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DEPARTMENT OF ENERGY

10 CFR Part 710

[Docket No. AU–RM–17–PACNM]

RIN 1992–AA56

Procedures for Determining Eligibility for Access to Classified Matter or Special Nuclear Material

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: The Department of Energy (DOE) is amending its regulations which set forth the policies and procedures for resolving questions concerning eligibility for DOE access authorization. The revisions update appendix A, and related text, with the most current national standards for determining eligibility for access to classified matter and special nuclear material, and delete references to Executive Order 10450, which was revoked pursuant to Executive Order 13764, dated January 17, 2017.

DATES: This rule is effective January 3, 2018.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Office of Departmental Personnel Security, (202) 586–3249, *officeofdepartmentalpersonnelsecurity@hq.doe.gov,* or Christina Pak, Office of the General Counsel, (202) 586–4114, *christina.pak@hq.doe.gov.*

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L. Approval by the Office of the Secretary of Energy
M. Congressional Notification

I. Background

The Department of Energy is publishing this final rule in order to ensure it contains the most current national standards for determining access to classified matter and special nuclear material and to ensure listed authorities are still valid.

Appendix A to 10 CFR part 710 contained the *Adjudicative Guidelines for Determining Eligibility for Access to Classified Information* (Adjudicative Guidelines), originally issued in 1997. These were included because they were the standard to which all such access eligibility determinations within the Department of Energy were rendered. On December 10, 2016, the Director of National Intelligence, in his role as Security Executive Agent, signed Security Executive Agent Directive (SEAD) 4, *National Security Adjudicative Guidelines,* which became effective June 8, 2017. The standards enumerated in SEAD 4 supersede the former standards. This final rule now includes SEAD 4 as appendix A. Also, Executive Order (E.O.) 10450, *Security Requirements for Government Employees,* issued April 27, 1953, has historically been cited as one of the authorities within the rule. E.O. 10450 was revoked pursuant to E.O. 13764 of January 17, 2017. This rule deletes references to E.O. 10450.

Laws, regulations and directives which may apply to part 710 include, but are not limited to: The Atomic Energy Act of 1954; Executive Order 13764 (81 FR 8115, January 23, 2017) Executive Order 13467 (73 FR 38103), June 30, 2008; Executive Order 12968 (60 FR 40245, August 2, 1995, as amended); Executive Order 13526 (75 FR 707, January 5, 2010); Executive Order 10865 (25 FR 1583, February 24, 1960, as amended); Presidential Policy Directive 19 (October 10, 2012).

II. Section-by-Section Analysis

DOE amends 10 CFR part 710 as follows:

1. In the contents section, appendix A has been revised to reflect it now contains Security Executive Agency Directive 4—National Security Adjudicative Guidelines.

2. In the contents section, under ''Authority'', reference to E.O. 10450 has been deleted.

3. Section 710.1 ''Purpose'' deletes references to E.O. 10450 and the former Adjudicative Guidelines and replaces them with current citations.

4. Section 710.2 ''Scope'' removes reference to the Adjudicative Guidelines.

5. Section 710.3 ''Reference'' replaces ''Adjudicative Guidelines'' with ''National Security Adjudicative Guidelines.''

6. Section 710.7 ''Application of the Adjudicative Guidelines'', is retitled ''Application of the National Security Adjudicative Guidelines.''

7. Section 710.7(b) replaces ''Adjudicative Guidelines'' with ''National Security Adjudicative Guidelines.''

8. Appendix A is retitled ''SEAD 4, National Security Adjudicative Guidelines'' and its content is changed to delete the former Adjudicative Guidelines and replace with the current SEAD 4 standards.

III. Procedural Requirements

A. Review Under the Administrative Procedure Act

The Administrative Procedure Act (APA) requires that a notice of proposed rulemaking be published in the **Federal Register** unless certain exceptions apply. 5 U.S.C. 553(b). These exceptions include rules of agency procedure or practice, as well as rules for which the agency finds good cause to waive notice and comment as unnecessary, impracticable or contrary to the public interest. *Id.* This rule amends DOE regulations that set forth the policies and procedures for resolving questions concerning eligibility for DOE access authorization. Specifically, the revisions update Appendix A, and related text, with the most current national standards for determining eligibility for access to classified matter and special nuclear material, and delete references to Executive Order 10450, which was revoked pursuant to Executive Order 13764. The rule provides the means by which DOE determines eligibility for access to its own data—classified matter

and special nuclear material. As such, the rule is one of agency procedure or practice exempt from the notice and comment requirements of the APA. In addition, the Department has no discretion in adopting the guidelines, which by their terms are ''applicable to any executive branch agency authorized or designated to conduct adjudications of covered individuals to determine eligibility for initial or continued access to classified national security information or eligibility to hold a sensitive position.'' (See SEAD 4, Section C. Applicability.) The new SEAD 4 standards also do not differ substantively from the Adjudicative Guidelines. SEAD 4 continues to set forth 13 criteria (Guidelines A to M) that may raise a security concern, but was revised to add or remove conditions that could raise and/or mitigate security concerns. Variations between the two versions are not expected to result in differing access eligibility determinations depending upon which standard was employed. For these reasons, DOE also finds that notice and comment on the adoption of SEAD 4 is also unnecessary, impracticable and contrary to the public interest. The 30-day delay in effective date specified in 5 U.S.C. 553(d) is waived for these same reasons.

B. Review Under Executive Orders 12866 and 13563

This final rule has been determined not to be a ''significant regulatory action'' under Executive Order 12866, ''Regulatory Planning and Review,'' 58 FR 51735 (October 4, 1993). Accordingly, this rule is not subject to review under the Executive Order by the Office of Information and Regulatory Affairs within the Office of Management and Budget.

DOE has also reviewed the regulation pursuant to Executive Order 13563, issued on January 18, 2011 (76 FR 3281 (Jan. 21, 2011)). Executive Order 13563 is supplemental to and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, agencies are required by Executive Order 13563 to: (1) Propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity); (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

DOE emphasizes as well that Executive Order 13563 requires agencies to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible. In its guidance, the Office of Information and Regulatory Affairs has emphasized that such techniques may include identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes. DOE believes that this rule is consistent with these principles, including the requirement that, to the extent permitted by law, agencies adopt a regulation only upon a reasoned determination that its benefits justify its costs and, in choosing among alternative regulatory approaches, those approaches maximize net benefits.

C. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, ''Civil Justice Reform,'' 61 FR 4729 (February 7, 1996), imposes on Executive agencies the general duty to adhere to the following requirements: (1) Eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; and (3) provide a clear legal standard for affected conduct rather than a general standard and promote simplification and burden reduction.

With regard to the review required by section 3(a), section 3(b) of Executive Order 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) Clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of Executive Order 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. DOE has completed the required review and determined that, to the extent permitted by law, this regulation meets the relevant standards of Executive Order 12988.

D. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.)* requires preparation of an initial regulatory flexibility analysis for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As required by Executive Order 13272, ''Proper Consideration of Small Entities in Agency Rulemaking,'' (67 FR 53461, August 16, 2002), DOE published procedures and policies on February 19, 2003, to ensure that the potential impacts of its rules on small entities are properly considered during the rulemaking process (68 FR 7990). DOE has made its procedures and policies available on the Office of the General Counsel's Web site at *http://www.gc.doe.gov.*

This rule amends procedures that apply to the determination of eligibility of individuals for access to classified information and access to special nuclear material. The rule applies to individuals, and would not apply to ''small entities,'' as that term is defined in the Regulatory Flexibility Act. In addition, as stated above, the Department has no discretion in adopting the guidelines; it is the guidelines themselves that impose any impact on affected individuals. As a result, the rule does not have a significant economic impact on a substantial number of small entities.

Accordingly, DOE certifies that the rule will not have a significant economic impact on a substantial number of small entities, and, therefore, no regulatory flexibility analysis is required. DOE's certification and supporting statement of factual basis will be provided to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

E. Review Under the Paperwork Reduction Act

This rule does not impose a collection of information requirement subject to

the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

F. Review Under the National Environmental Policy Act

DOE has concluded that promulgation of this rule falls into a class of actions which would not individually or cumulatively have significant impact on the human environment, as determined by DOE's regulations (10 CFR part 1021, subpart D) implementing the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*). Specifically, this rule is categorically excluded from NEPA review because the amendments to the previous rule are strictly procedural (categorical exclusion A6). Therefore, this rule does not require an environmental impact statement or environmental assessment pursuant to NEPA.

G. Review Under Executive Order 13132

Executive Order 13132, 64 FR 43255 (August 4, 1999), imposes certain requirements on agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. Agencies are required to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and carefully assess the necessity for such actions. DOE has examined this rule and has determined that it does not preempt State law and does 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. No further action is required by Executive Order 13132.

H. Review Under the Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (Public Law 104–4) generally requires a Federal agency to perform a detailed assessment of costs and benefits of any rule imposing a Federal Mandate with costs to State, local or tribal governments, or to the private sector, of $100 million or more. This rulemaking does not impose a Federal mandate on State, local or tribal governments or on the private sector.

I. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277), requires Federal agencies to issue a Family Policymaking Assessment for any rule or policy that may affect family well being. This rule, has no impact on family well-being. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

J. Review Under Executive Order 13211

Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' 66 FR 28355 (May 22, 2001), requires Federal agencies to prepare and submit to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget, a Statement of Energy Effects for any significant energy action. A ''significant energy action'' is defined as any action by an agency that promulgates or is expected to lead to promulgation of a final rule, and that: (1) Is a significant regulatory action under Executive Order 12866, or any successor order; and (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy, or (3) is designated by the Administrator of OIRA as a significant energy action. For any proposed significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution or use should the proposal be implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution and use. This rule is not a significant energy action. Accordingly, DOE has not prepared a Statement of Energy Effects.

K. Review Under the Treasury and General Government Appropriations Act, 2001

The Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516, note) provides for agencies to review most disseminations of information to the public under implementing guidelines established by each agency pursuant to general guidelines issued by OMB. OMB's guidelines were published at 67 FR 8452 (February 22, 2002), and DOE's guidelines were published at 67 FR 62446 (October 7, 2002). DOE has reviewed this rule under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

L. Approval by the Office of the Secretary of Energy

The Secretary of Energy has approved issuance of this rule.

M. Congressional Notification

As required by 5 U.S.C. 801, DOE will report to Congress on the promulgation of this rule prior to its effective date. The report will state that it has been determined that the rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 10 CFR Part 710

Administrative practice and procedure, Classified information, Government contracts, Government employees, Nuclear energy.

Issued in Washington, DC, on October 31, 2017.

Rick Perry,

Secretary of Energy.

For the reasons set out in the preamble, DOE amends part 710 of title 10 of the Code of Federal Regulations as set forth below.

PART 710—PROCEDURES FOR DETERMINING ELIGIBILITY FOR ACCESS TO CLASSIFIED MATTER AND SPECIAL NUCLEAR MATERIAL

■ 1. The authority citation for part 710 is revised to read as follows:

Authority: 42 U.S.C. 2165, 2201, 5815, 7101, *et seq.,* 7383h-l; 50 U.S.C. 2401 *et seq.;* E.O. 10865, 3 CFR 1959–1963 comp., p. 398, as amended, 3 CFR Chap. IV; E.O. 13526, 3 CFR 2010 Comp., pp. 298–327 (or successor orders); E.O. 12968, 3 CFR 1995 Comp., p. 391.

■ 2. Section 710.1 is amended by revising paragraph (b) to read as follows:

§ 710.1 Purpose.

* * * * *

(b) This part implements: Executive Order 12968, 60 FR 40245 (August 2, 1995), as amended; Executive Order 13526, 75 FR 707 (January 5, 2010) as amended; Executive Order 10865, 25 FR 1583 (February 24, 1960), as amended; and the National Security Adjudicative Guidelines, issued as Security Executive Agent Directive 4 by the Director of National Intelligence on December 10, 2016.

■ 3. Section 710.2 is amended by revising the introductory text to read as follows:

§ 710.2 Scope.

The procedures outlined in this rule apply to determinations of eligibility for access authorization for:

* * * * *

■ 4. Revise § 710.3 to read as follows:

§ 710.3 Reference.

The National Security Adjudicative Guidelines are set forth in Appendix A to this part.

■ 5. Section 710.7 is amended by revising the section heading and paragraph (b) to read as follows:

§ 710.7 Application of the National Security Adjudicative Guidelines.

* * * * *

(b) All such determinations shall be based upon the application of the National Security Adjudicative Guidelines (Adjudicative Guidelines), or any successor national standard issued under authority of the President.

* * * * *

■ 6. Appendix A is revised to read as follows:

Appendix A to Part 710—Security Executive Agent Directive 4, National Security Adjudicative Guidelines (June 8, 2017)

(*The following guidelines, included in this part for reference purposes only, are reproduced by DOE with minor formatting changes to comply with the Document Drafting Handbook issued by the Office of the Federal Register. The original guidelines were signed by James Clapper, Security Executive Agent, on December 10, 2016, with an effective date 180 days after signature (June 8, 2017). For any discrepancies between the original guidelines and the guidelines published in this appendix, the original guidelines control.)*

A. Authority: The National Security Act of 1947, as amended; Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA), as amended; Executive Order (E.O.) 10450, Security Requirements for Government Employment, as amended; EO 12968, Access to Classified Information, as amended; E.O. 13467, Reforming Processes Related to Suitability for Government Employment, Fitness for Contractor Employees, and Eligibility for Access to Classified National Security Information; E.O. 13549, Classified National Security Information Program for State, Local, Tribal and Private Sector Entities; Performance Accountability Council memorandum, Assignment of Functions Relating to Coverage of Contractor Employee Fitness in the Federal Investigative Standards, 6 December 2012; and other applicable provisions of law.

B. Purpose: This Security Executive Agent (SecEA) Directive establishes the single, common adjudicative criteria for all covered individuals who require initial or continued eligibility for access to classified information or eligibility to hold a sensitive position. The Guidelines reflected herein supersede all previously issued national security adjudicative criteria or guidelines.

C. Applicability: This Directive applies to any executive branch agency authorized or designated to conduct adjudications of covered individuals to determine eligibility for initial or continued access to classified national security information or eligibility to hold a sensitive position.

D. Definitions: As used in this Directive, the following terms have the meanings set forth in the following paragraphs 1 through 8:

1. *Agency:* Any ''Executive agency'' as defined in Section 105 of Title 5, United States Code (U.S.C.), including the ''military departments,'' as defined in Section 102 of Title 5, U.S.C. and any other entity within the Executive Branch that comes into possession of classified information or has positions designated as sensitive.

2. *Authorized adjudicative agency:* An agency authorized by law, executive order, or designation by the SecEA to determine eligibility for access to classified information in accordance with E.O. 12968, as amended, or eligibility to hold a sensitive position.

3. *Authorized investigative agency:* An agency authorized by law, executive order, or designation by the SecEA to conduct a background investigation of individuals who are proposed for access to classified information or eligibility to hold a sensitive position or to ascertain whether such individuals continue to satisfy the criteria for retaining access to such information or eligibility to hold such positions.

4. *Classified national security information* or *classified information:* Information that has been determined pursuant to E.O. 13526 or any predecessor or successor order, or the Atomic Energy Act of 1954, as amended, to require protection against unauthorized disclosure.

5. *Covered individual:*

a. A person who performs work for or on behalf of the executive branch or who seeks to perform work for or on behalf of the executive branch, but does not include the President or (except to the extent otherwise directed by the President) employees of the President under 3 U.S.C. 105 or 107, the Vice President, or (except to the extent otherwise directed by the Vice President) employees of the Vice President under 3 U.S.C. 106 or annual legislative branch appropriations acts;

b. A person who performs work for or on behalf of a state, local, tribal, or private sector entity as defined in E.O. 13549 requiring eligibility for access to classified information;

c. A person working in or for the legislative or judicial branches requiring eligibility for access to classified information and the investigation or determination is conducted by the executive branch, but does not include members of Congress; Justices of the Supreme Court; and Federal judges appointed by the President.

d. Covered individuals are not limited to government employees and include all persons, not excluded under paragraphs D.5.a., b., or c. of this appendix, who require eligibility for access to classified information or eligibility to hold a sensitive position, including, but not limited to, contractors, subcontractors, licensees, certificate holders, grantees, experts, consultants, and government employees.

6. *Foreign Intelligence Entity:* Known or suspected foreign state or non-state organizations or persons that conduct intelligence activities to acquire U.S. information, block or impair U.S. intelligence collection, influence U.S. policy, or disrupt U.S. systems and programs. The term includes foreign intelligence and security services and international terrorists.

7. *National Security Eligibility:* Eligibility for access to classified information or eligibility to hold a sensitive position, to include access to sensitive compartmented information, restricted data, and controlled or special access program information.

8. *Sensitive Position:* Any position within or in support of an agency in which the occupant could bring about, by virtue of the nature of the position, a material adverse effect on the national security regardless of whether the occupant has access to classified information, and regardless of whether the occupant is an employee, military service member, or contractor.

E. Policy:

1. The National Security Adjudicative Guidelines in annex A to this appendix shall be used by all authorized adjudicative agencies when rendering a determination for initial or continued eligibility for access to classified information or initial or continued eligibility to hold a sensitive position.

2. Annex B to this appendix sets forth statutory restrictions on agencies making certain eligibility determinations for access to classified information, as well as waiver and congressional reporting requirements. These amendments to the IRTPA are commonly referred to as the Bond Amendment. By definition, the risk to national security is equivalent for covered individuals with access to classified information and covered individuals occupying a sensitive position. Occupants of sensitive positions could bring about, by virtue of the nature of the position, a material adverse effect on the national security regardless of whether the occupant has access to classified information. Due to the equivalent adverse effect on the national security and to ensure uniformity, consistency, and reciprocity of national security background investigations and adjudications, the statutory restrictions imposed by the Bond Amendment are extended to apply to all covered individuals who require initial or continued eligibility for access to classified information or eligibility to hold a sensitive position. Authorized adjudicative agencies shall maintain a record of the number and type of meritorious waivers granted under Bond Amendment criteria, to include the rationale for each waiver, and shall report this data annually to the SecEA in advance of the annual report to Congress. Authorized adjudicative agencies will also maintain a record of all disqualifications due to Bond Amendment criteria.

3. Exceptions, as provided for in annex C to this appendix, shall be used when a favorable adjudicative decision to grant initial or continued eligibility for access to classified information or to hold a sensitive position is made, despite failure to meet adjudicative or investigative standards.

4. Eligibility shall be determined by appropriately trained adjudicative personnel through the evaluation of all information bearing on an individual's loyalty and allegiance to the United States, including any information relevant to strength of character, honesty, discretion, sound judgment, reliability, ability to protect classified or sensitive information, and trustworthiness. Eligibility for access to classified information or eligibility to occupy a sensitive position shall only be granted when the evaluation of all such information demonstrates that such eligibility is clearly consistent with the interests of the United States; any doubt shall be resolved in favor of the national security.

5. All adjudicative determinations, including any associated exceptions, shall be recorded in either Scattered Castles, the Joint Personnel Adjudication System within the Department of Defense, or the Central Verification System database within U.S. Office of Personnel Management or successor databases, unless authorized by the SecEA to withhold information from the database for national security purposes.

6. When an adjudicative determination is made to deny or revoke eligibility for access to classified information or eligibility to hold a sensitive position, review proceedings, to the extent they are made available in E.O. 12968, as amended, Part 5, shall be afforded covered individuals at a minimum.

7. The agency with adjudicative authority remains responsible for the final determination.

8. Agencies shall update internal policies and replace existing national security adjudicative criteria or guidelines with the guidelines in this appendix A no later than June 8, 2017.

9. This Directive is not intended to, and does not, create any right to administrative or judicial review, or any other right or benefit, or trust responsibility substantive or procedural, enforceable by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

F. Effective Date: This Directive becomes effective June 8, 2017.

Annex A to Appendix A to Part 710—National Security Adjudicative Guidelines for Determining Eligibility for Access to Classified Information or Eligibility to Hold a Sensitive Position

1. Introduction

(a) The following National Security Adjudicative Guidelines (''guidelines'') are established as the single common criteria for all U.S. Government civilian and military personnel, consultants, contractors, licensees, certificate holders or grantees and their employees, and other individuals who require initial or continued eligibility for access to classified information or eligibility to hold a sensitive position, to include access to sensitive compartmented information, restricted data, and controlled or special access program information (hereafter referred to as ''national security eligibility''). These guidelines shall be used by all Executive Branch Agencies when rendering any final national security eligibility determination.

(b) National security eligibility determinations take into account a person's stability, trustworthiness, reliability, discretion, character, honesty, and judgment. Individuals must be unquestionably loyal to the United States. No amount of oversight or security procedures can replace the self-discipline and integrity of an individual entrusted to protect the nation's secrets or occupying a sensitive position. When a person's life history shows evidence of unreliability or untrustworthiness, questions arise as to whether the individual can be relied upon and trusted to exercise the responsibility necessary for working in an environment where protecting the national security is paramount.

(c) The U.S. Government does not discriminate on the basis of race, color, religion, sex, national origin, disability, or sexual orientation in making a national security eligibility determination. No negative inference concerning eligibility under these guidelines may be raised solely on the basis of mental health counseling. No adverse action concerning these guidelines may be taken solely on the basis of polygraph examination technical calls in the absence of adjudicatively significant information.

(d) In accordance with E.O. 12968, as amended, eligibility for covered individuals shall be granted only when facts and circumstances indicate that eligibility is clearly consistent with the national security interests of the United States, and any doubt shall be resolved in favor of national security.

2. The Adjudicative Process

(a) The adjudicative process is an examination of a sufficient period and a careful weighing of a number of variables of an individual's life to make an affirmative determination that the individual is an acceptable security risk. This is known as the whole-person concept. All available, reliable information about the person, past and present, favorable and unfavorable, should be considered in reaching a national security eligibility determination.

(b) Each case must be judged on its own merits, and the final determination remains the responsibility of the authorized adjudicative agency. Any doubt concerning personnel being considered for national security eligibility will be resolved in favor of the national security.

(c) The ultimate determination of whether the granting or continuing of national security eligibility is clearly consistent with the interests of national security must be an overall common sense judgment based upon careful consideration of the following guidelines, each of which is to be evaluated in the context of the whole person.

(1) GUIDELINE A: Allegiance to the United States
(2) GUIDELINE B: Foreign Influence
(3) GUIDELINE C: Foreign Preference
(4) GUIDELINE D: Sexual Behavior
(5) GUIDELINE E: Personal Conduct
(6) GUIDELINE F: Financial Considerations
(7) GUIDELINE G: Alcohol Consumption
(8) GUIDELINE H: Drug Involvement and Substance Misuse
(9) GUIDELINE I: Psychological Conditions
(10) GUIDELINE J: Criminal Conduct
(11) GUIDELINE K: Handling Protected Information
(12) GUIDELINE L: Outside Activities
(13) GUIDELINE M: Use of Information Technology

(d) In evaluating the relevance of an individual's conduct, the adjudicator should consider the following factors:

(1) The nature, extent, and seriousness of the conduct;

(2) The circumstances surrounding the conduct, to include knowledgeable participation;

(3) The frequency and recency of the conduct;

(4) The individual's age and maturity at the time of the conduct;

(5) The extent to which participation is voluntary;

(6) The presence or absence of rehabilitation and other permanent behavioral changes;

(7) The motivation for the conduct;

(8) The potential for pressure, coercion, exploitation, or duress; and

(9) The likelihood of continuation or recurrence.

(e) Although adverse information concerning a single criterion may not be sufficient for an unfavorable eligibility determination, the individual may be found ineligible if available information reflects a recent or recurring pattern of questionable judgment, irresponsibility, or unstable behavior. However, a single criterion may be sufficient to make an unfavorable eligibility determination even in the absence of a recent occurrence or a recurring pattern. Notwithstanding the whole-person concept, pursuit of further investigation may be terminated by an appropriate adjudicative agency in the face of reliable, significant, disqualifying, adverse information.

(f) When information of security concern becomes known about an individual who is currently eligible for access to classified information or eligible to hold a sensitive position, the adjudicator should consider whether the individual:

(1) Voluntarily reported the information;

(2) Was truthful and complete in responding to questions;

(3) Sought assistance and followed professional guidance, where appropriate;

(4) Resolved or appears likely to favorably resolve the security concern;

(5) Has demonstrated positive changes in behavior; and

(6) Should have his or her national security eligibility suspended pending final adjudication of the information.

(g) If after evaluating information of security concern, the adjudicator decides the information is serious enough to warrant a recommendation of denial or revocation of the national security eligibility, but the specific risk to national security can be managed with appropriate mitigation measures, an adjudicator may recommend approval to grant initial or continued eligibility for access to classified information or to hold a sensitive position with an exception as defined in Appendix C of this document.

(h) If after evaluating information of security concern, the adjudicator decides that the information is not serious enough to warrant a recommendation of denial or revocation of the national security eligibility, an adjudicator may recommend approval with a warning that future incidents of a similar nature or other incidents of adjudicative concern may result in revocation of national security eligibility.

(i) It must be noted that the adjudicative process is predicated upon individuals providing relevant information pertaining to their background and character for use in investigating and adjudicating their national security eligibility. Any incident of intentional material falsification or

purposeful non-cooperation with security processing is of significant concern. Such conduct raises questions about an individual's judgment, reliability, and trustworthiness and may be predictive of their willingness or ability to protect the national security.

Guidelines

Guideline A: Allegiance to the United States

3. *The Concern.* The willingness to safeguard classified or sensitive information is in doubt if there is any reason to suspect an individual's allegiance to the United States. There is no positive test for allegiance, but there are negative indicators. These include participation in or support for acts against the United States or placing the welfare or interests of another country above those of the United States. Finally, the failure to adhere to the laws of the United States may be relevant if the violation of law is harmful to stated U.S. interests. An individual who engages in acts against the United States or provides support or encouragement to those who do has already demonstrated willingness to compromise national security.

4. *Conditions that could raise a security concern and may be disqualifying include:*

(a) Involvement in, support of, training to commit, or advocacy of any act of sabotage, espionage, treason, terrorism, or sedition against the United States;

(b) Association or sympathy with persons who are attempting to commit, or who are committing, any of the above acts; and

(c) Association or sympathy with persons or organizations that advocate, threaten, or use force or violence, or use any other illegal or unconstitutional means, in an effort to:

(1) Overthrow or influence the U.S. Government or any state or local government;

(2) Prevent Federal, state, or local government personnel from performing their official duties;

(3) Gain retribution for perceived wrongs caused by the Federal, state, or local government; and

(4) Prevent others from exercising their rights under the Constitution or laws of the United States or of any state.

5. *Conditions that could mitigate security concerns include:*

(a) The individual was unaware of the unlawful aims of the individual or organization and severed ties upon learning of these;

(b) The individual's involvement was humanitarian and permitted under U.S. law;

(c) Involvement in the above activities occurred for only a short period of time and was attributable to curiosity or academic interest; and

(d) The involvement or association with such activities occurred under such unusual circumstances, or so much time has elapsed, that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or allegiance.

Guideline B: Foreign Influence

6. *The Concern.* Foreign contacts and interests, including, but not limited to, business, financial, and property interests, are a national security concern if they result in divided allegiance. They may also be a national security concern if they create circumstances in which the individual may be manipulated or induced to help a foreign person, group, organization, or government in a way inconsistent with U.S. interests or otherwise made vulnerable to pressure or coercion by any foreign interest. Assessment of foreign contacts and interests should consider the country in which the foreign contact or interest is located, including, but not limited to, considerations such as whether it is known to target U.S. citizens to obtain classified or sensitive information or is associated with a risk of terrorism.

