWF.

A Participating Organization may require an employee who participates in training to continue to work in that organization for at least three times the length of the training period. The service obligation begins when the training is completed. Funding for this training, while potentially available from numerous sources (including the Defense Acquisition Workforce Development Fund) for employees in acquisition-coded positions), is the responsibility of the Participating Organization.

2. Sabbaticals

Organizations participating in the acquisition demonstration project will have the authority to grant sabbaticals without application to higher levels of authority. These sabbaticals will permit employees to engage in study or work experience that contributes to their development and effectiveness. The sabbatical provides opportunities for employees to acquire knowledge and expertise that cannot be acquired in the standard working environment. These opportunities should result in enhanced employee contribution. The spectrum of available activities under this program is limited only by the constraint that the activity contribute to the organization's mission and to the employee's development. The program can be used for training with industry or on-the-job work experience with public, private, or nonprofit organizations. It enables an employee to spend time in an academic or industrial environment or to take advantage of the opportunity to devote fulltime effort to technical or managerial research.

The acquisition demonstration project sabbatical program will be available to all demonstration project employees who have seven or more years of Federal service. Each sabbatical will be of three to twelve months' duration and must result in a product, service, report, or study that will benefit the acquisition community as well as increase the employee's individual effectiveness. Requests for a sabbatical must be made by the employee through the chain of command to the Participating Organization's management official, who has final approval authority and who must ensure that the program benefits both the acquisition workforce and the individual employee. Funding for the employee's salary and other expenses of the sabbatical is the responsibility of the Participating Organization.

Employees approved for a paid sabbatical must sign a service obligation agreement to continue in service in the covered organizations for a period of

three times the length of the sabbatical. The service obligation begins when the training is completed. Sabbaticals approved prior to the effective date of this FRN are not subject to the service obligation requirement. If an employee voluntarily leaves the covered organizations before the service obligation is completed he/she is liable for repayment of expenses incurred by the covered organizations that are associated with training during the sabbatical. Expenses do not include salary costs. The delegated sabbatical approving management official of the Participating Organization has the authority to waive this requirement.

3. Student Intern Relocation Incentive. Recruitment of students is often limited to the local commuting area of the employing organization as college students frequently cannot afford to relocate to accept student intern job offers in a commuting area different from that of the college/university they are attending or their permanent home residence. To alleviate this barrier and to further Better Buying Power 3.0 initiatives to recruit the next generation of high performers to sustain and promote professionalism in the acquisition workforce, the Head of the Participating Organization may approve relocation incentives for new student interns and relocation incentives to student interns whose worksite is in a different geographic location than that of the college/university enrolled or their permanent home residence each time the student interns return to duty at their official worksites.

F. Movement Into and From AcqDemo

1. Management-Directed Conversion into the Demonstration Project

a. Conversion from the GS Pay System. An employee who is converted into AcqDemo with his/her organization will have an automatic conversion from his/her permanent GS grade rate of pay of record at time of conversion into the new broadband system. Initial entry into the AcqDemo for covered employees will occur through a full employee protection approach that ensures each employee's initial placement into a broadband level without loss of pay.

(1) WGI Buy-Ins. Rules governing WGIs within each Participating Organization will remain in effect until an employee's conversion date. Implementation of the AcqDemo broadbanding pay structure eliminates the WGI increments of the current GS pay structure. To facilitate conversion and employee acceptance of the new system, eligible employees will receive a basic pay increase for that portion of

their next WGI corresponding to the weeks of service in-step they have completed up to the effective date of their conversion so that they will not feel they are losing pay or a pay entitlement accrued under the GS system.

Employees on a Performance Improvement Plan (PIP) will remain in their current system until the conclusion of the PIP and a decision is rendered. If the PIP results in a current rating of record of satisfactory performance or better, the employees will be eligible for a WGI buy-in upon conversion. Employees will not be eligible for the WGI buy-in if their current rating of record is unacceptable at the time of conversion. Employees at step 10, or receiving retained pay at the time of conversion will not be eligible for a WGI buy-in.

(2) Career-Ladder Promotion Buy-Ins. For those GS employees in career-ladder promotion programs who are scheduled to be promoted to a higher grade and whose performance is at least fully successful, basic pay will be increased by a prorated share of the current value of the next scheduled promotion increase based upon the actual number of weeks the employee has completed towards the next scheduled promotion as of the employee's conversion date. No WGI buy-in will be made if the employee's pay is adjusted for a promotion that would be effective before the next scheduled WGI.

(3) Special salary rates. Special salary rates will no longer be applicable to demonstration project employees. Employees on special salary rates at the time of conversion will receive a new basic rate of pay computed by dividing their highest adjusted rate of basic pay (*i.e.*, special pay rate, or if higher, the locality rate) by the special pay rate factor or the locality pay factor for their area. All employees will be eligible for the future locality pay increases of their geographic area. When conversion into the demonstration project is accompanied by a simultaneous geographic move, the employee's GS basic pay entitlements (including any locality or special rate) in the new area will be determined before converting the employee's pay to the demonstration project basic pay system. A full locality adjustment will then be added to the new basic pay rate.

(4) Employees on Term and Temporary Appointments. (a) Employees serving under term appointments at the time of conversion to the demonstration project will be converted to a modified term appointment provided they were hired for their current positions under

competitive procedures. These employees will be eligible for conversion to career or career-conditional appointments in the competitive service provided they:

- 1—Have served two years of continuous service in the term position;
- 2—Were selected for the term position under competitive procedures; and
- 3—Are contributing at an adequate contribution level, or meeting fully successful performance objectives, or their equivalent, in non-AcqDemo performance management systems.

Converted term employees who do not meet these criteria may continue on their term appointment up to the not-to-exceed date established under their current appointment. Extensions of term appointments for employees who do not meet the above criteria may be granted after conversion in accordance with the provision of this regulation.

(b) Employees serving under temporary appointments when their organization converts to the demonstration project will be converted and may continue on their temporary appointment up to their established, current not-to-exceed date. Extensions of temporary appointments after conversion not-to exceed a total of 3 years may be granted in accordance with 5 U.S.C. 9902.

(5) Probationary Periods.

(a) Initial Probationary Period. Employees who have completed an initial probationary period prior to conversion to AcqDemo will not be required to serve a new initial probationary period. Employees who are serving an initial probationary period upon conversion to AcqDemo will serve the time remaining on their initial probationary period and may have their initial probationary period extended in accordance with DoD and demonstration project regulations and implementing issuances.

(b) Supervisory Probationary Periods. Employees transitioning to AcqDemo who are serving a supervisory probationary period upon conversion to AcqDemo will serve the time remaining on their supervisory probationary period. Converting employees who have completed a supervisory probationary period in their current position prior to conversion to AcqDemo will not be required to serve a new supervisory probationary period in that position. However, an additional supervisory probationary period of one year may be required if the employee is officially assigned to a different supervisory position that constitutes a major change in supervisory responsibilities from any previously held supervisory position.

(6) Retained Pay. If the employee's rate of basic pay exceeds the maximum rate of basic pay for the broadband level corresponding to the employee's GS grade, the employee will remain at that broadband level and will receive a retained rate. The retained rate will be the total of the employee's basic pay and locality or special pay.

b. Conversion from Other Personnel Pay Systems. Employees who enter this demonstration project from other personnel pay systems (*e.g.*, Defense Civilian Intelligence Personnel System or an STRL Demonstration Project) due to a reorganization, mandatory conversion, Defense Base Realignment and Closure process, or other directed action will be converted into the AcqDemo via movement of their positions using an appropriate Nature of Action Code. Employees' positions will be classified based upon the position classification criteria and broadband level definitions under the AcqDemo rules and their pay, upon conversion, maintained under AcqDemo pay setting rules. In addition, the provisions of Section II.F.1(a)(4), (5), and (6) are applicable to conversions from other personnel and pay systems.

2. Non-AcqDemo Federal Employees Voluntarily Joining AcqDemo. Federal employees entering into the AcqDemo from the GS or other pay systems not as the result of a conversion will be moved into a career path and broadband level with basic pay set in accordance with AcqDemo guidance and reflective of the duties and responsibilities of the AcqDemo position and an individual's qualifications. Highest previous rate as defined in Section II.C.13 and AcqDemo internal guidance may provide an appropriate tool for establishing basic pay in this instance. The move will be described using the appropriate nature of action, *e.g.*, promotion, reassignment, transfer, etc., as provided by the OPM's *Guide to Processing Personnel Actions*; the AcqDemo specified NOAC; and the AcqDemo Legal Authority Code Z2W, Public Law 111–383.

3. Movement From the Demonstration Project

a. Effect of Reorganizations. 10 U.S.C. 1762(d) provides that an AcqDemo organization that loses, due to reorganization, the one-third, two-thirds personnel demographic eligibility required for continued inclusion in AcqDemo may continue to participate in the AcqDemo project. Continued participation may be contingent upon such items as the amount of reduction in the number and/or kinds of positions to be counted for the one-third, two-thirds demographic eligibility

requirement; degree of personnel involvement in an organization with an acquisition mission to acquire necessary supplies, equipment, and services to support the warfighter and DoD support staff; scope of direct support to an acquisition workforce organization or closely related functional area; and/or the primary personnel system utilized by the gaining organization.

AcqDemo organizations affected by reorganization, realignment, consolidation, or other organizational changes that may impact the one-third, two-thirds personnel demographic eligibility requirement are to contact the AcqDemo Program Manager expeditiously to discuss the workforce changes in relation to continued AcqDemo participation. The AcqDemo Program Manager will decide the additional information that needs to be included in the organization's request for continued participation. The organization will submit a request for continued participation in accordance with the DoD AcqDemo Program Office's internal implementing guidance. The AcqDemo Program Office will review the rationale for and the data supplied in support of continued participation; conduct periodic audits of the participating organizations' populations as appropriate; and request additional details or formal documentation as needed. Based on an assessment of the information provided, the AcqDemo Program Manager will approve or disapprove the participation including any pertinent comments.

b. Conversion to a Different Pay and/or Personnel System. Prior to a management directed conversion of any AcqDemo organization and its employees to a different pay and/or personnel system, a CCAS closeout appraisal may be accomplished and an out-of-cycle payout may be made. CCAS closeout and payout procedures would be followed except that funding levels for out-of-cycle payouts may be reduced on a pro rata basis if the period between the previous CCAS payout and the out-of-cycle payout was less than one year. Funding that corresponds to the general pay increase shall not form part of the pay pools for any out-of-cycle payouts. After making the out-of-cycle payout, conversion of employees covered by this demonstration project to another pay and/or personnel system shall be accomplished in accordance with the gaining system's implementing issuances.

c. Employee returns to the GS System. If a demonstration project employee is moving to a GS position, or if the project ends and each project employee must be converted back to the GS system, the

procedure in Section F.3.e below will be used to translate the employee's project broadband level to an equivalent GS grade and the employee's demonstration rate of pay to an equivalent GS rate of pay. The equivalent GS grade and GS rate of pay must be determined before movement or conversion out of the demonstration project and any accompanying geographic movement, promotion, or other simultaneous action. For conversions upon termination of the project and for lateral assignments, the equivalent GS grade and rate will become the employee's actual GS grade and rate after leaving the demonstration project (before any other action). For transfers, promotions, and other actions to the GS system, the equivalent GS grade and pay rate will be used by the gaining personnel office in applying the GS pay administration rules applicable in connection with the employee's movement out of the project (e.g., promotion rules, highest previous rate rules, pay retention rules) as if the GS-equivalent grade and pay rate were actually in effect immediately before the employee left the demonstration project. The losing organization will provide an employee's equivalent GS grade and pay rate to the gaining organization upon request or on receipt of the SF-75, Request for Preliminary Employment Data, by inserting the information in Part 1, Item 9, Additional Data Requested, and returning the form to the gaining organization.

d. Employee moves to a Non-GS System. An equivalent GS grade and pay rate is determined for an employee who leaves AcqDemo for a position in a non-GS system by the gaining organization using the same calculation in Section F.3.e below as when an employee moves to a GS position. The losing organization will provide an employee's equivalent GS grade and pay rate to the gaining organization upon request or on receipt of the SF-75, Request for Preliminary Employment Data, by inserting the information in Part 1, Item 9, Additional Data Requested, and returning the form to the gaining organization. It is the responsibility of the gaining organization to establish the level of the employee's new position and the appropriate pay under the pay system for that organization. The equivalent GS grade and pay information provided may assist in this process.

e. Determining an Equivalent GS Grade. Each broadband level in this demonstration project encompasses two or more grades. An employee is determined to have a GS-equivalent grade corresponding to one of those grades according to the following rules:

(1) The employee's adjusted rate of basic pay under the demonstration project, which includes any locality payment, is compared with the step four rate in the highest applicable GS rate range. For this purpose, a GS rate range includes a rate range in:

- (a) The GS base schedule;
- (b) The locality rate schedule for the locality pay area in which the position is located; or
- (c) The appropriate special rate schedule for the employee's occupational series, as applicable. If the series is a two-grade-interval series, only odd-numbered grades are considered below GS-11.

(2) If the employee's adjusted demonstration project rate of pay equals or exceeds the applicable step four rate of the highest GS grade in the broadband, the employee is converted to that grade.

(3) If the employee's adjusted demonstration project rate of pay is lower than the applicable step four rate of the highest grade, the adjusted rate is compared with the step four rate of the second-highest grade in the employee's broadband. If the employee's adjusted rate equals or exceeds the step four rate of the second-highest grade, the employee is converted to that grade.

(4) This process is repeated for each successively lower grade in the broadband until a grade is found in which the employee's adjusted demonstration project rate of pay equals or exceeds the applicable step four rate of the grade. The employee is then converted at that grade. If the employee's adjusted rate of pay is below the step four rate of the lowest grade in the broadband, the employee is converted to the lowest grade.

(5) *Exception:* An employee will not be converted to a lower grade than the grade held by the employee immediately preceding a conversion, lateral assignment, or lateral transfer into the demonstration project, unless, since that time the employee has undergone a reduction in broadband level or reduction in pay based upon an adverse action, a contribution-based action, a reduction-in-force action, or a voluntary change to lower broadband level.

(6) *Exception:* If the employee's adjusted demonstration project rate exceeds the maximum rate of the grade assigned under the above-described step 4 rule but fits in the rate range for the next higher applicable grade (i.e., between step 1 and step 4), then the employee shall be converted to that next higher applicable grade).

f. *Determining an Equivalent GS Rate of Pay.* An employee's pay within the

equivalent GS grade is set by converting the employee's demonstration project rate of pay to a GS rate of pay in accordance with the following rules:

(1) The pay conversion is done before any geographic movement or other pay-related action that coincides with the employee's movement or conversion out of the demonstration project.

(2) An employee's adjusted rate of basic pay under the demonstration project (including any locality payment) is converted to a GS rate on the highest applicable rate range for the converted GS grade. For this purpose, a GS rate range includes a rate range in:

- (a) The GS base schedule,
- (b) An applicable locality rate schedule, or
- (c) An applicable special rate schedule.

(3) If the highest applicable GS rate range is a locality pay rate range, the employee's adjusted demonstration project rate is converted to a GS locality rate of pay. If this rate falls between two steps in the locality-adjusted schedule, the rate of pay must be set at the higher step. The converted GS unadjusted rate of basic pay would be the GS base rate corresponding to the converted GS locality rate (i.e., same step position).

(4) If the highest applicable GS rate range is a special rate range, the employee's adjusted demonstration project rate is converted to a special rate. If this rate falls between two steps in the special rate schedule, the rate must be set at the higher step. The converted GS unadjusted rate of basic pay will be the GS rate corresponding to the converted special rate (i.e., same step position).

g. *Retained Pay.* If an employee is receiving a retained rate under the demonstration project, the employee's GS-equivalent grade is the highest referenced grade encompassed in his/her broadband level. The employee's GS-equivalent rate of pay will equal the employee's retained rate.

h. *WGI-Equivalent Increase Determination.*

Service under the demonstration project is potentially creditable for WGI waiting period purposes under 5 CFR 531.405(b) upon conversion back to the GS pay system. An equivalent increase under 5 CFR 531.407(b) is considered to occur at the time of an AcqDemo:

(1) Promotion to a higher broadband level, including a zero basic pay increase (unless the promotion is cancelled and the employee's rate of basic pay is re-determined as if the promotion had not occurred), e.g., the termination of a temporary promotion.

(2) CCAS basic pay increase (including a zero increase). The date of

the last equivalent increase, based on the opportunity to receive a CCAS basic pay increase, is the first day of the first pay period beginning on or after January 1.

(3) WGI buy-in and/or Career Ladder promotion buy-in granted immediately upon movement to the AcqDemo from another pay system.

(4) ACDP basic pay adjustment.

(5) Use of HPR when basic pay is set at a rate above the rate that would be established using normal AcqDemo pay setting rules.

i. *Quality of Performance*. The most recent CCAS annual or interim rating of record will be provided for use by the gaining activity.

G. Training for AcqDemo

1. Introduction

The key to the success or failure of the proposed demonstration project will be the training provided. This training provides not only the necessary knowledge and skills to carry out the proposed changes, but will also lead to participant commitment to the program.

2. Roles and Responsibilities

a. *AcqDemo Program Office*. Training for new organizations wishing to convert to the demonstration project will be provided by the DoD AcqDemo Program Office to supervisors, employees, and the administrative staff responsible for assisting managers in effecting the changeover and operation of the new system. The Program Office will be responsible for providing policy notifications as they occur.

b. *Participating Organizations*. Sustainment training will be the responsibility of the participating organization.