7. *Conditions that could raise a security concern and may be disqualifying include:*

(a) Contact, regardless of method, with a foreign family member, business or professional associate, friend, or other person who is a citizen of or resident in a foreign country if that contact creates a heightened risk of foreign exploitation, inducement, manipulation, pressure, or coercion;

(b) Connections to a foreign person, group, government, or country that create a potential conflict of interest between the individual's obligation to protect classified or sensitive information or technology and the individual's desire to help a foreign person, group, or country by providing that information or technology;

(c) Failure to report or fully disclose, when required, association with a foreign person, group, government, or country;

(d) Counterintelligence information, whether classified or unclassified, that indicates the individual's access to classified information or eligibility for a sensitive position may involve unacceptable risk to national security;

(e) Shared living quarters with a person or persons, regardless of citizenship status, if that relationship creates a heightened risk of foreign inducement, manipulation, pressure, or coercion;

(f) Substantial business, financial, or property interests in a foreign country, or in any foreignowned or foreign-operated business that could subject the individual to a heightened risk of foreign influence or exploitation or personal conflict of interest;

(g) Unauthorized association with a suspected or known agent, associate, or employee of a foreign intelligence entity;

(h) Indications that representatives or nationals from a foreign country are acting to increase the vulnerability of the individual to possible future exploitation, inducement, manipulation, pressure, or coercion; and

(i) Conduct, especially while traveling or residing outside the U.S., that may make the individual vulnerable to exploitation, pressure, or coercion by a foreign person, group, government, or country.

8. *Conditions that could mitigate security concerns include:*

(a) The nature of the relationships with foreign persons, the country in which these persons are located, or the positions or activities of those persons in that country are such that it is unlikely the individual will be placed in a position of having to choose between the interests of a foreign individual, group, organization, or government and the interests of the United States;

(b) There is no conflict of interest, either because the individual's sense of loyalty or obligation to the foreign person, or allegiance to the group, government, or country is so minimal, or the individual has such deep and longstanding relationships and loyalties in the United States, that the individual can be expected to resolve any conflict of interest in favor of the U.S. interest;

(c) Contact or communication with foreign citizens is so casual and infrequent that there is little likelihood that it could create a risk for foreign influence or exploitation;

(d) The foreign contacts and activities are on U.S. Government business or are approved by the agency head or designee;

(e) The individual has promptly complied with existing agency requirements regarding the reporting of contacts, requests, or threats from persons, groups, or organizations from a foreign country; and

(f) The value or routine nature of the foreign business, financial, or property interests is such that they are unlikely to result in a conflict and could not be used effectively to influence, manipulate, or pressure the individual.

Guideline C: Foreign Preference

9. *The Concern.* When an individual acts in such a way as to indicate a preference for a foreign country over the United States, then he or she may provide information or make decisions that are harmful to the interests of the United States. Foreign involvement raises concerns about an individual's judgment, reliability, and trustworthiness when it is in conflict with U.S. national interests or when the individual acts to conceal it. *By itself,* the fact that a U.S. citizen is also a citizen of another country is not disqualifying without an objective showing of such conflict or attempt at concealment. The same is true for a U.S. citizen's exercise of any right or privilege of foreign citizenship and any action to acquire or obtain recognition of a foreign citizenship.

10. *Conditions that could raise a security concern and may be disqualifying include:*

(a) Applying for and/or acquiring citizenship in any other country;

(b) Failure to report, or fully disclose when required, to an appropriate security official, the possession of a passport or identity card issued by any country other than the United States;

(c) Failure to use a U.S. passport when entering or exiting the U.S.;

(d) Participation in foreign activities, including but not limited to:

(1) Assuming or attempting to assume any type of employment, position, or political office in a foreign government or military organization; and

(2) Otherwise acting to serve the interests of a foreign person, group, organization, or government in any way that conflicts with U.S. national security interests;

(e) Using foreign citizenship to protect financial or business interests in another country in violation of U.S. law; and

(f) An act of expatriation from the United States such as declaration of intent to renounce U.S. citizenship, whether through words or actions.

11. *Conditions that could mitigate security concerns include:*

(a) The foreign citizenship is not in conflict with U.S. national security interests;

(b) Dual citizenship is based solely on parental citizenship or birth in a foreign country, and there is no evidence of foreign preference;

(c) The individual has expressed a willingness to renounce the foreign citizenship that is in conflict with U.S. national security interests;

(d) The exercise of the rights, privileges, or obligations of foreign citizenship occurred before the individual became a U.S. citizen;

(e) The exercise of the entitlements or benefits of foreign citizenship do not present a national security concern;

(f) The foreign preference, if detected, involves a foreign country, entity, or association that poses a low national security risk;

(g) Civil employment or military service was authorized under U.S. law, or the employment or service was otherwise consented to as required by U.S. law; and

(h) Any potentially disqualifying activity took place after receiving the approval by the agency head or designee.

Guideline D: Sexual Behavior

12. *The Concern.* Sexual behavior that involves a criminal offense; reflects a lack of judgment or discretion; or may subject the individual to undue influence of coercion, exploitation, or duress. These issues, together or individually, may raise questions about an individual's judgment, reliability, trustworthiness, and ability to protect classified or sensitive information. Sexual behavior includes conduct occurring in person or via audio, visual, electronic, or written transmission. No adverse inference concerning the standards in this Guideline may be raised solely on the basis of the sexual orientation of the individual.

13. *Conditions that could raise a security concern and may be disqualifying include:*

(a) Sexual behavior of a criminal nature, whether or not the individual has been prosecuted;

(b) A pattern of compulsive, self-destructive, or high-risk sexual behavior that the individual is unable to stop;

(c) Sexual behavior that causes an individual to be vulnerable to coercion, exploitation, or duress; and

(d) Sexual behavior of a public nature or that reflects lack of discretion or judgment.

14. *Conditions that could mitigate security concerns include:*

(a) The behavior occurred prior to or during adolescence and there is no evidence of subsequent conduct of a similar nature;

(b) The sexual behavior happened so long ago, so infrequently, or under such unusual circumstances, that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or judgment;

(c) The behavior no longer serves as a basis for coercion, exploitation, or duress;

(d) The sexual behavior is strictly private, consensual, and discreet; and

(e) The individual has successfully completed an appropriate program of treatment, or is currently enrolled in one, has demonstrated ongoing and consistent compliance with the treatment plan, and/or has received a favorable prognosis from a qualified mental health professional indicating the behavior is readily controllable with treatment.

Guideline E: Personal Conduct

15. *The Concern.* Conduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations can raise questions about an individual's reliability, trustworthiness, and ability to protect classified or sensitive information. Of special interest is any failure to cooperate or provide truthful and candid answers during national security investigative or adjudicative processes. The following will normally result in an unfavorable national security eligibility determination, security clearance action, or cancellation of further processing for national security eligibility:

(a) Refusal, or failure without reasonable cause, to undergo or cooperate with security processing, including but not limited to meeting with a security investigator for subject interview, completing security forms or releases, cooperation with medical or psychological evaluation, or polygraph examination, if authorized and required; and

(b) Refusal to provide full, frank, and truthful answers to lawful questions of investigators, security officials, or other official representatives in connection with a personnel security or trustworthiness determination.

16. *Conditions that could raise a security concern and may be disqualifying include:*

(a) Deliberate omission, concealment, or falsification of relevant facts from any personnel security questionnaire, personal history statement, or similar form used to conduct investigations, determine employment qualifications, award benefits or status, determine national security eligibility or trustworthiness, or award fiduciary responsibilities;

(b) Deliberately providing false or misleading information; or concealing or omitting information, concerning relevant facts to an employer, investigator, security official, competent medical or mental health professional involved in making a recommendation relevant to a national security eligibility determination, or other official government representative;

(c) Credible adverse information in several adjudicative issue areas that is not sufficient for an adverse determination under any other single guideline, but which, when considered as a whole, supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the individual may not properly safeguard classified or sensitive information;

(d) Credible adverse information that is not explicitly covered under any other guideline and may not be sufficient by itself for an adverse determination, but which, when combined with all available information, supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the individual may not properly safeguard classified or sensitive information. This includes, but is not limited to, consideration of:

(1) Untrustworthy or unreliable behavior to include breach of client confidentiality, release of proprietary information, unauthorized release of sensitive corporate or government protected information;

(2) Any disruptive, violent, or other inappropriate behavior;

(3) A pattern of dishonesty or rule violations; and

(4) Evidence of significant misuse of Government or other employer's time or resources;

(e) Personal conduct, or concealment of information about one's conduct, that creates a vulnerability to exploitation, manipulation, or duress by a foreign intelligence entity or other individual or group. Such conduct includes:

(1) Engaging in activities which, if known, could affect the person's personal, professional, or community standing;

(2) While in another country, engaging in any activity that is illegal in that country;

(3) While in another country, engaging in any activity that, while legal there, is illegal in the United States;

(f) Violation of a written or recorded commitment made by the individual to the employer as a condition of employment; and

(g) Association with persons involved in criminal activity.

17. *Conditions that could mitigate security concerns include:*

(a) The individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts;

(b) The refusal or failure to cooperate, omission, or concealment was caused or significantly contributed to by advice of legal counsel or of a person with professional responsibilities for advising or instructing the individual specifically concerning security processes. Upon being made aware of the requirement to cooperate or provide the information, the individual cooperated fully and truthfully;

(c) The offense is so minor, or so much time has passed, or the behavior is so infrequent, or it happened under such unique circumstances that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment;

(d) The individual has acknowledged the behavior and obtained counseling to change the behavior or taken other positive steps to alleviate the stressors, circumstances, or factors that contributed to untrustworthy, unreliable, or other inappropriate behavior, and such behavior is unlikely to recur;

(e) The individual has taken positive steps to reduce or eliminate vulnerability to exploitation, manipulation, or duress;

(f) The information was unsubstantiated or from a source of questionable reliability; and

(g) Association with persons involved in criminal activities was unwitting, has ceased, or occurs under circumstances that do not cast doubt upon the individual's reliability, trustworthiness, judgment, or willingness to comply with rules and regulations.

Guideline F: Financial Considerations

18. *The Concern.* Failure to live within one's means, satisfy debts, and meet financial obligations may indicate poor self-control, lack of judgment, or unwillingness to abide by rules and regulations, all of which can raise questions about an individual's reliability, trustworthiness, and ability to protect classified or sensitive information. Financial distress can also be caused or exacerbated by, and thus can be a possible indicator of, other issues of personnel security concern such as excessive gambling, mental health conditions, substance misuse, or alcohol abuse or dependence. An individual who is financially overextended is at greater risk of having to engage in illegal or otherwise questionable acts to generate funds. Affluence that cannot be explained by known sources of income is also a security concern insofar as it may result from criminal activity, including espionage.

19. *Conditions that could raise a security concern and may be disqualifying include:*

(a) Inability to satisfy debts;

(b) Unwillingness to satisfy debts regardless of the ability to do so;

(c) A history of not meeting financial obligations;

(d) Deceptive or illegal financial practices such as embezzlement, employee theft, check fraud, expense account fraud, mortgage fraud, filing deceptive loan statements and other intentional financial breaches of trust;

(e) Consistent spending beyond one's means or frivolous or irresponsible spending, which may be indicated by excessive indebtedness, significant negative cash flow, a history of late payments or of non-payment, or other negative financial indicators;

(f) Failure to file or fraudulently filing annual Federal, state, or local income tax returns or failure to pay annual Federal, state, or local income tax as required;

(g) Unexplained affluence, as shown by a lifestyle or standard of living, increase in net worth, or money transfers that are inconsistent with known legal sources of income;

(h) Borrowing money or engaging in significant financial transactions to fund gambling or pay gambling debts; and

(i) Concealing gambling losses, family conflict, or other problems caused by gambling.

20. *Conditions that could mitigate security concerns include:*

(a) The behavior happened so long ago, was so infrequent, or occurred under such circumstances that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or good judgment;

(b) The conditions that resulted in the financial problem were largely beyond the person's control (*e.g.,* loss of employment, a business downturn, unexpected medical emergency, a death, divorce or separation, clear victimization by predatory lending practices, or identity theft), and the individual acted responsibly under the circumstances;

(c) The individual has received or is receiving financial counseling for the problem from a legitimate and credible source, such as a non-profit credit counseling service, and there are clear indications that the problem is being resolved or is under control;

(d) The individual initiated and is adhering to a good-faith effort to repay overdue creditors or otherwise resolve debts;

(e) The individual has a reasonable basis to dispute the legitimacy of the past-due debt which is the cause of the problem and provides documented proof to substantiate the basis of the dispute or provides evidence of actions to resolve the issue;

(f) The affluence resulted from a legal source of income; and

(g) The individual has made arrangements with the appropriate tax authority to file or pay the amount owed and is in compliance with those arrangements.

Guideline G: Alcohol Consumption

21. *The Concern.* Excessive alcohol consumption often leads to the exercise of questionable judgment or the failure to control impulses, and can raise questions about an individual's reliability and trustworthiness.

22. *Conditions that could raise a security concern and may be disqualifying include:*

(a) Alcohol-related incidents away from work, such as driving while under the influence, fighting, child or spouse abuse, disturbing the peace, or other incidents of concern, regardless of the frequency of the individual's alcohol use or whether the individual has been diagnosed with alcohol use disorder;

(b) Alcohol-related incidents at work, such as reporting for work or duty in an intoxicated or impaired condition, drinking on the job, or jeopardizing the welfare and safety of others, regardless of whether the individual is diagnosed with alcohol use disorder;

(c) Habitual or binge consumption of alcohol to the point of impaired judgment, regardless of whether the individual is diagnosed with alcohol use disorder;

(d) Diagnosis by a duly qualified medical or mental health professional (*e.g.,* physician, clinical psychologist, psychiatrist, or licensed clinical social worker) of alcohol use disorder;

(e) The failure to follow treatment advice once diagnosed;

(f) Alcohol consumption, which is not in accordance with treatment recommendations, after a diagnosis of alcohol use disorder; and

(g) Failure to follow any court order regarding alcohol education, evaluation, treatment, or abstinence.

23. *Conditions that could mitigate security concerns include:*

(a) So much time has passed, or the behavior was so infrequent, or it happened under such unusual circumstances that it is unlikely to recur or does not cast doubt on the individual's current reliability, trustworthiness, or judgment;

(b) The individual acknowledges his or her pattern of maladaptive alcohol use, provides evidence of actions taken to overcome this problem, and has demonstrated a clear and established pattern of modified consumption or abstinence in accordance with treatment recommendations;

(c) The individual is participating in counseling or a treatment program, has no previous history of treatment and relapse, and is making satisfactory progress in a treatment program; and

(d) The individual has successfully completed a treatment program along with any required aftercare, and has demonstrated a clear and established pattern of modified consumption or abstinence in accordance with treatment recommendations.

Guideline H: Drug Involvement [1] and Substance Misuse

24. *The Concern.* The illegal use of controlled substances, to include the misuse of prescription and non-prescription drugs, and the use of other substances that cause physical or mental impairment or are used in a manner inconsistent with their intended purpose can raise questions about an individual's reliability and trustworthiness, both because such behavior may lead to physical or psychological impairment and because it raises questions about a person's ability or willingness to comply with laws, rules, and regulations. *Controlled substance* means any ''controlled substance'' as defined in 21 U.S.C. 802. *Substance misuse* is the generic term adopted in this guideline to describe any of the behaviors listed in this paragraph.

25. *Conditions that could raise a security concern and may be disqualifying include:*

(a) Any substance misuse (see definition listed in paragraph 24);

(b) Testing positive for an illegal drug;

(c) Illegal possession of a controlled substance, including cultivation, processing, manufacture, purchase, sale, or distribution; or possession of drug paraphernalia;

(d) Diagnosis by a duly qualified medical or mental health professional (*e.g.,* physician, clinical psychologist, psychiatrist, or licensed clinical social worker) of substance use disorder;

(e) Failure to successfully complete a drug treatment program prescribed by a duly qualified medical or mental health professional;

(f) Any illegal drug use while granted access to classified information or holding a sensitive position; and

(g) Expressed intent to continue drug involvement and substance misuse, or failure to clearly and convincingly commit to discontinue such misuse.

26. *Conditions that could mitigate security concerns include:*

(a) The behavior happened so long ago, was so infrequent, or happened under such circumstances that it is unlikely to recur or does not cast doubt on the individual's current reliability, trustworthiness, or good judgment;

(b) The individual acknowledges his or her drug involvement and substance misuse, provides evidence of actions taken to overcome this problem, and has established a pattern of abstinence, including, but not limited to:

(1) Disassociation from drug-using associates and contacts;

[1] Reference annex B to this appendix regarding statutory requirements contained in Public Law 110–118 (Bond Amendment) applicable to this guideline.

(2) Changing or avoiding the environment where drugs were used; and

(3) Providing a signed statement of intent to abstain from all drug involvement and substance misuse, acknowledging that any future involvement or misuse is grounds for revocation of national security eligibility;

(c) Abuse of prescription drugs was after a severe or prolonged illness during which these drugs were prescribed, and abuse has since ended; and

(d) Satisfactory completion of a prescribed drug treatment program, including, but not limited to, rehabilitation and aftercare requirements, without recurrence of abuse, and a favorable prognosis by a duly qualified medical professional.

Guideline I: Psychological Conditions [2]

27. *The Concern.* Certain emotional, mental, and personality conditions can impair judgment, reliability, or trustworthiness. A formal diagnosis of a disorder is not required for there to be a concern under this guideline. A duly qualified mental health professional (*e.g.,* clinical psychologist or psychiatrist) employed by, or acceptable to and approved by the U.S. Government, should be consulted when evaluating potentially disqualifying and mitigating information under this guideline and an opinion, including prognosis, should be sought. No negative inference concerning the standards in this guideline may be raised solely on the basis of mental health counseling.

28. *Conditions that could raise a security concern and may be disqualifying include:*

(a) Behavior that casts doubt on an individual's judgment, stability, reliability, or trustworthiness, not covered under any other guideline and that may indicate an emotional, mental, or personality condition, including, but not limited to, irresponsible, violent, self-harm, suicidal, paranoid, manipulative, impulsive, chronic lying, deceitful, exploitative, or bizarre behaviors;

(b) An opinion by a duly qualified mental health professional that the individual has a condition that may impair judgment, stability, reliability, or trustworthiness;

(c) Voluntary or involuntary inpatient hospitalization;

(d) Failure to follow a prescribed treatment plan related to a diagnosed psychological/psychiatric condition that may impair judgment, stability, reliability, or trustworthiness, including, but not limited to, failure to take prescribed medication or failure to attend required counseling sessions; and

(e) Pathological gambling, the associated behaviors of which may include unsuccessful attempts to stop gambling; gambling for increasingly higher stakes, usually in an attempt to cover losses; concealing gambling losses; borrowing or stealing money to fund gambling or pay gambling debts; and family conflict resulting from gambling.

29. *Conditions that could mitigate security concerns include:*

(a) The identified condition is readily controllable with treatment, and the individual has demonstrated ongoing and consistent compliance with the treatment plan;

(b) The individual has voluntarily entered a counseling or treatment program for a condition that is amenable to treatment, and the individual is currently receiving counseling or treatment with a favorable prognosis by a duly qualified mental health professional;

(c) Recent opinion by a duly qualified mental health professional employed by, or acceptable to and approved by, the U.S. Government that an individual's previous condition is under control or in remission, and has a low probability of recurrence or exacerbation;

(d) The past psychological/psychiatric condition was temporary, the situation has been resolved, and the individual no longer shows indications of emotional instability;

(e) There is no indication of a current problem.

Guideline J: Criminal Conduct [3]

30. *The Concern.* Criminal activity creates doubt about a person's judgment, reliability, and trustworthiness. By its very nature, it calls into question a person's ability or willingness to comply with laws, rules, and regulations.

31. *Conditions that could raise a security concern and may be disqualifying include:*

(a) A pattern of minor offenses, any one of which on its own would be unlikely to affect a national security eligibility decision, but which in combination cast doubt on the individual's judgment, reliability, or trustworthiness;

(b) Evidence (including, but not limited to, a credible allegation, an admission, and matters of official record) of criminal conduct, regardless of whether the individual was formally charged, prosecuted, or convicted;

(c) Individual is currently on parole or probation;

(d) Violation or revocation of parole or probation, or failure to complete a court-mandated rehabilitation program; and

(e) Discharge or dismissal from the Armed Forces for reasons less than ''Honorable.''

32. *Conditions that could mitigate security concerns include:*

(a) So much time has elapsed since the criminal behavior happened, or it happened under such unusual circumstances, that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment;

(b) The individual was pressured or coerced into committing the act and those pressures are no longer present in the person's life;

(c) No reliable evidence to support that the individual committed the offense; and

(d) There is evidence of successful rehabilitation; including, but not limited to, the passage of time without recurrence of criminal activity, restitution, compliance with the terms of parole or probation, job training or higher education, good employment record, or constructive community involvement.

Guideline K: Handling Protected Information

33. *The Concern.* Deliberate or negligent failure to comply with rules and regulations for handling protected information—which includes classified and other sensitive government information, and proprietary information—raises doubt about an individual's trustworthiness, judgment, reliability, or willingness and ability to safeguard such information, and is a serious security concern.

34. *Conditions that could raise a security concern and may be disqualifying include:*

(a) Deliberate or negligent disclosure of protected information to unauthorized persons, including, but not limited to, personal or business contacts, the media, or persons present at seminars, meetings, or conferences;

(b) Collecting or storing protected information in any unauthorized location;

(c) Loading, drafting, editing, modifying, storing, transmitting, or otherwise handling protected information, including images, on any unauthorized equipment or medium;

(d) Inappropriate efforts to obtain or view protected information outside one's need to know;

(e) Copying or modifying protected information in an unauthorized manner designed to conceal or remove classification or other document control markings;

(f) Viewing or downloading information from a secure system when the information is beyond the individual's need-to-know;

(g) Any failure to comply with rules for the protection of classified or sensitive information;

(h) Negligence or lax security practices that persist despite counseling by management; and

(i) Failure to comply with rules or regulations that results in damage to the national security, regardless of whether it was deliberate or negligent.

35. *Conditions that could mitigate security concerns include:*

(a) So much time has elapsed since the behavior, or it has happened so infrequently or under such unusual circumstances, that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or good judgment;

(b) The individual responded favorably to counseling or remedial security training and now demonstrates a positive attitude toward the discharge of security responsibilities;

(c) The security violations were due to improper or inadequate training or unclear instructions; and

(d) The violation was inadvertent, it was promptly reported, there is no evidence of compromise, and it does not suggest a pattern.

Guideline L: Outside Activities

36. *The Concern.* Involvement in certain types of outside employment or activities is of security concern if it poses a conflict of interest with an individual's security

[2] Reference annex B to this appendix regarding statutory requirements contained in Public Law 110–118 (Bond Amendment) applicable to this guideline.

[3] Reference annex B to this appendix regarding statutory requirements contained in Public Law 110–118 (Bond Amendment) applicable to this guideline.

responsibilities and could create an increased risk of unauthorized disclosure of classified or sensitive information.

37. *Conditions that could raise a security concern and may be disqualifying include:*

(a) Any employment or service, whether compensated or volunteer, with:

(1) The government of a foreign country;

(2) Any foreign national, organization, or other entity;

(3) A representative of any foreign interest; and

(4) Any foreign, domestic, or international organization or person engaged in analysis, discussion, or publication of material on intelligence, defense, foreign affairs, or protected technology; and

(b) Failure to report or fully disclose an outside activity when this is required.

38. *Conditions that could mitigate security concerns include:*

(a) Evaluation of the outside employment or activity by the appropriate security or counterintelligence office indicates that it does not pose a conflict with an individual's security responsibilities or with the national security interests of the United States; and

(b) The individual terminated the employment or discontinued the activity upon being notified that it was in conflict with his or her security responsibilities.

Guideline M: Use of Information Technology

39. *The Concern.* Failure to comply with rules, procedures, guidelines, or regulations pertaining to information technology systems may raise security concerns about an individual's reliability and trustworthiness, calling into question the willingness or ability to properly protect sensitive systems, networks, and information. Information Technology includes any computer-based, mobile, or wireless device used to create, store, access, process, manipulate, protect, or move information. This includes any component, whether integrated into a larger system or not, such as hardware, software, or firmware, used to enable or facilitate these operations.

40. *Conditions that could raise a security concern and may be disqualifying include:*

(a) Unauthorized entry into any information technology system;

(b) Unauthorized modification, destruction, or manipulation of, or denial of access to, an information technology system or any data in such a system;

(c) Use of any information technology system to gain unauthorized access to another system or to a compartmented area within the same system;

(d) Downloading, storing, or transmitting classified, sensitive, proprietary, or other protected information on or to any unauthorized information technology system;

(e) Unauthorized use of any information technology system;

(f) Introduction, removal, or duplication of hardware, firmware, software, or media to or from any information technology system when prohibited by rules, procedures, guidelines, or regulations or when otherwise not authorized;

(g) Negligence or lax security practices in handling information technology that persists despite counseling by management; and

(h) Any misuse of information technology, whether deliberate or negligent, that results in damage to the national security.

41. *Conditions that could mitigate security concerns include:*

(a) So much time has elapsed since the behavior happened, or it happened under such unusual circumstances, that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment;

(b) The misuse was minor and done solely in the interest of organizational efficiency and effectiveness;

(c) The conduct was unintentional or inadvertent and was followed by a prompt, good-faith effort to correct the situation and by notification to appropriate personnel; and

(d) The misuse was due to improper or inadequate training or unclear instructions.

Annex B to Appendix A to Part 710—Bond Amendment Guidance

On January 28, 2008, Congress amended the IRTPA of 2004, adding statutory restrictions on certain eligibility determinations and establishing waiver and congressional reporting requirements. These modifications are collectively referred to as the ''Bond Amendments'' and were made effective on January 1, 2008.[4] For the reasons identified in paragraph E.2 of this appendix, application of the Bond Amendment's statutory restrictions will be applied to all adjudications covered under this Directive.

1. *Prohibition:* Heads of agencies are prohibited from granting or renewing national security eligibility for any covered individual who is an unlawful user of a controlled substance or is an addict as defined. If an authorized adjudicative agency has a case pending review that involves an unlawful user of a controlled substance or an addict, the statutory prohibition must be applied and the individual will receive the agency's established administrative review procedures. A meritorious waiver may not be authorized with reference to this prohibition. For purposes of this prohibition:

(a) An ''addict'' is any individual who habitually uses any narcotic drug so as to endanger the public morals, health, safety, or welfare; or is so far addicted to the use of narcotic drugs as to have lost the power of self-control with reference to his addiction.

(b) A ''controlled substance'' means any ''controlled substance'' as defined in 21 U.S.C. 802.

2. *Disqualification:* The Bond Amendment also contains disqualification provisions which apply only to those covered individuals seeking access to Sensitive Compartmented Information (SCI), Special Access Programs (SAP), or Restricted Data (RD). Heads of agencies may not grant or renew access to SCI, SAP, or RD to a covered individual who:

(a) Has been convicted in any court of the U.S. of a crime, was sentenced to imprisonment for a term exceeding one year, and was incarcerated as a result of that sentence for not less than one year;

(b) Has been discharged or dismissed from the Armed Forces under dishonorable conditions; or

(c) Is determined to be mentally incompetent; an individual is ''mentally incompetent'' when he or she has been declared mentally incompetent as determined by competency proceedings conducted in a court or administrative agency with proper jurisdiction.

3. W*aiver Standard and Procedures:* When a disqualifier reflected in paragraphs 2(a) through (c) of this annex B exists, the adjudicator will proceed with the adjudication using the appropriate mitigation conditions found in these adjudicative guidelines. If the adjudicator would have arrived at a favorable decision but for the Bond Amendment disqualification, a meritorious waiver may be appropriate.

(a) Meritorious waivers will be considered an ''Exception'' to the adjudicative guidelines and will be annotated as a ''Waiver'' in the adjudicative decision recorded in the appropriate databases listed in paragraph E.5 of this appendix. Adjudicators will provide a detailed justification for the meritorious waiver in the final adjudicative report.

(b) If, after applying the appropriate mitigating factors listed in these adjudicative guidelines, a meritorious waiver is not appropriate, the SCI, SAP, or RD access will be denied or revoked with a written explanation that cites the adjudicative guidelines applied and the Bond Amendment disqualifier. The authorized adjudicative agency's established administrative review procedures shall be followed in all such cases.

(c) Each authorized adjudicative agency shall maintain a record of the number and type of meritorious waivers granted, to include the rationale for each waiver, and shall report this data annually to the SecEA in advance of the annual report to Congress. Authorized adjudicative agencies will also maintain a record of all disqualifications, broken down by type, due to Bond Amendment requirements.