3. Conversion Training

a. *Subject Matter*. The elements to be covered in the orientation portion of this training will include:

- (1) A description of the personnel system;
- (2) How employees are converted into and out of the system;
- (3) The pay adjustment and/or bonus process;
- (4) The new position requirements document;
- (5) The new classification system; and
- (6) The Contribution-based Compensation and Appraisal System.

b. *Target Audiences*.

(1) *Supervisors*. The focus of this project on management-centered personnel administration, with increased supervisory and managerial personnel management authority and accountability, demands thorough

training of supervisors and managers in the knowledge and skills that will prepare them for their new responsibilities. Training will include detailed information on the policies and procedures of the demonstration project, as well as skills training in using the classification system, position requirements document, and contribution evaluation software.

(2) *Human Resources/Pay Pool Administrative Staff*. Human Resources Specialists and Pay Pool Administrative Officers will play a key role in advising, training, and coaching supervisors and employees in implementing the demonstration project. This staff will receive training in the procedural and technical aspects of the project.

(3) *Employees*. In the months prior to implementation, the demonstration project team and Participating Organization training and career development offices will provide workforce training through various media. This training is intended to inform the workforce of project features and to prompt the development of local procedures and processes to implement the changes.

III. Evaluation Plan

A. Internal

Demonstration-authorizing legislation (5 U.S.C. 4703) mandates evaluation of the demonstration project to assess the effects of project features and outcomes. In addition, the project will be evaluated to determine the feasibility of application to other Federal Agencies. The overall Program Management evaluation will consist of two components—internal and external evaluation. The internal evaluation will be ongoing and accomplished by the staff of the AcqDemo Program Office, to include contracted resources, and the results reviewed by the Executive Council. The main purpose of the internal evaluation is to determine the effectiveness of the personnel system in meeting the needs of the Defense Acquisition Workforce.

B. External

External evaluations will be conducted on a regular basis as prescribed by the Secretary. The Secretary may designate an independent evaluator to conduct the external assessments with the results overseen by the Undersecretary of Defense (Acquisition, Technology & Logistics)/ Human Capital Initiatives; and the Deputy Assistant Secretary of Defense (Civilian Personnel Policy).

C. Purpose

The evaluations are conducted to determine the effectiveness of the personnel system changes implemented. To the extent possible, strong direct or indirect relationships will be established between the demonstration project features, outcomes, mission-related changes, and personnel system effectiveness criteria. The evaluation approach uses an intervention impact model that specifies each personnel system change as an intervention, the expected effects of each intervention, the corresponding measures, and the data sources for obtaining the measures. Appendix F presents the Intervention Impact Evaluation Model to be used for this demonstration project for initiatives affecting title 5 U.S.C. and title 5 CFR.

IV. Project Duration

The Demonstration Project has been extended by statute three times as indicated below:

1. Section 813 of the Bob Stump NDAA for FY 2003 (Pub. L. 107–314, 116 Stat. 2609) extended the authority to conduct the AcqDemo until September 30, 2012;

2. Section 872 of the Ike Skelton NDAA for FY 2011 (Pub. L. 111–383, 124 Stat. 4300, 4302) extended the authority to conduct the AcqDemo Program until September 30, 2017; and

3. Section 846 of the NDAA for FY 2016 (Pub. L. 114–92) extended the termination date for the AcqDemo Project to December 31, 2020.

V. Demonstration Project Costs

The AcqDemo Project requires a cost-disciplined approach to maintain cost control. While this approach does not require cost neutrality, it does require a continued comparison with the Government-wide system to ensure an effective balance between cost, and personnel management benefits such as improved organizational communication, and greater recognition of higher contributors, leading to increased retention rates and savings in turnover costs and loss of skills. This cost-disciplined approach also requires Participating Organizations to consider and implement a logical and effective compensation management strategy, aimed at providing the appropriate level of compensation for the contribution expended in accomplishing work at an assigned level.

To promote cost accountability, project and pay pool managers are required to consider both the short-and long-term implications of pay-related decisions on payroll and benefit costs, including decisions regarding the size of

pay pools and policies on developmental and promotion pay increases. To support decision making and evaluations, annual data will be collected on key cost-related matters, including spending on CRIs, developmental increases, and promotion pay increases (expressed as a percentage of total basic payroll, on both a project-wide and individual pay pool basis).

The funding parameters for contribution increases in the out-years will be determined as part of the annual project evaluation process, as well as giving consideration to any funding limitations impacting the Department. Annual funding guidance will then be reported by the Program Manager to the AcqDemo Executive Council. As part of the evaluation of the project by Participating Organizations, the AcqDemo Program Management Office, and DoD, the basic pay costs (including average basic pay, average starting salaries, overall and by employee subcategories) under the demonstration project will be tracked and compared to the basic pay costs under similar demonstration projects and under a simulation model that replicates GS spending. These evaluations will balance costs incurred against benefits gained, so that both fiscal responsibility and project success are given appropriate weight.

VI. Automation Support

One of the major goals of the demonstration project is to streamline the personnel processes to increase efficiency, effectiveness, agility, and cost discipline. Automation must play an integral role in achieving that goal. Without the necessary automation to support the interventions proposed for the demonstration project, optimal benefits cannot be realized. In addition, adequate information to support decision making must be available to managers if line management is to assume greater authority and responsibility for human resources management. Automation to support the demonstration project is required at the DoD level to facilitate processing and reporting of demonstration project personnel actions, and may be ultimately required by the Participating Organizations to assist in processing a variety of personnel-related actions in order to facilitate management processes, evaluation of interventions, and decision making. The DCPDS is the DoD's authoritative personnel data system of record and will be the primary system for personnel data used in dedicated electronic applications needed to process and evaluate a variety

of actions associated with AcqDemo initiatives such as streamlined hiring and movement of employees; contribution-based appraisal compensation; accelerated compensation for developmental positions; supervisory and team leader cash differentials; staffing supplements; and sabbaticals.

VII. Required Waivers to Law and Regulations

A. General

In addition to the authorities granted by 10 U.S.C. 1762 and 5 U.S.C. 4703, the following are waivers of law and regulation that will be necessary for implementation and sustainment of the demonstration project. In due course, additional laws and regulations may be identified for a waiver request. The following waivers and adaptations of certain title 5 U.S.C. and title 5 CFR provisions are required only to the extent that these statutory and regulatory provisions limit or are inconsistent with the actions contemplated under this demonstration project. Nothing in this plan is intended to preclude the demonstration project from adopting or incorporating any law or regulation enacted, adopted, or amended after the original effective date, January 8, 1999, of this demonstration project.

B. Waivers to Title 5, U.S.C.

Chapter 5, Section 552a: Records maintained on individuals. This section is waived only to the extent required to clarify that volunteers under the Voluntary Emeritus Program are considered employees of the Federal Government for purposes of this section.

Chapter 31, Section 3111: Acceptance of volunteer service. This section is amended to allow for a Voluntary Emeritus Corps in addition to student volunteers.

Chapter 33, Subchapter I—Examination, Certification, and Appointment: Waived except for sections 3302, 3321, and 3328 to allow direct hire authority for (1) qualified candidates with bachelor's or advanced degrees required by OPM or DoD qualification standards to qualify for AWF positions in a critical acquisition career field classified to the Business and Technical Management Professional, NH, career path; (2) qualified veteran candidates for AWF positions in a critical acquisition career field classified to either the Business and Technical Management Professional, NH, career path or to the Technical Management Support, NJ, career path; (3) candidates enrolled in a

program of undergraduate or graduate instruction at an institution of higher education leading to a baccalaureate degree or an advanced degree in a course of study required by OPM or DoD qualification standards or a degree the completion of which (including any additional essential credit hours in an acquisition-related field as appropriate) provides competencies, knowledge, skills, etc., directly linked to an AWF position's requirements (quality ranking factors) for one of the critical acquisition career fields; and (4) degreed candidates with superior scholastic achievement with a degree in a field of study directly linked to the qualifications, competencies, knowledge, skills, abilities, and DAWIA certifications for and duties of AWF positions in one of the critical acquisition career fields.

Chapter 33, Section 3308:

Competitive service; examinations; educational requirements prohibited; exceptions to the extent necessary to accommodate the Scholastic Achievement Appointment's requirement for possession of a college degree, the completion of which provides qualifications, competencies, knowledge, skills, and abilities, directly linked to the requirements for and duties of an AWF professional position (quality ranking factors) in one of the acquisition career fields.

Chapter 33, Section 3317(a):

Competitive service; certification from registers. Waived insofar as "Rule of Three" is eliminated under the demonstration project.

Chapter 33, Section 3318(a):

Competitive Service, Selection from Certificate. Waived insofar as the "Rule of Three" is eliminated under the demonstration project and to provide a substitute selection process that when making final selections, qualified candidates with veterans' preference should be considered for appointments if they are found to best meet mission requirements.

Chapter 33, Section 3319: Alternative ranking and selection procedures. Waived to allow the continuation of the original AcqDemo Delegated Examining Authority published in 64 FR 1426–1492, Friday, January 8, 1999, as modified by the President's 2010 Memorandum requiring agencies to use category rating; to replace the use of veterans' preference points with "determining veterans' preference eligibility when the selecting official has identified the candidates under serious consideration for a job offer," and to establish a process that when making final selections from the serious-consideration-for-a-job-offer group, any candidate with veterans' preference

should be considered for appointments if they are found to best meet mission requirements.

Chapter 33, Section 3341: Details. Waived as necessary to extend the time limits for details.

Chapter 35, Section 3502: Order of retention. Waived as necessary to accommodate the reduction-in-force process described in this demonstration project with 3502(c) waived in its entirety.

Chapter 41, Section 4107(a): Academic degree training. Waived to the extent necessary to provide academic degree training as described for the demonstration project.

Chapter 41, Section 4108(a)–(c): Employee agreements; service after training. Waived to the extent necessary to require the employee to continue in the service of the covered organizations for the period of the required service and to the extent necessary to permit the organization to waive in whole or in part a right of recovery.

Chapter 43, Sections 4301–4305 except for 4303(e) and (f): Related to performance appraisal are waived in entirety. In turn, 4303(e) and (f) are waived only to the extent necessary to (1) substitute “broadband” for “grade” and (2) provide that moving to a lower broadband as a result of not receiving the full amount of a general pay increase because of inadequate contribution is not an action covered by the provisions of section 4303(a)–(d).

Chapter 45, Sections 4502(f): General Provisions. Waived to allow Service Acquisition Executives to approve cash awards for superior accomplishments not to exceed \$25,000.

Chapter 51, Sections 5101–5113: Related to classification standards and grading. Waived in entirety except section 5104 to the extent needed to permit classification of broadband levels and factor descriptors and discriminators.

Chapter 53, Sections 5301; 5302 (8) and (9); and 5303–5305 and 5331–5336: Related to special pay and pay rates and systems. Sections 5301, 5302 (8) and (9), and 5304 are waived only to the extent necessary to allow demonstration project employees to be treated as General Schedule employees and to allow basic rates of pay under the demonstration project to be treated as scheduled rates of basic pay. Sections 5331–5336 waived to the extent necessary to allow: (1) Demonstration Project employees to be treated as GS employees; (2) to allow the provisions of this FRN pertaining to setting rates of pay; and (3) to waive sections 5335 and 5336 in their entirety.

Chapter 53, Section 5362: Grade retention. Waived in its entirety. Not applicable in the demonstration project.

Chapter 53, Section 5363: Pay retention. This waiver applies only to the extent necessary to: (1) Allow demonstration project employees to be treated as General Schedule employees; (2) provide that pay retention provisions do not apply to conversions from General Schedule special rates to demonstration project pay, as long as total pay is not reduced; (3) replace the term “grade” with “broadband level;” and (4) provide that an employee on pay retention whose contribution assessment is “Unacceptable” may have the 50 percent of the amount of the increase in the maximum rate of base pay payable for the pay band of the employee’s position reduced or denied.

Chapter 53, Section 5371: Related to health care positions. This waiver applies only to the extent necessary to allow demonstration project employees to hold positions subject to Chapter 51 of title 5.

Chapter 55, Section 5545(d): Hazardous duty premium pay. Waived only to the extent necessary to allow demonstration project employees to be treated as General Schedule employees.

Chapter 57, Sections 5753, 5754, and 5755: Related to recruitment, relocation, and retention payments, and supervisory differentials. Waived to the extent necessary (1) to allow employees and positions under the demonstration project to be treated as employees and positions under the General Schedule; (2) allow management to offer a bonus to incentivize geographic mobility to a new student intern and to one whose worksite is in a different geographic location than that of the college enrolled or permanent home residence; and (3) authorize supervisory and team leader cash differentials as described for this demonstration project.

Chapter 59, Section 5941: Allowances based on living costs and conditions of environment; employees stationed outside the continental United States or Alaska. This waiver applies only to the extent necessary to provide that COLAs paid to employees under the demonstration project are paid in accordance with regulations prescribed by the President (as delegated to OPM).

Chapter 59, Section 5948: Related to physicians comparability allowances (only to the extent necessary to treat employees under the demonstration project as General Schedule employees).

Chapter 71, to the extent its provisions (e.g., 5 U.S.C. 7103(a)(12) and 7116) would prohibit management or the union from unilaterally terminating negotiations over whether

the project will apply to employees represented by the union.

Chapter 71, Section 7119: To the extent it gives the Federal Service Impasses Panel jurisdiction to resolve impasses referred to it by either party or both parties during implementation of the demonstration project.

Chapter 75, Section 7512(3): Adverse actions. Waived to the extent necessary to exclude reductions in broadband level not accompanied by a reduction in pay and replace “grade” with “broadband level”.

Chapter 75, Section 7512(4): Adverse actions. Waived to the extent necessary to exclude conversions from a General Schedule special rate to demonstration project pay that do not result in a reduction in the employee’s total rate of pay.

C. Waivers to Title 5, CFR

Part 300, Sections 300.601 through 300.605: Time-in-grade restrictions. Waived to eliminate time-in-grade restrictions in the demonstration project.

Parts 300–330 other than Subpart G of 5 CFR part 300: Employment. Waived to the extent necessary to allow direct hire authority for (1) qualified candidates with bachelor’s or advanced degrees required by OPM or DoD qualification standards to qualify for AWF positions in a critical acquisition career field classified to the Business and Technical Management Professional, NH, career path; (2) qualified veteran candidates for AWF positions in a critical acquisition career field classified to either the Business and Technical Management Professional, NH, career path or to the Technical Management Support, NJ, career path; (3) candidates enrolled in a program of undergraduate or graduate instruction at an institution of higher education leading to a baccalaureate degree or an advanced degree in a course of study required by OPM or DoD qualification standards or a degree the completion of which (including any additional essential credit hours in an acquisition-related field as appropriate) provides competencies, knowledge, skills, etc., directly linked to an AWF position’s requirements (quality ranking factors) for one of the critical acquisition career fields; and (4) degreed candidates with superior scholastic achievement in a field of study directly linked to the qualifications, competencies, knowledge, skills, abilities, and DAWIA certifications for and duties of AWF positions in one of the critical acquisition career fields.

Part 308, Volunteer service: Waived to allow volunteer service under the

provisions of the Voluntary Emeritus Program described in this FRN.

Part 315, section 315.901: Statutory requirement. Waived to the extent necessary to replace “grade” with “broadband.”

Part 315, section 315.905: Length of the probationary period. Waived to the extent necessary to allow for an additional supervisory/managerial probationary period of one year when an employee is officially assigned to a different position that constitutes a major change in supervisory/managerial responsibilities.

Part 316, Section 316.301: Purpose and duration. Waived to the extent that modified term appointments may cover a maximum period of six years.

Part 316, Section 316.303: Tenure of term employees. Waived to the extent necessary to allow term employees to acquire competitive status.

Part 316, Section 316.305: Eligibility for within-grade increases. Waived in its entirety.

Part 332, Sections 332.401, Section 332.402, and Section 332.404: Order on Registers; Regular order of certification for appointment; and Order of Selection from Certificates. These sections are waived to the extent necessary to allow: (1) No rating and ranking when there are 25 or fewer qualified applicants; (2) the hiring and appointment authorities as described in this **Federal Register** notice; and (3) elimination of the “Rule of Three.” Veterans’ preference final candidates are considered for appointments if they are found to best meet mission requirements.

Part 332, Section 332.404: Order of selection from certificates. Waived to the extent necessary to eliminate the requirement for selection using the “Rule of Three.”

Part 335, Section 335.103: Agency promotion programs. Waived to the extent necessary to extend the length of details and temporary promotions without requiring competitive procedures or numerous short-term renewals.

Part 335, Section 335.103(c): Agency promotion programs. Waived to the extent necessary to expand discretionary exemptions to agency promotion programs to include non-competitive reassignment to an AcqDemo broadband level with a maximum basic pay greater than that of a selectee’s current graded position, *e.g.*, GS, with a WGI Buy-in and/or a Career Ladder Promotion Buy-in as described in internal issuances.

Part 337, Subpart A, Section 337.101(a): Rating applicants. Waived to the extent necessary to allow referral without rating when there are 25 or

fewer qualified candidates, applying veterans’ preference when final candidates considered for appointments are found to best meet mission requirements.

Part 337, Subpart C, Sections 337.301 through 337.305: Alternative Rating and Selection Procedures. Waived to allow continuation of the original AcqDemo Delegated Examining Authority published in the **Federal Register** on Friday, January 8, 1999 (64 FR 1426–1492), as modified by the President’s 2010 Memorandum requiring agencies to use category rating.

Part 340, Subpart A, Subpart B, and Subpart C: Other than fulltime career employment. These subparts are waived to the extent necessary to allow a Voluntary Emeritus Program.

Part 351, Sections 351.402 through 351.404: Competitive area, Competitive levels, and Retention register. Waived in their entirety.

Part 351, Section 351.501: Order of retention-competitive service. Waived (1) to allow no additional years of service based on contribution/performance; (2) to combine Tenure Groups I and II into one group, a new Tenure Group I for all permanent career and career-conditional employees; and (3) separate the new Tenure Group I into three categories: Tenure Group I for employees who have 12 or more months of assessed performance; Tenure Group I for employees with less than 12 months of assessed performance; and Tenure Group I—Current Unacceptable Rating of Record.

Part 351, Section 351.502: Order of retention-excepted service. Waived (1) to allow no additional years of service based on performance; (2) to combine Tenure Groups I and II into one group, a new Tenure Group I for all permanent employees; (3) separate the new Tenure Group I into three categories: Tenure Group I for employees with less than 12 months of assessed performance; and Tenure Group I—Current Unacceptable Rating of Record.

Part 351, Section 351.504: Credit for Performance. Waived in its entirety.

Part 351, Section 351.601: Order of Release from Competitive Level. Waived in its entirety.

Part 351, Section 351.701: Assignment rights involving displacement. Waived to the extent that the distinction between bump and retreat is eliminated and the placement of demonstration project employees is limited to an employee’s current career path, current broadband level, and one broadband level below that is within an employee’s current career path, except that a preference-eligible employee with a compensable service-connected

disability of 30 percent or more may displace up to the two broadband levels below the employee’s present position (or the equivalent of five General Schedule grades) below the employee’s present level, and to limit the assignment rights of employees with an unacceptable performance appraisal to a position held by another employee with an unacceptable performance appraisal.

Part 362, Subparts A, B, and C: General Provisions, Internship Program, and Recent Graduates Program. Waived to the extent necessary to allow for an AWF Scholastic Achievement Appointment Authority and an AWF Student Intern Hiring Authority.

Part 410, Section 410.308(a): Training to obtain an academic degree. Waived to the extent necessary to allow the Head of a Participating Organization to provide academic degree and certificate training as needed for interns and employees holding positions allocated to acquisition career fields in order to meet AWF certification requirements.

Part 410, Section 410.309: Agreements to continue in service. Waived to the extent necessary to allow the Head of a Participating Organization to determine requirements related to continued service agreements.

Part 430, Subpart A and Subpart B: Performance Management and Performance appraisal for General Schedule, Prevailing Rate, and Certain Other Employees. Waived in its entirety including 430.208(a)(2) and (h) to accommodate CCAS and the AcqDemo RIF process.

Part 432, Sections 432.101 through 432.107: Related to performance based reduction in grade and removal actions, and definitions. Waived to the extent necessary to (1) substitute “broadband” for “grade;” (2) provide that moving to a lower broadband as a result of not receiving the full amount of a general pay increase because of inadequate contribution is not an action covered by the provisions of 5 U.S.C. 4303 and 5 CFR 432.105 and 5 CFR 432.106; (3) delete reference to critical element as all factors are critical; (4) waive section 432.105(a)(2) phrase “If an employee has performed acceptably for 1 year” to allow for “performed acceptably for 2 years from the beginning of a CIP;” (5) waive section 432.105(a)(3) to provide “within a two-year period ending on the date of the notice of proposed action”; and (6) modify to the extent that an employee may be removed, reassigned, reduced in broadband level with a reduction in pay, reduced in pay without a reduction in broadband level, and reduced in broadband level without a reduction in pay if performance does

not improve to an adequate level during a reasonable improvement period.

Part 451, Subpart A, Sections 451.106(b); Agency and OPM Responsibilities. Waived to allow Service Acquisition Executives authority to grant special act awards for superior achievements to covered employees not to exceed \$25,000.

Part 470, Subpart C, Section 470.315: Project modification and extension. Waived to the extent necessary to expand participation in the Voluntary Emeritus Program to allow former non-AcqDemo DoD civilian employees and former military members who served in DoD DAWIA covered acquisition positions to participate in the Program as well as former AcqDemo employees serving in DAWIA-covered acquisition positions.

Part 511, Subpart A; Subpart B; Subpart F; and Subpart G: Classification within the General Schedule. Waived in its entirety.

Part 530, Subpart C: Special Rate Schedules for Recruitment and Retention. Waived in its entirety. Demonstration project does not utilize special salary rates.

Part 531, Subpart B: Determining Rate of Basic Pay. Waived in its entirety.

Part 531, Subparts D and E: Within-grade Increases and Quality Step Increases. Waived in its entirety.

Part 531, Subpart F: Locality-Based Comparability Payments. Waived only to the extent necessary to allow demonstration project employees to be treated as General Schedule employees and to allow basic rates of pay under the demonstration project to be treated as scheduled rates of basic pay.

Part 536, Grade and Pay Retention: Waived to the extent necessary to provide that, for the purposes of applying pay retention provisions: (1) Grade retention is eliminated and there is no provision for broadband level retention allowed; (2) "grade" is replaced by "broadband level"; and (3) demonstration project employees are to be treated as General Schedule employees except under the following provisions: (a) Pay retention provisions do not apply to conversions from General Schedule special rates to demonstration project pay, as long as total pay is not reduced; (b) pay retention provisions do not apply to movements to a lower broadband level as a result of not receiving the general increase due to an annual contribution assessment of "Unacceptable"; and (c) provide that an employee on pay retention whose performance appraisal is "Unacceptable" may have the 50 percent of the amount of the increase in the maximum rate of base pay payable

for the broadband level of the employee's position reduced or denied.

Part 550, Section 550.703: Severance Pay. Definition of "reasonable offer" is waived by replacing "two grade or pay levels" with "one broadband level" and "grade or pay level" with "broadband level."

Part 550, Section 550.902: Hazard Pay. Definition of "employee" waived only to the extent necessary to allow demonstration project employees to be treated as General Schedule employees.

Part 575, Sections 575.103(a)(1), 575.203 (a)(1), and 575.303(a)(1), and Subpart D: Recruitment, relocation, and retention incentives, and supervisory differentials. Waived only to the extent necessary (1) to allow employees and positions under the demonstration project to be treated as employees and positions under the General Schedule; (2) allow management to offer a bonus to incentivize geographic mobility to a new student intern and to one whose worksite is in a different geographic location than that of the college enrolled or permanent home residence each time they return to duty at their official work site; and (3) to allow supervisory and team leader cash differentials as described for this demonstration project.

Part 591, Subpart B: Cost-of-Living Allowances and Post Differential-Non-foreign Areas. This waiver applies only to the extent necessary to allow demonstration project employees to be treated as employees under the General Schedule for the purposes of these provisions.

Part 752, Sections 752.401(a)(3) and 752.401(a)(4): Coverage. Waived to the extent necessary (1) to provide that adverse action provisions do not apply to reductions in broadband level not accompanied by a reduction in pay and (2) to replace "grade" with "broadband level."

Part 752.401(a)(4): Coverage. Waived to the extent necessary to exclude conversions from a General Schedule special rate to demonstration project pay that do not result in a reduction in an employee's total rate of pay.

Appendix A

History of Legislative Provisions and Federal Register Notices DoD Civilian Acquisition Workforce Personnel Management Demonstration Project

A. Legislative Provisions

This demonstration project was originally authorized under section 4308 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 1996 (Public Law (Pub. L.) 104–106, 110 Stat. 669; 10 United States Code Annotated (U.S.C.A.) 1701 note), as amended by section 845 of NDAA for FY 1998 (Pub. L. 105–85, 111 Stat.1845); section

813 of NDAA for FY 2003 (Pub. L. 107–314, 116 Stat. 2609); section 1112 of NDAA for FY 2004 (Pub. L. 108–136, 117 Stat.1634); and section 1113 of NDAA for FY 2010 (Pub. L. 111–84, 123 Stat. 2190) repealed the National Security Personnel System and directed conversion of all NSPS employees to their previous pay system by January 1, 2012. All NSPS employees formerly in AcqDemo were transitioned back to AcqDemo during the month of May 2011. On January 7, 2011, the original demonstration project authority was repealed and codified at 10 U.S.C. 1762 pursuant to section 872 of the Ike Skelton NDAA for FY 2011 (Pub. L. 111–383, 124 Stat. 4300, 4302). Through Section 867 of NDAA for FY 2017 (Pub. L. 114–328), Congress provided that the Secretary of Defense shall exercise the authorities granted to the OPM under 5 U.S.C. 4703 for purposes of the demonstration project.

B. Federal Register Notice and Subsequent Amendments

OPM approved and published the final project plan for the AcqDemo on January 8, 1999, in 64 FR 1426–1492. Since that time, six amendments have been approved and published, and one notice of intent to amend published by OPM:

1. *66 FR 28006–28007 (May 21, 2001):* This amendment was published to (1) correct discrepancies in the list of occupational series included in the project and (2) authorize managers to offer a buy-in to Federal employees entering the project after initial implementation.

2. *67 FR 20192–20193 (April 24, 2002):* This amendment was published to (1) make employees in the top broadband level of their career path eligible to receive a "very high" overall contribution score and (2) reduce the minimum rating period under the Contribution-based Compensation and Appraisal System (CCAS) to 90 calendar days.

3. *67 FR 44250–44256 (July 1, 2002):* This amendment (1) contained a list of all organizations that are eligible to participate in the project and (2) made the resulting adjustments to the table that describes the project's workforce demographics and union representation.

4. *67 FR 63948–63949 (October 16, 2002):* This notice of the intent to amend was published to propose a change in the method for determining and translating retention service credit. The proposal was overcome by the advent of the National Security Personnel System (NSPS), which was projected to replace the AcqDemo.

5. *71 FR 58638–58639 (October 4, 2006):* This amendment was published to facilitate the transition of AcqDemo employees to NSPS by authorizing an out-of-cycle Contribution-based Compensation and Appraisal System payout and amending conversion-out procedures.

6. *80 FR 17109–17117 (March 31, 2015):* This amendment announced the repeal and replacement of AcqDemo's original legal authorization and modified the project plan to include new provisions; updated the project plan to address changes resulting from new General Schedule regulations and operational experience; announced

guidelines for a formal process for interested DoD civilian acquisition organizations to use to request approval to participate in AcqDemo; and provided notice of expansion of coverage to new or realigned organizations.

7. 81 FR 6902 (February 9, 2016): This document publishes three technical corrections to 80 FR 17109–17117 (March 31,

2015) to ensure access for the entirety of an organization to participate in AcqDemo.

Appendix B

Tables of Eligible Organizations

As a result of the success of the AcqDemo classification, contribution appraisal, and compensation strategies and the desire of the

USD(AT&L) to increase participation to more evenly balance the workforce among Participating Organizations for evaluation, the organizations listed in Table 1A either applied in calendar year 2014 and have been approved to participate in the AcqDemo, or are currently in Table 1 but require an update to their listed organizational alignment.

TABLE 1—ELIGIBLE ORGANIZATIONS AS OF JULY 1, 2002

DOD component/DOD component major organizational subdivision	Organization/office symbol	Locations
DEPARTMENT OF THE AIR FORCE		
Air Force Materiel Command (AFMC).	Aeronautical System Center (ASC)	Wright-Patterson AFB, OH and all other locations.
AFMC	Air Armament Center (AAC)(except comparison group at Eglin AFB, FL).	Eglin AFB, FL and all other locations.
AFMC	Air Force Flight Test Center (AFFTC)	Edwards AFB, CA and all other locations.
AFMC	Arnold Engineering Development Center (AEDC)	Arnold AFB, TN and all other locations.
AFMC	Electronic Systems Center (ESC)	Hanscom AFB, MA and all other locations.
AFMC	HQ AFMC	Wright-Patterson AFB, OH and all other locations.
AFMC	Ogden Air Logistics Center (OO–ALC)	Hill AFB, UT and all other locations.
AFMC	Oklahoma City Air Logistics Center (OC–ALC)	Tinker AFB, OK and all other locations.
AFMC	Warner Robins Air Logistics Center (WR–ALC)	Warner Robins AFB, GA and all other locations.
Air Force Space Command (AFSPC).	HQ AFSPC	Peterson AFB, CO and all other locations.
AFSPC	Space and Missile Center (SMC)	Los Angeles, CA and all other locations.
Miscellaneous Air Force	Contracting Organizations	All locations in the National Capital Region.
Secretary of the Air Force	Assistant Secretary of the Air Force (Acquisition) (SAF/AQ) and Space Acquisition Organization.	Pentagon, Arlington, VA and all other locations.
DEPARTMENT OF THE ARMY		
Army Acquisition Executive Support Agency (AAESA).	Headquarters, Research, Development, and Acquisition Information Systems Activity (RDAISA); Army Digitization Office (ADO); Acquisition Career Management Office; Contract Support Agency (CSA); Joint Simulations (JSIMS); Leavenworth Support; Management Support Pentagon Support; Training Group.	Orlando, FL; Alexandria, VA; Ft. Belvoir, VA; Falls Church, VA; Pentagon, Arlington, VA; Radford, VA; and all other locations.
AAESA	Program Executive Office (PEO) Air and Missile Defense (See Note 1).	Huntsville, AL; Pentagon, Arlington, VA; and all other locations.
AAESA	Program Executive Office Ammo (See Note 1)	All locations.
AAESA	Program Executive Office Aviation (AVN) (See Note 1).	Huntsville, AL; Pentagon, Arlington, VA; and all other locations.
AAESA	Program Executive Office Chemical/Biological Defense (See Note 1).	All locations.
AAESA	Program Executive Office Command, Control, and Communication Systems (C3S).	Huntsville, AL; El Segundo, CA; Tallahassee, FL; Ft. Wayne, IN; Ft. Leavenworth, KS; Seoul, Korea; Yong San, Korea; Ft. Monmouth, NJ; White Sands Missile Range, NM; Ft. Sill, OK; Ft. Hood, TX; Ft. Bliss, TX; Ft. Belvoir, VA; McLean, VA; Pentagon, Arlington, VA; and all other locations.
AAESA	Program Executive Office CS/CSS (See Note 1)	All locations.
AAESA	Program Executive Office Ground Combat Support Systems (GCSS) (See Note 1).	Picatinny Arsenal, NJ; Warren, MI; Pentagon, Arlington, VA; Washington, DC; and all other locations.
AAESA	Program Executive Officer Intelligence, Electronic Warfare, and Sensors (IEW&S) (See Notes 1 and 2).	Ft. Monmouth, NJ; Ft. Belvoir, VA; and all other locations.
AAESA	Program Executive Office/Program Management (PM) Joint Simulation System (See Note 1).	Orlando, FL; and all other locations.
AAESA	Program Executive Office National Missile Defense Joint Program Office (See Note 1).	All locations.
AAESA	Program Executive Office Soldier (See Note 1)	All locations.
AAESA	Program Executive Office Standard Army Management Information Systems (STAMIS) (See Note 1).	Ft. Knox, KY; Ft. Monmouth, NJ; Ft. Belvoir, VA; Ft. Lee, VA; Ft. Monroe, VA; and all other locations.
AAESA	Program Executive Officer Tactical Missiles (See Note 1).	Huntsville, AL; Pentagon, Arlington, VA; Washington, DC; and all other locations.