4. Authorized adjudicative agencies often have no ability to predict whether the covered individual for whom national security eligibility determinations are being made will also require access to SCI, SAP, or RD. Accordingly, the guidance in paragraphs 4(a) and (b) applies to all national security adjudicative determinations:

(a) All adjudicators will determine whether any of the Bond Amendment disqualifiers in paragraphs 2(a) through (c) of this annex B apply to the case being adjudicated.

(b) If a disqualifier exists, adjudicators shall annotate that fact in one of the databases identified in paragraph E.5 of this annex B to ensure that any subsequent requests for access to SCI, SAP, or RD for the individual will undergo appropriate re-adjudication and waiver procedures in meritorious cases.

Annex C to Appendix A to Part 710—Exceptions

Exceptions are an adjudicative decision to grant initial or continued eligibility for access to classified information or to hold a sensitive position despite failure to meet the

[4] IRTPA of 2004 section 3002, 50 U.S.C. 3343.

full adjudicative or investigative standards. The authorized exceptions are defined below and supersede the definitions in Office of Management and Budget memorandum, *Reciprocal Recognition of Existing Personnel Security Clearances,* 14 November 2007.

Waiver (W): Eligibility granted or continued despite the presence of substantial issue information that would normally preclude eligibility. Approval authorities may approve a waiver only when the benefit of initial or continued eligibility clearly outweighs any security concerns. A waiver may also require conditions for eligibility as described below.

Condition (C): Eligibility granted or continued, despite the presence of issue information that can be partially but not completely mitigated, with the provision that additional security measures shall be required to mitigate the issue(s). Such measures include, but are not limited to, additional security monitoring, access restrictions, submission of periodic financial statements, or attendance at counseling sessions.

Deviation (D): Eligibility granted or continued despite either a significant gap in coverage or scope of the investigation. ''Significant gap'' for this purpose means either complete lack of coverage for a period of six months or longer within the most recent five years investigated or the lack of one or more relevant investigative scope components (*e.g.,* employment checks, financial review, or a subject interview) in its entirety.

Out of Scope (O): Reinvestigation is overdue.

[FR Doc. 2017–25257 Filed 12–1–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31166; Amdt. No. 3775]

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

DATES: This rule is effective December 4, 2017. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 4, 2017.

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

For Examination

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

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

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

4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Availability

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

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

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

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

Availability and Summary of Material Incorporated by Reference

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

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

The Rule

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

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

Further, the SIAPs and Takeoff Minimums and ODPs contained in this amendment are based on the criteria contained in the U.S. Standard for

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

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

List of Subjects in 14 CFR Part 97

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

Issued in Washington, DC, on November 17, 2017.

John S. Duncan,

Director, Flight Standards Service.

Adoption of the Amendment

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

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

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

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

Effective 4 January 2018

Tucson, AZ, Tucson Intl, ILS OR LOC RWY 11L, Amdt 14A
Tucson, AZ, Tucson Intl, LOC BC RWY 29R, Amdt 8A
Tucson, AZ, Tucson Intl, VOR OR TACAN RWY 11L, Amdt 1B
New Orleans, LA, Louis Armstrong New Orleans Intl, ILS OR LOC RWY 11, ILS RWY 11 (SA CAT I), ILS RWY 11 (CAT II), ILS RWY 11 (CAT III), Amdt 4
Greenville, SC, Greenville Downtown, RADAR–1, Amdt 13B, CANCELED
Greer, SC, Greenville Spartanburg Intl, RADAR–1, Amdt 7, CANCELED

Effective 1 February 2018

Huntsville, AL, Huntsville Intl-Carl T Jones Field, ILS OR LOC RWY 18L, Amdt 4D
Huntsville, AL, Huntsville Intl-Carl T Jones Field, ILS OR LOC RWY 18R, ILS RWY 18R (CAT II), Amdt 24E
Huntsville, AL, Huntsville Intl-Carl T Jones Field, ILS OR LOC RWY 36L, Amdt 10C
Huntsville, AL, Huntsville Intl-Carl T Jones Field, ILS OR LOC RWY 36R, Amdt 2C
Huntsville, AL, Huntsville Intl-Carl T Jones Field, RADAR–1, Amdt 10A
Huntsville, AL, Huntsville Intl-Carl T Jones Field, RNAV (GPS) RWY 18L, Amdt 1B
Huntsville, AL, Huntsville Intl-Carl T Jones Field, RNAV (GPS) RWY 18R, Amdt 1B
Huntsville, AL, Huntsville Intl-Carl T Jones Field, RNAV (GPS) RWY 36L, Amdt 1B
Huntsville, AL, Huntsville Intl-Carl T Jones Field, RNAV (GPS) RWY 36R, Amdt 1B
Huntsville, AL, Huntsville Intl-Carl T Jones Field, Takeoff Minimums and Obstacle DP, Amdt 4A
Talladega, AL, Talladega Muni, ILS Y OR LOC Y RWY 4, Orig
Talladega, AL, Talladega Muni, ILS Z OR LOC Z RWY 4, Amdt 1
Talladega, AL, Talladega Muni, RNAV (GPS) RWY 4, Amdt 2
Talladega, AL, Talladega Muni, RNAV (GPS) RWY 22, Amdt 2
Talladega, AL, Talladega Muni, VOR–A, Amdt 7, CANCELED
El Dorado, AR, South Arkansas Rgnl at Goodwin Field, Takeoff Minimums and Obstacle DP, Amdt 2A
Alturas, CA, Alturas Muni, RNAV (GPS) RWY 31, Amdt 2
Bishop, CA, Bishop, RNAV (GPS) Y RWY 12, Orig-D
Bishop, CA, Bishop, RNAV (GPS) Z RWY 12, Orig-E
Byron, CA, Byron, RNAV (GPS) RWY 30, Amdt 1A
Chico, CA, Chico Muni, RNAV (GPS) RWY 31R, Orig-C
Half Moon Bay, CA, Half Moon Bay, RNAV (GPS) Z RWY 30, Orig-C
Lakeport, CA, Lampson Field, RNAV (GPS)-A, Orig-C
Los Banos, CA, Los Banos Muni, RNAV (GPS) RWY 14, Orig-B
Paso Robles, CA, Paso Robles Muni, RNAV (GPS) RWY 31, Orig-B
Santa Barbara, CA, Santa Barbara Muni, ILS OR LOC RWY 7, Amdt 5B
Tracy, CA, Tracy Muni, RNAV (GPS) RWY 26, Amdt 1A
Denver, CO, Centennial, ILS OR LOC RWY 35R, Amdt 10A
Oxford, CT, Waterbury-Oxford, ILS OR LOC RWY 36, Amdt 14B
Orlando, FL, Executive, ILS OR LOC RWY 25, Amdt 1A
Orlando, FL, Executive, RNAV (GPS) RWY 25, Amdt 3A
West Palm Beach, FL, Palm Beach County Park, RNAV (GPS) RWY 34, Amdt 1
West Palm Beach, FL, Palm Beach County Park, RNAV (GPS)-A, Amdt 1
West Palm Beach, FL, Palm Beach County Park, RNAV (GPS)-B, Amdt 1
West Palm Beach, FL, Palm Beach County Park, Takeoff Minimums and Obstacle DP, Amdt 3
Iowa Falls, IA, Iowa Falls Muni, RNAV (GPS) RWY 13, Amdt 1
Iowa Falls, IA, Iowa Falls Muni, RNAV (GPS) RWY 31, Amdt 2
Driggs, ID, Driggs-Reed Memorial, RNAV (GPS)-A, Amdt 1A
Twin Falls, ID, Joslin Field—Magic Valley Rgnl, RNAV (GPS) RWY 26, Amdt 1B
Chicago/Prospect Heights/Wheeling, IL, Chicago Executive, Takeoff Minimums and Obstacle DP, Amdt 3A
Indianapolis, IN, Indy South Greenwood, Takeoff Minimums and Obstacle DP, Amdt 5
Olathe, KS, New Century Aircenter, ILS OR LOC RWY 36, Amdt 7A
Topeka, KS, Philip Billard Muni, RNAV (GPS) RWY 4, Orig-A, CANCELED
Topeka, KS, Philip Billard Muni, RNAV (GPS) RWY 22, Amdt 1, CANCELED
Topeka, KS, Philip Billard Muni, VOR RWY 22, Amdt 21, CANCELED
Deblois, ME, Deblois Flight Strip, DEBLOIS ONE Graphic DP
Deblois, ME, Deblois Flight Strip, RNAV (GPS)-A, Orig
Deblois, ME, Deblois Flight Strip, Takeoff Minimums and Obstacle DP, Orig
Fremont, MI, Fremont Muni, VOR RWY 18, Orig-A, CANCELED
Fremont, MI, Fremont Muni, VOR RWY 36, Amdt 7A, CANCELED
Lansing, MI, Capital Region Intl, ILS OR LOC RWY 10R, Amdt 11B
Lansing, MI, Capital Region Intl, ILS OR LOC RWY 28L, Amdt 27C
Owosso, MI, Owosso Community, RNAV (GPS) RWY 11, Amdt 1D
Owosso, MI, Owosso Community, RNAV (GPS) RWY 29, Amdt 1D
Ray, MI, Ray Community, RNAV (GPS)-A, Orig-A
Hutchinson, MN, Hutchinson Muni-Butler Field, RNAV (GPS) RWY 33, Orig-B
Hutchinson, MN, Hutchinson Muni-Butler Field, VOR RWY 33, Amdt 3B
Aurora, MO, Jerry Sumners SR Aurora Muni, Takeoff Minimums and Obstacle DP, Amdt 2
Columbia, MO, Columbia Rgnl, ILS OR LOC RWY 2, Amdt 16A
Columbia, MO, Columbia Rgnl, LOC BC RWY 20, Amdt 13A
Columbia, MO, Columbia Rgnl, RNAV (GPS) RWY 2, Amdt 2A
Columbia, MO, Columbia Rgnl, VOR Y RWY 20, Amdt 4A
Lee's Summit, MO, Lee's Summit Muni, RNAV (GPS) RWY 18, Amdt 3
Lee's Summit, MO, Lee's Summit Muni, RNAV (GPS) RWY 29, Amdt 3

Lee's Summit, MO, Lee's Summit Muni, RNAV (GPS) RWY 36, Amdt 3
Lee's Summit, MO, Lee's Summit Muni, Takeoff Minimums and Obstacle DP, Amdt 1
Lee's Summit, MO, Lee's Summit Muni, VOR–A, Amdt 1
Circle, MT, Circle Town County, RNAV (GPS) RWY 30, Orig-B
Kenansville, NC, Duplin Co, LOC/NDB RWY 23, Amdt 1A, CANCELED
Beatrice, NE, Beatrice Muni, VOR RWY 18, Amdt 3
Beatrice, NE, Beatrice Muni, VOR RWY 36, Amdt 10
Hebron, NE, Hebron Muni, NDB RWY 12, Amdt 4C, CANCELED
Artesia, NM, Artesia Muni, NDB RWY 31, Amdt 5A
Dunkirk, NY, Chautauqua County/Dunkirk, Takeoff Minimums and Obstacle DP, Amdt 3
Cleveland, OH, Burke Lakefront, Takeoff Minimums and Obstacle DP, Amdt 7
Toledo, OH, Toledo Express, RNAV (GPS) RWY 7, Amdt 1B
Toledo, OH, Toledo Express, RNAV (GPS) RWY 25, Amdt 2B
Wooster, OH, Wayne County, VOR RWY 10, Amdt 1B
Wooster, OH, Wayne County, VOR RWY 28, Orig-E
Ardmore, OK, Ardmore Downtown Executive, RNAV (GPS) RWY 17, Orig-C
Ardmore, OK, Ardmore Downtown Executive, RNAV (GPS) RWY 35, Orig-C
Claremore, OK, Claremore Rgnl, RNAV (GPS) RWY 18, Amdt 1
Claremore, OK, Claremore Rgnl, RNAV (GPS) RWY 36, Amdt 3
Claremore, OK, Claremore Rgnl, Takeoff Minimums and Obstacle DP, Amdt 1
Duncan, OK, Halliburton Field, LOC RWY 35, Amdt 5, CANCELED
Duncan, OK, Halliburton Field, RNAV (GPS) RWY 17, Amdt 2
Duncan, OK, Halliburton Field, RNAV (GPS) RWY 35, Amdt 2
Duncan, OK, Halliburton Field, VOR RWY 35, Amdt 12, CANCELED
Madras, OR, Madras Municipal, RNAV (GPS) RWY 16, Amdt 1C
Newport, OR, Newport Muni, RNAV (GPS) RWY 34, Amdt 1B
Portland, OR, Portland-Hillsboro, Takeoff Minimums and Obstacle DP, Amdt 7A
Portland, OR, Portland Intl, ILS OR LOC RWY 28L, Amdt 5
Portland, OR, Portland Intl, ILS OR LOC RWY 28R, Amdt 17
Portland, OR, Portland Intl, RNAV (GPS) X RWY 28L, Amdt 4
Portland, OR, Portland Intl, RNAV (GPS) X RWY 28R, Amdt 4
Redmond, OR, Roberts Field, RNAV (GPS) Y RWY 5, Amdt 2A
Redmond, OR, Roberts Field, RNAV (GPS) Y RWY 23, Amdt 1A
Redmond, OR, Roberts Field, RNAV (GPS) Y RWY 29, Amdt 2A
Redmond, OR, Roberts Field, RNAV (GPS) Z RWY 29, Amdt 1A
Sunriver, OR, Sunriver, VOR RWY 18, Amdt 1D
Bloomsburg, PA, Bloomsburg Muni, RNAV (GPS)-B, Amdt 1B
Bloomsburg, PA, Bloomsburg Muni, VOR–A, Amdt 1B
Mifflintown, PA, Mifflintown, RNAV (GPS) RWY 26, Orig-A
Pittsburgh, PA, Allegheny County, Takeoff Minimums and Obstacle DP, Amdt 9
Selinsgrove, PA, Penn Valley, Takeoff Minimums and Obstacle DP, Amdt 3A
Selinsgrove, PA, Penn Valley, VOR–A, Amdt 7C
Shamokin, PA, Northumberland County, RNAV (GPS) RWY 8, Orig-D
Shamokin, PA, Northumberland County, RNAV (GPS) RWY 26, Orig-C
Shamokin, PA, Northumberland County, Takeoff Minimums and Obstacle DP, Amdt 2A
Shamokin, PA, Northumberland County, VOR RWY 8, Amdt 3E
Kingstree, SC, Williamsburg Rgnl, NDB RWY 14, Amdt 4B, CANCELED
Summerville, SC, Summerville, RNAV (GPS) RWY 6, Amdt 1
Summerville, SC, Summerville, Takeoff Minimums and Obstacle DP, Amdt 2
Alpine, TX, Alpine-Casparis Muni, RNAV (GPS) RWY 19, Amdt 1
Alpine, TX, Alpine-Casparis Muni, RNAV (GPS) RWY 23, Orig
Baytown, TX, R W J Airpark, RNAV (GPS) RWY 32, Orig-A, CANCELED
Cisco, TX, Gregory M Simmons Memorial, RNAV (RNP) Z RWY 18, Orig
Cisco, TX, Gregory M Simmons Memorial, Takeoff Minimums and Obstacle DP, Orig
Laredo, TX, Laredo Intl, Takeoff Minimums and Obstacle DP, Amdt 4A
Fillmore, UT, Fillmore Muni, RNAV (GPS) RWY 4, Amdt 1A
Huntington, UT, Huntington Muni, RNAV (GPS)-C, Orig-A
Huntington, UT, Huntington Muni, VOR–B, Amdt 1A
Nephi, UT, Nephi Muni, RNAV (GPS) RWY 35, Orig-B
Ogden, UT, Ogden-Hinckley, EMONT TWO, Graphic DP
Ogden, UT, Ogden-Hinckley, Takeoff Minimums and Obstacle DP, Amdt 2A
Price, UT, Carbon County Rgnl/Buck Davis Field, ILS OR LOC RWY 1, Amdt 1B
Price, UT, Carbon County Rgnl/Buck Davis Field, RNAV (GPS) RWY 1, Amdt 2B
Price, UT, Carbon County Rgnl/Buck Davis Field, VOR RWY 1, Amdt 1B
Wenatchee, WA, Pangborn Memorial, RNAV (RNP) RWY 12, Amdt 1A
Wenatchee, WA, Pangborn Memorial, RNAV (RNP) Z RWY 30, Amdt 1A
Wenatchee, WA, Pangborn Memorial, VOR–A, Amdt 9C

[FR Doc. 2017–25837 Filed 12–1–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31167; Amdt. No. 3776]

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

DATES: This rule is effective December 4, 2017. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 4, 2017.

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

For Examination

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

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

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

4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*

Availability

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

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

SUPPLEMENTARY INFORMATION:

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

Availability and Summary of Material Incorporated by Reference

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

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

The Rule

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

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

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

Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C. 553(d), good cause exists for making these SIAPs effective in less than 30 days.

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

List of Subjects in 14 CFR Part 97

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

Issued in Washington, DC, on November 17, 2017.

John S. Duncan,

Director, Flight Standards Service.

Adoption of the Amendment

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

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

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

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

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

** * * Effective Upon Publication*

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
4–Jan–18	NM	Hobbs	Lea County Rgnl	7/0612	11/6/17	LOC/DME BC RWY 21, Amdt 6A.
4–Jan–18	NM	Hobbs	Lea County Rgnl	7/0651	11/6/17	RNAV (GPS) RWY 3, Amdt 2A.
4–Jan–18	NM	Hobbs	Lea County Rgnl	7/0654	11/6/17	ILS OR LOC RWY 3, Amdt 7A.
4–Jan–18	NM	Hobbs	Lea County Rgnl	7/0655	11/6/17	RNAV (GPS) RWY 21, Amdt 1A.
4–Jan–18	NM	Hobbs	Lea County Rgnl	7/0656	11/6/17	RNAV (GPS) RWY 30, Amdt 1A.
4–Jan–18	NM	Hobbs	Lea County Rgnl	7/0872	11/6/17	VOR/DME OR TACAN RWY 21, Amdt 9B.
4–Jan–18	MA	Beverly	Beverly Rgnl	7/1084	11/6/17	RNAV (GPS) RWY 16, Amdt 1D.
4–Jan–18	IL	Mattoon/Charleston	Coles County Memorial	7/3399	11/6/17	VOR RWY 6, Amdt 13A.

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
4–Jan–18	IL	Mattoon/Charleston	Coles County Memorial ...	7/3400	11/6/17	ILS OR LOC RWY 29, Amdt 6C.
4–Jan–18	IL	Mattoon/Charleston	Coles County Memorial ...	7/3401	11/6/17	RNAV (GPS) RWY 24, Amdt 1.
4–Jan–18	IL	Mattoon/Charleston	Coles County Memorial ...	7/3402	11/6/17	RNAV (GPS) RWY 6, Orig.
4–Jan–18	IL	Mattoon/Charleston	Coles County Memorial ...	7/3403	11/6/17	RNAV (GPS) RWY 11, Orig.
4–Jan–18	IL	Mattoon/Charleston	Coles County Memorial ...	7/3404	11/6/17	RNAV (GPS) RWY 29, Amdt 1.
4–Jan–18	KS	Pittsburg	Atkinson Muni	7/4229	11/6/17	RNAV (GPS) RWY 4, Amdt 1D.
4–Jan–18	IL	Mattoon/Charleston	Coles County Memorial ...	7/8801	11/6/17	VOR RWY 24, Amdt 11A.

[FR Doc. 2017–25838 Filed 12–1–17; 8:45 am]

BILLING CODE 4910–13–P

CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC–2017–0010]

16 CFR Parts 1112 and 1250

Safety Standard Mandating ASTM F963 for Toys

AGENCY: Consumer Product Safety Commission.

ACTION: Direct final rule.

SUMMARY: Section 106 of the Consumer Product Safety Improvement Act (CPSIA) made ASTM F963–07ε1, *Standard Consumer Safety Specification for Toy Safety,* a mandatory consumer product safety standard. That section also provides procedures for revisions to the standard. In accordance with these procedures, the Commission (CPSC or Commission) recently allowed the update to ASTM F963, ASTM F963–17, *Standard Consumer Safety Specification for Toy Safety* (ASTM F963–17), to become the mandatory toy standard, with one exception. This direct final rule incorporates by reference ASTM F963–17, with one exception, and updates the existing notice of requirements (NOR) that provides the criteria and process for Commission acceptance of accreditation of third party conformity assessment bodies for testing for ASTM F963 pursuant to the Consumer Product Safety Act (CPSA).

DATES: The rule is effective on February 28, 2018, unless we receive significant adverse comment by January 3, 2018. If we receive timely significant adverse comment, we will publish notification in the **Federal Register**, withdrawing this direct final rule before its effective date. The incorporation by reference of the publication listed in this rule is approved by the Director of the Federal Register, as of February 28, 2018.

ADDRESSES: You may submit comments, identified by Docket No. CPSC–2017–0010, by any of the following methods:

Submit electronic comments in the following way:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments. To ensure timely processing of comments, the Commission is no longer accepting comments submitted by electronic mail (email), except through *www.regulations.gov.*

Submit written submissions in the following way:

Mail/Hand delivery/Courier (for paper, disk, or CD–ROM submissions), preferably in five copies, to: Office of the Secretary, Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504–7923.

Instructions: All submissions received must include the agency name and docket number for this notice. All comments received may be posted without change, including any personal identifiers, contact information, or other personal information provided, to *http://www.regulations.gov.* Do not submit confidential business information, trade secret information, or other sensitive or protected information electronically. Such information should be submitted in writing.

FOR FURTHER INFORMATION CONTACT: For information related to the toy standard, contact: Carolyn T. Manley, Lead Compliance Officer, Office of Compliance and Field Operations, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814–4408; telephone: 301–504–7607; email: *cmanley@cpsc.gov.*

SUPPLEMENTARY INFORMATION:

A. Background

Section 106 of the Consumer Product Safety Improvement Act of 2008. Section 106(a) of the CPSIA mandated that beginning on February 10, 2009, ASTM F 963–07ε1, *Standard Consumer Safety Specifications for Toy Safety,* [1] shall be considered a mandatory consumer product safety standard issued by the CPSC. Public Law 110–314. Since ASTM F963 was first mandated in 2009, there have been three revisions, ASTM F963–08, ASTM F963–11, and ASTM F963–16. Currently, the provisions of ASTM F 963–16 are considered consumer product safety standards issued by the Commission under section 9 of the CPSA. Under section 106(g) of the CPSIA, if ASTM proposes revisions to ASTM F963, ASTM must notify the Commission. The revised standard shall be considered to be a consumer product safety standard issued by the CPSC under section 9 of the CPSA (15 U.S.C. 2058), effective 180 days after the date on which ASTM notifies the Commission of the revision, unless, within 90 days after receiving that notice, the Commission notifies ASTM that it has determined that the proposed revision does not improve the safety of toys.

Codification of Safety Standard Mandating ASTM F963 for Toys. As stated above, the CPSIA mandated provisions of ASTM F963 as a consumer product safety standard. Because this action took place by statute, the standard did not appear in the Code of Federal Regulations. On February 2, 2017, the Commission published a direct final rule notifying the public that the Commission had allowed ASTM F963–16 to become the new CPSC standard and also incorporated that standard by reference at 16 CFR part 1250. 82 FR 8989. Thus, when revisions of F963 become the new CPSC standard, the Commission will amend 16 CFR part 1250 to revise the reference to the ASTM standard. As explained below, the Commission is amending 16 CFR part 1250 to incorporate by reference ASTM F963–17, except for one provision.[2]

Notification of Revisions. On September 1, 2017, ASTM notified the CPSC of ASTM's approval and publication of revisions to ASTM F963–17 in a revised standard approved on May 1, 2017, ASTM F963–17, *Standard Consumer Safety Specification for Toy Safety.* On November 27, 2017, the Commission voted [3] to allow the

[1] Except for section 4.2 and Annex 4 or any provision that restates or incorporates an existing mandatory standard or ban promulgated by the Commission or by statute.

[2] 16 CFR part 1250 continues to exclude from CPSC's mandatory standard certain provisions of ASTM F963 that the CPSIA excluded by statute.

[3] The Commission voted 3–1 to publish this direct final rule in the **Federal Register**.

Continued

provisions of ASTM F963–17 to become the CPSC mandatory toy standard, with one exception. As discussed below, the Commission has reviewed the differences between ASTM F963–16 and ASTM F963–17 (the revised toy standard).

B. Revisions to the ASTM Standard

ASTM F963–17 contains various grammatical corrections, editorial corrections, and substantive changes to provisions concerning projectiles and sound-producing toys. The 2017 revision was published less than 1 year after ASTM F963–16 to correct some of the drafting errors found in ASTM F963–16. In particular, ASTM notified CPSC staff of negative consequences of a 2016 drafting error. In response, CPSC used enforcement discretion in March 2017, regarding testing and certification requirements in one section of ASTM F963–16 that concerned low-energy projectiles with stored energy.

The changes from ASTM F963–16 to ASTM F963–17 are summarized below:

- *Scope:* Minor editorial changes only.
- *Referenced documents:* Nine new references were added that were mostly related to microbiological guidelines.
- *Terminology:* One definition was removed, one definition was clarified, and one definition was changed editorially.
- *Safety Requirements:* One substantive clarification was made to section 4.21.2, Projectiles Toys with Stored Energy; one non-substantive clarification was made to section 4.21.3, Projectiles Toys without Stored Energy; and one clarification was made to section 4.21.3, Projectiles Toys without Stored Energy. One of the three clarifications (section 4.21.2) had been balloted and approved by the ASTM F15 Committee for Consumer Products for inclusion in the 2016 version, but the wording in section 4.21.2.3 was inadvertently omitted in the test method associated with kinetic energy (KE) of stored energy projectiles in the ASTM F963–16 revision.
- *Labeling Requirements:* Minor editorial changes only.
- *Instructional Literature:* Minor editorial changes only.
- *Test Methods:* An additional sentence was added to the sound-producing toys test method in Section 8.20.1.5 (5). This sentence functionally exempts pull/push toys from the A-weighted maximum sound pressure level (L_{AFmax}) requirement. As explained below, the Commission is not including this language in the mandatory standard.
- *Annex:* The rationale was added addressing the new language in 4.21.2.3 for projectiles with stored energy.

The majority of the editorial revisions changed the word ''must'' to ''shall,'' which brings the revised standard in line with ASTM's current preferred language. In addition, new reference documents, references to tables/figures, and other editorial corrections were completed to fix known grammatical errors and incorrect references in the ASTM F963–16 version.

Two changes were substantive in nature. The first change, relating to requirements for projectile toys (Section 4.21), was a clarification that will neither increase, nor decrease, safety. The Commission had anticipated this change. However, the second change, relating to sound-producing toys, is substantive and reduces safety. This item was not balloted and was not reviewed by CPSC staff before ASTM published ASTM F963–17. ASTM added a sentence to the sound-producing toys test method in Section 8.20.1.5 (5) of ASTM F963–17 that functionally exempts push/pull toys from the A-weighted maximum sound pressure level (L_{AFmax}) requirement. The L_{AFmax} is a measurement of continuous sound. Without the L_{AFmax} requirement, push/pull toys will only be subject to the L_{Cpeak} requirement, a requirement that is based on noise limits for impulse sounds (*e.g.,* gun shots), not the continuous sounds, such as regular popping or clacking, which would be expected from push/pull toys. The Commission's interpretation that the L_{AFmax} requirement applied to push/pull toys in ASTM F963–16 is based on the text of the standard.

The additional text added in ASTM F963–17 is a substantial change that reduces safety, because the additional text in Section 8.20.1.5 (5) provides an exemption for push/pull toys to the L_{AFmax} requirement, which did not exist in ASTM F963–16. If such toys are exempt from the L_{AFmax} requirement, they would be allowed on the market, even though their continuous sound level is greater than the standard permits for other floor toys. The Commission finds that the addition of text in Section 8.20.1.5(5) related to sound-producing toy requirements will decrease safety by allowing toys that produce sound levels that exceed noise exposure limits by the National Institute of Occupational and Health (NIOSH).[4] Staff concludes that the L_{AFmax} exemption has a negative impact on safety. Additionally, the exemption will reduce harmonization with EN–71. *See* Tab A of the staff briefing package *https://www.cpsc.gov/s3fs-public/Proposed%20Revision%20of%20ASTM%20F963%20Mandatory%20Toy%20Standard%20-%20November%2015%202017.pdf?Rqy8BAU21cW2qoESRe_DSqkDknOpDtBq* for a more detailed discussion regarding the exemption's effect on safety.