TABLE 1—ELIGIBLE ORGANIZATIONS AS OF JULY 1, 2002—Continued

DOD component/DOD component major organizational subdivision	Organization/office symbol	Locations
AAESA	Program Management (PM) Chemical Demilitarization.	Aberdeen Proving Ground, MD; Pentagon, Arlington, VA; Washington, DC; and all locations.
AAESA	Program Management (PM) Joint Program for Biological Defense.	Aberdeen Proving Ground, MD; Ft. Detrick, MD; Ft. Ritchie, MD; Falls Church, VA; and all locations.
Army Materiel Command (AMC)	Headquarters—Acquisition	Alexandria, VA and all locations.
AMC	AMC Headquarters Staff Support Activities	Nahbohnch, Germany; Rock Island, IL; Yong San, Korea; Aberdeen Proving Ground, MD; Alexandria, VA; and all other locations.
AMC	Installations and Services Activity; Intelligence and Technology Security Activity; International Cooperative Program Activity; Logistics Support Activity; Schools of Engineering and Logistics; Separate Reporting Activities; Field Assistance in Science and Technology; Surety Field Activity; Systems Analysis Activity (See Note 2).	All locations.
AMC	Aviation and Missile Command (AMCOM) (See Note 3).	All locations.
AMC	Communications-Electronics Command (CECOM) (See Note 3).	All locations.
AMC	Operations Support Command (See Note 3)	All locations.
AMC	Security Assistance Command (See Note 2)	All locations.
AMC	Simulation, Training, and Instrumentation Command (STRICOM) (See Note 3).	All locations.
AMC	Soldier and Biological Chemical Command (SBCCOM) (See Note 3).	All locations.
AMC	Tank-Automotive and Armaments Command (TACOM) (See Note 3).	All locations.
Headquarters, Department of the Army (HQDA).	Office of the Auditor General; Office Surgeon General; G1; G2; G3; G4; G6; G8.	Pentagon, Arlington, VA.
HQDA	Army Contracting Agency	All locations.
Office of the Assistant Secretary of the Army (Financial Management and Comptroller).	Cost and Economic Analysis Center; SAFM-BUI	Falls Church, VA; Pentagon, Arlington, VA; and all other locations.
Office of the Assistant Secretary of the Army (Acquisition, Logistics, and Technology).	Director of Assessment and Evaluation (SARD-ZD); Deputy Assistant Secretary of the Army for Logistics (SARD-ZL); Deputy Assistant Secretary for Plans/Programs/Policy (SARD-ZR); Deputy Assistant Secretary of the Army for Procurement (SARD-ZP); Deputy Assistant Secretary for Research and Technology (SARD-ZT); Deputy for Systems Management (SARD-ZS); Management Support; SACO and associated offices.	Ft. Belvoir, VA; Falls Church, VA; Pentagon, Arlington, VA; Radford, VA; and all other locations.
Medical Command (MEDCOM)	Healthcare Acquisition Activity, MEDCOM Acquisition Activity.	Augusta, GA; Honolulu, HI; El Paso, TX; San Antonio, TX; Seattle, WA; Walter Reed Army Medical Center, Washington, DC; Landstuhl, Germany.
MEDCOM	Medical Research and Materiel Command (MRMC) (See Note 3).	Ft. Rucker, AL; Natick, MA; Aberdeen Proving Ground, MD; Ft. Detrick, MD; Washington, DC.
MEDCOM	Medical Department Activity	Ft. Greeley, AK; Ft. Richardson, AK; Ft. Wainwright, AK; Ft. Huachuca, AZ; Ft. Carson, CO; Heidelberg, Germany; Ft. Campbell, KY; West Point, NY; Ft. Jackson, SC; Ft. Hood, TX.
MEDCOM	Army Medical Centers	Honolulu, HI; Ft. Bragg, NC; San Antonio, TX; Tacoma, WA; Washington, DC.
MEDCOM	Center for Health Promotion and Preventive Medicine.	Aberdeen Proving Ground, MD.
U.S. Army Eighth Army (EUSA)	Contracting Command Korea/EAKC	Seoul, Korea and all other locations.
EUSA	Troop Command	Seoul, Korea and all other locations.
U.S. Army Test and Evaluation Command (ATEC).	HQ, ATEC	Alexandria, VA.
ATEC	Operational Test Command (OTC)	Ft. Hood, TX and all other locations.
ATEC	Army Evaluation Center (AEC)	Alexandria, VA and all other locations.
ATEC	Developmental Test Command (DTC)	Aberdeen Proving Ground, MD and all other locations.
Headquarters, Department of the Army (HQDA).	Defense Supply Services Washington (DSSW)/Joint-DSSW.	Alexandria, VA; Ft. Belvoir, VA; Falls Church, VA; Washington, DC.
National Guard Bureau (NGB) (See Note 4).	Program Executive Office/Program Management RCAS, NGB-RCS-RA.	Arlington, VA.
Joint Activities	Information Management Support Center	Pentagon, Arlington, VA and all other locations.
Military Traffic Management Command (MTMC).	HQ, MTMC	Alexandria, VA.
MTMC	MTAQ	Falls Church, VA and all other locations.

TABLE 1—ELIGIBLE ORGANIZATIONS AS OF JULY 1, 2002—Continued

DOD component/DOD component major organizational subdivision	Organization/office symbol	Locations
MTMC	PM Global Freight Management System	Alexandria, VA.
MTMC	598th Transportation Terminal Group; 599th Transportation Terminal Group; 836th Transportation Terminal Group Deployment Support Command..	Yokohama, Japan; Rotterdam, Netherlands; Oahu, HI; Fort Eustis, VA; and all other locations.
Space and Missile Defense Command (SMDC).	SMDC (See Note 1)	Huntsville, AL; Kwajalein Atoll, Marshall Islands; Colorado Springs, CO; White Sands Missile Range, NM; Arlington, VA; Fairfax, VA; all other locations.
Training and Doctrine Command (TRADOC).	Headquarters, TRADOC Acquisition Directorate and Small and Disadvantaged Business Utilization Office.	Ft. Monroe, VA.
TRADOC	Directorate of Contracting and TRADOC Contracting Activity.	Ft. Eustis, VA.
TRADOC	Directorate of Contracting and Mission Contracting Activity.	Ft. Leavenworth, KS.
TRADOC	Directorate of Contracting and Mission Contracting Activity.	Ft. Lee, VA.
TRADOC	Directorates of Contracting	McClellan, AL; Rucker, AL; Ft. Huachuca, AZ; Presidio at Monterey, CA; Ft. Benning, GA; Ft. Gordon, GA; Ft. Knox, KY; Ft. Leonard Wood, MO; Ft. Sill, OK; Carlisle Barracks, PA; Ft. Jackson, SC; Ft. Bliss, TX; Ft. Lee, VA.
Corps of Engineers (COE)	Headquarters	Washington, DC.
COE	Regional Headquarters	All locations.
COE	Division, Directorates of Contracting	All locations.
COE	District Contracting Offices	All locations.
COE	Transatlantic Programs Center, Directorate of Contracting.	All locations.
COE	Humphreys Engineering Center Support Activity, Contracting Office.	All locations.
COE	Marine Design Center	All locations.
Intelligence and Security Command	704 Military Brigade, Headquarters and Headquarters Company; 718th Military Group; HQ, U.S. Army (USA) Intelligence Security Command; USA Element National Security Agency (NSA); USA Foreign Counter Intelligence (CI) Activity; USA Land Information Warfare; USA National Ground Intelligence Center (See Note 2).	All locations.
Criminal Investigation Command	Headquarters	Ft. Belvoir, VA and all other locations.
U.S. Army Europe and 7th Army (USAREUR).	Wiesbaden Contracting Center	Wiesbaden, Germany.
USAREUR	USA Contracting Command Europe	Brussels, Belgium; Bad Kreuznach, Germany; Grafenwoehr, Germany; Seckenheim, Germany; Wiesbaden, Germany; Wuerzburg, Germany; Vicenza, Italy; and all other locations.
USAREUR	USA Transportation Management Center	Grafenwoehr, Germany.
USAREUR	Southern European Task Force	Vicenza, Italy.
USAREUR	21st Theater Army Area Command	Kaiserslautern, Germany.
USAREUR	V Corps	Heidelberg, Germany.
USAREUR	7th Army Training Command	Grafenwoehr, Germany.
USAREUR	26th Support Group	Heidelberg, Germany.
Forces Command (FORSCOM)	U.S. Army Garrisons (USAGs)	Ft. Carson, CO; Ft. McPherson, GA; Ft. Stewart, GA; Ft. Riley, KS; Ft. Campbell, KY; Ft. Polk, LA; Ft. Bragg, NC; Ft. Hood, TX; Ft. Dix, NJ; Ft. Drum, NY; Ft. Lewis, WA; Ft. McCoy, WI.
FORSCOM	Reserve Command	All locations.
FORSCOM	Signal Command	Ft. Huachuca, Arizona and all other locations.
FORSCOM	First Army; Third Army; Fifth Army	All locations.
U.S. Military Academy	West Point (See Note 5)	West Point, NY.
Military District of Washington	3rd U.S. Infantry; 12th Aviation Battalion; Army Signal Activity; Arlington National Cemetery; Joint Personal Property Shipping Office; U.S. Army Band; White House Transportation Agency.	All locations.
U.S. Army National Guard Bureau (ANGB).	USPFO Activity (See Note 3)	All locations.
ANGB	State Area Command (See Note 3)	All locations.
Southern Command	U.S. Army Element, Headquarters Southern Command.	Miami, FL and all other locations.
Recruiting Command	USA Recruiting Support Battalions	Fort Knox, KY and all other locations.
Military Entrance Processing Command (MEPCOM).	Headquarters, USA, MEPCOM	North Chicago, IL.

TABLE 1—ELIGIBLE ORGANIZATIONS AS OF JULY 1, 2002—Continued

DOD component/DOD component major organizational subdivision	Organization/office symbol	Locations
Total Army Personnel Command	Information System Agency, Army Reserve Personnel Center.	St. Louis, MO.
U.S. Army Pacific (USARPAC)	HQ, USARPAC; and subordinate command/installations.	All locations.
Office of the Secretary of the Army	Immediate Office of the Secretary of the Army	Pentagon, Arlington, VA and all other locations.
Office of the Secretary of the Army	Office of the Administrative Assistant to the Secretary of the Army.	Pentagon, Arlington, VA and all other locations.
Office of the Secretary of the Army	Office of the Chief of Legislative Liaison	Pentagon, Arlington, VA and all other locations.
Office of the Secretary of the Army	Office of Small and Disadvantaged Business Utilization.	Pentagon, Arlington, VA and all other locations.
Office of the Secretary of the Army	Office of Director, Information Systems for Command Control, Communications, and Computers.	Pentagon, Arlington, VA and all other locations.
Field Operating Offices of the Office of the Secretary of the Army.	Army Broadcasting Service	Alexandria, VA.
Field Operating Offices of the Office of the Secretary of the Army.	Cost and Economic Analysis Agency	Arlington, VA and all other locations.
Field Operating Offices of the Office of the Secretary of the Army.	Army Safety Center	Ft. Rucker, AL and all other locations.
Field Operating Offices of the Office of the Secretary of the Army.	USA War College (See Note 5)	Carlisle Barracks, PA and all other locations.
Field Operating Offices of the Office of the Secretary of the Army.	Communication Electronic Service Office	Alexandria, VA and all other locations.
Special Operations Command	Office of the Acquisition Executive and all associated PEOs and PMs.	All locations.
Joint Activities	Army Visual Information Center	Pentagon, Arlington, VA and all other locations.
Joint Activities	Defense Acquisition University (DAU) (See Note 5)	Ft. Belvoir, VA.

DEPARTMENT OF THE NAVY

Navy

Assistant Secretary of the Navy (Research, Development, and Acquisition).	(ASN(RD&A))	Arlington, VA.
Navy International Program Office (NIPO).	NIPO	Arlington, VA.
Naval Supply Systems Command (NAVSUP).	Fleet and Industrial Supply Center, Puget Sound	Bremerton, WA.
NAVSUP	Fleet and Industrial Supply Center	San Diego, CA.
Naval Sea Systems Command (NAVSEA).	TEAM CX (Surface Ship Directorate (SEA 91), Program Executive Office Aircraft Carriers, and Program Executive Office Expeditionary Warfare).	Arlington, VA.

Marine Corps

Marine Corps Systems Command (MARCORSYSCOM).	Amphibious Vehicle Test Bed (AVTB); Marine Corps Tactical Systems Support Activity (MCTSSA).	Camp Pendleton, CA.
MARCORSYSCOM	Headquarters, Marine Corps Systems Command (MARCORSYSCOM); CSLE; Program Support Section.	Albany, GA; Rock Island, IL; Picatinny Arsenal, NJ; Warren, MI; Quantico, VA.

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense	ATSD (NCB); DIR, Admin; DIR, API; DDR&E; DIR, DP; DSB; DUSD (ES); DUSD (AR); DUSD (AT); DUSD (IA&I); DUSD (I&CP); DUSD (L); DIR, S&TS; DIR, TSE&E; Spec Prog; SADB.	Pentagon, Arlington, VA.
Office of the Under Secretary of Defense for Acquisition, Logistics, and Technology (USD(AT&L)).		
Defense Advanced Research Projects Agency (DARPA).	All (See Note 5)	Arlington, VA.
Defense Logistics Agency	All	All locations.
Missile Defense Agency	All	Arlington, VA.
Defense Contract Management Agency (DCMA).	All	All locations.
Defense Threat Reduction Agency (DTRA).	All	Arlington, VA; Ft. Belvoir, VA.
Defense Information Systems Agency.	PM DISN System Integration Project	Falls Church, VA.

Note 1: Includes all associated PMs and liaison representatives.

Note 2: Excludes Defense Civilian Intelligence Personnel System positions.

Note 3: Excludes positions covered by another demonstration project that is operating or under development within DoD.

Note 4: Only title 5 National Guard Bureau positions are eligible to be included in this demonstration.

Note 5: Excludes Administratively Determined pay plan employees.

TABLE 1A—ELIGIBLE ORGANIZATIONS UPDATED AND APPROVED IN CALENDAR YEAR 2015

DOD component/DOD component major organizational subdivision	Organization/office symbol	Locations
AIR FORCE		
Air Force Materiel Command (AFMC).	Air Armament Complex (AAC)	Eglin AFB, FL and all other locations.
AFMC	Air Force Life Cycle Management Center	All locations.
AFMC	Air Force Test Center (AFTC)	Edwards AFB, CA and all other locations.
AFMC	Air Force Nuclear Weapons Center	Kirtland AFB, NM.
AFMC	Air Force Sustainment Center	All locations.
Air Force Operational Test and Evaluation Center (AFOTEC).	All	Kirtland AFB, NM and all other locations.
Miscellaneous Air Force	Contracting Organizations	All locations.
NAVY		
Naval Sea Systems Command (NAVSEA).	Headquarters, Program Executive Office (PEO) Ships, PEO Subs, PEO LCS, PEO IWS and PEO Carriers.	All locations.
Naval Air Systems Command (NAVAIR).	NAVAIR Headquarters and associated PEO work-force.	All locations.
Space and Naval Warfare Systems Command.	Headquarters and PEOs	All locations.
Strategic Systems Programs (SSP)	SSP	Washington, DC (WNY) and all locations.
DEPARTMENT OF DEFENSE		
Defense Acquisition University (DAU).	Defense Acquisition University (DAU) ¹³	All locations.
Missile Defense Agency (MDA)	All	All locations.
Defense Test Resource Management Center (DTRMC).	All	Arlington, VA.
Washington Headquarters Services (WHS).	Acquisition Directorate	Arlington, VA.
JOINT SERVICES		
U.S. Special Operations Command	Office of the Acquisition Executive and all associated PEOs and PMs.	All locations.
U.S. Transportation Command	Office of the Acquisition Executive and all associated PEOs and PMs.	All locations.

Appendix C

Information as of August 25, 2016

SERIES INCLUDED IN THE DOD ACQUISITION WORKFORCE PERSONNEL DEMONSTRATION PROJECT

Occupational series number	Occupational series title
BUSINESS MANAGEMENT & TECHNICAL MANAGEMENT PROFESSIONAL (NH)	
0011	BOND SALES PROMOTION.
0017	EXPLOSIVES SAFETY.
0018	SAFETY AND OCCUPATIONAL HEALTH MANAGEMENT.
0020	COMMUNITY PLANNING.
0023	OUTDOOR RECREATION PLANNING.
0025	PARK RANGER.
0028	ENVIRONMENTAL PROTECTION SPECIALIST.
0030	SPORTS SPECIALIST.
0050	FUNERAL DIRECTING.
0062	CLOTHING DESIGN.
0072	FINGERPRINT IDENTIFICATION.
0080	SECURITY ADMINISTRATION.
0089	EMERGENCY MANAGEMENT.

¹³Excludes administratively determined pay plan employees.

SERIES INCLUDED IN THE DOD ACQUISITION WORKFORCE PERSONNEL DEMONSTRATION PROJECT—Continued

Occupational series number	Occupational series title
0095	FOREIGN LAW SPECIALIST.
0099	GENERAL STUDENT TRAINEE.
0101	SOCIAL SCIENCE.
0106	UNEMPLOYMENT INSURANCE.
0110	ECONOMIST.
0130	FOREIGN AFFAIRS.
0131	INTERNATIONAL RELATIONS.
0135	FOREIGN AGRICULTURAL AFFAIRS.
0136	INTERNATIONAL COOPERATION.
0140	WORKFORCE RESEARCH AND ANALYSIS.
0142	WORKFORCE DEVELOPMENT.
0150	GEOGRAPHY.
0160	CIVIL RIGHTS ANALYSIS.
0170	HISTORY.
0180	PSYCHOLOGY.
0184	SOCIOLOGY.
0185	SOCIAL WORK.
0188	RECREATION SPECIALIST.
0190	GENERAL ANTHROPOLOGY.
0193	ARCHEOLOGY.
0199	SOCIAL SCIENCE STUDENT TRAINEE.
0201	HUMAN RESOURCES MANAGEMENT.
0241	MEDIATION.
0243	APPRENTICESHIP AND TRAINING.
0244	LABOR MANAGEMENT RELATIONS EXAMINING.
0260	EQUAL EMPLOYMENT OPPORTUNITY.
0299	HUMAN RESOURCES MANAGEMENT STUDENT TRAINEE.
0301	MISCELLANEOUS ADMINISTRATION AND PROGRAM.
0306	GOVERNMENT INFORMATION.
0308	RECORDS AND INFORMATION MANAGEMENT.
0340	PROGRAM MANAGEMENT.
0341	ADMINISTRATIVE OFFICER.
0343	MANAGEMENT AND PROGRAM ANALYSIS.
0346	LOGISTICS MANAGEMENT.
0360	EQUAL OPPORTUNITY COMPLIANCE.
0391	TELECOMMUNICATIONS.
0399	ADMINISTRATION AND OFFICE SUPPORT STUDENT TRAINEE.
0401	GENERAL NATURAL RESOURCES MANAGEMENT AND BIOLOGICAL SCIENCES.
0403	MICROBIOLOGY.
0405	PHARMACOLOGY.
0408	ECOLOGY.
0410	ZOOLOGY.
0413	PHYSIOLOGY.
0414	ENTOMOLOGY.
0415	TOXICOLOGY.
0430	BOTANY.
0434	PLANT PATHOLOGY.
0435	PLANT PHYSIOLOGY.
0437	HORTICULTURE.
0440	GENETICS.
0454	RANGELAND MANAGEMENT.
0457	SOIL CONSERVATION.
0460	FORESTRY.
0470	SOIL SCIENCE.
0471	AGRONOMY.
0480	FISH AND WILDLIFE ADMINISTRATION.
0482	FISH BIOLOGY.
0485	WILDLIFE REFUGE MANAGEMENT.
0486	WILDLIFE BIOLOGY.
0487	ANIMAL SCIENCE.
0499	BIOLOGICAL SCIENCE STUDENT TRAINEE.
0501	FINANCIAL ADMINISTRATION AND PROGRAM.
0505	FINANCIAL MANAGEMENT.
0510	ACCOUNTING.
0511	AUDITING.
0512	INTERNAL REVENUE AGENT.
0526	TAX SPECIALIST.
0560	BUDGET ANALYSIS.
0599	FINANCIAL MANAGEMENT STUDENT TRAINEE.
0601	GENERAL HEALTH SCIENCE.
0602	MEDICAL OFFICER.
0603	PHYSICIAN ASSISTANT.