Because addition of the text in Section 8.20.1.5(5) of ASTM F 963–17 would not improve the safety of toys, the Commission determined that this provision should not be allowed to become part of CPSC's mandatory toy standard. The other changes are either editorial non-substantive changes that will not affect safety, or they are substantive changes that will improve safety. Thus, the Commission accepts all changes in ASTM F963–17, with the exception of the addition of text in Section 8.20.1.5 (5) because it reduces safety.

C. Incorporation by Reference

Although ASTM F963–17 is mandatory by operation of statute, the Commission has incorporated by reference ASTM F963 in the Code of Federal Regulations (CFR) to indicate that ASTM F963 is a CPSC mandatory standard.

The Office of the Federal Register (OFR) has regulations concerning incorporation by reference. 1 CFR part 51. Under these regulations, agencies must discuss, in the preamble to the final rule, ways that the materials the agency incorporates by reference are reasonably available to interested persons and how interested parties can obtain the materials. In addition, the preamble to the final rule must summarize the material. 1 CFR 51.5(b).

In accordance with the OFR's requirements, section B of this preamble summarizes the ASTM F963–17 standard that the Commission incorporates by reference into 16 CFR part 1250. The standard is reasonably available to interested parties, and interested parties may purchase a copy of the standard from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428–2959 USA; phone: 610–832–9585; *http://www.astm.org/.* A copy of the standard can also be inspected at CPSC's Office of the Secretary, U.S.

Commissioners Robert S. Adler, Marietta S. Robinson, and Elliot F. Kaye voted to publish this direct final rule. Acting Chairman Anne Marie Buerkle voted to allow ASTM F963–17, as published by ASTM, to become CPSC's mandatory standard and publish a direct final rule in the **Federal Register** reflecting approval of the standard as published by ASTM.

[4] ASTM F963 sound limit calculations are based on occupation exposure limits recommended by NIOSH.

Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814, telephone 301–504–7923.

D. Certification

Section 14(a) of the CPSA imposes the requirement that products subject to a consumer product safety rule under the CPSA, or to a similar rule, ban, standard, or regulation under any other act enforced by the Commission, be certified as complying with all applicable CPSC requirements. 15 U.S.C. 2063(a). Such certification must be based on a test of each product, or on a reasonable testing program or, for children's products, on tests on a sufficient number of samples by a third party conformity assessment body accredited by the Commission to test according to the applicable requirements. As noted in the preceding discussion, standards issued under section 106(f)(1)(B) are ''consumer product safety standards.'' Thus, they are subject to the testing and certification requirements of section 14 of the CPSA.

Because toys are children's products, samples of these products must be tested by a third party conformity assessment body whose accreditation has been accepted by the Commission. These products also must comply with all other applicable CPSC requirements, such as the lead content requirements of section 101 of the CPSIA, the phthalates prohibitions of section 106 of the CPSIA, and the tracking label requirement in section 14(a)(5) of the CPSA.

E. Notice of Requirements

In accordance with section 14(a)(3)(B)(vi) of the CPSA, the Commission has previously published three NORs for accreditation of third party conformity assessment bodies for testing toys (76 FR 46598 (Aug. 3, 2011), 78 FR 15836 (March 12, 2013), and 82 FR 8989 (February 2, 2017)). The last NOR provided the criteria and process for our acceptance of accreditation of third party conformity assessment bodies for testing toys to ASTM F963–16. The NOR for ASTM F963–16 is listed in the Commission's rule, ''Requirements Pertaining to Third Party Conformity Assessment Bodies.'' 16 CFR part 1112.

The previous NOR for the toy safety standard included 37 sections from ASTM F963–16 that required third party testing.

Certain provisions of ASTM F963–17 do not require third party testing as was the case in the previous NORs issued for ASTM F963. The ASTM F963–17 provisions that do not require third party testing are in the following areas:

- Any provision of ASTM F963 that section 106 of the CPSIA excepted from being a mandatory consumer product safety standards issued by the Commission. The CPSIA also excepted from ASTM F963, any provision that restates or incorporates an existing mandatory standard or ban promulgated by the Commission or by statute. In addition, the CPSIA excepted provisions from ASTM F963 that restate or incorporate a regulation promulgated by the Food and Drug Administration or any statute administered by the U.S. Food and Drug Administration. Section 4, Public Law 112–28, Aug 12, 2011.
- Those sections of ASTM F963–17 that pertain to the manufacturing process and, thus, cannot be evaluated meaningfully by a test of the finished product (*e.g.,* the purified water provision at section 4.3.6.1).
- Those provisions of ASTM F963–17 with requirements for labeling, instructional literature, or producer's markings.
- Those provision in ASTM F963–17 that sets a limit for a DI (2-ethylhexyl) phthalate in pacifiers, rattles, and teethers. This section is excepted from third party testing because section 108 of the CPSIA sets limits for this and other phthalates that are more stringent than this requirement in ASTM F963–17.

This latest revision of the toy safety standard, ASTM F963–17, had a much shorter period between revisions than is typical. In the earlier revisions, the transition period for CPSC acceptance of laboratory accreditation and the certification effective dates allowed adequate time for laboratories to update their accreditations to the latest standard. The revisions in earlier versions of the standard typically included several substantive changes in test requirements and testing methods. This is not the case when comparing ASTM F963–17 to ASTM F963–16. In response to the directions in the ASTM F963–16 NOR, testing laboratories began working with their accreditation bodies to update their scope of accreditation to include references to ASTM F963–16.

Since issuance of the ASTM F963–16 NOR, the CPSC has accepted applications from more than 100 testing laboratories for sections in ASTM F963–16 and posted the information for each laboratory on the CPSC Web site. However, there are still more than 100 CPSC-accepted laboratories that are listed only for ASTM F963–11 and have not yet updated their accreditation scope to include ASTM F963–16. Many of these laboratories may be in the process of updating their accreditation scope to ASTM F963–16. Other laboratories may be waiting on Commission action regarding adoption of ASTM F963–17 and the NOR for ASTM F963–17.

To address the transition just described, the Commission is permitting acceptance of testing that supports ASTM F963–17 certification, and acceptance of laboratory accreditation that take into account testing laboratories that are already CPSC-accepted for testing to relevant sections in ASTM F963–16, ASTM F963–11, and ASTM F963–07$^{\varepsilon 1}$ Section 4.27, as described below.

1. CPSC Automatically Accepts Laboratories for ASTM F963–17, if the Laboratories Are CPSC-Accepted to ASTM F963–16

The CPSC's online laboratory application and Web site listing for testing laboratories that have been CPSC-accepted to sections in ASTM F963–16 will be modified to show CPSC-acceptance to ''ASTM F963–16/ASTM F963–17.'' For example, CPSC-accepted laboratories currently listed on the CPSC Web site for:

- 4.6 (ASTM F963–16), Small Objects
- 4.7 (ASTM F963–16), Accessible Edges
- 4.8 (ASTM F963–16), Projections

will be changed on the CPSC Web site to read:

- 4.6 (ASTM F963–16/ASTM F963–17), Small Objects
- 4.7 (ASTM F963–16/ASTM F963–17), Accessible Edges
- 4.8 (ASTM F963–16/ASTM F963–17), Projections

This will accommodate laboratories that updated their accreditation scope and received CPSC acceptance shortly after issuance of the ASTM F963–16 NOR.

For laboratories that are accredited to ASTM F963–11 and that have not yet updated their scope to later versions, they may elect scope revisions to reflect ASTM F963–16 or ASTM F963–17, or both. When these laboratories apply to the CPSC, the CPSC will accept references to either the –16 or –17 version, and the lab will be listed on the CPSC Web site for ''4.x (ASTM F963–16/ASTM F963–17).''

This will provide an equitable approach for all the third party laboratories that applied and were CPSC-accepted for sections in ASTM F963–16 and for testing laboratories that are currently working with their accreditation bodies to update the ASTM F963 references in their accreditation scope. In addition, this will allow laboratories that are CPSC-

listed for ''ASTM F963–16/ASTM F963–17'' to conduct testing to support certification to the –16 and –17 versions ASTM F963.

2. Maintain the Interim Allowance for Laboratories Accredited to ASTM F963–11 To Test for ASTM F963–16 and ASTM F963–17

The NOR for ASTM F963–16 that was issued on February 2, 2017 (82 FR 8989), provided a transition period for CPSC-accepted labs to support certification testing to ASTM F963–16. During the transition period, CPSC will accept ASTM F963–16 testing results by test laboratories that are CPSC-accepted to ASTM F963–11 sections, or ASTM F963–07$^{\varepsilon 1}$ section 4.27 for toy chests, for a period not to exceed 2 years. The 2-year period ends on February 4, 2019. This allowance was to provide adequate time for testing laboratories to work with their accreditation bodies, make official updates to their accreditation scope to include ASTM F963–16 sections, and submit applications to the CPSC. The ASTM F963–17 NOR will continue the transition period provided in the ASTM F963–16 NOR. The CPSC will accept ASTM F963–17 testing results by laboratories that are CPSC-accepted to ASTM sections in F963–11 (or 4.27 of ASTM F963–07$^{\varepsilon 1}$) until February 4, 2019.

The CPSC will open the application process for all sections of ASTM F963–17 when this direct final rule is published in the **Federal Register** as an amendment to 16 CFR part 1112. The CPSC is providing notice of these requirements through this direct final rule and through direct email to all current CPSC-accepted laboratories and their accreditation bodies. This process will avoid disruption to continuous third party testing to the toy safety standard and allow for a practicable transition from ASTM F963–11 to ASTM F963–16 to ASTM F963–17 for testing laboratories, the toy industry, and other interested parties.

F. Direct Final Rule Process

The Commission is issuing this rule as a direct final rule. Although the Administrative Procedure Act (APA) generally requires notice and comment rulemaking, section 553 of the APA provides an exception when the agency, for good cause, finds that notice and public procedure are ''impracticable, unnecessary, or contrary to the public interest.'' The Commission concludes that notice and comment is unnecessary because ASTM F963 automatically becomes a consumer product safety standard by operation of law. The Commission has voted to allow ASTM F963–17 to become the mandatory CPSC standard. Even without the incorporation by reference, ASTM F963–17, except for Section 8.20.1.5 (5) and provisions the CPSIA excluded, will take effect as the new mandatory CPSC standard pursuant to section 106(g) of the CPSIA. This rule amends 16 CFR part 1250 to reflect the standard that CPSC has allowed under section 106(g) of the CPSIA. Because this document merely incorporates by reference a standard that takes effect by operation of statute, public comment could not affect the changes to the standard or the effect of the revised standard as a consumer product safety standard under section 106(g) of the CPSIA. The rule also updates the corresponding provisions of the NOR for ASTM F963 in part 1112 to reflect the revision to the standard. The amendment to part 1112 does not establish substantive requirements, but updates the criteria and process for CPSC's acceptance of accreditation of third party conformity assessment bodies for testing toys under the revised ASTM F963 standard. Therefore, the Commission concludes that public comment is not necessary.

The Commission believes that issuing a direct final rule in these circumstances is appropriate. In Recommendation 95–4, the Administrative Conference of the United States (ACUS) endorsed direct final rulemaking as an appropriate procedure to expedite promulgation of rules that are noncontroversial and that are not expected to generate significant adverse comment. *See* 60 FR 43108 (August 18, 1995). ACUS also recommended using direct final rulemaking when an agency uses the ''unnecessary'' prong of the good cause exemption to notice and comment rulemaking. Consistent with the ACUS recommendation, the Commission is publishing this rule as a direct final rule because we do not believe comment is necessary and do not expect any significant adverse comments to the direct final rule.

Unless we receive a significant adverse comment within 30 days, the rule will become effective on February 28, 2018. In accordance with ACUS's recommendation, the Commission considers a significant adverse comment to be one where the commenter explains why the rule revising the incorporation by reference would be inappropriate. We note that comments on the underlying substantive provisions of ASTM F963–17 are not considered significant adverse comments because those provisions are mandatory by operation of the statute, and therefore, the Commission cannot change them in response to comments. The Commission could only make changes to the way the incorporation by reference appears in the CFR.

Should the Commission receive significant adverse comment, the Commission would withdraw this direct final rule. Depending on the comments and other circumstances, the Commission may then incorporate the adverse comment into a subsequent direct final rule or publish a notice of proposed rulemaking, providing an opportunity for public comment.

G. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires that agencies review proposed and final rules for their potential economic impact on small entities, including small businesses, and prepare regulatory flexibility analyses. 5 U.S.C. 603 and 604. The RFA applies to any rule that is subject to notice and comment procedures under section 553 of the APA. 5 U.S.C. 603 and 604. As explained above, the Commission has determined that notice and comment is not necessary for this direct final rule. We also note the limited nature of this document. The incorporation by reference of ASTM F963–17 and the update to the notice of requirements in part 1112 will not result in any substantive changes to the standard. Thus, the rule does not create new substantive obligations for any entity, including any small entity. Rather, with this action, the CFR will reflect the mandatory CPSC standard that takes effect under the CPSIA and will update the corresponding NOR provisions in 16 CFR part 1112.

H. Paperwork Reduction Act

The toy standard contains information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). OMB has approved the collection of information for ASTM F963 under OMB Control No. 3041–0159.

I. Environmental Considerations

The Commission's regulations provide a categorical exclusion for the Commission's rules from any requirement to prepare an environmental assessment or an environmental impact statement because they ''have little or no potential for affecting the human environment.'' 16 CFR 1021.5(c)(2). This rule falls within the categorical exclusion, so no environmental assessment or environmental impact statement is required.

J. Preemption

Section 26(a) of the CPSA, 15 U.S.C. 2075(a), provides that where a ''consumer product safety standard under [the CPSA)]'' is in effect and applies to a product, no state or political subdivision of a state may either establish or continue in effect a requirement dealing with the same risk of injury, unless the state requirement is identical to the federal standard. Section 26(c) of the CPSA also provides that states or political subdivisions of states may apply to the Commission for an exemption from this preemption under certain circumstances.

Section 106(f) of the CPSIA states that rules issued under that section ''shall be considered consumer product safety standards issued by the Commission under section of the Consumer Product Safety Act'' thus, implying that the preemptive effect of section 26(a) of the CPSA would apply. Therefore, a rule issued under section 106 of the CPSIA will invoke the preemptive effect of section 26(a) of the CPSA when it becomes effective.

K. Effective Date

Under the procedure set forth in section 106(g) of the CPSIA, when ASTM revises ASTM F963, the revision becomes the CPSC standard within 180 days of notification to the Commission, unless the Commission determines that the revision does not improve the safety of the product. In accordance with this provision, this rule establishes an effective date that is 180 days after we received notification from ASTM of revisions to the standard. As discussed in section F of this preamble, this is a direct final rule. Unless we receive a significant adverse comment within 30 days, the rule will become effective on February 28, 2018. Additionally, the effective date for the NOR is February 28, 2018, the same date that the provisions of ASTM F963–17 become effective.

List of Subjects

16 CFR Part 1112

Administrative practice and procedure, Audit, Consumer protection, Incorporation by reference, Reporting and recordkeeping requirements, Third party conformity assessment body.

16 CFR Part 1250

Consumer protection, Imports, Incorporation by reference, Infants and children, Law enforcement, Safety, Toys.

For the reasons discussed in the preamble, the Commission amends 16 CFR chapter II, as follows:

PART 1112—REQUIREMENTS PERTAINING TO THIRD PARTY CONFORMITY ASSESSMENT BODIES

■ 1. The authority citation for part 1112 continues to read as follows:

Authority: 15 U.S.C. 2063; Pub. L. 110–314, section 3, 122 Stat. 3016, 3017 (2008).

■ 2. Amend § 1112.15 by:
■ a. Revising the introductory text to paragraph (b)(32);
■ b. Revising paragraph (b)(32)(ii); and
■ c. Revising paragraph (c)(1)(ii).

The revisions read as follows:

§ 1112.15 When can a third party conformity assessment body apply for CPSC acceptance for a particular CPSC rule or test method?

* * * * *

(b) * * *

(32) 16 CFR part 1250, safety standard for toys. The CPSC only requires certain provisions of ASTM F963–17 to be subject to third party testing; and therefore, the CPSC only accepts the accreditation of third party conformity assessment bodies for testing under the following toy safety standards:

* * * * *

(ii) ASTM F963–17:

* * * * *

(c) * * *

(1) * * *

(ii) ASTM F963–17, ''Standard Consumer Safety Specification for Toy Safety,'' May 1, 2017.

* * * * *

PART 1250—SAFETY STANDARD MANDATING ASTM F963 FOR TOYS

■ 3. The authority citation for part 1250 continues to read as follows:

Authority: Pub. L. 110–314, sec. 106, 122 Stat. 3016 (August 14, 2008); Pub. L. 112–28, 125 Stat. 273 (August 12, 2011).

■ 4. Amend § 1250.2 by:
■ a. Revising paragraph (a); and
■ b. Adding paragraph (c).

The revisions and additions read as follows:

§ 1250.2 Requirements for toy safety.

(a) Except as provided for in paragraphs (b) and (c) of this section, toys must comply with the provisions of ASTM F963–17, Standard Consumer Safety Specification for Toy Safety, approved May 1, 2017. The Director of the Federal Register approves the incorporation by reference listed in this section in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain a copy of this ASTM standard from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428–2959 USA; phone: 610–832–9585; *http://www.astm.org/.* You may inspect a copy at the Office of the Secretary, U.S. Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814, telephone 301–504–7923, or 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/code_of_federalregulations/ibr_locations.html.*

* * * * *

(c) Instead of complying with section 8.20.1.5(5) of ASTM F963–17, comply with the following:

(1) Floor and tabletop toys that move, where the sound is caused as a result of the movement imparted on the toy (for example, a noise making mechanism attached to an axle of a toy vehicle) shall be tested using the method for push and pull toys. In addition to the C-weighted peak measurement maximum A-weighted sound pressure level, $L_{AFmax,}$ shall be made and compared to the requirements of 4.5.1.2.

(2) [Reserved]

Alberta E. Mills,

Acting Secretary, U.S. Consumer Product Safety Commission.

[FR Doc. 2017–26009 Filed 12–1–17; 8:45 am]

BILLING CODE 6355–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2016–0740; FRL–9970–93–Region 9]

Approval of California Air Plan Revisions, Sacramento Metropolitan Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve a revision to the Sacramento Metropolitan Air Quality Management District (SMAQMD) portion of the California State Implementation Plan (SIP). This revision concerns volatile organic compound (VOC) emissions from Organic Chemical Manufacturing Operations. We are proposing to simultaneously approve a local rule and a rule rescission to regulate these emission sources under the Clean Air Act (CAA or the Act).

DATES: This rule is effective on January 3, 2018.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R09–OAR–2016–0740. All documents in the docket are listed on the *https://www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Arnold Lazarus, EPA Region IX, (415) 972–3024, *lazarus.arnold@epa.gov.*

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

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I. Proposed Action

On January 15, 2016 (81 FR 2136) the EPA proposed to partially approve and partially disapprove SMAQMD's SIP revision to address Reasonably Available Control Technology (RACT) requirements for the 1997 8-hour ozone National Ambient Air Quality Standards (NAAQS) based in part on our conclusion that the submittal did not satisfy the CAA section 182 requirements for RACT pertaining to pharmaceutical manufacturing operations. On August 12, 2016 we finalized our partial approval and partial disapproval and stated that sanctions would be imposed under CAA section 179 and 40 CFR 52.31 unless the EPA approved SIP revisions correcting this deficiency within 18 months of the effective date of our final rulemaking action.

On April 28, 2106 the SMAQMD repealed Rule 455, Pharmaceutical Manufacturing, and amended Rule 464, Organic Chemical Manufacturing Operations, to address the VOC RACT deficiencies. On August 22, 2016 the California Air Resources Board submitted these rules to the EPA for SIP approval and the EPA proposed to approve them into the California SIP on July 19, 2017 (82 FR 33030). Table 1 below summarizes the submittal timeline.

TABLE 1—SUBMITTED RULES

Local agency	Rule No.	Rule title	Amended	Repealed	Submitted
SMAQMD	455	Pharmaceuticals Manufacturing	.....	4/28/16	8/22/16
SMAQMD	464	Organic Chemical Manufacturing Operations	4/28/16	.....	8/22/16

We proposed to approve these revisions because we determined that they correct the identified RACT deficiencies for the pharmaceuticals manufacturing category and comply with the relevant CAA requirements. Our proposed action contains more information on the rule and our evaluation.

II. Public Comments and EPA Responses

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

III. EPA Action

No comments were submitted. Therefore, as authorized in section 110(k)(3) of the Act, the EPA is fully approving Rule 464 and rescinding Rule 455. Please see the docket for a copy of the complete submitted documents. Final approval satisfies California's obligation, under CAA section 182 for the 1997 8-hour ozone NAAQS, to implement RACT in the SMAQMD for the following control techniques guidelines VOC categories:

a. ''Control of Volatile Organic Compound Emissions from Reactor Processes and Distillation Operations Processes in the Synthetic Organic Chemical Manufacturing Industry,'' EPA–450/4–91–031, August 1993.

b. ''Control of Volatile Organic Compound Emissions from Manufacture of Synthesized Pharmaceutical Products,'' EPA–450/2–78–029, December 1978.

Our August 12, 2016 partial disapproval of SMAQMD's RACT SIP demonstration for the 1997 NAAQS also stated that a SIP submittal in the form of a rule or permit provision was required to implement VOC RACT for the Kiefer Landfill, a major VOC source. We are taking a separate action elsewhere in today's **Federal Register** to fully approve into the SIP operating permits for landfill gas flaring at the Kiefer Landfill. Our final approval of both the Kiefer Landfill operating permits and Rule 464 will terminate both the sanctions clocks and the federal implementation plan clock associated with our August 12, 2016 partial disapproval of SMAQMD's RACT SIP.

IV. Incorporation by Reference

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

V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866.
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities

under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

• Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4);

• Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

• Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

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

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

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

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 2, 2018. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: November 6, 2017.

Alexis Strauss,

Acting Regional Administrator, Region IX.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart F—California

■ 2. Section 52.220 is amended by adding paragraphs (c)(154)(iii)(D) and (c)(488)(i)(C) to read as follows:

§ 52.220 Identification of plan-in part.

* * * * *

(c) * * *

(154) * * *

(iii) * * *

(D) Rule 455, previously approved on January 24, 1985 in paragraph (c)(154)(iii)(B) of this section, is deleted with replacement in (c)(488)(i)(C)(*1*).

* * * * *

(488) * * *

(i) * * *

(C) Sacramento Metropolitan Air Quality Management District.

(*1*) Rule 464, ''Organic Chemical Manufacturing Operations,'' amended on April 28, 2016.

* * * * *

[FR Doc. 2017–25929 Filed 12–1–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2017–0066; EPA–R05–OAR–2017–0067; FRL–9960–05–Region 5]

Air Plan Approval; Minnesota and Michigan; Regional Haze SIP; FIP for Regional Haze; Final Action on Petitions for Reconsideration

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notification of action denying petitions for reconsideration.

SUMMARY: The Environmental Protection Agency (EPA) is providing notice of its denials of petitions for reconsideration of rules addressing regional haze planning requirements for the States of Michigan and Minnesota. Specifically, on November 26, 2013, the United States Steel Corporation (U.S. Steel) petitioned EPA to reconsider and stay the final rulemaking captioned ''Approval and Promulgation of Air Quality Implementation Plans; States of Minnesota and Michigan; Regional Haze State Implementation Plan; Federal Implementation Plan for Regional Haze'' published on February 6, 2013, as well as the final rulemaking captioned ''Approval and Promulgation of Air Quality Implementation Plans; States of Michigan and Minnesota; Regional Haze,'' published on September 30, 2013. Further, on June 13, 2016, U.S. Steel petitioned EPA to reconsider and stay the final rulemaking captioned ''Air Plan Approval; Minnesota and Michigan; Revision to 2013 Taconite Federal Implementation Plan Establishing BART for Taconite Plants,'' published on April 12, 2016. EPA has denied the petitions by final action signed January 18, 2017, for reasons that EPA explains in the document denying U.S. Steel's petitions.

DATES: December 4, 2017.

ADDRESSES: EPA has established dockets for these actions under EPA–R05–OAR–2017–0066 for the Petition to Reconsider the Original 2013 Taconite FIP and EPA–R05–OAR–2017–0067 for the Petition to Reconsider the 2016 Revisions to the Taconite FIP. These dockets include the petitions for reconsideration, EPA's response, and other related documents. All documents are listed on the *www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *i.e.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on

the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Steven Rosenthal, Environmental Engineer, at (312) 886–6052 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Steven Rosenthal, Environmental Engineer, Air Planning and Maintenance Section, at 312–886–6052, *rosenthal.steven@epa.gov* or at Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

SUPPLEMENTARY INFORMATION: Section 307(b)(1) of the Clean Air Act indicates which Federal Courts of Appeal have venue for petitions for review of final actions by EPA. This action pertains to facilities in Minnesota and is not based on a determination of nationwide scope or effect. Thus, under section 307(b)(1), any petitions for review of EPA's action denying the U.S. Steel petition for reconsideration must be filed in the Court of Appeals for the Eighth Circuit on or before February 2, 2018.

Dated: February 28, 2017.

Robert Kaplan,

Acting Regional Administrator, Region 5.

Editorial note: This document was received for publication by the Office of the Federal Register on November 28, 2017.

[FR Doc. 2017–25946 Filed 12–1–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R02–OAR–2017–0013; FRL 9971–28–Region 2]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a source-specific revision to the New York state implementation plan (SIP) that establishes Best Available Retrofit Technology (BART) emission limits for the Danskammer Generating Station (''Danskammer'') Unit 4, owned and operated by Danskammer Energy LLC. The SIP revision establishes BART emission limits for sulfur dioxide, oxides of nitrogen, and particulate matter that are identical to the emission limits established by the EPA's federal implementation plan (FIP) for Danskammer Unit 4, which was published on August 28, 2012. The EPA finds that the SIP revision fulfills the requirements of the Clean Air Act and the EPA's Regional Haze Rule for BART at Danskammer Unit 4. In conjunction with this approval, we are withdrawing those portions of the FIP that address BART for Danskammer Unit 4.

DATES: This rule is effective on January 3, 2018.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R02–OAR–2017–0013. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *e.g.,* confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Edward J. Linky, Environmental Protection Agency, Air Programs Branch, 290 Broadway, New York, New York 10007–1866 at 212–637–3764 or by email at *Linky.Edward@epa.gov.*

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

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II. What significant comments were received in response to the EPA's proposed action?
III. What are the EPA's conclusions?
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I. What action is the EPA taking today?

The EPA is approving a source-specific SIP revision for Danskammer Unit 4 (the ''Danskammer SIP Revision'') that was submitted by the New York State Department of Environmental Conservation (NYSDEC) on August 10, 2015, and supplemented on August 5, 2016. Specifically, the EPA is approving BART emission limits for sulfur dioxide (SO_2), oxides of nitrogen (NO_X), and particulate matter (PM) for Danskammer Unit 4 that are equivalent to the emission limits established by the EPA's FIP that was promulgated on August 28, 2012 (77 FR 51915, 51917).

In its submittal, NYSDEC included the following BART emission limits for Danskammer Unit 4: 0.12 pounds of NO_X per million British thermal units (lb NO_X/MMBtu) calculated on a 24-hour average during the ozone season and on a rolling 30-day average during the rest of the year; 0.09 lb SO_2/MMBtu calculated on a 24-hour average; and 0.06 lb PM/MMBtu calculated on a 1-hour average. NYSDEC also included a condition that restricts Danskammer Unit 4 to combusting only natural gas. As a result of the EPA's approval, the EPA is withdrawing those portions of the FIP that address BART for Danskammer Unit 4. The reader is referred to EPA's Proposed Rule, 82 FR 21749 (May 10, 2017), for a detailed discussion of this SIP revision.

II. What significant comments were received in response to the EPA's proposed action?

EarthJustice (EJ) submitted the following comments on behalf of the National Parks Conservation Association (NPCA) and Sierra Club.

Comment 1: EJ supports the inclusion in the New York SIP of limits that restrict combustion at Danskammer Unit 4 to natural gas. EJ agrees with the EPA's conclusion that such a restriction will have the effect of reducing visibility-impairing emissions compared to the prior Title V permit and the EPA FIP that allowed combustion of coal, oil, or natural gas in Unit 4. According to the 2012 BART determination study for Danskammer Unit 4 that formed the basis for NYSDEC's and the EPA's BART determinations, 100% firing of natural gas is associated with the highest percent reduction of SO_2 of the controls examined at the time, and the third highest percent reduction of NO_X. Elimination of coal combustion is consistent with BART and will certainly provide visibility benefits at Class I areas.

Response: The EPA acknowledges EJ's support of the natural gas requirement in the Danskammer SIP Revision.

Comment 2: The 2012 BART determination for Danskammer Unit 4 formed the basis for NYSDEC's and EPA's prior BART determinations. Since the unit had already been converted to co-fire or exclusively fire natural gas in 1987, the determination included the option of 100% firing of natural gas as a feasible BART technology. Thus, the

use of natural gas is not fuel switching for this unit. The prior BART analysis lists an achievable emission rate of 0.08 lbs/MMBtu for NO_X, and a control efficiency of 99.95% under the 100% natural gas combustion scenario. Since natural gas combustion technology is already installed and operating, the cost of the technology to achieve these emission levels is $0.

Response: The commenter's intended point is that because restricting Danskammer Unit 4 to combusting natural gas is not a form of fuel switching, the state must adopt BART emission limits that reflect the low emission rates associated with natural gas combustion. The EPA disagrees that restricting Danskammer Unit 4 to combusting natural gas is not a form of fuel switching. The Danskammer Unit 4 boiler was designed to combust coal, fuel oil, and natural gas, and until recent years, coal was the unit's primary fuel source. By prohibiting Danskammer Unit 4 from combusting coal or fuel oil going forward, the Danskammer SIP Revision effects a fuel switch from multi-fuel capability to the exclusive use of natural gas. In the BART Guidelines, the EPA stated that ''it is not our intent to direct States to switch fuel forms, *e.g.,* from coal to gas.'' 70 FR 39104, 39164 (July 6, 2005). As such, NYSDEC's decision to require fuel switching at Danskammer Unit 4 as a condition in its SIP revision was entirely discretionary. The EPA acknowledges that, by combusting only natural gas, Danskammer Unit 4 can achieve the lower emission limits cited by the commenter without additional cost, but the EPA cannot disapprove the SIP for not including lower limits when the BART Guidelines do not require states to consider fuel switching as a BART option in the first instance. See 70 FR at 39164.

Comment 3: As noted by the EPA, the emission limits for SO_2 and NO_X adopted by NYSDEC for Danskammer Unit 4 are identical to those contained in EPA's 2012 FIP. However, the rulemaking record for the 2012 FIP clearly demonstrates that these emission limits were designed for a plant that maintained the option to use coal as a fuel. The EPA's Regional Haze Rule requires that the ''determination of BART must be based on an analysis of the best system of continuous emission control technology available and associated emission reductions achievable.'' 40 CFR 51.308(e)(1)(ii)(A). According to the EPA's own BART Guidelines, ''[t]o complete the BART process, you must establish enforceable emission limits that reflect the BART requirements.'' 70 FR 39172. The coal-based emission limits in the EPA's current proposal no longer reflect BART, as the plant is now restricted to burning natural gas. Thus they are not emission reductions ''associated'' with natural gas combustion under the BART Guidelines. The EPA must instead establish lower limits under BART reflecting the natural gas-only fuel restriction it proposes to incorporate into the SIP.

Response: The EPA disagrees that the natural gas requirement in the Danskammer SIP Revision is BART. As explained in the response to comment 2, the BART Guidelines do not require states to consider fuel switching as a BART control option. In its 2012 SIP submittal, NYSDEC included at its discretion a potential control option of 100% combustion of natural gas for Danskammer Unit 4 before rejecting it in favor of other control options. In the Danskammer SIP Revision, however, NYSDEC did not indicate that it was now determining 100% natural gas combustion to be BART. Rather, NYSDEC adopted the BART emission limits that the EPA established in its 2012 FIP, which were based on flue-gas desulfurization (FGD) for SO_2, various options for reducing NO_X, and Unit 4's existing electrostatic precipitator (ESP) for PM. The EPA included a detailed technical justification for its BART determinations in the record for that rulemaking, *see* 77 FR 24793, 24812–15 (April 25, 2012) (proposal); 77 FR 51918–23 (final), and the commenter has not made any effort to rebut that analysis with new information. Nothing in the Clean Air Act (CAA), the Regional Haze Rule, or the BART Guidelines requires the EPA to disapprove the Danskammer SIP Revision and establish lower emission limits reflecting 100% combustion of natural gas simply because NYSDEC included that condition in addition to its BART emission limits in its SIP revision. In any event, the EPA notes that requiring the lower emission limits favored by the commenter would not achieve an environmental benefit because the natural gas requirement in the Danskammer SIP Revision already has the practical effect of reducing Danskammer Unit 4's emissions to levels that are consistent with those lower emission limits.

Comment 4: The EPA claims in its proposal that NYSDEC's proposal is sufficient because it is ''more stringent than the EPA's FIP.'' 82 FR 21750. However, the BART determination cannot simply be more stringent than the EPA's FIP; it must stand alone as a BART determination, which includes requiring an emission limit consistent with the ''best system of continuous emission control technology available,'' in this case, at a minimum, the exclusive use of natural gas. 40 CFR 51.308(e)(1)(ii)(A). In the original BART determination, as the EPA noted in its 2012 proposal, ''[a]lthough gas co-firing (and 100% gas firing) appears to be feasible and cost effective, it was ruled out as a control option due to high price volatility of natural gas and potential reliability concerns on the state's electric system.'' 77 FR 24812. These concerns are no longer valid, if indeed they were in the first place. Thus, based on the original BART determination for the unit, limits associated with the 100% firing of natural gas should be those originally associated with that control, *i.e.,* no higher than 0.08 lbs/MMBtu for NO_X and 99.95 percent SO_2 control efficiency consistent with the unit's existing limits. The existing NO_X limit is on a 24-hour average during the ozone season and a 30-day average during the remainder of the year. This is unjustified and inappropriate for a visibility-specific limit given 100% gas firing and higher impacts from nitrates during the wintertime. Also, the exclusive use of natural gas would reduce PM emissions as well, and so a PM emission limit should be set that reflects 100% natural gas firing, rather than the proposed limit of 0.06 lbs/MMBtu on a 1-hour basis, which was determined based on tests performed when burning coal.

Response: The EPA disagrees with this comment for the same reasons described in the EPA's previous responses. The EPA acknowledges that the Agency stated at proposal that the Danskammer SIP revision was approvable ''because it is more stringent than the EPA's FIP.'' 82 FR 21750. More accurately, the SIP revision is approvable because it meets minimum CAA requirements by adopting the emission limits in the EPA's FIP, and then goes beyond those minimum CAA requirements by including the ''more stringent'' natural gas requirement. *See* CAA section 116 (''[N]othing in [the CAA] shall preclude or deny the right of any State . . . to adopt or enforce . . . any requirement respecting control or abatement of air pollution . . . .'').

Comment 5: As noted, NYSDEC has claimed to submit these changes for Danskammer Unit 4 as an ''updated'' BART determination. The EPA has proposed to approve it as such, simultaneously withdrawing the BART determination in its FIP. However, NYSDEC has not submitted a BART determination, only changes to Unit 4's Title V permit. Neither the state nor the EPA has offered an actual BART

determination, which must include consideration of: The costs of compliance, the energy and non-air quality environmental impacts of compliance, any pollution control equipment in use at the source, the remaining useful life of the source, and the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology. 40 CFR 51.308(e)(1)(ii)(A). In this case, any updated BART determination should also include consideration of controls that can be used in addition to 100% firing of natural gas. Because the proposed rulemaking does not include a BART determination, the EPA cannot use it as a replacement for its challenged FIP. To fix this critical shortcoming, the EPA has several options. First, the EPA could include a BART determination with the final rule based on the information submitted with the 2012 New York haze SIP, setting limits based on 100% natural gas combustion and any further controls that it determines to be BART. Second, NYSDEC could immediately supplement its 2012 haze plan as to Danskammer Unit 4, and include a BART determination, again based on the prior BART analysis for 100% natural gas combustion and any additional BART controls. If NYSDEC pursues the second option and it cannot be achieved in a timely manner, EPA must issue a limited approval of the Title V permit restriction as to natural gas combustion and maintain the current FIP, disapproving the current submission as to any purported BART determination and requiring NYSDEC to formally resubmit an actual BART determination that includes at least 100% natural gas combustion at Unit 4.

Response: In the 2012 FIP, the EPA ''encourage[d] New York at any time to submit a SIP revision to incorporate provisions that match the terms of our FIP, or relevant portion thereof,'' explaining that if we approved the SIP revision, it would replace the FIP provisions. 77 FR 51917. NYSDEC responded by submitting the Danskammer SIP Revision, which incorporated provisions that match the terms of our FIP, as well as an additional requirement restricting Danskammer Unit 4 to combusting natural gas. Because NYSDEC was not required to update its BART determinations beyond incorporating the BART emission limits from the 2012 FIP, the EPA has no basis to disapprove the SIP revision and supplant it with another FIP.

Comment 6: The CAA requires that Danskammer procure, install, and operate BART as expeditiously as practicable. ''As expeditiously as practicable'' is defined as five years after the date of approval of a plan revision or promulgation of a FIP. The FIP here was promulgated on August 28, 2012. Therefore, the EPA must act promptly to respond to the issues identified in this letter and determine BART for gas-only combustion to enable Danskammer to meet this deadline.

Response: The 2012 FIP required Danskammer Unit 4 to comply with the BART emission limits by July 1, 2014. As a result of damage to the facility sustained during flooding in 2012, Danskammer Unit 4 was non-operational until the fall of 2014, when it began operating as a natural gas peaking unit. Danskammer Unit 4 has been complying with the BART emission limits in the FIP since it restarted in 2014. The Danskammer SIP Revision adopts the FIP's BART emission limits, and they will become federally enforceable on the effective date of this final action. Therefore, NYSDEC has satisfied CAA section 169A(g)(4)'s requirement that BART must be installed as expeditiously as practicable, but in no event later than five years after the date of approval of a plan revision (*i.e.,* the Danskammer SIP Revision).

III. What are the EPA's conclusions?

The EPA has evaluated the Danskammer SIP Revision and is determining that it meets the requirements of the CAA and the Regional Haze Rule. Therefore, the EPA is approving the BART emission limits and related administrative requirements (*i.e.,* monitoring, recordkeeping and reporting requirements) for Danskammer Unit 4, which are identical to those contained in the EPA's 2012 FIP: 0.12 lb NO_X/MMBtu, calculated on a 24-hour average during the ozone season and on a rolling 30-day average during the rest of the year; 0.09 lb SO_2/MMBtu, calculated on a 24-hour average; and 0.06 lb PM/MMBtu, calculated on a 1-hour average. NYSDEC also included in its SIP revision a condition that restricts Danskammer Unit 4 to combusting only natural gas, which the EPA is approving into the SIP. Consequently, the EPA is withdrawing those portions of the 2012 FIP that address BART for Danskammer Unit 4.

IV. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with the requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of a single-source SIP revision, dated August 10, 2015, and supplemented on August 5, 2016, from NYSDEC for Danskammer Unit 4 (Facility DEC ID 3334600011), including Title V permit conditions (permit ID 3–3346–00011/00017) with Best Available Retrofit Technology (BART) emission limits for NO_X, SO_2, and PM. NYSDEC renewed Danskammer's Title V permit on February 24, 2015. The summary of emission limits and other enforceable requirements for this SIP revision are included in section I of this rulemaking. The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and/or at the EPA Region 2 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by the EPA for inclusion in the SIP, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of the EPA's approval, and will be incorporated by the Director of the Federal Register in the next update to the SIP compilation.[1]

V. Statutory and Executive Order Reviews

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

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

This action is exempt from review by the Office of Management and Budget (OMB) because it will result in the approval of a SIP submitted by the New York State Department of Environmental Conservation for Danskammer Generation Station Unit No. 4. Approval of SIPs falls within a category of Actions that is exempted from review by OMB. It was therefore not submitted to OMB for review.

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

This action is not an Executive Order 13771 regulatory action because this action falls within the category of Actions that OMB has exempted from review. This action specifically is an Approval of a State Implementation Plan (SIP).

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

C. Paperwork Reduction Act

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act (PRA).[2] Because this final rule has identical recordkeeping and reporting requirements to the EPA's 2012 FIP, the PRA does not apply.

D. Regulatory Flexibility Act

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This rule does not impose any requirements or create impacts on small entities as no small entities are subject to the requirements of this rule.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate of $100 million or more as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. Because this final rule has identical BART emission limits and related administrative requirements (*i.e.,* monitoring, recordkeeping and reporting requirements) to the EPA's 2012 FIP, this final rule is not subject to the requirements of sections 202 or 205 of UMRA. This final rule is also not subject to the requirements of section 203 of UMRA because it contains no regulatory requirements that might significantly or uniquely affect small governments.

F. Executive Order 13132: Federalism

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

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

This action does not have tribal implications, as specified in Executive Order 13175. It will not have substantial direct effects on tribal governments. Thus, Executive Order 13175 does not apply to this rule.

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

This action is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997). The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk.

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

This action is not subject to Executive Order 13211 (66 FR 28355, May 22, 2001), because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer and Advancement Act

This rulemaking does not involve technical standards. Therefore, the EPA is not considering the use of any voluntary consensus standards.

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

The EPA believes that this action does not have disproportionately high and adverse human health or environmental effects on minority populations, low-income populations and/or indigenous peoples, as specified in Executive Order 12898 (59 FR 7629, February 16, 1994). As explained previously, this action provides identical BART emission limits and related administrative requirements (*i.e.,* monitoring, recordkeeping and reporting requirements) to the EPA's 2012 FIP.

L. Congressional Review Act (CRA)

This action is subject to the CRA, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

M. Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 2, 2018. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. *See* CAA section 307(b)(2).

List of Subjects in 40 CFR Part 52

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

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

Dated: November 20, 2017.

E. Scott Pruitt,

Administrator.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart HH—New York

■ 2. Section 52.1670(d) is amended by adding an entry entitled ''Danskammer Energy LLC, Danskammer Generating Station'' to the end of the table to read as follows:

§ 52.1670 Identification of plan.

* * * * *

(d) * * *

[2] 44 U.S.C. 3501 *et seq.*

EPA-APPROVED NEW YORK SOURCE-SPECIFIC PROVISIONS

Name of source	Identifier No.	State effective date	EPA approval date	Comments
*	*	*	*	* * *
Danskammer Energy LLC, Danskammer Generating Station.	NYSDEC Facility No. 333 46000011.	2/25/15	11/4/17	Best Available Retrofit Technology (BART) emission limits for NO_X, SO_2, and PM pursuant to 6 NYCRR part 249 for Unit 4 and the requirement to combust only natural gas.

* * * * *

■ 3. Section 52.1686 is amended by:
■ a. Revising paragraph (a); and
■ b. Amending paragraph (c)(1) table by removing the entry ''Danskammer Generating Station—Dynergy.''

The revision reads as follows:

§ 52.1686 Federal Implementation Plan for Regional Haze.

(a) *Applicability.* This section applies to each owner and operator of the following electric generating units (EGUs) in the State of New York: Roseton Generating Station, Units 1 and 2;

* * * * *

[FR Doc. 2017–25945 Filed 12–1–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2017–0196; FRL–9970–92–Region 9]

Approval of California Air Plan Revisions, Sacramento Metropolitan Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve a revision to the Sacramento Metropolitan Air Quality Management District (SMAQMD) portion of the California State Implementation Plan (SIP). This revision concerns emissions of volatile organic compounds (VOCs) from landfill gas flaring at the Kiefer Landfill in Sacramento, California. We are approving portions of two SMAQMD operating permits that limit VOC emissions from this facility under the Clean Air Act (CAA or the Act).

DATES: This rule will be effective on January 3, 2018.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R09–OAR–OAR–2017–0196. All documents in the docket are listed on the *https://www.regulations.gov* Web site. Although listed in the docket, some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Stanley Tong, EPA Region IX, (415) 947–4122, *tong.stanley@epa.gov.*

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

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I. Proposed Action
II. Public Comments and EPA Responses
III. EPA Action
IV. Incorporation by Reference
V. Statutory and Executive Order Reviews

I. Proposed Action

On January 15, 2016 (81 FR 2136) the EPA proposed to partially approve and partially disapprove SMAQMD's SIP revision to address Reasonably Available Control Technology (RACT) requirements for the 1997 8-hour ozone National Ambient Air Quality Standards (NAAQS) based in part on our conclusion that the submittal did not satisfy the CAA section 182 requirements for major source VOC RACT from landfill gas flaring operations at the Kiefer Landfill. On August 12, 2016 we finalized our partial approval and partial disapproval and stated that sanctions would be imposed under CAA section 179 and 40 CFR 52.31 unless the EPA approved SIP revisions correcting this deficiency within 18 months of the effective date of our final rulemaking action.

On July 28, 2016 the SMAQMD adopted portions of two operating permits (Operating Permit 24360—issued March 24, 2016 and reissued April 14, 2016; and Operating Permit 24361—issued March 24, 2016 and reissued April 14, 2016) to address the VOC RACT deficiency. On January 24, 2017 the California Air Resources Board (CARB) submitted these operating permits to the EPA for SIP approval and the EPA proposed to approve them into the California SIP on July 19, 2017 (82 FR 33032). Specifically, we proposed to approve permit conditions 2, 8, 13, 14, 16, 17, 22, 23, 24, 25, 26, 27, 37, 39 and 40 (or portions thereof) and Attachment A from SMAQMD Operating Permit Nos. 24360 and 24361. We proposed to approve these portions of the operating permits into the SIP because we determined that they complied with the relevant CAA requirements. Our proposed action contains more information on these operating permits and our evaluation.

II. Public Comments and EPA Responses

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

III. EPA Action

No comments were submitted. Therefore, as authorized in section 110(k)(3) of the Act, the EPA is fully approving the submitted portions of the operating permits into the California SIP. Specifically, we are approving permit conditions 2, 8, 13, 14, 16, 17, 22, 23, 24, 25, 26, 27, 37, 39 and 40 (or portions thereof) and Attachment A from SMAQMD Operating Permit Nos. 24360 and 24361, which together establish enforceable VOC limitations that satisfy RACT for the landfill gas flares at the Kiefer Landfill. Please see the docket for a copy of the complete submitted documents.

Final approval satisfies California's obligation, under CAA section 182 for the 1997 8-hour ozone NAAQS, to implement RACT for the landfill gas flares at the Kiefer Landfill. Our August 12, 2016 partial disapproval of SMAQMD's RACT SIP demonstration for the 1997 NAAQS also stated that amendments to SMAQMD's pharmaceuticals manufacturing rule

were required to satisfy RACT. We are taking a separate action elsewhere in today's **Federal Register** to fully approve SMAQMD Rule 464, Organic Chemical Manufacturing Operations, into the SIP. Our final approval of both the operating permits for the flares at the Kiefer Landfill and approval of Rule 464 will terminate both the sanctions clock and the federal implementation plan clock associated with our August 12, 2016 partial disapproval of SMAQMD's RACT SIP.

IV. Incorporation by Reference

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

V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866.
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 2, 2018. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: November 6, 2017.

Alexis Strauss,

Acting Regional Administrator, Region IX.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart F—California

■ 2. Section 52.220 is amended by adding paragraph (c)(497) to read as follows:

§ 52.220 Identification of plan—in part.

* * * * *

(c) * * *

(497) New and/or amended regulations for the following AQMDs were submitted on January 24, 2017 by the Governor's designee.

(i) *Incorporation by reference.* (A) Sacramento Metropolitan Air Quality Management District.

(*1*) Permit to Operate for the Kiefer Landfill (''Permit to Operate No. 24360—Air Pollution Control Landfill Gas Flare No. 1, Enclosed Type'') with Attachment A, as reissued on April 14, 2016.

(*2*) Permit to Operate for the Kiefer Landfill (''Permit to Operate No. 24361—Air Pollution Control Landfill Gas Flare No. 2, Enclosed Type'') with Attachment A, as reissued on April 14, 2016.

[FR Doc. 2017–25928 Filed 12–1–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2015–0856; FRL–9971–33–Region 10]

Air Plan Approval; ID; 2012 $PM_{2.5}$ Standard Infrastructure Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Whenever a new or revised National Ambient Air Quality Standard (NAAQS) is promulgated, each state must submit a plan for the implementation, maintenance and enforcement of such standard—commonly referred to as infrastructure requirements. The Environmental Protection Agency (EPA) finds that the Idaho State Implementation Plan (SIP) meets the infrastructure requirements for the 2012 fine particulate matter ($PM_{2.5}$) NAAQS.

DATES: This final rule is effective January 3, 2018.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R10–OAR–2015–0856. All documents in the docket are listed on the *https://www.regulations.gov* Web site. Although listed in the index, some information may not be publicly available, *i.e.,* Confidential Business Information or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and is publicly available only in hard copy form. Publicly available docket materials are available at *https://www.regulations.gov* or at EPA Region 10, Office of Air and Waste, 1200 Sixth Avenue, Seattle, Washington 98101. The EPA requests that you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Matthew Jentgen, Air Planning Unit, Office of Air and Waste (OAW–150), Environmental Protection Agency, Region 10, 1200 Sixth Ave., Suite 900, Seattle, WA 98101; telephone number: (206) 553–0340; email address: *jentgen.matthew@epa.gov.*

SUPPLEMENTARY INFORMATION:

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I. Background Information
II. Final Action
III. Statutory and Executive Orders Review

I. Background Information

On December 23, 2015, Idaho submitted a certification that the Idaho SIP meets the infrastructure requirements of Clean Air Act (CAA) sections 110(a)(1) and (2) for the 2012 $PM_{2.5}$ NAAQS. On September 12, 2017, the EPA proposed to approve the submission as meeting certain infrastructure requirements (82 FR 42772). Please see our proposed rulemaking for further explanation and the basis for our finding. The public comment period for this proposal ended on October 12, 2017. We received comments in support of this action and the Idaho Department of Environmental Quality.

II. Final Action

The EPA finds that the Idaho SIP meets the following CAA section 110(a)(2) infrastructure elements for the 2012 $PM_{2.5}$ NAAQS: (A), (B), (C), (D)(i)(II), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M). This action is being taken under section 110 of the CAA.

III. Statutory and Executive Orders Review

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 2, 2018. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not

be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

List of Subjects in 40 CFR Part 52

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

Dated: November 15, 2017.

Michelle L. Pirzadeh,

Acting Regional Administrator, Region 10.

For the reasons set forth in the preamble, 40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart N—Idaho

■ 2. In § 52.670, the table in paragraph (e) is amended by:

■ a. Revising the entry entitled ''Idaho State Board SIP Revision; Executive Order 2013–06; dated June 26, 2013''.

■ b. Adding an entry at the end of the table for ''Section 110(a)(2) Infrastructure Requirements—2012 $PM_{2.5}$ NAAQS''.

The revision and addition read as follows:

§ 52.670 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED IDAHO NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Comments
*	*	*	*	*
Chapter VIII—Nonattainment Area Plans				
*	*	*	*	*
Idaho State Board SIP Revision; Executive Order 2013–06; dated June 26, 2013.	State-wide	9/16/2013	10/24/2013, 78 FR 63394.	To satisfy the requirements of CAA section 128(a)(1) and CAA section 110(a)(2)(E)(ii) for all criteria pollutants. Renewed on December 14, 2016, expiring December 14, 2020, unless renewed by subsequent Executive Order. *See* Executive Order 2016–07.
*	*	*	*	*
Section 110(a)(2) Infrastructure Requirements—2012 $PM_{2.5}$ NAAQS.	State-wide	12/23/2015	12/4/2017, [insert **Federal Register** citation].	Approves SIP for purposes of CAA sections 110(a)(2)(A), (B), (C), (D)(i)(II), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M) for the 2012 $PM_{2.5}$ NAAQS.

[FR Doc. 2017–25930 Filed 12–1–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2017–0130; FRL–9970–68-Region 9]

Revisions to California State Implementation Plan; Bay Area Air Quality Management District; Emission Reduction Credit Banking

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is finalizing action on a revision to the Bay Area Air Quality Management District (BAAQMD or District) portion of the California State Implementation Plan (SIP). We are finalizing a conditional approval of one rule. This revision consists of updates to provisions governing the issuance and banking of Emission Reduction Credits for use in the review and permitting of major sources and major modifications under part D of title I of the Clean Air Act (CAA).

DATES: This rule will be effective on January 3, 2018.

ADDRESSES: The EPA has established a docket for this action under Docket No. EPA–R09–OAR–2017–0130. All documents in the docket are listed on the *http://www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *http://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Laura Yannayon, EPA Region 9, (415) 972–3534, *yannayon.laura@epa.gov.*

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

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I. Proposed Action
II. Public Comments and EPA Responses
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I. Proposed Action

On September 14, 2017 (82 FR 43202), the EPA proposed a conditional approval of the following rule that was submitted for incorporation into the BAAQMD portion of the California SIP.

TABLE 1—SUBMITTED RULE

Regulation and rule No.	Rule title	Adopted/ amended	Submitted
Regulation 2, Rule 4 (Rule 2–4)	Permits, Emissions Banking	12/19/12	4/22/13

We proposed a conditional approval of Regulation 2, Rule 4 because we determined that, separate from the deficiencies listed in Section II.B of our proposed rulemaking action, the rule: ensures that issued ERCs will meet the criteria laid out in 40 CFR 51.165(a)(3)(ii)(C)(*1*)(*i*) at the time of ERC issuance; satisfies the requirements of 40 CFR 51.165(a)(3)(i); satisfies the applicable requirements found in EPA's Emissions Trading Policy Statement; and satisfies the requirements of 40 CFR 51.165(a)(3)(ii)(C)(*1*)(*ii*), which requires pre-base year shutdown credits to be explicitly added back in to the most recent applicable air quality plans. Moreover, we concluded that if the District submits the changes it committed to submit in its August 28, 2017 commitment letter, the identified deficiencies will be cured.

II. Public Comments and EPA Responses

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

III. EPA Action

No comments were submitted. Therefore, as authorized in sections 110(k)(4) and 301(a) of the Act, the EPA is finalizing conditional approval of Regulation 2, Rule 4 into the BAAQMD portion of the California SIP. If the State meets its commitment to submit the required measures, the revisions to Rule 2–4 will remain a part of the SIP until EPA takes final action approving or disapproving the new SIP revisions. However, if the State fails to submit these revisions within the required timeframe, the conditional approval will automatically become a disapproval, and EPA will issue a finding of disapproval. EPA is not required to propose the finding of disapproval.

There are no sanctions or Federal Implementation Plan (FIP) implications should the conditional approval become a disapproval. Sanctions would not be imposed under CAA section 179(b) because the submittal of Rule 2–4 is discretionary (*i.e.,* not required to be included in the SIP). *See* ETPS, 51 FR 43,813 at 43,825 (''[S]tates are by no means required to adopt banking procedures, but . . . banks may help states and communities realize important planning and environmental benefits.''). A FIP would not be imposed under CAA section 110(c)(1) because the disapproval does not reveal a deficiency in the SIP that such a FIP must correct. Specifically: (1) The deficiencies identified herein do not impact or undermine the requirement that offsets satisfy the requirements of 40 CFR 51.165, including the requirement that offsets must satisfy the offset integrity criteria enumerated in 40 CFR 51.165(a)(3)(ii)(C)(*1*)(*i*) at the time of use; and (2) Rule 2–4 is not a required CAA submittal because states and air districts have the discretion, but are not required, to adopt banking rules. This final action will incorporate the submitted rule into the SIP, including those provisions identified as deficient.