SERIES INCLUDED IN THE DOD ACQUISITION WORKFORCE PERSONNEL DEMONSTRATION PROJECT—Continued

Occupational series number	Occupational series title
0610	NURSE.
0630	DIETICIAN AND NUTRITIONIST.
0631	OCCUPATIONAL THERAPIST.
0633	PHYSICAL THERAPIST.
0635	KINESIOTHERAPY THERAPIST.
0637	MANUAL ARTS THERAPIST.
0639	EDUCATIONAL THERAPIST.
0644	MEDICAL TECHNOLOGIST.
0660	PHARMACIST.
0662	OPTOMETRIST.
0665	SPEECH PATHOLOGY AND AUDIOLOGY.
0668	PODIATRIST.
0669	MEDICAL RECORDS ADMINISTRATION.
0671	HEALTH SYSTEMS SPECIALIST.
0680	DENTAL OFFICER.
0690	INDUSTRIAL HYGIENE.
0699	MEDICAL AND HEALTH STUDENT TRAINEE.
0701	VETERINARY MEDICAL SCIENCE.
0799	VETERINARY STUDENT TRAINEE.
0801	GENERAL ENGINEERING.
0803	SAFETY ENGINEERING.
0804	FIRE PROTECTION ENGINEERING.
0806	MATERIALS ENGINEERING.
0807	LANDSCAPE ARCHITECTURE.
0808	ARCHITECTURE.
0810	CIVIL ENGINEERING.
0819	ENVIRONMENTAL ENGINEERING.
0830	MECHANICAL ENGINEERING.
0840	NUCLEAR ENGINEERING.
0850	ELECTRICAL ENGINEERING.
0854	COMPUTER ENGINEERING.
0855	ELECTRONICS ENGINEERING.
0858	BIOMEDICAL ENGINEERING.
0861	AEROSPACE ENGINEERING.
0871	NAVAL ARCHITECTURE.
0880	MINING ENGINEERING.
0881	PETROLEUM ENGINEERING.
0890	AGRICULTURAL ENGINEERING.
0893	CHEMICAL ENGINEERING.
0896	INDUSTRIAL ENGINEER.
0899	ENGINEERING AND ARCHITECTURE STUDENT TRAINEE.
0901	GENERAL LEGAL AND KINDRED ADMINISTRATION.
0904	LAW CLERK.
0905	GENERAL ATTORNEY.
0950	PARALEGAL SPECIALIST.
0958	EMPLOYEE BENEFITS LAW.
0965	LAND LAW EXAMINING.
0967	PASSPORT AND VISA EXAMINING.
0987	TAX LAW SPECIALIST.
0991	WORKERS' COMPENSATION CLAIMS EXAMINING.
0993	RAILROAD RETIREMENT CLAIMS EXAMINING.
0996	VETERANS CLAIMS EXAMINING.
0999	LEGAL OCCUPATIONS STUDENT TRAINEE.
1001	GENERAL ARTS AND INFORMATION.
1008	INTERIOR DESIGN.
1010	EXHIBITS SPECIALIST.
1015	MUSEUM CURATOR.
1016	MUSEUM SPECIALIST.
1020	ILLUSTRATOR.
1035	PUBLIC AFFAIRS.
1040	LANGUAGE SPECIALIST.
1056	ART SPECIALIST.
1060	PHOTOGRAPHY.
1071	AUDIOVISUAL PRODUCTION.
1082	WRITING AND EDITING.
1083	TECHNICAL WRITING AND EDITING.
1084	VISUAL INFORMATION.
1099	INFORMATION AND ARTS STUDENT TRAINEE.
1101	GENERAL BUSINESS AND INDUSTRY.
1102	CONTRACTING.
1103	INDUSTRIAL PROPERTY MANAGEMENT.
1104	PROPERTY DISPOSAL.

SERIES INCLUDED IN THE DOD ACQUISITION WORKFORCE PERSONNEL DEMONSTRATION PROJECT—Continued

Occupational series number	Occupational series title
1109	GRANTS MANAGEMENT.
1130	PUBLIC UTILITIES SPECIALIST.
1140	TRADE SPECIALIST.
1144	COMMISSARY MANAGEMENT.
1145	AGRICULTURE PROGRAM SPECIALIST.
1146	AGRICULTURAL MARKETING.
1147	AGRICULTURAL MARKET REPORTING.
1150	INDUSTRIAL SPECIALIST.
1160	FINANCIAL ANALYSIS.
1163	INSURANCE EXAMINING.
1165	LOAN SPECIALIST.
1169	INTERNAL REVENUE OFFICER.
1170	REALTY.
1171	APPRAISING.
1173	HOUSING MANAGEMENT.
1176	BUILDING MANAGEMENT.
1199	BUSINESS AND INDUSTRY STUDENT TRAINEE.
1210	COPYRIGHT.
1220	PATENT ADMINISTRATION.
1221	PATENT ADVISER.
1222	PATENT ATTORNEY.
1223	PATENT CLASSIFYING.
1224	PATENT EXAMINING.
1226	DESIGN PATENT EXAMINING.
1299	COPYRIGHT AND PATENT STUDENT TRAINEE.
1301	GENERAL PHYSICAL SCIENCE.
1306	HEALTH PHYSICS.
1310	PHYSICS.
1313	GEOPHYSICS.
1315	HYDROLOGY.
1320	CHEMISTRY.
1321	METALLURGY.
1330	ASTRONOMY AND SPACE SCIENCE.
1340	METEOROLOGY.
1350	GEOLOGY.
1360	OCEANOGRAPHY.
1370	CARTOGRAPHY.
1372	GEODESY.
1373	LAND SURVEYING.
1380	FOREST PRODUCTS TECHNOLOGY.
1382	FOOD TECHNOLOGY.
1384	TEXTILE TECHNOLOGY.
1386	PHOTOGRAPHIC TECHNOLOGY.
1397	DOCUMENT ANALYSIS.
1399	PHYSICAL SCIENCE STUDENT TRAINEE.
1410	LIBRARIAN.
1412	TECHNICAL INFORMATION SERVICES.
1420	ARCHIVIST.
1499	LIBRARY AND ARCHIVES STUDENT TRAINEE.
1501	GENERAL MATHEMATICS.
1510	ACTUARIAL SCIENCE.
1515	OPERATIONS RESEARCH.
1520	MATHEMATICS.
1529	MATHEMATICAL STATISTICS.
1530	STATISTICS.
1540	CRYPTOGRAPHY.
1541	CRYPTANALYSIS.
1550	COMPUTER SCIENCE.
1599	MATHEMATICS AND STATISTICS STUDENT TRAINEE.
1601	EQUIPMENT, FACILITIES, AND SERVICES.
1630	CEMETARY ADMINISTRATION SERVICES.
1640	FACILITY OPERATIONS SERVICES.
1654	PRINTING SERVICES.
1667	FOOD SERVICES.
1670	EQUIPMENT SERVICES.
1699	EQUIPMENT, FACILITIES, AND SERVICES STUDENT TRAINEE.
1701	GENERAL EDUCATION AND TRAINING.
1702	EDUCATION AND TRAINING.
1710	EDUCATION AND VOCATIONAL TRAINING.
1712	TRAINING INSTRUCTION.
1715	VOCATIONAL REHABILITATION.
1720	EDUCATION PROGRAM.

SERIES INCLUDED IN THE DOD ACQUISITION WORKFORCE PERSONNEL DEMONSTRATION PROJECT—Continued

Occupational series number	Occupational series title
1725	PUBLIC HEALTH EDUCATOR.
1730	EDUCATION RESEARCH.
1740	EDUCATION SERVICES.
1750	INSTRUCTIONAL SYSTEMS.
1799	EDUCATION STUDENT TRAINEE.
1801	GENERAL INSPECTION, INVESTIGATION, ENFORCEMENT, AND COMPLIANCE.
1802	COMPLIANCE INSPECTION AND SUPPORT.
1810	GENERAL INVESTIGATION.
1822	MINE SAFETY AND HEALTH INSPECTION.
1825	AVIATION SAFETY.
1849	WAGE AND HOUR INVESTIGATION.
1862	CONSUMER SAFETY INSPECTION.
1863	FOOD INSPECTION.
1889	IMPORT COMPLIANCE.
1895	CUSTOMS AND BORDER PROTECTION.
1899	INVESTIGATION STUDENT TRAINEE.
1910	QUALITY ASSURANCE.
1980	AGRICULTURAL COMMODITY GRADING.
1999	QUALITY INSPECTION STUDENT TRAINEE.
2001	GENERAL SUPPLY.
2003	SUPPLY PROGRAM MANAGEMENT.
2010	INVENTORY MANAGEMENT.
2030	DISTRIBUTION FACILITIES AND STORAGE MANAGEMENT.
2032	PACKAGING.
2099	SUPPLY STUDENT TRAINEE.
2101	TRANSPORTATION SPECIALIST.
2110	TRANSPORTATION INDUSTRY ANALYSIS.
2121	RAILROAD SAFETY.
2123	MOTOR CARRIER SAFETY.
2125	HIGHWAY SAFETY.
2130	TRAFFIC MANAGEMENT.
2150	TRANSPORTATION OPERATIONS.
2152	AIR TRAFFIC CONTROL.
2161	MARINE CARGO.
2181	AIRCRAFT OPERATIONS.
2183	AIR NAVIGATION.
2199	TRANSPORTATION STUDENT TRAINEE.
2210	INFORMATION TECHNOLOGY MANAGEMENT.
2299	INFORMATION TECHNOLOGY STUDENT TRAINEE

TECHNICAL MANAGEMENT SUPPORT (NJ)

0019	SAFETY TECHNICIAN.
0021	COMMUNITY PLANNING TECHNICIAN.
0102	SOCIAL SCIENCE AID AND TECHNICIAN.
0181	PSYCHOLOGY AID AND TECHNICIAN.
0187	SOCIAL SERVICES.
0332	COMPUTER OPERATION.
0342	SUPPORT SERVICES ADMINISTRATION.
0390	TELECOMMUNICATIONS PROCESSING.
0392	GENERAL TELECOMMUNICATIONS.
0404	BIOLOGICAL SCIENCE TECHNICIAN.
0421	PLANT PROTECTION TECHNICIAN.
0455	RANGE TECHNICIAN.
0458	SOIL CONSERVATION TECHNICIAN.
0459	IRRIGATION SYSTEM OPERATION.
0462	FORESTRY TECHNICIAN.
0592	TAX EXAMINING.
0620	PRACTICAL NURSE.
0621	NURSING ASSISTANT.
0622	MEDICAL SUPPLY AIDE AND TECHNICIAN.
0625	AUTOPSY ASSISTANT.
0646	PATHOLOGY TECHNICIAN.
0647	DIAGNOSTIC RADIOLOGIC TECHNOLOGIST.
0648	THERAPEUTIC RADIOLOGIC TECHNOLOGIST.
0649	MEDICAL INSTRUMENT TECHNICIAN.
0650	MEDICAL TECHNICAL ASSISTANT.
0664	RESTORATION TECHNICIAN.
0667	ORTHOTIST AND PROSTHETIST.
0672	PROSTHETIC REPRESENTATIVE.
0675	MEDICAL RECORDS TECHNICIAN.
0679	MEDICAL SUPPORT ASSISTANCE.

SERIES INCLUDED IN THE DOD ACQUISITION WORKFORCE PERSONNEL DEMONSTRATION PROJECT—Continued

Occupational series number	Occupational series title
0681	DENTAL ASSISTANT.
0698	ENVIRONMENTAL HEALTH TECHNICIAN.
0802	ENGINEERING TECHNICAL.
0809	CONSTRUCTION CONTROL TECHNICAL.
0817	SURVEY TECHNICAL.
0818	ENGINEERING DRAFTING.
0856	ELECTRONICS TECHNICAL.
0873	MARINE SURVEY TECHNICAL.
0895	INDUSTRIAL ENGINEERING TECHNICAL.
0962	CONTACT REPRESENTATIVE.
0963	LEGAL INSTRUMENTS EXAMINING.
0990	GENERAL CLAIMS EXAMINING.
0992	LOSS AND DAMAGE CLAIMS EXAMINING.
0995	DEPENDENT AND ESTATES CLAIMS EXAMINING.
1016	MUSEUM AID AND TECHNICIAN.
1152	PRODUCTION CONTROL.
1202	PATENT TECHNICIAN.
1211	COPYRIGHT TECHNICIAN.
1311	PHYSICAL SCIENCE TECHNICIAN.
1316	HYDROLOGIC TECHNICIAN.
1341	METEOROLOGICAL TECHNICIAN.
1371	CARTOGRAPHIC TECHNICIAN.
1374	GEODETIC TECHNICIAN.
1411	LIBRARY TECHNICIAN.
1421	ARCHIVES TECHNICIAN.
1521	MATHEMATICS TECHNICIAN.
1531	STATISTICAL ASSISTANT.
1658	LAUNDRY OPERATIONS.
1702	EDUCATION AND TRAINING TECHNICIAN.
2005	SUPPLY CLERICAL AND TECHNICIAN.
2185	AIRCREW TECHNICIAN

ADMINISTRATIVE SUPPORT (NK)

0029	ENVIRONMENTAL PROTECTION ASSISTANT.
0085	SECURITY GUARD.
0086	SECURITY CLERICAL AND ASSISTANCE.
0105	SOCIAL INSURANCE ADMINISTRATION.
0107	HEALTH INSURANCE ADMINISTRATION.
0119	ECONOMICS ASSISTANT.
0186	SOCIAL SERVICES AID AND ASSISTANCE.
0189	RECREATION AID AND ASSISTANCE.
0203	HUMAN RESOURCES ASSISTANCE.
0204	MILITARY PERSONNEL CLERICAL AND TECHNICIAN.
0303	MISCELLANEOUS CLERK AND ASSISTANT.
0304	INFORMATION RECEPTIONIST.
0305	MAIL AND FILE.
0309	CORRESPONDENCE CLERK.
0313	WORK UNIT SUPERVISING.
0318	SECRETARY.
0319	CLOSED MICROPHONE REPORTING.
0322	CLERK-TYPIST.
0326	OFFICE AUTOMATION CLERICAL AND ASSISTANCE.
0335	COMPUTER CLERK AND ASSISTANCE.
0344	MANAGEMENT AND PROGRAM CLERICAL AND ASSISTANCE.
0350	EQUIPMENT OPERATOR.
0356	DATA TRANSCRIBER.
0357	CODING.
0361	EQUAL OPPORTUNITY ASSISTANCE.
0382	TELEPHONE OPERATING.
0394	COMMUNICATIONS CLERICAL.
0503	FINANCIAL CLERICAL AND TECHNICIAN.
0525	ACCOUNTING TECHNICIAN.
0530	CASH PROCESSING.
0540	VOUCHER EXAMINING.
0544	CIVILIAN PAY.
0545	MILITARY PAY.
0561	BUDGET CLERICAL AND ASSISTANCE.
0986	LEGAL ASSISTANCE.
0998	CLAIMS ASSISTANCE AND EXAMINING.
1016	MUSEUM AID.
1087	EDITORIAL ASSISTANCE.

SERIES INCLUDED IN THE DOD ACQUISITION WORKFORCE PERSONNEL DEMONSTRATION PROJECT—Continued

Occupational series number	Occupational series title
1105	PURCHASING.
1106	PROCUREMENT CLERICAL AND TECHNICIAN.
1107	PROPERTY DISPOSAL CLERICAL AND TECHNICIAN.
1603	EQUIPMENT, FACILITIES, AND SERVICES ASSISTANCE.
2091	SALES STORE CLERICAL.
2102	TRANSPORTATION CLERK AND ASSISTANT.
2131	FREIGHT RATE.
2135	TRANSPORTATION LOSS AND DAMAGE CLAIMS EXAMINING.
2144	CARGO SCHEDULING.
2151	DISPATCHING.
2154	AIR TRAFFIC ASSISTANCE.