In addition, because we are finalizing our proposed action, we are removing existing Regulation 2, Rule 4 from the BAAQMD portion of the California SIP.

IV. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of BAAQMD Regulation 2, Rule 4 (Permits, Emissions Banking), as described in the amendments to 40 CFR part 52 set forth below. The EPA has made, and will continue to make, this document generally available electronically through *www.regulations.gov* and in hard copy at the U.S. Environmental Protection Agency, Region IX (Air–3), 75 Hawthorne Street, San Francisco, CA 94105–3901.

V. Statutory and Executive Order Reviews

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

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

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

B. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA because this action does not impose additional requirements beyond those imposed by state law.

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities beyond those imposed by state law.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action does not impose additional requirements beyond those imposed by state law. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, will result from this action.

E. Executive Order 13132: Federalism

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

F. Executive Order 13175: Coordination With Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175, because the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction, and will not impose substantial direct costs on tribal governments or preempt tribal law. Thus, Executive Order 13175 does not apply to this action.

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

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern

environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it does not impose additional requirements beyond those imposed by state law.

H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

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

I. National Technology Transfer and Advancement Act (NTTAA)

Section 12(d) of the NTTAA directs the EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. The EPA believes that this action is not subject to the requirements of section 12(d) of the NTTAA because application of those requirements would be inconsistent with the CAA.

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

The EPA lacks the discretionary authority to address environmental justice in this rulemaking.

K. Congressional Review Act (CRA)

This action is subject to the CRA, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

L. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 2, 2018. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, New Source Review, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: October 31, 2017.

Deborah Jordan,

Acting Regional Administrator, Region IX.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart F—California

■ 2. Section 52.220 is amended by adding paragraphs (c)(199)(i)(A)(*10*) and (c)(429)(i)(E)(*3*) to read as follows:

§ 52.220 Identification of plan—in part.

* * * * *

(c) * * *

(199) * * *

(i) * * *

(A) * * *

(*10*) Previously approved on January 26, 1999 in paragraph (c)(199)(i)(A)(*8*) of this section and now deleted with replacement in (c)(429)(i)(E)(*3*), Regulation 2, Rule 4 adopted on June 15, 1994.

* * * * *

(429) * * *

(i) * * *

(E) * * *

(*3*) Regulation 2, ''Permits,'' Rule 4, ''Emissions Banking,'' adopted on December 19, 2012.

* * * * *

■ 3. Section 52.248 is amended by adding paragraph (c) to read as follows:

§ 52.248 Identification of plan—conditional approval.

* * * * *

(c) The EPA is conditionally approving a California State Implementation Plan (SIP) revision submitted on April 22, 2013, updating Regulation 2—Permits, Rule 4—Emissions Banking. The conditional approval is based on a commitment from the State to submit a SIP revision that will correct the identified deficiencies in this rule. If the State fails to meet its commitment by November 1, 2018, the conditional approval is treated as a disapproval.

[FR Doc. 2017–25927 Filed 12–1–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 174

[EPA–HQ–OPP–2017–0113; FRL–9970–43]

Bacillus thuringiensis Cry14Ab–1 Protein in or on Soybean; Temporary Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a temporary exemption from the requirement of a tolerance for residues of the *Bacillus thuringiensis* Cry14Ab–1 protein in or on soybean, when used as a plant-incorporated protectant (PIP) in soybean plants, in accordance with the terms of Experimental Use Permit (EUP) No. 264–EUP–151. Bayer CropScience LP., submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting the temporary tolerance exemption. This regulation eliminates the need under FFDCA to establish a maximum permissible level for residues of Cry14Ab–1 protein. The temporary tolerance exemption expires on April 1, 2020.

DATES: This regulation is effective December 4, 2017. Objections and requests for hearings must be received on or before February 2, 2018, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2017–0113, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Robert McNally, Biopesticides and Pollution Prevention Division (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; main telephone

number: (703) 305–7090; email address: *BPPDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

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

You may access a frequently updated electronic version of 40 CFR part 174 through the Government Printing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

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

Under FFDCA section 408(g), 21 U.S.C. 346a(g), any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2017–0113 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before February 2, 2018. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2017–0113, by one of the following methods:

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

II. Background

In the **Federal Register** of June 8, 2017 (82 FR 26641) (FRL–9961–14), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide tolerance petition (PP 6F8541) by Bayer CropScience LP., 2 T.W. Alexander Dr., Research Triangle Park, NC 27709. The petitioner requested that 40 CFR part 180 be amended by establishing a temporary exemption from the requirement of a tolerance for residues of the plant-pesticide *Bacillus thuringiensis* Cry14Ab–1 in or on soybean. That document referenced a summary of the petition prepared by the petitioner Bayer CropScience LP, which is available in the docket via *http://www.regulations.gov.* There were no comments received in response to the Notice of Filing.

EPA is establishing a temporary exemption that varies slightly from the request, as explained in Unit III.C.

III. Final Rule

A. EPA's Safety Determination

Section 408(r) of FFDCA authorizes EPA to establish a temporary exemption from the requirement of a tolerance for residues covered by an experimental use permit issued under the Federal Insecticide, Fungicide, and Rodenticide Act. That section states that the provisions of section 408(c)(2) of FFDCA apply to exemptions issued under FFDCA section 408(r). Section 408(c)(2)(A)(i) of FFDCA allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the exemption is ''safe.'' Section 408(c)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings but does not include occupational exposure. Pursuant to FFDCA section 408(c)(2)(B), in establishing or maintaining in effect an exemption from the requirement of a tolerance, EPA must take into account the factors set forth in FFDCA section 408(b)(2)(C), which require EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance or tolerance exemption and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .'' Additionally, FFDCA section 408(b)(2)(D) requires that EPA consider ''available information concerning the cumulative effects of [a particular pesticide's] . . . residues and other substances that have a common mechanism of toxicity.''

EPA evaluated the available toxicity and exposure data on *Bacillus thuringiensis* Cry14Ab–1 and considered its validity, completeness, and reliability, as well as the relationship of this information to human risk. In summary, the available data does not indicate any adverse effects due to toxicity or allergenicity of the Cry14Ab–1 protein. A full explanation of the data upon which EPA relied and its risk assessments based on that data can be found within the document entitled ''Federal Food, Drug, and Cosmetic Act (FFDCA) Considerations for the Plant-Incorporated Protectant Pesticide *Bacillus thuringiensis* Cry14Ab–1.'' This document, as well as other relevant information, is available in the docket for this action as described under **ADDRESSES**.

There is likely to be exposure to Cry14Ab–1 through consumption of soybean plants containing the pesticide, and there is potential for exposure in drinking water. There is unlikely to be residential or non-occupational exposure due to incorporation within the plant and the lack of availability at this time of the plant for residential uses.

Although FFDCA section 408(b)(2)(C) provides for an additional tenfold margin of safety for infants and children in the case of threshold effects, EPA has determined that there are no such

effects due to the lack of toxicity and allergenicity for this PIP. As a result, an additional margin of safety for the protection of infants and children is unnecessary.

Based upon its evaluation, EPA concludes that there is reasonable certainty that no harm will result to the U.S. population, including infants and children, from aggregate exposure to residues of the Cry14Ab–1 protein in or on soybean. This includes all anticipated dietary exposures and all other exposures for which there is reliable information. The Agency has arrived at this conclusion based on the lack of toxicity and allergenicity for the *Bacillus thuringiensis* Cry14Ab–1 protein. Therefore, a temporary exemption is established for residues of this plant-incorporated protectant *Bacillus thuringiensis* Cry14Ab–1 protein in or on soybean.

B. Analytical Enforcement Methodology

An analytical method is not required for enforcement purposes because EPA is establishing a temporary exemption from the requirement of a tolerance without any numerical limitation for which enforcement is unnecessary.

C. Revisions to the Requested Tolerance Exemption

EPA's final rule revises the request from ''plant-pesticide'' to ''plant-incorporated protectant'' to align with the Agency's language published in 40 CFR 174.3; adds the term ''temporary'' to reflect that this exemption is linked to the pending experimental use permit action, and is published in part 174 rather than part 180, since PIP tolerance exemptions are published in part 174.

IV. Statutory and Executive Order Reviews

This action establishes an exemption from the requirement of a tolerance under FFDCA section 408(d) in response to a petition submitted to EPA. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''*Regulatory Planning and Review*'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''*Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use*'' (66 FR 28355, May 22, 2001); Executive Order 13045, entitled ''*Protection of Children from Environmental Health Risks and Safety Risks*'' (62 FR 19885, April 23, 1997); or Executive Order 13771, entitled ''*Reducing Regulations and Controlling Regulatory Costs*'' (82 FR 9339, February 3, 2017). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*) nor does it require any special considerations under Executive Order 12898, entitled ''*Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*'' (59 FR 7629, February 16, 1994).

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

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

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

V. Congressional Review Act

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

List of Subjects in 40 CFR Part 174

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

Dated: November 13, 2017.

Richard P. Keigwin, Jr.,

Director, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 174—[AMENDED]

■ 1. The authority citation for part 174 continues to read as follows:

Authority: 7 U.S.C. 136–136y; 21 U.S.C. 321(q), 346a and 371.

■ 2. Add § 174.538 to subpart W to read as follows:

§ 174.538 *Bacillus thuringiensis* Cry14Ab–1 protein in soybean; temporary exemption from the requirement of a tolerance.

Residues of the protein Cry14Ab–1 in or on soybean are temporarily exempt from the requirement of a tolerance when used as a plant-incorporated protectant in soybean plants in accordance with the terms of Experimental Use Permit No. 264–EUP–151. This temporary exemption from the requirement of a tolerance expires on April 1, 2020.

[FR Doc. 2017–26080 Filed 12–1–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 174

[EPA–HQ–OPP–2017–0115; FRL–9969–94]

Pseudomonas fluorescens 4-hydroxyphenylpyruvate dioxygenase (HPPD–4); Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of the HPPD–4 protein derived from the 4-hydroxyphenylpyruvate dioxygenase enzyme of *Pseudomonas fluorescens* in or on all food commodities, when used as a plant-incorporated protectant inert ingredient. Bayer CropScience LP submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting this exemption

from the requirement of a tolerance. This regulation eliminates the need under FFDCA to establish a maximum permissible level for such residues.

DATES: This regulation is effective December 4, 2017. Objections and requests for hearings must be received on or before February 2, 2018, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2017–0115, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Robert McNally, Biopesticides and Pollution Prevention Division (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *BPPDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

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

You may access a frequently updated electronic version of 40 CFR part 174 through the Government Printing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

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

Under FFDCA section 408(g), 21 U.S.C. 346a(g), any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2017–0115 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before February 2, 2018. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2017–0115, by one of the following methods:

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

In the **Federal Register** of June 8, 2017 (82 FR 26639 (FRL–9961–90) and 82 FR 26641 (FRL–9961–14)), EPA issued notice pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide tolerance petition (IN–11022) by Bayer CropScience LP 2 T.W. Alexander Dr., Research Triangle Park, NC 27709. The petition requested that 40 CFR part 180 be amended by establishing an exemption from the requirement of a tolerance for plant-pesticide inert HPPD–4 in or on all food commodities. A summary of the petition prepared by the petitioner Bayer CropScience LP, is available in the docket via *http://www.regulations.gov.* There were no comments received in response to either notice.

Two modifications have been made to the original request for a tolerance exemption. EPA changed ''plant-pesticide inert'' to ''plant-incorporated protectant inert'' to align with the Agency's vocabulary, which is published in 40 CFR part 174.3. Also, because EPA publishes all tolerances or exemptions for plant-incorporated protectants in part 174, EPA's rule is being issued in part 174, rather than part 180 as requested.

III. Final Rule

A. EPA's Safety Determination

Section 408(c)(2)(A)(i) of FFDCA allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on food) only if EPA determines that the exemption is ''safe.'' Section 408(c)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings but does not include occupational exposure. Pursuant to FFDCA section 408(c)(2)(B), in establishing or maintaining in effect an exemption from the requirement of a tolerance, EPA must take into account the factors set forth in FFDCA section 408(b)(2)(C), which require EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance or tolerance exemption and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .'' Additionally, FFDCA section 408(b)(2)(D) requires that EPA consider ''available information concerning the cumulative effects of [a particular pesticide's] . . . residues and other substances that have a common mechanism of toxicity.''

EPA evaluated the available toxicity and exposure data on HPPD–4 and considered its validity, completeness, and reliability, as well as the relationship of this information to human risk. A full explanation of the data upon which EPA relied and its risk assessment based on that data can be found within the October 2, 2017, document entitled ''Federal Food, Drug, and Cosmetic Act (FFDCA) Assessment of the plant-incorporated protectant inert *Pseudomonas fluorescens* 4-hydroxyphenylpyruvate dioxygenase (HPPD–4).'' This document, as well as other relevant information, is available in the docket for this action as described under **ADDRESSES**.

The HPPD–4 protein is derived from the 4-hydroxyphenylpyruvate dioxygenase (HPPD) enzyme of the bacterium *Pseudomonas fluorescens.* Four amino acid changes were made to the original bacterial protein sequence in order to decrease the binding efficacy of the HPPD-inhibitor herbicide. The resulting modified protein (the HPPD–4 protein) is the PIP inert ingredient. As a PIP inert, the HPPD–4 protein functions as a selectable marker in a PIP.

Based upon available data, EPA concludes that the HPPD–4 protein derived from the *Pseudomonas fluorescens* HPPD enzyme does not show evidence of toxicity. Moreover, the source is not allergenic, nor is there any significant similarity between the HPPD–4 protein and known toxins and allergens. In addition, the HPPD–4 protein readily digests in gastric fluids and therefore cumulative, chronic, and acute effects are unlikely.

Given the lack of toxicity or allergenicity of the HPPD–4 protein, the Agency has not identified any toxicological endpoints for assessing risk. Consequently, the Agency's assessment of exposure is qualitative. In addition, due to the lack of any threshold effects, EPA has determined that the provision to retain a 10X safety factor for the protection of infants and children does not apply. Similarly, the lack of any toxic mode of action or toxic metabolites means that the provision requiring an assessment of cumulative effects does not apply.

Oral exposure may occur from ingestion of the raw crops containing HPPD–4, as well as their processed derivatives. Currently, HPPD–4 is only proposed to be used as a PIP inert ingredient in soybean, although it could be used in other crops in the future. The current proposed use results in the presence of HPPD–4 protein at low levels within the plant, although future uses could be higher. Based on the lack of adverse effects and the rapid digestibility of the protein, however, the Agency does not anticipate any risk from reasonably foreseeable levels of exposure. Residues in drinking water may theoretically be present because plant stubble may release modified HPPD–4 protein into ground water upon decay. However, the protein would not be expected to survive in the soil due to microbial degradation, adherence to soil components, and removal upon drinking water treatment procedures. In addition, oral toxicity testing showed no adverse effects. Moreover, because the PIP inert ingredient is currently only proposed to be used only in plants grown for commercial use, the Agency does not anticipate residential exposures. In the event that future uses are sold for residential use, the Agency does not expect there to be residential, non-occupational dermal or inhalation exposures, due to containment of the HPPD–4 protein within the plant.

Based on the lack of any evidence of adverse effects in the toxicological database, dietary exposure to the HPPD–4 protein is not anticipated to pose any harm to the U.S. population. EPA concludes that there is a reasonable certainty that no harm will result to the U.S. population, including infants and children, from aggregate exposure to residues of the HPPD–4 protein derived from the *Pseudomonas fluorescens* HPPD enzyme. Therefore, an exemption from the requirement of a tolerance is established for residues of the plant-incorporated protectant inert ingredient *Pseudomonas fluorescens* HPPD–4 protein in or on all food commodities.

B. Analytical Enforcement Methodology

An analytical method is not required because the lack of adverse effects makes enforcement and monitoring of residues unnecessary to ensure food safety.

IV. Statutory and Executive Order Reviews

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

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

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

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

V. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to

publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 174

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

Dated: November 13, 2017.

Richard P. Keigwin, Jr.,

Director, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 174—[AMENDED]

■ 1. The authority citation for part 174 continues to read as follows:

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

■ 2. Add § 174.537 to subpart W to read as follows:

§ 174.537 HPPD–4 protein; exemption from the requirement of a tolerance.

Residues of the HPPD–4 protein, which is a modified protein derived from the 4-hydroxyphenylpyruvate dioxygenase enzyme of *Pseudomonas fluorescens,* in or on all food commodities are exempt from the requirement of a tolerance, when the HPPD–4 protein is used as a plant-incorporated protectant inert ingredient.

[FR Doc. 2017–26086 Filed 12–1–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2016–0495; FRL–9970–01]

Prometryn; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of prometryn in or on multiple commodities which are identified and discussed later in this document. Interregional Research Project Number 4 (IR–4) requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective December 4, 2017. Objections and requests for hearings must be received on or before February 2, 2018, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2016–0495, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

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

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

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

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2016–0495 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before February 2, 2018. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2016–0495, by one of the following methods:

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

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

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of November 30, 2016 (81 FR 86312) (FRL–9954–06), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 6E8492) by IR–4 Project Headquarters, Rutgers, The State University of NJ, 500 College Road East, Suite 201 W, Princeton, NJ 08540. The petition requested that 40 CFR part 180 be amended by establishing tolerances for residues of prometryn in or on the raw agricultural commodity lettuce at 0.5 parts per million (ppm); cottonseed subgroup 20C at 0.25 ppm; fennel, Florence at 0.5 ppm; leaf petiole vegetable subgroup 22B at 0.5 ppm;

sesame, oil at 0.12 ppm; sesame, seed at 0.05 ppm; and Swiss chard at 0.5 ppm.

In the **Federal Register** of April 10, 2017 (82 FR 17175) (FRL–9959–61), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 6E8492) by IR–4 Project Headquarters, Rutgers, The State University of NJ, 500 College Road East, Suite 201 W, Princeton, NJ 08540. The petition requested that 40 CFR part 180 be amended by establishing tolerances for residues of prometryn in or on the raw agricultural commodity celtuce at 0.5 ppm. This notice of filing corrected the November 30, 2016 notice of filing which incorrectly listed the commodity as ''lettuce'' not ''celtuce.''

The documents referenced a summary of the petition prepared by Syngenta Crop Protection, the registrant, which is available in the docket, *http://www.regulations.gov.* There were no comments received in response to either notice of filing.

Based upon review of the data supporting the petition, EPA has corrected the number of significant figures used, modified one of the commodity definitions, and determined that the sesame oil tolerance was not necessary. The reason for these changes are explained in Unit IV.C.

III. Aggregate Risk Assessment and Determination of Safety

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

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

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

Following subchronic and chronic oral exposures to rabbits, mice, dogs and rats, the most consistent effects observed in the database were decreases in body weight and food consumption. Following chronic exposure, effects in the dog included degenerative hepatic changes, renal tubule degeneration, and bone marrow atrophy. In rats following chronic exposure, renal toxicity (mineralized concentrations) was observed. No adverse effects were seen in rabbits following dermal exposures up to the limit dose.

There was evidence of increased pre- and post-natal quantitative susceptibility for prometryn. While there was no evidence of susceptibility in the developmental toxicity studies in rabbits and rats, there was evidence of quantitative susceptibility in the two-generation reproduction study in rats, with offspring effects (decreased pup body weight) occurring at lower doses than those that resulted in parental effects (decreased absolute bodyweight and food consumption).

There was no evidence of neurotoxicity in the acute or subchronic neurotoxicity studies. In an immunotoxicity study in rats, there was a decreased humoral immune response using the sheep red blood cell assay, but only at a dose above the limit dose (1045 mg/kg/day).

Prometryn has been classified by EPA as ''Group E:—Evidence of non-carcinogenicity for humans'' based on the lack of oncogenic effects at any dose in both rats and mice. Prometryn was determined to be non-mutagenic and non-clastogenic in *in vitro* and *in vivo* genotoxicity assays.

Specific information on the studies received and the nature of the adverse effects caused by prometryn as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at *http://www.regulations.gov* in the document titled ''*Prometryn—Preliminary Human Health Risk Assessment for Registration Review and the Risk Assessment for the Section 3 Registration Request for a New Use on Sesame and Crop-Group Conversions*'' on pages 46–49 in docket ID number EPA–HQ–OPP–2016–0495.

B. Toxicological Points of Departure/Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/assessing-human-health-risk-pesticides.*

A summary of the toxicological endpoints for prometryn used for human risk assessment is shown in Table 1 of this unit.

TABLE 1—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR PROMETRYN FOR USE IN HUMAN HEALTH RISK ASSESSMENT

Exposure/scenario	Point of departure and uncertainty/ safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
Acute dietary (Females 13–50 years of age).	Endpoint not selected as there are no adverse developmental, offspring or reproductive effects seen in the toxicological database which are attributable to a single dose.		
Acute dietary (General population including infants and children).	Endpoint not selected as there are no adverse single dose effects in the database which occur at levels relevant for human health risk assessment.		
Chronic dietary (All populations)	NOAEL= 4 mg/kg/day. UF_A = 10x UF_H = 10x FQPA SF = 1x	Chronic RfD = 0.04 mg/kg/day. cPAD = 0.04 mg/kg/day.	Chronic Toxicity—Dog: LOAEL = 37.5 mg/kg/day based on degenerative hepatic changes, renal tubule degeneration and bone marrow atrophy.
Cancer (Oral, dermal, inhalation)	Classification: ''Group E: Evidence of non-carcinogenicity for humans.''		

FQPA SF = Food Quality Protection Act Safety Factor. LOAEL = lowest-observed-adverse-effect-level. mg/kg/day = milligram/kilogram/day. NOAEL = no-observed-adverse-effect-level. PAD = population adjusted dose (a = acute, c = chronic). RfD = reference dose. UF = uncertainty factor. UF_A = extrapolation from animal to human (interspecies). UF_H = potential variation in sensitivity among members of the human population (intraspecies).

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to prometryn, EPA considered exposure under the petitioned-for tolerances as well as all existing prometryn tolerances in 40 CFR 180.222. EPA assessed dietary exposures from prometryn in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure.

No such effects were identified in the toxicological studies for prometryn; therefore, a quantitative acute dietary exposure assessment is unnecessary.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used 2003–2008 food consumption data from the U.S. Department of Agriculture's (USDA's) National Health and Nutrition Examination Survey, What We Eat in America (NHANES/WWEIA). As to residue levels in food, EPA assumed 100 percent crop treated (PCT) and tolerance-level residues.

iii. *Cancer.* Based on the data summarized in Unit III.A., EPA has concluded that prometryn does not pose a cancer risk to humans. Therefore, a dietary exposure assessment for the purpose of assessing cancer risk is unnecessary.

iv. *Anticipated residue and PCT information.* EPA did not use anticipated residue or PCT information in the dietary assessment for prometryn. Tolerance level residues and 100 PCT were assumed for all food commodities.

2. *Dietary exposure from drinking water.* The Agency used screening level water exposure models in the dietary exposure analysis and risk assessment for prometryn in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of prometryn. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/about-water-exposure-models-used-pesticide.*

Based on the Pesticide in Water Calculator (PWC) and Pesticide Root Zone Model Ground Water (PRZM GW) model, the estimated drinking water concentrations (EDWCs) of prometryn for chronic exposures are estimated to be 127 parts per billion (ppb) for surface water and 433 ppb for ground water.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model. For the chronic dietary risk assessment, the water concentration of value 433 ppb was used to assess the contribution to drinking water.

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

Prometryn is not registered for any specific use patterns that would result in residential exposure.

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

EPA has not found prometryn to share a common mechanism of toxicity with any other substances, and prometryn does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that prometryn does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's Web site at *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/cumulative-assessment-risk-pesticides.*

D. Safety Factor for Infants and Children

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

2. *Prenatal and postnatal sensitivity.* There was evidence of increased pre- and post-natal quantitative

susceptibility for prometryn. While there was no evidence of susceptibility in the developmental toxicity studies in rabbits and rats, there was evidence of quantitative susceptibility in the two-generation reproduction study in rats, with offspring effects (decreased pup body weight) occurring at lower doses than those that resulted in parental effects (decreased absolute bodyweight and food consumption).

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

i. The toxicity database for prometryn is complete.

ii. There is no indication that prometryn is a neurotoxic chemical and there is no need for a developmental neurotoxicity study or additional UFs to account for neurotoxicity.

iii. There was no evidence of increased quantitative or qualitative susceptibility in the developmental toxicity studies in rabbits or rats. However, there was evidence of increased quantitative susceptibility in the two-generation reproduction study. In the two-generation reproduction study, the offspring effects (decreased absolute pup bodyweight in the F_1 generation) were observed at doses below parental toxicity (decreases in absolute bodyweight, bodyweight gain and food consumption in the F_1 generation). Concern is low since the effects are characterized by clear NOAEL and LOAEL values and the selected endpoints are protective of the observed effects.

iv. There are no residual uncertainties identified in the exposure databases. The dietary food exposure assessments were performed based on 100 PCT and tolerance-level residues. EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to prometryn in drinking water. These assessments will not underestimate the exposure and risks posed by prometryn.

E. Aggregate Risks and Determination of Safety

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

1. *Acute risk.* An acute aggregate risk assessment takes into account acute exposure estimates from dietary consumption of food and drinking water. No adverse effect resulting from a single oral exposure was identified and no acute dietary endpoint was selected. Therefore, prometryn is not expected to pose an acute risk.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to prometryn from food and water will utilize 60% of the cPAD for all infants less than 1-year old, the population group receiving the greatest exposure. There are no residential uses for prometryn.

3. *Short- and Intermediate-term risk.* Short- and intermediate-term aggregate exposure takes into account short- and intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

Short- and intermediate-term adverse effects were identified; however, prometryn is not registered for any use patterns that would result in either short- or intermediate-term residential exposure. Short- and intermediate-term risk is assessed based on short-and intermediate-term residential exposure plus chronic dietary exposure. Because there is no short- or intermediate-term residential exposure and chronic dietary exposure has already been assessed under the appropriately protective cPAD (which is at least as protective as the POD used to assess short- or intermediate-term risk), no further assessment of either short- or intermediate-term risk is necessary, and EPA relies on the chronic dietary risk assessment for evaluating short- and intermediate-term risk for prometryn.

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

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

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology is available to enforce the established and proposed tolerances. Prometryn is completely recovered (≤80% recovery) using the Food and Drug Administration's (FDA's) Multiresidue Section 302. In addition, both Ciba-Geigy Method AG–559 (gas chromatography (GC)/flame-photometric detector (FPD)/S) and Method AG–673 (GC/nitrogen-phosphorous detector (NPD) method) are considered adequate for enforcement purposes.

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

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has not established any MRLs for prometryn.

C. Revisions To Petitioned-For Tolerances

EPA modified the tolerance levels to reflect the correct number of significant figures and to be consistent with Agency policy. Also, the commodity definition for Florence fennel was modified to read ''Fennel, Florence, fresh leaves and stalk'' to be consistent with Agency nomenclature. Lastly, the petitioner recommended a tolerance for residues of prometryn in/on sesame, oil at 0.12 ppm. Residues in oil at a 5x application rate were 0.1076 which when extrapolated to 1x would be 0.02 ppm. As this value is well below the proposed raw agricultural commodity (RAC) tolerance, an oil tolerance is not necessary.

V. Conclusion

Therefore, tolerances are established for residues of prometryn, including its metabolites and degradates, in or on

celtuce at 0.50 ppm; cottonseed subgroup 20C at 0.25 ppm; fennel, Florence, fresh leaves and stalk at 0.50 ppm; leaf petiole vegetable subgroup 22B at 0.50 ppm; sesame, seed at 0.05 ppm; and Swiss chard at 0.50 ppm. Additionally, the existing tolerances for the leaf petioles subgroup 4B and cotton, undelinted seed are removed as unnecessary, since they are superseded by the new tolerances.

VI. Statutory and Executive Order Reviews

This action establishes tolerances under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001); Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997); or Executive Order 13771, entitled ''Reducing Regulations and Controlling Regulatory Costs'' (82 FR 9339, February 3, 2017). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

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

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

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

VII. Congressional Review Act

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

List of Subjects in 40 CFR Part 180

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

Dated: November 15, 2017.

Michael L. Goodis,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

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

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

■ 2. In § 180.222:

■ i. Remove the entries from the table in paragraph (a) for ''Cotton, undelinted seed'' and ''Leaf petioles subgroup 4B''.

■ ii. Add alphabetically entries to the table in paragraph (a) for ''Celtuce''; ''Cottonseed subgroup 20C''; ''Fennel, Florence, fresh leaves and stalk''; ''Leaf petiole vegetable subgroup 22B''; ''Sesame, seed''; and ''Swiss chard''.

The additions read as follows:

§ 180.222 Prometryn; tolerances for residues.

(a) * * *

Commodity	Parts per million
* * * * *	
Celtuce	0.50
* * * * *	
Cottonseed subgroup 20C	0.25
* * * * *	
Fennel, Florence, fresh leaves and stalk	0.50
Leaf petiole vegetable subgroup 22B	0.50
* * * * *	
Sesame, seed	0.05
Swiss chard	0.50

* * * * *

[FR Doc. 2017–26083 Filed 12–1–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2016–0384; FRL–9970–05]

Quinclorac; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of quinclorac in or on the bushberry subgroup 13–07B, the caneberry subgroup 13–07A, and asparagus. Interregional Research Project Number 4 (IR–4) requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective December 4, 2017. Objections and requests for hearings must be received on or before February 2, 2018, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2016–0384, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William

Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

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

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

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

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2016–0384 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before February 2, 2018. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2016–0384, by one of the following methods:

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

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

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of November 30, 2016 (81 FR 86312) (FRL–9954–06), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 6E8488) by IR–4 Project Headquarters, Rutgers, The State University of NJ, 500 College Road East, Suite 201 W, Princeton, NJ 08540. The petition requested that 40 CFR part 180 be amended by establishing tolerances for residues of the herbicide quinclorac, 3,7-dichloro-8-quinolinecarboxylic acid in or on asparagus at 0.06 parts per million (ppm); the bushberry subgroup 13–07B, except lowbush blueberry at 0.6 ppm; and the caneberry subgroup 13–07A at 0.06 ppm. That document referenced a summary of the petition prepared by Albaugh, the registrant, which is available in the docket, *http://www.regulations.gov.* There were no comments received in response to the notice of filing.

Based upon review of the data supporting the petition, EPA has modified the levels at which the tolerances are being established. The reason for these changes is explained in Unit IV.C.

III. Aggregate Risk Assessment and Determination of Safety

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

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

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

Subchronic toxicity of quinclorac includes decreased body weight gains, increased water intake, increased liver enzymes (SGOT, SGPT) and focal chronic interstitial nephritis (rats). Chronic toxic effects of quinclorac include body weight decrement, increase in kidney and liver weights, and hydropic degeneration of the kidneys (dogs). At high doses, chronic

toxicity also includes increased incidences of pancreatic acinar cell hyperplasia and adenomas (rats). Neurotoxic effects were not observed in any of the acute, subchronic, and chronic studies with quinclorac.

There was no increased qualitative or quantitative fetal or offspring susceptibility in the prenatal developmental or postnatal reproduction studies. Developmental toxicity in the rabbit consisted of increased resorptions, post-implantation loss, decreased number of live fetuses, and reduced fetal body weight. These effects occurred at much higher doses than the maternal effects of decreased food consumption and increased water consumption and decreased body weight gain. In the rat, no developmental toxicity was observed at the highest dose tested (438 mg/kg/day). In the 2-generation reproduction study, parental toxicity and offspring toxicity occurred at the same dose. Parental toxicity consisted of reduced body weight in both sexes during premating and lactation periods. Offspring toxicity consisted of decreased pup weight, developmental delays and possible marginal effect on pup viability. No reproductive toxicity occurred at the highest dose tested (480 mg/kg/day).

There are no mutagenicity concerns. Quinclorac is not mutagenic in bacterial assays and does not cause unscheduled DNA damage in primary rat hepatocytes. There is also no evidence of a genotoxic response in whole animal test systems (*in vivo* mouse bone marrow micronucleus assay). Quinclorac was negative in a mammalian cell *in vitro* cytogenetic chromosomal aberration assay in Chinese hamster ovary cells (CHO). Quinclorac was classified by the Agency as a group D carcinogen—not classifiable as to human carcinogenicity. Quantification of cancer risk is not required because the chronic RfD will adequately account for all chronic effects, including carcinogenicity, that may result from exposure to quinclorac.

Specific information on the studies received and the nature of the adverse effects caused by quinclorac as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at *http://www.regulations.gov* in the document titled ''*Quinclorac: Human Health Risk Assessment for New Proposed Use on Bushberry Subgroup 13–07B, Caneberry Subgroup 13–07A, and Asparagus*'' on pages 41–46 in docket ID number EPA–HQ–OPP–2016–0384.

B. Toxicological Points of Departure/Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/assessing-human-health-risk-pesticides.*

A summary of the toxicological endpoints for quinclorac used for human risk assessment is discussed in Unit III.B. of the final rule published in the **Federal Register** of November 29, 2013 (78 FR 71523) (FRL–9902–15).

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to quinclorac, EPA considered exposure under the petitioned-for tolerances as well as all existing quinclorac tolerances in 40 CFR 180.463. EPA assessed dietary exposures from quinclorac in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure.

For the general population including infants and children, no such effects were identified in the toxicological studies for quinclorac; therefore, a quantitative acute dietary exposure assessment for these population groups is unnecessary.

However, for females 13 to 49 years of age, such effects were identified for quinclorac. In estimating acute dietary exposure, EPA used food consumption information from the 2003–2008 United States Department of Agriculture's (USDA) National Health and Nutrition Examination Survey, What We Eat in America, (NHANES/WWEIA). As to residue levels in food, EPA assumed tolerance-level residues and 100 percent crop treated (PCT).

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used the food consumption data from the 2003–2008 USDA's NHANES/WWEIA. As to residue levels in food, EPA assumed tolerance-level residues and 100 PCT.

iii. *Cancer.* Based on the current cancer classification of quinclorac, quantification of cancer risk is not required and the chronic RfD will adequately account for all chronic effects, including carcinogenicity, that may result from exposure to quinclorac.

iv. *Anticipated residue and PCT information.* EPA did not use anticipated residue or PCT information in the dietary assessment for quinclorac. Tolerance level residues and 100 PCT were assumed for all food commodities.

2. *Dietary exposure from drinking water.* The Agency used screening level water exposure models in the dietary exposure analysis and risk assessment for quinclorac in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of quinclorac. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/about-water-exposure-models-used-pesticide.*

Based on the Tier 1 Rice Model and the Pesticide Water Calculator-Ground Water exposure model, the estimated drinking water concentrations (EDWCs) of quinclorac for acute exposures are estimated to be 511 parts per billion (ppb) for surface water and 817 ppb for ground water and for chronic exposures are estimated to be 481 ppb for surface water and 543 ppb for ground water.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model. For the acute dietary risk assessment, the water concentration value of 817 ppb was used to assess the contribution to drinking water. For the chronic dietary risk assessment, the water concentration of value 543 ppb was used to assess the contribution to drinking water.

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

Quinclorac is currently registered for the following uses that could result in residential exposures: Turf grass and ornamentals. EPA assessed residential exposure using the following assumptions: Short-term residential handler inhalation exposure is expected from the existing uses. The quantitative exposure/risk assessment developed for residential handlers is based on the following scenarios: Loading/applying granules for belly grinder; loading/applying granules for push type rotary spreader; loading/applying granules for a spoon; loading/applying granules for a cup and shaker can; applying granules by hand; mixing/loading/applying liquid and dry flowable formulations via manually-pressurized handwand, a hose-end sprayer, a backpack, and a sprinkler can; and mixing/loading/applying ready-to-use formulation via a trigger sprayer, and a hose-end sprayer.

Post-application short-term dermal and incidental oral exposure is expected from quinclorac treated turf in residential settings (*i.e.,* lawns). Dermal exposures were not quantified due to a lack of a dermal toxicological endpoint. Incidental oral exposure risk estimates were calculated for hand-to-mouth, object-to-mouth, and soil ingestion exposures for 1 to <2-year old children playing in the treated turf. Even though there is a granular product, an assessment for episodic granular ingestion was not done since there is no applicable endpoint (*i.e.,* no acute dietary point of departure for children).

The worst-case residential exposure scenario used in the adult aggregate assessment reflects inhalation exposure from residential handlers mixing/loading/applying water-dispersible granule/dry flowable formulations with a manually-pressurized handwand and/or backpack equipment.

The worst-case residential exposure scenario used in the children 1<2 years old aggregate assessment reflects hand-to-mouth exposures from post-application exposure to treated turf.

Further information regarding EPA standard assumptions and generic inputs for residential exposures may be found at *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/standard-operating-procedures-residential-pesticide.*

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

EPA has not found quinclorac to share a common mechanism of toxicity with any other substances, and quinclorac does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that quinclorac does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's Web site at *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/cumulative-assessment-risk-pesticides.*

D. Safety Factor for Infants and Children

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

2. *Prenatal and postnatal sensitivity.* The toxicology database for quinclorac consists of developmental toxicity studies in rats and rabbits and a 2-generation reproduction study in rats. There is no indication of increased qualitative or quantitative susceptibility of rats or rabbit fetuses to *in utero* and/or postnatal exposure in the developmental and reproductive toxicity data.

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

i. The toxicity database for quinclorac is complete.

ii. There is no indication that quinclorac is a neurotoxic chemical and there is no need for a developmental neurotoxicity study or additional UFs to account for neurotoxicity.

iii. There is no evidence that quinclorac results in increased susceptibility in *in utero* rats or rabbits in the prenatal developmental studies or in young rats in the 2-generation reproduction study.

iv. There are no residual uncertainties identified in the exposure databases. The dietary food exposure assessments were performed based on 100 PCT and tolerance-level residues. EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to quinclorac in drinking water. EPA used similarly conservative assumptions to assess post-application exposure of children as well as incidental oral exposure of toddlers. These assessments will not underestimate the exposure and risks posed by quinclorac.

E. Aggregate Risks and Determination of Safety

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

1. *Acute risk.* An acute aggregate risk assessment takes into account acute exposure estimates from dietary consumption of food and drinking water. For the general population including infants and children, no adverse effect resulting from a single oral exposure was identified and no acute dietary endpoint was selected. Therefore, quinclorac is not expected to pose an acute risk to these population groups. However, an adverse effect was identified for females 13 to 49 years of age, and therefore an acute aggregate risk assessment was performed for this population group.

Using the exposure assumptions discussed in this unit for acute exposure, the acute dietary exposure from food and water to quinclorac will occupy 2.4% of the aPAD for females 13 to 49 years old, the only population group of concern.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to quinclorac from food and water will utilize 9.4% of the cPAD for all infants <1 year old, the

population group receiving the greatest exposure. Based on the explanation in Unit III.C.3., regarding residential use patterns, chronic residential exposure to residues of quinclorac is not expected.

3. *Short-term risk.* Short-term aggregate exposure takes into account short-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

Quinclorac is currently registered for uses that could result in short-term residential exposure, and the Agency has determined that it is appropriate to aggregate chronic exposure through food and water with short-term residential exposures to quinclorac.

Using the exposure assumptions described in this unit for short-term exposures, EPA has concluded the combined short-term food, water, and residential exposures result in aggregate MOEs of 2,100 for adults and 1,500 for children 1<2 years old. Because EPA's level of concern for quinclorac is a MOE of 100 or below, these MOEs are not of concern.

4. *Intermediate-term risk.* Intermediate-term aggregate exposure takes into account intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

Intermediate-term aggregate exposure takes into account intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). An intermediate-term adverse effect was identified, however, quinclorac is not registered for any use patterns that would result in intermediate-term residential exposure; therefore, an intermediate-term aggregate risk assessment was not performed nor required. In addition, since the short- and intermediate-term PODs are the same, the estimates for short-term duration are protective of intermediate-term duration.

5. *Aggregate cancer risk for U.S. population.* Based on the discussion in Unit III.A., EPA considers the chronic aggregate risk assessment to be protective of any aggregate cancer risk. As there is no chronic risk of concern, EPA does not expect any cancer risk to the U.S. population from aggregate exposure to quinclorac.

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

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate analytical methods (gas chromatography/electron capture detector (GC/ECD)) are available for enforcing quinclorac tolerances on plant and livestock commodities. The methods have undergone successful agency method validation trials and have been submitted to the Food and Drug Administration (FDA) for publication in the Pesticide Analytical Manual (PAM) II as the tolerance enforcement methods. The Limit of Quantitation (LOQ) of both methods is 0.05 ppm for all matrices.

Other adequate LC/MS/MS based analytical methods, BASF Method D9708/02 (for quinclorac) and BASF Method D9806/02 (for quinclorac methyl ester), are available for data collection and tolerance enforcement of residues of quinclorac and its methyl ester metabolite in/on plant commodities. The validated LOQ for both methods is 0.05 ppm. Both methods monitor two ion transitions. The Agency concurred with BASF's proposal to designate BASF Method D9708/02 and BASF Method D9806/02 as the new tolerance enforcement methods for quinclorac and quinclorac methy ester, respectively. These LC/MS/MS enforcement analytical methods without the methylation step are preferable to the previous GC/ECD method.

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

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has not established any MRLs for quinclorac on any of the crops covered by this document.

C. Revisions to Petitioned-For Tolerances

Using the amended residue data in the Organization for Economic Cooperation and Development (OECD) tolerance calculation procedures, the Agency is establishing the tolerance of 0.08 ppm for combined residues of quinclorac and its methyl ester metabolite, in/on the bushberry subgroup 13–07B, the caneberry subgroup 13–07A, and asparagus. The tolerance of 0.08 ppm in/on the caneberry subgroup 13–07A and asparagus is higher than the petitioned-for tolerance (0.06 ppm) because the quinclorac residue values from the submitted field trial data did not include the residue values of methyl ester metabolite. However, the tolerance in/on the bushberry subgroup 13–07B is much lower than the petitioned-for tolerance (0.6 ppm). In blueberry trials, the petitioner included the single lowbush blueberry trial (ME03) in the tolerance calculation for bushberry subgroup 13–07B. Trial ME03 gives a quinclorac residue value (HAFT: 0.374 ppm) that is approximately sixteen times greater than the residue value (HAFT: 0.024 ppm) in/on blueberries from the six highbush blueberry trials. The difference in residue value is largely attributed to application patterns. The single lowbush blueberry sample (ME03) was subjected to two applications—one broadcast to the ground, the other broadcast to the foliage, whereas samples of highbush blueberry (subgroup 13–07B) were conducted with banded soil application twice. After excluding ME03 the tolerance value of blueberry from the OECD calculator (0.08 ppm) is significantly lower than the proposed tolerance (0.6 ppm).

Lastly, the Agency is modifying the proposed commodity definition of ''Bushberry Subgroup 13–07B, except lowbush blueberry'' to ''Bushberry Subgroup 13–07B'' because the lowbush blueberry tolerance is covered by the established tolerance at 1.5 ppm in/on berry, low growing, except strawberry, subgroup 13–07H.

V. Conclusion

Therefore, tolerances are established for residues of quinclorac, 3,7-dichloro-8-quinolinecarboxylic acid, in or on asparagus at 0.08 ppm; the bushberry, subgroup 13–07B at 0.08 ppm; and the

caneberry subgroup 13–07A at 0.08 ppm.

VI. Statutory and Executive Order Reviews

This action establishes tolerances under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001); Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997); or Executive Order 13771, entitled ''Reducing Regulations and Controlling Regulatory Costs'' (82 FR 9339, February 3, 2017). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

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

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

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

VII. Congressional Review Act

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

List of Subjects in 40 CFR Part 180

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

Dated: November 15, 2017.

Michael L. Goodis,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

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

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

■ 2. In § 180.463, add alphabetically the commodities ''Asparagus''; ''Bushberry, subgroup 13–07B''; and ''Caneberry subgroup 13–07A'' to the table in paragraph (a)(1) to read as follows:

§ 180.463 Quinclorac; tolerances for residues.

(a)(1) * * *

Commodity	Parts per million
Asparagus	0.08
* * * * *	
Bushberry, subgroup 13–07B	0.08
Caneberry subgroup 13–07A	0.08
* * * * *	

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[FR Doc. 2017–26078 Filed 12–1–17; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2017–0563; FRL–9969–16]

Extension of Tolerances for Emergency Exemptions (Multiple Chemicals)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation extends time-limited tolerances for the pesticides listed in this document. These actions are in response to EPA's granting of emergency exemptions under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) authorizing use of these pesticides. In addition, the Federal Food, Drug, and Cosmetic Act (FFDCA) requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA.

DATES: This regulation is effective December 4, 2017. Objections and requests for hearings must be received on or before February 2, 2018, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2017–0563, is available at *https://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *https://www.epa.gov/dockets.*

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

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

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

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

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2017–0563 in the subject line on the first page of your submission. All requests must be in writing, and must be received by the Hearing Clerk on or before February 2, 2018. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2017–0563, by one of the following methods:

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

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

II. Background and Statutory Findings

EPA previously published final rules in the **Federal Register** for each chemical and commodity listed, establishing time-limited tolerances under FFDCA section 408, 21 U.S.C. 346a.

EPA established the tolerances because FFDCA section 408(l)(6) requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under FIFRA section 18. Such tolerances can be established on EPA's own initiative and without providing notice or time for public comment.

EPA received requests to extend the emergency use of these chemicals for this year's growing season. After having reviewed these submissions, EPA concurs that emergency conditions exist. EPA assessed the potential risks presented by residues for each chemical in the listed commodities. In doing so, EPA considered the safety standard in FFDCA section 408(b)(2), and decided that the necessary tolerance under FFDCA section 408(l)(6) would be consistent with the safety standard and with FIFRA section 18.

The data and other relevant material have been evaluated and discussed in the final rules originally published to support these uses. Based on that data and information considered, the Agency reaffirms that extension of these time-limited tolerances will continue to meet the requirements of FFDCA section 408(l)(6). Therefore, the time-limited tolerances are extended until the date listed. EPA will publish a document in the **Federal Register** to remove the revoked tolerances from the Code of Federal Regulations (CFR). Although these tolerances will expire and are revoked on the date listed, under FFDCA section 408(l)(5), residues of the pesticide not in excess of the amounts specified in the tolerance remaining in or on the commodity after that date will not be unlawful, provided the residue is present as a result of an application or use of a pesticide at a time and in a manner that was lawful under FIFRA, the tolerance was in effect at the time of the application, and the residue does not exceed the level that was authorized by the tolerance. EPA will take action to revoke these tolerances earlier if any experience with, scientific data on, or other relevant information on this pesticide indicate that the residues are not safe.

Tolerances for the use of the following pesticide chemicals on specific commodities are being extended:

A. Clothianidin. EPA has authorized under FIFRA section 18 the use of clothianidin on citrus for control of the Asian citrus psyllid in Florida and Texas. This regulation extends a time-limited tolerance for residues of the insecticide clothianidin and its metabolites in or on Fruit, citrus, group 10–10 at 0.07 ppm for an additional 3-year period. This tolerance will expire and is revoked on December 31, 2020. A time-limited tolerance was originally published in the **Federal Register** of February 25, 2015 (80 FR 10003) (FRL–9919–59).

B. Sulfoxaflor. EPA has authorized under FIFRA section 18 the use of sulfoxaflor on sorghum for control of the sugarcane aphid in several states. This regulation extends time-limited tolerances for residues of the insecticide sulfoxaflor and its metabolites in or on sorghum, forage at 0.4 ppm; sorghum, grain at 0.3 ppm; and sorghum, stover at 0.9 ppm for an additional 3-year period. The tolerances will expire and are revoked on December 31, 2020. Time-limited tolerances were originally published in the **Federal Register** of January 28, 2015 (80 FR 4512) (FRL–9920–45).

III. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as

required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has established MRLs for clothianidin in/on citrus fruits at 0.07 ppm. These MRLs are the same as the tolerance established for clothianidin in/on fruit, citrus, group 10–10 in the United States. The Codex has not established any MRLs for sulfoxaflor in/on sorghum commodities.

IV. Statutory and Executive Order Reviews

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

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

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

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

V. Congressional Review Act

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

List of Subjects in 40 CFR Part 180

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

Dated: October 20, 2017.

Michael L. Goodis,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

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

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

■ 2. In § 180.586, revise the table in paragraph (b) to read as follows:

§ 180.586 Clothianidin; tolerances for residues.

* * * * *

(b) * * *

Commodity	Parts per million	Expiration/ revocation date
Fruit, citrus, group 10–10	0.07	12/31/20

■ 3. In § 180.668, revise the table in paragraph (b) to read as follows:

§ 180. 668 Sulfoxaflor; tolerances for residues.

* * * * *

(b) * * *

Commodity	Parts per million	Expiration/ revocation date
Sorghum, forage ...	0.4	12/31/20
Sorghum, grain	0.3	12/31/20
Sorghum, stover ...	0.9	12/31/20

* * * * *

[FR Doc. 2017–25826 Filed 12–1–17; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2016–0314; FRL–9969–13]

Ethofumesate; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of ethofumesate in or on beet, sugar, molasses and beet, sugar, roots. In addition, this regulation eliminates tolerances for residues of ethofumesate that are superseded by the tolerances established by this final rule. Interregional Research Project Number 4 (IR–4) requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective December 4, 2017. Objections and requests for hearings must be received on or before February 2, 2018, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2016–0314, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket)

in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

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

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

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

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2016–0314 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before February 2, 2018. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2016–0314, by one of the following methods:

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

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

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of July 20, 2016 (81 FR 47150) (FRL–9948–45), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 6E8472) by IR–4, IR–4 Project Headquarters, 500 College Road East, Suite 201W, Princeton, NJ 08540. The petition requested that 40 CFR 180.345 be amended by increasing the existing tolerance for the combined residues of the herbicide ethofumesate (2-ethoxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl methanesulfonate) and its metabolites (2-hydroxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl methanesulfonate and 2,3-dihydro-3,3-dimethyl-2-oxo-5-benzofuranyl methanesulfonate) both calculated as the parent compound, in or on beet, sugar, molasses from 0.5 to 2.5 parts per million (ppm); beet, sugar, refined sugar from 0.2 to 1.0 ppm; beet, sugar, roots from 0.3 to 1.5 ppm; and beet, sugar, tops from 4.0 to 30.0 ppm. That document referenced a summary of the petition prepared by Willowood USA, LLC, the registrant, which is available in the docket, *http://www.regulations.gov.* One comment was received on the notice of filing. EPA's response to the comment is found in Unit IV.C.

Based upon review of the data supporting the petition, EPA is establishing tolerances that differ from what the petitioner requested. The reasons for these changes are explained in Unit IV.D.

III. Aggregate Risk Assessment and Determination of Safety

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

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

A. Toxicological Profile

EPA has evaluated the available toxicity database and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

The liver is the main target organ in rats and dogs, and the major critical effects seen in oral studies are decreased body weight/body weight gain and hepatic toxicity in the rat, dog and/or rabbit. Mice are relatively insensitive to ethofumesate up to the limit dose following subchronic and chronic dietary exposure.

Ethofumesate did not demonstrate the potential to cause neurotoxicity in four species (rats, mice, dogs and rabbits).

Rats did not show evidence of developmental, maternal, or offspring toxicity or susceptibility in a three-generation reproduction study or any developmental or maternal toxicity in the developmental toxicity study. Although increased prenatal quantitative sensitivity (increased resorptions, increased post-implantation loss and incomplete ossification of the vertebral arches) was observed in the rabbit developmental toxicity study, the developmental toxicity no observed adverse effect levels (NOAELs) and lowest observed adverse effect levels (LOAELs) are well characterized. In maternal rabbits, effects included decreased body weight, increased mortality, abortions and complete litter resorption at levels in excess of the limit dose.

Ethofumesate is classified as ''Not Likely to be Carcinogenic to Humans'', based on bioassays in the rat and the mouse, combined with a lack of *in vitro* or *in vivo* mutagenicity supported by a battery of mutagenicity studies that showed no evidence of a mutagenic effect.

Specific information on the studies received and the nature of the adverse effects caused by ethofumesate as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at *http://www.regulations.gov* in document, ''Ethofumesate. Human Health Risk Assessment for an Amended Use on Sugar Beets'' dated October 4, 2017 at pages 33–36 in docket ID number EPA–HQ–OPP–2016–0314.

B. Toxicological Points of Departure/Levels of Concern

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

A summary of the toxicological endpoints for ethofumesate used for human risk assessment is shown in the Table of this unit.

TABLE SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR ETHOFUMESATE FOR USE IN HUMAN HEALTH RISK ASSESSMENT

Exposure/scenario	Point of departure and uncertainty/safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
Acute dietary (Females 13–49 years of age).	NOAEL = 30 mg/kg/day. UF_A = 10x UF_H =10x FQPA SF = 1x Total UF = 100	Acute RfD = 0.30 mg/kg/day. aPAD = 0.30 mg/kg/day	Developmental toxicity study in rabbit. Developmental LOAEL = 300 mg/kg/day based on increased resorptions, post-implantation loss and incomplete ossification of the vertebral arches.
Acute Dietary General population including infants and children.	No appropriate acute endpoint identified for the general population including infants and children.		
Chronic dietary (Females 13–49 years of age).	NOAEL = 30 mg/kg/day. UF_A = 10x UF_H = 10x FQPA SF = 1x Total UF = 100	Chronic RfD = 0.30 mg/kg/day. cPAD = 0.30 mg/kg/day.	Developmental toxicity study in rabbit. Developmental LOAEL = 300 mg/kg/day based on increased resorptions, post-implantation loss and incomplete ossification of the vertebral arches.
Chronic Dietary, General population including infants and children.	NOAEL= 127 mg/kg/day. UF_A=10 UF_H=10 FQPA SF = 1X Total UF = 100	cRfD = 1.3 mg/kg/day. cPAD = 1.3 mg/kg/day.	Chronic oral toxicity/carcinogenicity study (rat). LOAEL = 469 mg/kg/day based on decreased body weight gain in females.

TABLE SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR ETHOFUMESATE FOR USE IN HUMAN HEALTH RISK ASSESSMENT—Continued

Exposure/scenario	Point of departure and uncertainty/ safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
Incidental oral short-term (1 to 30 days) & intermediate-term (1 to 6 months) Infants and children only.	NOAEL= 190 mg/kg/ day. UF_A = 10x UF_H = 10x FQPA SF = 1x Total UF = 100	Residential LOC for MOE = 100.	90-day oral toxicity study (rats). LOAEL = 1900 mg/kg/day based on based on reduced body weight gain, microscopic lesions in the liver and kidney in male rats and reduced body weight/weight gain in females.
Dermal short-term (1 to 30 days) Females 13–49 years of age.	NOAEL = 30 mg/kg/ day. Dermal absorption rate (DAF) = 27% UF_A = 10x UF_H = 10x FQPA SF = 1x Total UF = 100	LOC for MOE = 100	Developmental toxicity study (rabbits). Developmental LOAEL = 300 mg/kg/day based on increased resorptions, post-implantation loss and incomplete ossification of the vertebral arches.
Dermal short-term General population including infants and children.	NOAEL= 190 mg/kg/ day. DAF rate = 27% UF_A = 10x UF_H = 10x FQPA SF = 1x	LOC for MOE = 100	90-day oral toxicity study (rats). LOAEL = 1900 mg/kg/day based on reduced body weight gain, microscopic lesions in the liver and kidney in male rats and reduced body weight/weight gain in females.
Inhalation (short and intermediate) Females 13–49 years of age.	NOAEL= 30 mg/kg/ day. Inhalation & oral toxicity considered equivalent UF_A = 10x UF_H = 10x FQPA SF = 1x Total UF = 100	LOC for MOE = 100	Developmental toxicity study (rabbits). Developmental LOAEL = 300 mg/kg/day based on increased resorptions, post-implantation loss and incomplete ossification of the vertebral arches.
Inhalation (short and intermediate term) General population including infants and children.	NOAEL = 190 ..... Inhalation & oral toxicity considered equivalent UF_A = 10x UF_H = 10x FQPA SF = 1x Total UF = 100	LOC for MOE = 100	90-day oral toxicity study (rats). LOAEL = 1900 mg/kg/day based on reduced body weight gain, microscopic lesions in the liver and kidney in male rats and reduced body weight/weight gain in females.
Cancer (Oral, dermal, inhalation).	Classification: ''Not likely to be carcinogenic to humans''.		