Appendix D**Definitions of Career Paths and Corresponding Broadband Levels****Career Path: Business Management and Technical Management Professional**

Includes professional and management positions in science, engineering, medicine, and business management. These positions often have positive degree requirements.

Level I. Includes student trainees.

Education and employment must be part of a formal student employment program. Specific, clear and detailed instructions and supervision are given. The level of education and experience completed is a major consideration in establishing the level of on-the-job training and work assignments.

Level II. This is the entry or developmental stage, preparing employees for the full and independent performance of their work. Specific, clear, and detailed instructions and supervision are given upon entry; recurring assignments are carried out independently. Conducts successive activities with objectives and priorities identified by supervisor or team leader; assistance given on new or unusual projects or situations. Finished work is reviewed to ensure accuracy and technical soundness.

Level III. This is the advanced developmental/target career level of this career path. Employee plans and carries out assignments independently; conceives and defines solutions to highly complex problems; analyzes, interprets, and reports findings of projects; and guides technical and programmatic work of team members in comparable junior grades. Completed work and reports are reviewed for feasibility, compatibility with other work or effectiveness in meeting requirements or expected results.

Level IV. Professionals at this level are experts within their functional areas; heads of branches or divisions; or key program administrators. Conducts or directs activities or assists higher levels on challenging and innovative program development with only general guidance on policy, resources and planning; develops solutions to highly complex problems requiring various disciplines; responsible for fulfilling program objectives. Results are authoritative and impact programs or the well-being of substantial numbers of people.

Career Path: Technical Management Support

Includes nonprofessional positions that support science and engineering activities through application of various skills in areas such as the following: engineering, physical, chemical, biological, medical, and mathematical sciences.

Level I. This includes trainees who develop technical support knowledge through actual work experience. Performs repetitive tasks using knowledge of standardized procedures and operations. Receives specific, clear and detailed instruction and supervision. Completed work is reviewed for technical soundness.

Level II. Technicians at this level require a practical knowledge of standard procedures in a technical field. Skill in applying knowledge of basic principles, concepts, and methodology of occupational and/or technical methods is required. Carries out prescribed procedures and relies heavily on precedent methods. Work is reviewed for technical adequacy and accuracy, and adherence to instructions.

Level III. This is the advanced developmental level of this career path, requiring extensive training or experience. Work requires some adapting of existing precedents or techniques. Receives outline of objectives desired and description of operating characteristics and theory involved. Completed assignments are reviewed for compliance with instructions, adequacy, judgment, and satisfaction of requirements.

Level IV. Technicians at this level are considered to have professional level knowledge of a specific field. Receives general guidance on overall objectives and resources. Conceives, recommends, and tests new techniques or methods. Completed work is reviewed for overall soundness and compliance with overall project objectives.

Career Path: Administrative Support

Includes clerical, secretarial and assistant work in nonscientific/engineering occupations.

Level I. This entry level, which includes student trainees as well as others with some experience, requires a fundamental knowledge of clerical/administrative field. Developmental assignments may be given which lead to duties at a higher group level. Performs repetitive tasks; specific, clear, and detailed instruction and supervision; with more experience utilizes knowledge of

standardized procedures and operations. Assistance is given on new or unusual projects. Completed work is reviewed for technical soundness.

Level II. This is the journey level that requires knowledge of standardized rules, procedures or operations requiring considerable training. General guidance is received on overall objectives and resources. Completed assignments may be reviewed for overall soundness or meeting expected results.

Level III. This is the senior level that requires knowledge of extensive procedures and operations requiring extensive training. Receives general guidance on overall resources and objectives. Skilled in applying knowledge of basic principles, concepts and methodology of administrative occupation and/or technical methods. Results are accepted as authoritative and normally without significant change.

Appendix E**Classification Level and Appraisal Factors**

AcqDemo has three distinct career paths where AcqDemo occupations with similar characteristics are grouped together to facilitate classification of positions, contribution appraisal assessments, and compensation decisions. The career paths are designated as Business Management and Technical Management Professional, Pay Plan NH; Technical Management Support, Pay Plan NJ; and Administrative Support, Pay Plan NK.

AcqDemo provides definitions for each of the career paths and corresponding broadband levels within them. Classification factors comprised of expected contribution criteria and broadband level descriptors and discriminators, as aligned to the three career paths and broadband levels, will be used for both classification of a position and assessment of an employee's contribution. While the descriptors indicate the level, scope, complexity, and difficulty of the duties and type of contribution appropriate at the upper end of each broadband level, a broadband may actually contain an array of positions with varying levels of work, responsibilities, and value. These attributes range from just above the upper end on the next lower broadband level to an employee's position to the upper end of the employee's position as defined by an organization's position management structure needed to accomplish its mission. This structure in turn

would be used to set the stage for determination of position classification, contribution assessment (Overall Contribution Score (OCS) and performance appraisal), and ultimately compensation decisions.

Descriptors are not to be used individually to determine position classification or assess

contributions, but rather are to be taken as a group to derive a single evaluation of each factor. The three factor evaluations when taken as a whole result in either a classification determination of broadband level for the position or an OCS and performance appraisal for contribution assessment depending on the action being

addressed. The career paths and their associated broadband levels, referenced General Schedule grades, and Overall Contribution Score range are shown in the figure below as a reference tool.

Classification Level and Appraisal Descriptors Reference Tool						
Business Management and Technical Management Professional (NH) Career Path						
Broadband Levels:	I	II		III	IV	Very High Score
Referenced GS Grades:	GS-1 to 4	GS-5 to 11		GS-12 and 13	GS-14 and 15	N/A
OCS ¹⁴ Ranges:	0 – 29	22 – 66		61 – 83	79 -100	105, 110, or 115
Technical Management Support (NJ) Career Path						
Broadband Levels:	I	II	III	IV	Very High Score	
Referenced GS Grades:	GS-1 to 4	GS-5 to 8	GS-9 to 11	GS-12 and 13	N/A	
OCS Ranges:	0 - 29	22 - 51	43 - 66	61 - 83	87, 91, or 95	
Administrative Support (NK) Career Path						
Broadband Levels:	I	II	III	Very High Score		
Referenced GS Grades:	GS-1 to 4	GS-5 to 7	GS-8 to 10	N/A		
OCS Ranges:	0 - 29	22 - 46	38 - 61	64, 67, or 70		

¹⁴ OCS = Overall Contribution Score

CAREER PATH: Business Management and Technical Management (NH)**FACTOR:** 1. Job Achievement and/or Innovation**FACTOR DESCRIPTION:** This factor captures qualifications, critical thinking, calculated risks, problem solving, leadership, supervision, and personal accountability aspects appropriate for the positions classified to the broadband levels of the NII career path.

Expected Contribution Criteria	Classification Level and Appraisal Descriptors	Discriminators
Produces desired results, in the needed timeframe, with the appropriate level of supervision through the use of appropriate knowledge, skills, abilities and understanding of the technical requirements of the job. Achieves, demonstrates and maintains the appropriate qualifications necessary to assume and execute key acquisition and/or support requirements. Demonstrates skilled critical thinking in identifying, analyzing and solving complex issues, as appropriate. Takes and displays personal accountability in leading, overseeing, guiding, and/or managing programs and projects within assigned areas of responsibility. Work is timely, efficient and of acceptable quality. Completed work meets project/program objectives. Leadership and/or supervision effectively promotes commitment to organization goals. Flexibility, adaptability, and decisiveness are exercised appropriately. For Supervisors (as appropriate): Recruits, develops, motivates, and retains quality team members in accordance with EEO/AA and Merit System Principles. Takes timely/appropriate personnel actions, communicates mission and organizational goals; by example, creates a positive, safe, and challenging work environment; distributes work and empowers team members.	NH Level I (Score Range 0 – 29) - Proactively seeks opportunities to contribute to assigned tasks. - Seeks and takes advantage of development opportunities. Takes initiative to pursue completion of qualification requirements. - Effectively accepts feedback on assigned and accomplished work, and incorporates it to create a better end product. - Resolves routine problems within established guidelines. Seeks assistance as required. - Takes initiative in determining and implementing appropriate procedures. - Conducts activities on a collective task; assists supervisor, or other appropriate personnel, as needed.	- Leadership Role - Mentoring/Employee Development - Accountability - Complexity/Difficulty - Creativity - Scope/Impact
	NH Level II (Score Range 22 – 66) - Actively contributes as a team member/leader; provides insight and recommends changes or solutions to problems. - Identifies and pursues individual/team development opportunities. Achieves and maintains qualification and certification requirements. - Proactively guides, coordinates, and consults with others to accomplish projects, assuming ownership of personal processes and products. - Identifies, analyzes, and resolves complex/difficult problems. - Adapts existing plans and techniques to accomplish complex projects/programs. Recommends improvements to the design or operation of systems, equipment, or processes. - Plans and conducts functional technical activities for projects/programs.	- Leadership Role - Mentoring/Employee Development - Accountability - Complexity/Difficulty - Creativity - Scope/Impact
	NH Level III (Score Range 61 – 83) - Considered a functional/technical expert by others in the organization; is regularly sought out by others for advice and assistance. - Pursues or creates certification, qualification, and/or developmental programs and opportunities for self and others. - Guides, motivates, and oversees the activities of individuals and teams with focus on project/ program issues. Assumes ownership of processes and products, as appropriate. - Develops, integrates, and implements solutions to diverse, highly complex problems across multiple areas and disciplines. - Develops plans and techniques to fit new situations to improve overall program and policies. Establishes precedents in application of problem-solving techniques to enhance existing processes. - Defines, directs, or leads highly challenging projects/programs.	- Leadership Role - Mentoring/Employee Development - Accountability - Complexity/Difficulty - Creativity - Scope/Impact
	NH Level IV (Score Range 79 – 100) - Recognized as a technical/functional authority within and outside of the organization. - Fosters the development of others by providing guidance or sharing expertise. Directs assignments to encourage employee development and cross-functional growth to meet organizational needs. Pursues professional self-development. - Leads, defines, manages, and integrates efforts of several groups or teams. Assumes and assigns ownership of processes and products, as appropriate. - Assesses and provides strategic direction for resolution of mission-critical problems, policies, and procedures. - Works with senior management to establish new fundamental concepts and criteria and stimulate the development of new policies, methodologies, and techniques. Converts strategic goals into programs or policies. - Defines, establishes, and directs organizational focus on challenging and highly complex projects/programs.	- Leadership Role - Mentoring/Employee Development - Accountability - Complexity/Difficulty - Creativity - Scope/Impact
	VERY HIGH SCORE (Mid-level Descriptors) (Three scores available--105, 110, or 115. Select only one score.) - In addition to fully meeting the expected contribution criteria: - Contributed results substantially beyond what was expected in the face of extremely difficult obstacles; contributions were exemplary in quality, quantity, and/or impact to the stated expectations for the goals/objectives described in the contribution plan. - Created novel and innovative business methods and processes that contributed substantially beyond expectations to accomplishment of current work and the mission of the organization.	

	▪ Demonstrated the highest standards of professionalism establishing the model for others to follow. Accomplishments and outcomes were of such magnitude that they contributed to the extraordinary success of the organization in exceeding its mission goals and objectives for the year.
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CAREER PATH: Business Management and Technical Management (NH)

FACTOR: 2. Communication and/or Teamwork

FACTOR DESCRIPTION: This factor captures communication, both verbal and written; interactions with customers, coworkers, and groups; and assignments crossing functional boundaries appropriate for the positions classified to the broadband levels of the NH career path.

Expected Contribution Criteria	Classification Level and Appraisal Descriptors	Discriminators
Effectively communicates, verbally and in writing, as needed to coordinate work and keep chain-of-command, coworkers and customers informed of work-related issues, developments and statuses. Actively seeks and promotes diverse ideas and inputs. Works well with and in groups, and with others to accomplish mission requirements. Work is timely, efficient, and of acceptable quality. Communications are clear, concise, and at the appropriate level. Personal and organizational interactions exhibit and foster teamwork. Flexibility, adaptability, and decisiveness are exercised appropriately.	NH Level I (Score Range 0 – 29) • Clearly explains status/results of assigned tasks. • Provides timely data and written analyses for input to management/technical reports or contractual documents. • Contributes ideas in own area of expertise. Interacts cooperatively with others. • Routinely completes assignments, as required, in support of team goals.	• Oral • Written • Contribution to Team • Effectiveness
	NH Level II (Score Range 22 – 66) • Presents informational briefings. • Writes, or is a major contributor to, management/technical reports or contractual documents. • Uses varied approaches to resolve or collaborate on projects/programs issues. Facilitates cooperative interactions with others. • Guides/supports others in executing team assignments. Proactively functions as an integral part of the team.	• Oral • Written • Contribution to Team • Effectiveness
	NH Level III (Score Range 61 – 83) • Presents briefings to obtain consensus/approval. • Reviews and approves, or is a major contributor to/ lead author of, management reports or contractual documents for external distribution. Provides inputs to policies. • Introduces and/or implements innovative approaches to resolve unusual/difficult issues significantly impacting important policies or programs. Promotes and maintains environment of cooperation and teamwork. • Leads and guides others in formulating and executing team plans. Sought by team members to contribute to teaming effort.	• Oral • Written • Contribution to Team • Effectiveness
	NH Level IV (Score Range 79 – 100) • Presents organizational briefings to convey strategic vision or organizational policies. • Prepares, reviews, and approves major reports or policies of organization for internal and external distribution. Resolves diverse viewpoints/controversial issues. • Solves broad organizational issues. Implements strategic plans within and across organizational components. Ensures a cooperative teamwork environment. • Leads/guides workforce in achieving organizational goals. Participates on high-level teams. Is sought out for solutions and/or strategies.	• Oral • Written • Contribution to Team • Effectiveness
	VERY HIGH SCORE (Mid-level Descriptors) (Three scores available--105, 110, or 115. Select one of these scores.) ▪ In addition to fully meeting the expected contribution criteria: ▪ Contributed results substantially beyond what was expected in the face of extremely difficult obstacles; contributions were exemplary in quality, quantity, and/or impact to the stated expectations for the goals/objectives described in the contribution plan; ▪ Created novel and innovative business methods and processes that contributed substantially beyond expectations to accomplishment of current work and the mission of the organization; and/or ▪ Demonstrated the highest standards of professionalism establishing the model for others to follow. Accomplishments and outcomes were of such magnitude that they contributed to the extraordinary success of the organization in exceeding its mission goals and objectives for the year.	

CAREER PATH: Business Management and Technical Management (NH)

FACTOR: 3. Mission Support

FACTOR DESCRIPTION: This factor captures understanding and execution of organizational goals and priorities; working with customers to develop a mutual understanding of their requirements; monitoring and influencing cost parameters of work, tasks, and projects; and establishing priorities that reflect mission and organizational goals appropriate for the positions classified to the broadband levels of the NH career path.

Expected Contribution Criteria	Classification Level and Appraisal Descriptors	Discriminators
Possesses an operational understanding of organizational goals and priorities and fully complies with administrative policies, regulations and procedures when performing job operations. Works with customers to develop a mutual understanding of their requirements. Probes for detail, as appropriate, and pays attention to crucial details of needs or requests. Monitors and influences cost parameters of work, tasks and projects, ensuring an optimum balance between cost and value. Establishes priorities that reflect mission and organizational needs. Work is timely, efficient, and of acceptable quality. Completed work meets project/program objectives. Personal and organizational interactions enhance customer relations and actively promote rapport with customers. Resources are utilized effectively to accomplish mission. Flexibility, adaptability, and decisiveness are exercised appropriately.	NH Level I (Score Range 0 – 29) • Performs assigned tasks within area of responsibility; identifies situations to supervisor or other appropriate personnel when existing guidelines do not apply. • Participates as a team member in meeting customer needs. • Productively plans individual time and assigned resources to accomplish tasks. • Effectively accomplishes assigned tasks.	• Independence • Customer Needs • Planning/Budgeting • Execution/Efficiency
	NH Level II (Score Range 22 – 66) • Identifies and resolves conventional problems which may require deviations from accepted policies or instructions. • Initiates meetings and interactions with customers to understand customer needs/expectations. • Optimizes resources to accomplish projects/programs within established schedules. • Effectively accomplishes projects'/programs' goals within established resource guidelines.	• Independence • Customer Needs • Planning/Budgeting • Execution/Efficiency
	NH Level III (Score Range 61 – 83) • Anticipates problems, develops sound solutions and action plans to ensure program/mission accomplishment. • Establishes customer alliances, anticipates and fulfills customer needs, and translates customer needs to programs/projects. • Identifies and optimizes resources to accomplish multiple projects'/programs' goals. • Effectively accomplishes multiple projects'/programs' goals within established guidelines.	• Independence • Customer Needs • Planning/Budgeting • Execution/Efficiency
	NH Level IV (Score Range 79 – 100) • Defines, integrates, and implements strategic direction for vital programs with long-term impact on large numbers of people. Initiates actions to resolve major organizational issues. Promulgates innovative solutions and methodologies. • Assess and promulgate, fiscal, and other factors affecting customer and program/project needs. Works with customer at management levels to resolve problems affecting programs/projects (e.g., problems that involve determining priorities and resolving conflicts among customers' requirements). • Formulates organizational strategies, tactics, and budget/action plan to acquire and allocate resources. • Optimizes, controls, and manages all resources across projects/programs. Develops and integrates innovative approaches to attain goals and minimize expenditures.	• Independence • Customer Needs • Planning/Budgeting • Execution/Efficiency
	VERY HIGH SCORE (Mid-level Descriptors) (Three scores available--105, 110, or 115. Select one of these scores.) ▪ In addition to fully meeting the expected contribution criteria: ▪ Contributed results substantially beyond what was expected in the face of extremely difficult obstacles; contributions were exemplary in quality, quantity, and/or impact to the stated expectations for the goals/objectives described in the contribution plan; ▪ Created novel and innovative business methods and processes that contributed substantially beyond expectations to accomplishment of current work and the mission of the organization; and/or ▪ Demonstrated the highest standards of professionalism establishing the model for others to follow. Accomplishments and outcomes were of such magnitude that they contributed to the extraordinary success of the organization in exceeding its mission goals and objectives for the year.	

CAREER PATH: Technical Management Support (NJ)**FACTOR: 1. Job Achievement and/or Innovation**

FACTOR DESCRIPTION: This factor captures qualifications, critical thinking, calculated risks, problem solving, leadership, supervision, and personal accountability aspects appropriate for the positions classified to the broadband levels of the NJ career path.

Expected Contribution Criteria	Classification Level and Appraisal Descriptors	Discriminators
Produces desired results, in the needed timeframe, with the appropriate level of supervision through the use of appropriate knowledge, skills, abilities and understanding of the technical requirements of the job. Achieves, demonstrates and maintains the appropriate qualifications necessary to assume and execute key acquisition and/or support requirements. Demonstrates skilled critical thinking in identifying, analyzing and solving complex issues, as appropriate. Takes and displays personal accountability in leading, overseeing, guiding, and/or managing programs and projects within assigned areas of responsibility. Work is timely, efficient and of acceptable quality. Completed work meets project/program objectives. Leadership and/or supervision effectively promotes commitment to organization goals. Flexibility, adaptability, and decisiveness are exercised appropriately. For Supervisors (as appropriate): Recruits, develops, motivates, and retains quality team members in accordance with EEO/AA and Merit System Principles. Takes timely/appropriate personnel actions, communicates mission and organizational goals; by example, creates a positive, safe, and challenging work environment; distributes work and empowers team members.	NJ Level I (Score Range 0 – 29) - Proactively seeks opportunities to contribute to assigned tasks. Asks for assistance as appropriate. - Seeks and takes advantage of developmental opportunities. Takes initiative to pursue completion of qualification requirements. - Effectively accepts feedback on assigned and accomplished work, and incorporates it to create a better end product. - Resolves routine problems within established guidelines. - Takes initiative in selecting and implementing appropriate procedures. - Performs activities on a task; assists supervisor or other appropriate personnel.	- Leadership Role - Mentoring/Employee Development - Accountability - Complexity/Difficulty - Creativity - Scope/Impact
	NJ Level II (Score Range 22 – 51) - Actively contributes as team member; takes initiative to accomplish assigned projects. - Identifies and pursues individual/team developmental opportunities. - Consults and coordinates with others to complete projects within established guidelines, assuming ownership of personal processes and products. - Identifies and resolves non-routine technical problems utilizing established patterns or methods. - Adapts existing plans and techniques to fit new situations. - Plans and conducts technical activities for projects.	- Leadership Role - Mentoring/Employee Development - Accountability - Complexity/Difficulty - Creativity - Scope/Impact
	NJ Level III (Score Range 43 – 66) - Actively contributes as team member or leader. Recognized for functional/technical expertise. - Promotes developmental opportunities for self and team. Advises others to seek specific training. - Guides, motivates, and oversees others in accomplishing projects/programs. Assumes ownership of processes and products, as appropriate. - Develops, integrates, and implements solutions to complex problems on projects/programs. - Develops plans and techniques to fit new situations. - Plans and conducts challenging and difficult technical activities for projects/programs.	- Leadership Role - Mentoring/Employee Development - Accountability - Complexity/Difficulty - Creativity - Scope/Impact
	NJ Level IV (Score Range 61 – 83) - Provides guidance to individuals/teams; resolves conflicts. Serves as subject matter expert. - Directs assignments to encourage employee development and cross-technical/functional growth to meet organizational needs. Pursues self-development. - Guides, motivates, and oversees multiple complex projects/programs. Assumes and assigns ownership of processes and products, as appropriate. - Develops, integrates/implements solutions to diverse, complex problems which may cross multiple projects/programs or functional/technical areas. - Develops concepts and techniques to address new situations or challenges, and/or to address issues that cross technical/ functional areas. - Identifies and resolves complex problems that may cross functional/technical boundaries and promulgates solutions.	- Leadership Role - Mentoring/Employee Development - Accountability - Complexity/Difficulty - Creativity - Scope/Impact
	VERY HIGH SCORE (Mid-level Descriptors) (Three scores available—87, 91, or 95. Select only one score.) - In addition to fully meeting the expected contribution criteria: - Achieved outcomes and results that are far superior in quality, quantity, timeliness and impact to the expectations described in the Contribution Plan for Level IV accomplishments; - Persisted in overcoming obstacles and putting forth extra effort to accomplish difficult assignments with contributed results significantly beyond expectations; - Contributions to successful organizational performance are well beyond what is expected; and/or	

	▪ Demonstrated the highest standards of professionalism establishing the model for others to follow.
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CAREER PATH: Technical Management Support (NJ)**FACTOR: 2. Communication and/or Teamwork**

FACTOR DESCRIPTION: This factor captures communication, both verbal and written; interactions with customers, coworkers, and groups; and assignments crossing functional boundaries appropriate for the positions classified to the broadband levels of the NJ career path.

Expected Contribution Criteria	Classification Level and Appraisal Descriptors	Discriminators
Effectively communicates, verbally and in writing, as needed to coordinate work and keep chain-of-command, coworkers and customers informed of work-related issues, developments and statuses. Actively seeks and promotes diverse ideas and inputs. Works well with and in groups, and with others to accomplish mission requirements. Work is timely, efficient, and of acceptable quality. Communications are clear, concise, and at the appropriate level. Personal and organizational interactions exhibit and foster teamwork. Flexibility, adaptability, and decisiveness are exercised appropriately.	NJ Level I (Score Range 0 – 29) • Explains status/results of assigned tasks. • Provides data and accurate draft documentation of assigned tasks for input to reports or documents. • Contributes ideas in own area of expertise. Interacts cooperatively with others. • Regularly completes assignments in support of team goals.	• Oral • Written • Contribution to Team • Effectiveness
	NJ Level II (Score Range 22 – 51) • Communicates individual and group/team results. • Writes segments of management/technical reports or documents. • Contributes ideas in own area of expertise. Facilitates cooperative interactions with others. • Supports others in executing team assignments. Proactively functions as an integral part of the team.	• Oral • Written • Contribution to Team • Effectiveness
	NJ Level III (Score Range 43 – 66) • Presents projects/programs briefings. • Consolidates input and writes management/technical reports/documents for projects/programs. • Guides others to resolve or collaborate on complex projects/programs issues. Promotes cooperative interactions with others. • Integrates technical expertise and guides activities to support team accomplishment.	• Oral • Written • Contribution to Team • Effectiveness
	NJ Level IV (Score Range 61 – 83) • Presents projects/programs briefings to obtain consensus/approval. Represents the organization as technical subject matter expert. • Prepares, reviews, and approves management/technical reports for internal and external distribution. • Applies innovative approaches to resolve unusual/difficult technical/management issues. Promotes and maintains environment for cooperation and teamwork. • Leads and guides others in formulating and executing team plans. Expertise is sought by others.	• Oral • Written • Contribution to Team • Effectiveness
	VERY HIGH SCORE (Mid-level Descriptors) (Three scores available—87, 91, or 95. Select one of these scores.) • In addition to fully meeting the expected contribution criteria: ▪ Achieved outcomes and results that are far superior in quality, quantity, timeliness and impact to the expectations described in the Contribution Plan for Level IV accomplishments; ▪ Persisted in overcoming obstacles and putting forth extra effort to accomplish difficult assignments with contributed results significantly beyond expectations; ▪ Contributions to successful organizational performance are well beyond what is expected; and/or ▪ Demonstrated the highest standards of professionalism establishing the model for others to follow.	

CAREER PATH: Technical Management Support (NJ)**FACTOR:** 3. Mission Support

FACTOR DESCRIPTION: This factor captures understanding and execution of organizational goals and priorities; working with customers to develop a mutual understanding of their requirements; monitoring and influencing cost parameters or work, tasks, and projects; and establishing priorities that reflect mission and organizational goals appropriate for the positions classified to the broadband levels of the NJ career path.

Expected Contribution Criteria	Classification Level and Appraisal Descriptors	Discriminators
Possesses an operational understanding of organizational goals and priorities and fully complies with administrative policies, regulations and procedures when performing job operations. Works with customers to develop a mutual understanding of their requirements. Probes for detail, as appropriate, and pays attention to crucial details of needs or requests. Monitors and influences cost parameters of work, tasks and projects, ensuring an optimum balance between cost and value. Establishes priorities that reflect mission and organizational needs. Work is timely, efficient, and of acceptable quality. Completed work meets project/program objectives. Personal and organizational interactions enhance customer relations and actively promote rapport with customers. Resources are utilized effectively to accomplish mission. Flexibility, adaptability, and decisiveness are exercised appropriately.	NJ Level I (Score Range 0 – 29) • Works with others in solving problems with appropriate guidance. • Participates as a team member in meeting customer needs. • Plans individual time to accomplish tasks. • Effectively accomplishes assigned tasks with appropriate guidance.	• Independence • Customer Needs • Planning/Budgeting • Execution/Efficiency
	NJ Level II (Score Range 22 – 51) • Identifies and resolves problems; adapts accepted policies, procedures, or methods with moderate guidance. • Interacts with customers to respond to customer needs/expectations. • Plans resources to achieve task schedules. • Accomplishes assigned tasks.	• Independence • Customer Needs • Planning/Budgeting • Execution/Efficiency
	NJ Level III (Score Range 43 – 66) • Identifies problems; develops solutions and action plans with minimal guidance. • Initiates meetings and interactions with customers to understand customer needs/expectations. • Optimizes resources to accomplish projects within established milestones. • Effectively accomplishes projects/programs within established resource guidelines.	• Independence • Customer Needs • Planning/Budgeting • Execution/Efficiency
	NJ Level IV (Score Range 61 – 83) • Resolves and coordinates technical problems involving multiple projects/programs. • Establishes customer alliances; anticipates and fulfills customer needs and translates customer needs to projects/programs. Organizes and leads customer interactions. • Identifies and optimizes resources to accomplish multiple projects/programs goals. • Effectively accomplishes multiple projects'/programs' goals within established thresholds. Develops innovative approaches to attain goals and minimize resource expenditures.	• Independence • Customer Needs • Planning/Budgeting • Execution/Efficiency
	VERY HIGH SCORE (Mid-level Descriptors) (Three scores available--87, 91, or 95. Select one of these scores.) • In addition to fully meeting the expected contribution criteria: ▪ Achieved outcomes and results that are far superior in quality, quantity, timeliness and impact to the expectations described in the Contribution Plan for Level IV accomplishments; ▪ Persisted in overcoming obstacles and putting forth extra effort to accomplish difficult assignments with contributed results significantly beyond expectations; ▪ Contributions to successful organizational performance are well beyond what is expected; and/or ▪ Demonstrated the highest standards of professionalism establishing the model for others to follow.	

CAREER PATH: Administrative Support (NK)**FACTOR:** 1. Job Achievement and/or Innovation

FACTOR DESCRIPTION: This factor captures qualifications, critical thinking, calculated risks, problem solving, leadership, supervision, and personal accountability aspects appropriate for the positions classified to the broadband levels of the NK career path.

Expected Contribution Criteria	Classification Level and Appraisal Descriptors	Discriminators
Produces desired results, in the needed timeframe, with the appropriate level of supervision through the use of appropriate knowledge, skills, abilities and understanding of the technical requirements of the job. Achieves, demonstrates and maintains the appropriate qualifications necessary to assume and execute key acquisition and/or support requirements. Demonstrates skilled critical thinking in identifying, analyzing and solving complex issues, as appropriate. Takes and displays personal accountability in leading, overseeing, guiding, and/or managing programs and projects within assigned areas of responsibility. Work is timely, efficient and of acceptable quality. Completed work meets project/program objectives. Leadership and/or supervision effectively promotes commitment to organization goals. Flexibility, adaptability, and decisiveness are exercised appropriately. For Supervisors (as appropriate): Recruits, develops, motivates, and retains quality team members in accordance with EEO/AA and Merit System Principles. Takes timely/appropriate personnel actions, communicates mission and organizational goals; by example, creates a positive, safe, and challenging work environment; distributes work and empowers team members.	NK Level I (Score Range 0 – 29) - Proactively seeks opportunities to contribute to assigned tasks. Asks for assistance as appropriate. - Seeks and takes advantage of developmental opportunities. Takes initiative to pursue completion of qualification requirements. - Effectively accepts feedback on assigned and accomplished work, and incorporates it to create a better end product. - Applies standard rules, procedures, or operations to resolve routine problems. - Takes initiative in selecting and implementing appropriate procedures. - Conducts activities on a segment of a task. Assists supervisor or other appropriate personnel.	- Leadership Role - Mentoring/Employee Development - Accountability - Complexity/Difficulty - Creativity - Scope/Impact
	NK Level II (Score Range 22 – 46) - Actively contributes as team member; takes initiative to accomplish assigned projects. - Identifies and pursues individual/team developmental opportunities. - Guides others in accomplishing projects, assuming ownership of personal processes and products. - Develops, modifies, and/or applies rules, procedures, or operations to resolve problems of moderate complexity/difficulty. - Identifies and adapts guidance for new or unusual situations. - Plans and conducts administrative activities for projects.	- Leadership Role - Mentoring/Employee Development - Accountability - Complexity/Difficulty - Creativity - Scope/Impact
	NK Level III (Score Range 38 – 61) - Provides guidance to individuals/teams; resolves conflicts. Expertise solicited by others. - Promotes individual/team development; leads development of training programs for self and others. - Guides and accounts for results or activities of individuals, teams, or projects. Assumes ownership of processes and products, as appropriate. - Develops rules, procedures, or operations for complex/difficult organizational tasks. - Identifies issues requiring new procedures and develops appropriate guidelines. - Plans and conducts complex administrative activities.	- Leadership Role - Mentoring/Employee Development - Accountability - Complexity/Difficulty - Creativity - Scope/Impact
	VERY HIGH SCORE (Mid-level Descriptors) (Three scores available—64, 67, or 70. Select only one score.) - In addition to fully meeting the expected contribution criteria: - Achieved outcomes and results that are far superior in quality, quantity, timeliness and impact to the expectations described in the Contribution Plan for Level III accomplishments; - Persisted in overcoming obstacles and putting forth extra effort to accomplish difficult assignments with contributed results significantly beyond expectations; - Contributions to successful organizational performance are well beyond what is expected; and/or - Demonstrated the highest standards of professionalism establishing the model for others to follow.	

CAREER PATH: Administrative Support (NK)

FACTOR: 2. Communication and/or Teamwork

FACTOR DESCRIPTION: This factor captures communication, both verbal and written; interactions with customers, coworkers, and groups; and assignments crossing functional boundaries appropriate for the positions classified to the broadband levels of the NK career path.

Expected Contribution Criteria	Classification Level and Appraisal Descriptors	Discriminators
Effectively communicates, verbally and in writing, as needed to coordinate work and keep chain-of-command, coworkers and customers informed of work-related issues, developments and statuses. Actively seeks and promotes diverse ideas and inputs. Works well with and in groups, and with others to accomplish mission requirements. Work is timely, efficient, and of acceptable quality. Communications are clear, concise, and at the appropriate level. Personal and organizational interactions exhibit and foster teamwork. Flexibility, adaptability, and decisiveness are exercised appropriately.	NK Level I (Score Range 0 – 29) - Explains status/results of assigned tasks. - Writes timely and accurate draft documentation. - Contributes ideas on routine procedures. Interacts cooperatively with others. - Regularly completes tasks in support of team goals.	- Oral - Written - Contribution to Team - Effectiveness
	NK Level II (Score Range 22 – 46) - Communicates/presents internal administrative/functional procedures and tasks internally and externally. - Prepares, coordinates, and consolidates documents, reports, or briefings. - Resolves administrative problems; facilitates cooperative interactions with others. - Guides others and coordinates activities in support of team goals. Proactively functions as an integral part of the team.	- Oral - Written - Contribution to Team - Effectiveness
	NK Level III (Score Range 38 – 61) - Explains and/or communicates administrative/functional procedures at all levels. - Prepares, reviews, and/or approves documents, reports, or briefings. - Promotes and maintains environment for cooperation/teamwork. Sets tone for internal/external cooperation. - Leads and guides others in formulating and executing plans in support of team goals.	- Oral - Written - Contribution to Team - Effectiveness
	VERY HIGH SCORE (Mid-level Descriptors) (Three scores available—64, 67, or 70. Select one of these scores.) - In addition to fully meeting the expected contribution criteria: - Achieved outcomes and results that are far superior in quality, quantity, timeliness and impact to the expectations described in the Contribution Plan for Level III accomplishments; - Persisted in overcoming obstacles and putting forth extra effort to accomplish difficult assignments with contributed results significantly beyond expectations; - Contributions to successful organizational performance are well beyond what is expected; and/or - Demonstrated the highest standards of professionalism establishing the model for others to follow.	

CAREER PATH: Administrative Support (NK)**FACTOR:** 3. Mission Support

FACTOR DESCRIPTION: This factor captures understanding and execution of organizational goals and priorities; working with customers to develop a mutual understanding of their requirements; monitoring and influencing cost parameters or work, tasks, and projects; and establishing priorities that reflect mission and organizational goals appropriate for the positions classified to the broadband levels of the NK career path.

Expected Contribution Criteria	Classification Level and Appraisal Descriptors	Discriminators
Possesses an operational understanding of organizational goals and priorities and fully complies with administrative policies, regulations and procedures when performing job operations. Works with customers to develop a mutual understanding of their requirements. Probes for detail, as appropriate, and pays attention to crucial details of needs or requests. Monitors and influences cost parameters of work, tasks and projects, ensuring an optimum balance between cost and value. Establishes priorities that reflect mission and organizational needs. Work is timely, efficient, and of acceptable quality. Completed work meets project/program objectives. Personal and organizational interactions enhance customer relations and actively promote rapport with customers. Resources are utilized effectively to accomplish mission. Flexibility, adaptability, and decisiveness are exercised appropriately.	NK Level I (Score Range 0 – 29) • Carries out routine tasks. • Meets routine customer needs. • Plans individual time and assigned resources to accomplish tasks. • Effectively accomplishes assigned tasks.	• Independence • Customer Needs • Planning/Budgeting • Execution/Efficiency
	NK Level II (Score Range 22 – 46) • Plans and executes assignments; resolves problems and handles deviations. • Independently interacts with customers to understand customer needs/expectations. • Plans resources to achieve project schedules. • Effectively accomplishes projects within established resource guidelines.	• Independence • Customer Needs • Planning/Budgeting • Execution/Efficiency
	NK Level III (Score Range 38 – 61) • Identifies issues and determines approaches and methods to accomplish tasks. Initiates effective actions and resolves related conflicts. • Establishes customer alliances and translates needs to customer service. • Coordinates resources across projects. • Optimizes resource utilization across projects.	• Independence • Customer Needs • Planning/Budgeting • Execution/Efficiency
	VERY HIGH SCORE (Mid-level Descriptors) (Three scores available--64, 67, or 70. Select one of these scores.) • In addition to fully meeting the expected contribution criteria: ▪ Achieved outcomes and results that are far superior in quality, quantity, timeliness, and impact to the expectations described in the Contribution Plan for Level III accomplishments; ▪ Persisted in overcoming obstacles and putting forth extra effort to accomplish difficult assignments with contributed results significantly beyond expectations; ▪ Contributions to successful organizational performance are well beyond what is expected; and/or ▪ Demonstrated the highest standards of professionalism establishing the model for others to follow.	

Appendix F

Intervention Impact Evaluation Model

Intervention	Expected effects	Measures	Data sources
1. COMPENSATION			
a. Broadbanding	Increased organizational flexibility, i.e., simplified assignment, pay setting. Reduced administrative workload, paper work reduction.	Perceived flexibility	• Attitude survey. • Focus groups.
b. Maximum Broadband Level	Higher starting basic pay	Actual/perceived time savings	Personnel office data, program management evaluation (PME) results, attitude survey. Workforce data.
c. Accelerated Compensation for Developmental Positions.	More gradual basic pay progression at entry levels. Increased basic pay potential	Starting basic pay of banded v. non-banded employees. Progression of new hires over time by broadband, career path, scores, deltas. • Mean salaries by broadband, career path and demographics. • Total payroll costs	Workforce data. • Workforce data. • Personnel office data.
d. Student Intern Relocation Incentive.	Increased satisfaction with advancement. Increased basic pay satisfaction .. Improved recruitment of interns and recent graduates. Greater ability to hire students attending colleges in different geographical locations. Elevated quality of hires	Employee perceptions of advancement. Basic pay satisfaction, internal/external equity. Offer, acceptance, declination, retention ratios. • Offer/acceptance ratios • Percent declinations	Attitude survey. Personnel office data. Personnel office data.
e. Conversion Buy-ins	Employee acceptance	• Perceived quality of candidates/hire, i.e., experience, skills, education. • First offer accepted • Grade point averages • Educational levels • Employee perceptions of equity, fairness. • Cost as a percent of payroll • Perceived motivational power ...	• Attitude survey, focus groups, selecting official interviews. • Personnel office data. • Personnel office data. • Personnel office data. • Attitude survey.
f. Supervisory and Team Leader Cash Differentials.	• Increased incentive to accept supervisory or team leader positions. • Improved recruitment and retention of supervisors and team leaders. • Flatter organization • Improved quality of supervisory staff.	• Offer, acceptance, retention ratios. • Supervisory/non-supervisory ratios. • Employee perceptions of quality of supervisory and team leader staff.	• Workforce data. • Attitude survey. • Personnel office data. • Workforce data. • Attitude survey, focus groups.
2. CONTRIBUTION/PERFORMANCE MANAGEMENT			
a. AcqDemo Contribution Rating Awards; Title 5 Special Act Awards, Honorary Awards, and Other Title 5 Awards, e.g., Time-Off.	Reward/motivate contribution	Perceived motivational power	Attitude survey.
	To support fair and appropriate distribution of awards.	• Amount and number of awards by type, demographics. • Perceived fairness of awards ... • Satisfaction with monetary and non-monetary awards.	• Workforce data. • Attitude survey. • Attitude survey.
b.	Increased basic pay/contribution-performance link. Improved contribution/performance feedback.	• Perceived basic pay/contribution-performance link. • Perceived fairness of scoring ... • Satisfaction with scoring • Employee trust in supervisors/pay pool panels. • Adequacy of contribution/performance feedback.	• Attitude survey. • Attitude survey. • Attitude survey. • Attitude survey. • Attitude survey.

Intervention	Expected effects	Measures	Data sources
c. New Appraisal Process: Contribution-based Compensation and Appraisal System (CCAS).	Decreased turnover of employees scoring in normal or undercompensated categories/Increased turnover of employees scoring in overcompensated category. Alignment of organizational and individual contribution expectations, objectives, and results. Increased employee involvement in contribution planning and assessment. Reduce administrative burden	Turnover by integrated pay schedule compensation categories. Linkage of contribution expectations and objectives to strategic plans' goals. • Perceived involvement • Contribution management	Workforce data. • Contribution plans. • Strategic Plans. • Attitude survey/focus groups. • Personnel/Demo regulations.
d. Contribution Plan Development	Improved communication Better communication of contribution expectations, performance requirements, and objectives. Improved satisfaction and quality of workforce.	Employee and supervisor perceptions of revised procedures. Perceived fairness of process Feedback and coaching procedures used. Perceived workforce quality	Attitude survey. Focus groups. • Focus groups. • Personnel office data. • Attitude survey. • Focus groups.

3. POSITION CLASSIFICATION

a. Improved Classification System with Generic Standards.	Reduction in amount of time and paperwork spent on classification. Simplified, automated classification applications and procedures. Ease of Use	• Time spent on classification procedures. • Reduction of paperwork/number of personnel actions (classification—promotion, change to lower broadband level). • Adaptable to changes; number of system change requests. • Ready access; number and length of down times. • Easy to use; number of user inquiries. • Factors, descriptors, and discriminators easy to decipher and apply to various positions at different organizational levels. • Perception of managers, supervisors, administrative personnel, and HR specialists of time savings, ease of use. • Number of employee classification appeals. Perceived authority	• Personnel office data. • Personnel office data. • Personnel office data. • Focus groups, surveys. • Personnel office data. • AcqDemo Program Office data. • Attitude survey. • Focus groups. • Attitude survey. • Focus groups. • Personnel office data.
b. Delegation of Classification Authority.	Increased supervisory authority and accountability. Decreased conflict between management and human resources staff. No negative impact on internal pay equity.	Perceived authority • Number of classification disputes/appeals pre- and post-conversion. • Management satisfaction with service provided by the HR Office. Internal pay equity	Attitude survey. • Personnel records. • Attitude. • Personnel records. • Attitude survey.

4. REDUCTION-IN-FORCE (RIF) PROCEDURES

a. Modified RIF	Minimize loss of high contributing employees. Contain cost and disruption	• Separated employees by demographics, overall contribution score deltas, and integrated pay schedule compensation regions. • Satisfaction with RIF process ... • Cost comparisons of traditional vs. modified RIF. • Number and cost of separation incentives. • Time to conduct RIF • Number of employees affected • Number of employees outplaced.	• Workforce data. • Attitude survey and focus groups. • Attitude survey and focus groups. • Personnel/Budget Office data. • Personnel office data. • Personnel office data. • Personnel office data. • Personnel office data.
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Intervention	Expected effects	Measures	Data sources
		• Number of appeals/reinstatements.	• Personnel office data.
5. HIRING AUTHORITIES			
a. Direct Hire for the Business and Technical Management Professional Career Path positions.	Improved ease and timeliness of hiring process.	• Perceived flexibility in authority to hire. • Shortened timeline from initiation of action to firm offer letter/EOD. • Offer/acceptance ratios • Percent declinations • Timeliness of job offers	• Attitude survey. • Personnel office data.
b. Veteran Direct Hire Appointments for the Business and Technical Management Professional Career Path and Technical Management Support Career.	Improved recruitment of employees for shortage category positions.	• Perceived quality of candidates/hire, i.e., experience, skills, education. • First offer accepted • Grade point averages • Educational levels • Actual efficiencies and perceived skills. • Offer/acceptance ratios • Percent declinations • Timeliness of job offers	• Personnel office data. • Personnel office data. • Personnel office data.
c. Acquisition Student Intern Hiring Authority.	Elevated quality of hires	• Perceived quality of candidates/hire, i.e., experience, skills, education. • First offer accepted • Grade point averages • Educational levels • Actual efficiencies and perceived skills. • Offer/acceptance ratios • Percent declinations • Timeliness of job offers	• Attitude survey, focus groups, selecting official interviews. • Personnel office data. • Personnel office data. • Personnel office data. • Personnel office data. • Attitude survey, focus groups. • Personnel office data. • Personnel office data.
d. Scholastic Achievement Appointment.	Reduced administrative workload/paperwork reduction. Improved recruitment of employees for AWF positions.	• Perceived quality of candidates/hire, i.e., experience, skills, education. • First offer accepted • Grade point averages • Educational levels • Actual efficiencies and perceived skills. • Offer/acceptance ratios • Percent declinations • Timeliness of job offers	• Attitude survey, focus groups, selecting official interviews. • Personnel office data. • Personnel office data. • Personnel office data.
e. Simplified Accelerated Processes: Name Request, Rule of Many, and List or Certificate of Eligibles.	Elevated quality of hires	• Perceived flexibility in authority to hire. • Shortened timeline from initiation of action to firm offer letter/EOD. • Offer/acceptance ratios • Percent declinations • Timeliness of job offers	• Attitude survey, focus groups, selecting official interviews. • Personnel office data. • Personnel office data. • Personnel office data.
f. Term Appointment Authority	Improved ease and timeliness of hiring process. Improved recruitment of employees for AWF and direct support positions. Elevated quality of hires	• Perceived quality of candidates/hire, i.e., experience, skills, education. • First offer accepted • Grade point averages • Educational levels • Actual efficiencies and perceived skills. • Offer/acceptance ratios • Percent declinations • Timeliness of job offers	• Attitude survey, focus groups, selecting official interviews. • Personnel office data. • Personnel office data. • Personnel office data. • Personnel office data. • Attitude survey, focus groups. • Workforce data • Personnel office data. • Personnel office data.

6. STAFFING

a. Expanded Detail and Temporary Promotion to Higher Broadband Level.	Increased capability to expand and contract workforce.	• Number and length of details and temporary promotions by type of position. • Number of recipients receiving permanent promotions. • Demographics of recipients	• Workforce data. • Personnel office data.
	Increased ability to provide extended developmental assignments.	• Number and length of details and temporary promotions by developmental assignment. • Demographics of recipients • Realized career growth	• Personnel office data. • Workforce data. • Personnel office data.
b. Voluntary Emeritus Program	Encourages retirees to mentor junior professionals or serve as consultants.	• Frequency of use, length of assignment, type and level of position, hours/days worked, typical salary for position.	• Personnel office data. • Personnel office data. • Personnel office data.

Intervention	Expected effects	Measures	Data sources
		• Cost savings by virtue of volunteer service. • Volunteer and management satisfaction. • Participation by non-AcqDemo participants.	• Personnel office data. • Attitude survey, focus group, interviews.

7. EXPANDED DEVELOPMENT OPPORTUNITIES

a. Sabbaticals	Expanded range of professional growth and development. Application of enhanced knowledge and skills to work product, contribution expectations.	• Number and type of opportunities taken. • Demographics of participants ... • Increased employee career progression. • Employee and management satisfaction. • Employee and supervisor perceptions.	• Workforce data. • Personnel office data. • Workforce data. • Personnel office data. • Attitude survey. Focus groups, interviews, attitude survey.
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8. COMBINATION OF ALL INTERVENTIONS

a. All	Improved organizational effectiveness. Improved management of workforce. Improved planning Improved cross functional coordination. Increased product success Cost of demonstration project innovation.	Combination of personnel measures. Employee/Management job satisfaction (intrinsic/extrinsic). • Planning procedures • Perceived effectiveness of planning procedures. Actual/perceived coordination Customer satisfaction Project training/developmental costs (staff salaries, contract cost, training hours per employee).	All data sources. Attitude survey. • Strategic planning documents. • Attitude survey. Organizational charts. Customer satisfaction surveys. • Demo Program Office records. • Contract documents.
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Appendix G
AcqDemo Sample Master Retention List (RIF Effective Date July 2017)
Competitive Area: Local Commuting Area; Fort Husky, Virginia; Supply Directorate;
Business Management and Technical Management Career Path (NH)

Employee	Career Path, Broadband Level, Series, and Title	Average Annual Rating of Record	Veterans' Preference	SCD-RIF	RIF Impact (Displacement) ¹⁵
Tenure Group 1 – 12 Months or More of Assessed Performance					
Brown, Maxine	NH-0801-IV, General Engineer	5.0	AD	17 Dec 1979	
White, Bryan ¹⁶	NH-1102-III, Contract Negotiator	5.0	A	3 Feb 1992	Position Abolished.
Brown, Samuel	NH-2003-III, Supply Prgm Mgr	4.5	B	3 Nov 1990	
Thomas, Franklin ¹⁷	NH-346-III, Logistics Mgt Spec	3.5	A	9 July 1995	Position Abolished.
Payne, Rosa	NH-2030-II, Distribution Fac Spec	3.5	B	27 Mar 2015	
Smith, Jonathan	NH-201-III, Pers Mgt Spec	3.0	B	12 Dec 2013	Displaced by F. Thomas on reassignment. Separated, no other position available.
Waters, Edward	NH-1102-II, Contract Specialist	2.0	AD	10 Jan 2010	
Tenure Group I – Less than 12 Months of Assessed Performance					
Gates, Lionel	NH-1102-II Contract Specialist	5.0	A	1 July 2016	
Builder, John	NH-2010-II, Inventory Mgt Spec	5.0	B	15 May 2016	
Sugg, Steven	NH-346-II, Logistics Mgt Spec	3.5	B	15 May 2016	
Chartruex, Thor ¹⁸	NH-1102-III, Contract Specialist	N/A	A	15 April 2012	
Worth, Jean	NH-201-IV, Pers Mgt Spec	N/A	A	1 March 2017	
Carper, Carlyle	NH-1102-III, Contract Specialist	N/A	B	1 Jan 2017	Displaced by B. White on reassignment. Qualifies for E. Ziegler position. Changed to Lower Broadband Level.
Tenure Group I – Current Unacceptable Rating of Record					
Rose, Abigail	NH-2030-II, Distribution Fac. Spec	1.5	A	7 Apr 2013	
Ziegler, Eric	NH-1102-II, Contract Specialist	1.0	B	15 Jun 2010	Ziegler separated. No other position available.
Tenure Group III – 12 Months or More of Assessed Performance					
Dante, Michele	NH-2003-II, Supply Prgm Mgr	3.5	AD	24 Aug 2013	
Jones, Rose	NH-2003-III, Supply Prgm Mgr	3.5	A	7 Dec 2014	
Tenure Group III – Less than 12 Months of Assessed Performance					
Franc, Lizette	NH-2001-III, Supply Spec	4.5	B	6 May 2016	

¹⁵ New Displacement: Employees with average performance appraisal scores of 2.0 to 5.0 compete in the same career path broadband level and one broadband level below in the same career path. No retreat rights. 30% compensable veteran competes two broadband levels below current level. Broadband level I employees compete within their broadband level. Employees with current unacceptable performance appraisals only compete with other employees having unacceptable performance appraisals. If a position encumbered by an employee with an unacceptable appraisal is the best offer for an employee with an appraisal above unacceptable, the employee with the higher retention standing may be offered the position regardless of the retention standing of the employee with an unacceptable appraisal.

¹⁶ Bryan White is only qualified for Contract Specialist positions.

¹⁷ Franklin Thomas is fully qualified for personnel management specialist positions.

¹⁸ Thor Chartruex is a reinstatement eligible with several years of prior service reflected in his SCD-RIF. Returned to federal service less than a year before RIF occurred and most recent performance appraisal was more than 4 years old.

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