FQPA SF = Food Quality Protection Act Safety Factor. LOAEL = lowest-observed-adverse-effect-level. LOC = level of concern. mg/kg/day = milligram/kilogram/day. MOE = margin of exposure. NOAEL = no-observed-adverse-effect-level. PAD = population adjusted dose (a = acute, c = chronic). RfD = reference dose. UF = uncertainty factor. UF_A = extrapolation from animal to human (interspecies). UF_H = potential variation in sensitivity among members of the human population (intraspecies).

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to ethofumesate, EPA considered exposure under the petitioned-for tolerances as well as all existing ethofumesate tolerances in 40 CFR 180.345. EPA assessed dietary exposures from ethofumesate in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure. Because no appropriate endpoint was identified for the general population including infants and children, a quantitative acute dietary exposure assessment was not conducted for these populations. Such effects were observed for the population subgroup females 13–49 years of age.

In estimating acute dietary exposure for females 13–49 years, EPA used food consumption information from the United States Department of Agriculture (USDA's) National Health and Nutrition Examination Survey, What We Eat in America (NHANES/WWEIA) from 2003 through 2008. As to residue levels in food, EPA used an unrefined determination based on tolerance-level residues, 100 percent crop treated (PCT) information for all commodities, and Dietary Exposure Evaluation Model (DEEM) 7.81 default processing factors, where available.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used the food consumption data from the USDA's 2003–2008 NHANES/ WWEIA. As to residue levels in food, EPA used an unrefined determination based on 100 PCT, tolerance-level residues for all commodities, and Dietary Exposure Evaluation Model

(DEEM) 7.81 default processing factors, where available.

iii. *Cancer.* Based on the data summarized in Unit III.A., EPA has concluded that ethofumesate does not pose a cancer risk to humans. Therefore, a dietary exposure assessment for the purpose of assessing cancer risk is unnecessary.

iv. *Anticipated residue and percent crop treated (PCT) information.* The Agency did not use anticipated residue data or percent crop treated estimates.

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

Based on the Tier I: First Index Reservoir Screening Tool (FIRST) and Tier II: Pesticide Root Zone Model Ground Water (PRZM GW)/PWC, the estimated drinking water concentrations (EDWCs) of ethofumesate (parent compound only) for acute exposures are estimated to be 416 parts per billion (ppb) for surface water and 750 ppb for ground water. For chronic exposures for non-cancer assessments are estimated to be 123 ppb for surface water and 695 ppb for ground water.

Modeled estimates of drinking water concentrations of ethofumesate for parent compound only, were directly entered into the dietary exposure model. For acute dietary risk assessment, the water concentration value of 750 ppb was used to assess the contribution to drinking water. For chronic dietary risk assessment, the water concentration value of 695 ppb was used to assess the contribution to drinking water.

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

Ethofumesate is currently registered for the following uses that could result in residential exposures: ornamental lawns and turf (including golf courses, parks, cemeteries, and homeowner/commercial lawns). EPA assessed residential exposure using the following assumptions: All ethofumesate products are intended for either agricultural use or require professional application for ornamental turf. Although registered products are labeled for use on home lawns, residential handler exposures are not anticipated because the label language requiring personal protective equipment (PPE) and prohibiting the use of handheld equipment indicate that the product is not intended for homeowner use. Therefore, the Agency has not conducted a residential handler assessment.

There is potential for ethofumesate residential post-application exposure for individuals exposed as a result of being in an environment that has been previously treated. Residential post-application dermal (adults and children) and incidental oral (children only) exposures are anticipated from the registered turf uses. EPA conducted screening level calculations on the scenarios most likely to result in highest possible exposure. These scenarios are:

- For children 1 to <2 years old: incidental ingestion (hand-to-mouth), incidental ingestion (turf-to-mouth), incidental ingestion (soil-to-mouth), and dermal exposure
- for adults and youths (11 to <16 years old: dermal exposure (golfing, lawn mowing, etc.).

Post-application exposures were calculated by considering the potential sources of exposure then calculating dermal and/or incidental oral exposure and risks. Further information regarding EPA standard assumptions and generic inputs for residential exposures may be found at *http://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/standard-operating-procedures-residential-pesticide.*

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

Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, EPA has not made a common mechanism of toxicity finding as to ethofumesate and any other substances and ethofumesate does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that ethofumesate does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's Web site at *http://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/cumulative-assessment-risk-pesticides.*

D. Safety Factor for Infants and Children

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

2. *Prenatal and postnatal sensitivity.* There are no concerns or uncertainties for pre- and/or post-natal toxicity resulting from exposure to ethofumesate. There is no evidence that ethofumesate results in increased susceptibility in *in utero* exposure to ethofumesate in the prenatal developmental study in rats. Increased pre-natal quantitative susceptibility was observed in the rabbit developmental toxicity study. The Agency concluded, however, that there is no concern that the risk assessment will not adequately safeguard against potential pre- and post-natal toxicity because the developmental toxicity NOAELs/LOAELs are well characterized and are used as endpoints for risk assessment for the appropriate population subgroups.

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

i. The toxicity database for ethofumesate is sufficiently complete and adequate for characterizing potential pre- and/or post-natal risks to infants and children. Available studies supporting this decision include developmental toxicity studies in rats and rabbits, and a three-generation reproduction study in rats.

Based on all available hazard and exposure data for ethofumesate, the Agency determined that the subchronic inhalation, acute and subchronic neurotoxicity, and the immunotoxicity

studies for ethofumesate were not necessary and waived those requirements. The existing ethofumesate database is extensive and adequately sufficient to permit a full assessment of risks associated with proposed new uses under consideration.

ii. There is no indication that ethofumesate is a neurotoxic chemical. Ethofumesate did not cause clear clinical or histopathological signs of neurotoxicity in four species tested (rats, rabbits, mice and dogs) as evaluated by the current studies within the database. In addition, there was no evidence of neurotoxicity observed in the toxicity databases of chemicals in the same class as ethofumesate. Therefore, EPA is not requiring a developmental neurotoxicity study nor incorporating an additional UFs to account for neurotoxicity.

iii. There is no evidence that ethofumesate results in increased susceptibility in *in utero* exposure to ethofumesate in the prenatal developmental study in rats. No rat developmental effects were seen at the highest dose tested (limit dose of 1000 mg/kg). There is, however, quantitative evidence for increased susceptibility following *in utero* exposure to ethofumesate in an adequate developmental toxicity study in the rabbit. At 300 mg/kg/day, no maternal toxicity was reported, but developmental toxicity was observed as increased resorptions, post-implantation loss and skeletal abnormalities (incomplete ossification of vertebral arches). However, the developmental toxicity NOAELs and LOAELs are well characterized and are used as endpoints for risk assessment for the appropriate population subgroups.

There was no quantitative or qualitative evidence of increased susceptibility in the three-generation reproduction study in rats with ethofumesate since maternal, reproductive and offspring toxicity were not observed at any dose tested up to 5000 ppm (397 and 463 mg/kg/day, males and females, respectively). Although a limit dose was not achieved and no maternal toxicity reported, a new study was not required because the highest dose tested was similar to the dose level that caused toxicity to rats in the chronic/carcinogenicity dietary study.

iv. There are no residual uncertainties identified in the exposure databases. The dietary exposure analyses are unlikely to underestimate exposure. The acute and chronic dietary food and drinking water exposure assessments were performed based on 100 PCT information for all commodities, tolerance-level residues, and Dietary Exposure Evaluation Model (DEEM) 7.81 default processing factors where available. The dietary exposure analyses also assumed that all drinking water will contain ethofumesate at the highest EDWC levels modeled by EPA. The Agency used similarly conservative assumptions to assess post-application exposure of adults and children. The residential exposure estimates are based on EPA's 2012 Residential Standard Operations Procedures (SOPs). These assessments will not underestimate the exposure and risks posed by ethofumesate.

E. Aggregate Risks and Determination of Safety

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

1. *Acute risk.* Using the exposure assumptions discussed in this unit for acute exposure, the acute dietary exposure from food and water to ethofumesate will occupy 14% of the aPAD at the 95th percentile for females 13–49 years old, the only population subgroup for which an acute dietary endpoint attributable to a single exposure was identified.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure from food and drinking water only as chronic exposure from residential uses of ethofumesate is not expected, EPA identified separate chronic dietary endpoints for the general population, including infants and children, as well as for the population subgroup of females 13–49 years of age. Based on the input parameters and assumptions, the chronic dietary risk estimate for the U.S. population was determined to be 1.2% of the cPAD with the population subgroup of females 13–49 years having the highest risk estimate at 5.2% of the cPAD. EPA concluded that ethofumesate risk estimates for all population subgroups were below the level of concern of <100% of the cPAD.

3. *Short- and intermediate-term aggregate risk.* Short- and intermediate-term aggregate exposures take into account short- and intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

Ethofumesate is currently registered for uses that could result in short-term residential exposure. Residential exposure to ethofumesate is not anticipated from the amended uses that are the subject of this regulatory action; however, it is anticipated from currently registered residential uses of ethofumesate. Residential exposures are only expected to be short-term in duration; however, since the point of departure is the same for short and intermediate-term exposures, the short-term aggregate is protective of any longer-term exposures.

Aggregate risk estimates (MOEs) were derived using recommended exposure scenarios including: For adults, dermal post-application exposure from high contact activities on treated turf; for children, including ages 11 to <16 years and 6 to <11 years, dermal post-application exposure from golfing on treated turf; and for children (1 to <2 years), combined dermal plus hand-to-mouth post-application exposure from high contact activities on treated turf.

EPA short-term aggregate risk calculations of aggregate MOEs, combining average food and drinking water, plus residential exposures (total exposure), ranged from 120 for females 13–49 years; to 430 for children 1 to <2 years; to 770 for adults, 20–49 years and significantly higher for population subgroups, children 6 to 11 years and youth 11 to <16 years. These short-term aggregate risk estimates are not of concern to EPA (*i.e.,* MOEs are ≥ 100).

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

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

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology (Method I in PAM Vol. II is listed as an adequate tolerance enforcement method for plants) is available to enforce the tolerance expression.

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

email address: *residuemethods@epa.gov.*

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

There are no Codex MRLs established for the residues of ethofumesate in/on any sugar beet raw agricultural or processed commodity.

C. Response to Comments

One commenter supported the tolerance action but expressed concerns about the need for additional data to assess the toxicity of ethofumesate to bioaccumulate and to contribute to obesity and diabetes. To the extent the commenter is concerned about impacts on aquatic life, earthworms, and other non-human organisms, this comment is outside the scope of review appropriate for a tolerance safety assessment under section 408 of the FFDCA. If the commenter is raising concerns about potential human harm, the Agency has considered all the available data and determined that the tolerances are safe; there is nothing in the toxicity database that would suggest toxicity concerns related to diabetes or obesity.

The octanol-water partition coefficient (log K_{ow}) for ethofumesate is 2.8. Compounds with log K_{ow} values less than three are unlikely to bioaccumulate substantially. Therefore, further assessment of the bioaccumulation of ethofumesate is not warranted at this time.

D. Revisions to Petitioned-For Tolerances

EPA is not increasing the existing tolerance for ''Beet, sugar, tops'' because it is unnecessary due to the fact that this commodity is no longer a significant livestock feed item or a recognized human food.

Although the petitioner requested an increase in the existing sugar, beet, refined sugar tolerance, EPA has determined that the tolerance is not needed because the limit established for the raw agricultural commodity (RAC) (beet, sugar, roots at 1.5 ppm) is sufficient to cover residues in this processed commodity (at 1.0 ppm).

In setting the sugar beet molasses tolerance, EPA used the empirical processing factor previously derived for determining the concentration of residues in this processed commodity, which results in a tolerance of 2.0 ppm rather 2.5 ppm as requested.

The tolerance expressions at 180.345 paragraphs (a) and (c) for ethofumesate are being revised to comply with current EPA policies and to accommodate updated tolerance enforcement methods that convert the NC 20645 (2-(2-hydroxy-5-methanesulfonyloxyphenyl) methylpropanoic acid) metabolite to NC9607 (3,3-dimethyl-5-[(methylsulfonyl)oxy]-2(3*H*)-benzofuranone) prior to quantitation.

V. Conclusion

Therefore, tolerances are established for residues of the herbicide ethofumesate in or on beet, sugar, molasses at 2.0 ppm and beet, sugar, roots at 1.5 ppm. Also, the tolerance for beet, sugar, refined is deleted because residues in that processed commodity are covered by the tolerance for beet, sugar, roots.

VI. Statutory and Executive Order Reviews

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

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

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

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

VII. Congressional Review Act

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

List of Subjects in 40 CFR Part 180

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

Dated: October 26, 2017.

Michael Goodis,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

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

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

■ 2. In § 180.345:
■ i. Revise the introductory text of paragraph (a);
■ ii. Remove the entry for ''Beet, sugar, refined sugar'' from the table in paragraph (a);
■ iii. Revise the entries for ''Beet, sugar, molasses'' and ''Beet, sugar, roots'' in the table in paragraph (a): and
■ iv. Revise the introductory text of paragraph (c) to read as follows:

§ 180.345 Ethofumesate; tolerances for residues.

(a) *General.* Tolerance are established for residues of the herbicide ethofumesate, including its metabolites and degradates, in or on the commodities in the table below. Compliance with the tolerance levels specified below is to be determined by measuring only the sum of ethofumesate, 2-ethoxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl methanesulfonate, and its metabolites 2-hydroxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl methanesulfonate, and 2,3-dihydro-3,3-dimethyl-2-oxo-5-benzofuranylmethanesulfonate, calculated as the stoichiometric equivalent of ethofumesate, in or on the following food commodities.

Commodity	Parts per million
* * * * *	
Beet, sugar, molasses	2.0
Beet, sugar, roots	1.5
* * * * *	

* * * * *

(c) *Tolerances with regional registrations.* Tolerances with a regional registration, as defined in § 180.1(l) are established for residues of the herbicide ethofumesate, including its metabolites and degradates, in or on the commodities in the table below. Compliance with the tolerance levels specified is to be determined by measuring only the sum of ethofumesate, 2-ethoxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl methanesulfonate, and its metabolites 2-hydroxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl methanesulfonate, and 2,3-dihydro-3,3-dimethyl-2-oxo-5-benzofuranylmethanesulfonate, calculated as the stoichiometric equivalent of ethofumesate, in or on the raw agricultural commodities.

* * * * *

[FR Doc. 2017–25828 Filed 12–1–17; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 10 and 11

[PS Docket No. 15–91; PS Docket No. 15–94; FCC 17–143]

Wireless Emergency Alerts; Emergency Alert System

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) grants the petition filed by CTIA for reconsideration the Commission's recent decision to revise its Wireless Emergency Alert (WEA) rules and grants in part and denies in part the Competitive Carrier Association's (CCA) request for a waiver or extension of time. Specifically, the Commission extends the timeframe for compliance with the requirement in the *WEA Report and Order* that Participating CMS Providers provide ''clickable'' embedded references in WEA messages from 12 months to 30 months except for AT&T, Verizon, T-Mobile, Sprint and U.S. Cellular. This document also clarifies that the requirement for ''clickable'' embedded references encompass phone numbers and other types of embedded references, and that our embedded reference requirement applies to new devices as well as existing devices capable of supporting this feature through a software upgrade. Finally, this document denies CCA's request for a waiver or an extension of time for compliance with the geo-targeting requirements.

DATES: Effective December 4, 2017.

FOR FURTHER INFORMATION CONTACT: Gregory Cooke of the Public Safety and Homeland Security Bureau, Policy and Licensing Division, *gregory.cooke@fcc.gov,* (202) 418–2351.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order on Reconsideration in PS Docket No. 15–91, No. 15–94, FCC 17–143, released on November 1, 2017. The document is available for download at *https://apps.fcc.gov/edocs_public/attachmatch/FCC-17-143A1.pdf.* The complete text of this document is also available for inspection and copying during normal business hours in the FCC Reference Information Center, Portals II, 445 12th Street SW., Room CY–A257, Washington, DC 20554. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *FCC504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

Supplemental Regulatory Flexibility Analysis

1. This Supplemental Final Regulatory Flexibility Analysis (Supplemental FRFA) supplements the Final Regulatory Flexibility Analysis (FRFA) of the September 2016 *WEA Report and Order,* 81 FR 75710 (*WEA R&O*) to reflect the actions taken in this *Order on Reconsideration* and conforms to the RFA.

Need for, and Objective of, the Order

2. In the *WEA R&O,* we took advantage of the significant technological changes and improvements experienced by the mobile wireless industry since the passage of the Warning, Alert and Response Network (WARN) Act, and deployment of WEA to improve the utility of WEA as a life-saving tool. As pertinent to the *Order on Reconsideration* we adopt today, in the *WEA R&O* we adopted rules focused on improving WEA message content by narrowing the rules for the geo-targeting of alerts, requiring Participating Commercial Mobile Service (CMS) Providers to support embedded references (*i.e.,* URLs and phone numbers) included in WEA Alert Messages. In doing so, we set a deadline for compliance with the embedded reference requirement of one year (12 months).

3. In this *Order on Reconsideration,* we grant, to the extent described herein, CTIA's Petition for Reconsideration of the *WEA R&O* and CCA's Petition for Waiver, or in the Alternative, Extension of Time. In doing so, we deny CCA's request for a waiver or an extension of time for compliance with the *WEA R&O's* best approximates geo-targeting standard, as compliance with the best approximate geo-targeting is well within the capabilities of CCA's members; and we reconsider the deadline for compliance with the embedded reference requirement from one year (12 months) to 30 months for all

Participating CMS Providers except for AT&T, Verizon, T-Mobile, Sprint and U.S. Cellular, because these CMS Providers have indicated their ability and intent to meet the November 1, 2017 deadline for embedded references adopted in the *WEA R&O.* The actions we take today allow us to continue to advance down the path outlined in the *WEA R&O* while supplying additional time for compliance to smaller entities (*i.e.,* small and regional carriers) with respect to the embedded reference requirement adopted therein.

Summary of Significant Issues Raised by Public Comments in Response to the IRFA

4. In light of reconsideration, waiver, and extension requests, the Commission considered the potential impact of the rules proposed in the IRFA on small entities and reduced the compliance burden in order to reduce the economic impact of the rules enacted herein on such entities.

Response to Comments by the Chief Counsel for Advocacy of the Small Business Administration

5. Pursuant to the Small Business Jobs Act of 2010, which amended the RFA, the Commission is required to respond to any comments filed by the Chief Counsel of the Small Business Administration (SBA), and to provide a detailed statement of any change made to the proposed rule(s) as a result of those comments.

6. The Chief Counsel did not file any comments in response to the proposed rule(s) in this proceeding.

Description and Estimate of the Number of Small Entities To Which the Rules Would Apply

7. The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. The RFA generally defines the term small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. A ''small business concern'' is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).

8. As noted above, a FRFA was incorporated into the *WEA R&O.* In that analysis, we described in detail the small entities that might be significantly affected by the rules adopted in the *WEA R&O.* Those entities may be found in a number of services including, *e.g.:* Wireless telecommunications carriers, broadband Personal Communications Service, narrowband Personal Communications Service, Wireless Communications Services, Advanced Wireless Services, lower and upper 700 MHz Band licenses, software publishers, and radio and television broadcasting and wireless communications equipment manufacturing. In this *Order on Reconsideration,* we hereby use the descriptions and estimates of the number of small entities from the previous FRFA in this proceeding.

Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

9. The data, information and document collection required by the *WEA R&O* as described in the previous FRFA in this proceeding is hereby used. The actions taken in this Order do not amend or otherwise revise those requirements, except to supply additional time for compliance with one of the requirements, *i.e.,* embedded references in WEA messages.

Steps Taken To Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered

10. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) and exemption from coverage of the rule, or any part thereof, for small entities.

11. The analysis of the Commission's efforts to minimize the possible significant economic impact on small entities as described in the previous FRFA in this proceeding is hereby incorporated by reference. Additionally, in this Order, in response to concerns raised by small entities, *i.e.,* small and regional carriers, the Commission is supplying additional time, until May 1, 2019, for all carriers (apart from the five) to comply with the embedded reference requirement.

Report to Congress

12. The Commission will send a copy of this Order, including this Supplemental FRFA, in a report to be sent to Congress and the Government Accountability Office pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996. In addition, the Commission will send a copy of this Order, including the Supplemental FRFA, to the Chief Counsel for Advocacy of the Small Business Administration. A copy of this Order and Supplemental FRFA (or summaries thereof) will also be published in the **Federal Register**.

Synopsis

13. In this *Order on Reconsideration,* we reaffirm our existing schedule for geo-targeting alerts to best approximate the target area and reaffirm that the five largest mobile service providers must provide clickable embedded references by November 1, 2017, but we extend the timeline for smaller, regional wireless providers to come into compliance with that requirement. These actions ensure that smaller, regional wireless providers remain part of the Wireless Emergency Alerts (WEA) system while maximizing the deployment of more effective wireless emergency alerts to consumers.

14. In September 2016, the Commission adopted the WEA Report and Order, 81 FR 75710 (WEA R&O), which eliminated the prohibition on the use of embedded references in non-Presidential Alerts and required Participating CMS Providers to support embedded references within one year of the rules' publication in the **Federal Register**. Among other issues, CTIA timely petitioned the Commission to reconsider, or, in the alternative, clarify this requirement.

15. CTIA requests that the Commission defer mandating implementation of embedded references until after feasibility testing is completed (*i.e.,* testing whether embedded references in WEA alerts would cause harmful network congestion) and the requirements for compliance are clarified (*e.g.,* that the Commission is requiring embedded reference capability only for new devices).

16. CTIA makes three arguments: mandating compliance before comprehensive feasibility testing may lead to substantial network congestion; testing, prior to mandating compliance, is necessary to determine the feasibility of supporting embedded references; and the compliance deadline has no sound basis in the record.

17. On August 16, 2017, the CCA filed a Petition for Waiver, or in the

Alternative, Extension of Time, requesting a waiver or extension of the compliance timeline for support for embedded references until May 1, 2019, consistent with CTIA's request. CCA further requested a waiver or extension of time for compliance with the WEA R&O's geo-targeting requirement until May 1, 2019.

Discussion

Timeframe for Supporting Basic Geo-Targeting

18. CCA requests that we waive or delay the November 1, 2017 deadline for basic geo-targeting (known as best approximates geo-targeting). We decline the request and reaffirm the current schedule for the deployment of basic geo-targeting for wireless emergency alerts.

19. The basic geo-targeting standard is designed to be flexible and to take into consideration the specific capabilities of each Participating CMS Provider. In the WEA R&O, the Commission set forth the expectation that Participating CMS Providers will take reasonable efforts to leverage existing technology to its fullest extent and articulated potential techniques and benchmarks for basic geo-targeting. As the Commission noted when it adopted the initial rules for WEA, the system is technologically neutral, and Participating CMS providers are in the best position to select and incorporate the technologies that will enable them to most effectively and efficiently deliver mobile alerts.

20. Although CCA asserts that many of its members cannot comply with the standard because they are still transitioning from 2G and 3G to 4G technologies and because the standards applicable to best approximates'' are still in development, we reject CCA's contention that its ability to meet the basic geo-targeting standard is affected in any way by a particular technology such as cell broadcasting. Rather, we anticipate that CCA's members, like other Participating CMS Providers, will continue to employ the techniques that they have been deploying as a matter of best practice. Accordingly, given the inherent flexibility in the best approximates geo-targeting standard, we find no basis for granting relief from this requirement.

Timeframe for Supporting Embedded References

21. CTIA and CCA request we revise the compliance timeframe for the embedded reference requirement. We decline to do so for the five largest Participating CMS Providers—Verizon, AT&T, Sprint, T-Mobile, and U.S. Cellular—who have indicated that they are able to and intend to support embedded references on smartphones capable of processing them by the November 1, 2017 deadline. We observe that the WEA R&O explicitly made clear that the embedded reference requirement can be enabled through software updates, and that Participating CMS Providers could implement the necessary changes to their software to make the embedded reference capability available to customers. Mobile devices that support neither embedded references nor the software updates that would provide such capability will not be considered WEA capable.

22. We nonetheless grant 18 months of relief to smaller, regional operators—specifically, all Participating CMS Providers other than the largest five—so that they will have additional time to deploy network upgrades and learn from the deployment experiences of the largest Participating CMS Providers on how best to ensure embedded references are smoothly integrated into the WEA system.

23. CCA argues that its members, which are smaller and regional providers, have fewer resources, and that 18 additional months is sufficient time to implement the embedded references requirement. We agree. As CCA notes, smaller and regional wireless providers within its membership do not participate in the Alliance for Telecommunications Industry Solutions' (ATIS) standards-setting process and may need additional time to review and implement these standards. Further, as CCA notes, the capabilities necessary for some providers to implement enhanced WEA requirements are still in flux. For example, carriers that are currently participating in the WEA program through an application-based solution need additional time to coordinate, test, and implement updates to current standards. This transition may necessitate additional time for compliance, coordination, and testing. As the Commission has otherwise found, 30 months from the rules' publication in the **Federal Register**, *i.e.,* May 1, 2019, is sufficient time to comply with WEA requirements that necessitate the development of standards and software, testing, and deployment, and we find this time frame to be sufficient and necessary for Participating CMS Providers (apart from the five largest) to comply with the embedded references deadline, particularly given the difficulties that CCA has described in its Petition. We anticipate that this relief will dissuade CCA members from withdrawing from WEA participation because they cannot comply with the embedded references requirement by the November 1, 2017 deadline.

24. Finally, we are aware that there will be a short period of time between the original November 1, 2017 deadline for embedded references and the publication of this Order on Reconsideration in the **Federal Register**, notwithstanding that the record reflects good cause for such relief being immediately effective. Accordingly, to the extent necessary to support the decision in this Order on Reconsideration, we waive the November 1, 2017 deadline for all Participating CMS Providers, except for AT&T, Verizon, T-Mobile, Sprint and U.S. Cellular, until the publication of this Order in the **Federal Register**.

Procedural Matters

Accessible Formats

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

Paperwork Reduction Act

26. This document does not contain new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. Therefore, it does not contain any new or modified information collection burdens for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4).

Congressional Review Act

27. The Commission will send a copy of this Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act. See 5 U.S.C. 801(a)(1)(A).

Supplemental Final Regulatory Flexibility Analysis

28. As required by the Regulatory Flexibility Act of 1980, as amended, we have prepared a Supplemental Final Regulatory Flexibility Analysis (Supplemental FRFA) addressing the actions taken in this Order.

Additional Information

29. People with Disabilities. To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov*

or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

30. Additional Information. For additional information on this proceeding, contact Gregory Cooke of the Public Safety and Homeland Security Bureau, Policy and Licensing Division, *gregory.cooke@fcc.gov,* (202) 418–2351.

Ordering Clauses

31. Accordingly, *it is ordered,* pursuant to Sections 1, 2, 4(i), 4(o), 301, 303(r), 303(v), 307, 309, 335, 403, 624(g), and 706 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 154(o), 301, 301(r), 303(v), 307, 309, 335, 403, 544(g), and 606, as well as by sections 602(a), (b), (c), (f), 603, 604 and 606 of the WARN Act, 47 U.S.C. 1202(a), (b), (c), (f), 1203, 1204 and 1206, that the CTIA Petition is granted to the extent specified herein and denied to the extent specified herein.

32. *It is also ordered,* pursuant to Sections 1, 2, 4(i), 4(o), 301, 303(r), 303(v), 307, 309, 335, 403, 624(g), and 706 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 154(o), 301, 301(r), 303(v), 307, 309, 335, 403, 544(g), and 606, as well as by sections 602(a), (b), (c), (f), 603, 604 and 606 of the WARN Act, 47 U.S.C. 1202(a), (b), (c), (f), 1203, 1204 and 1206, that the CCA Petition is granted to the extent specified herein and denied to the extent specified herein.

33. *It is ordered,* pursuant to Sections 1, 2, 4(i), 4(o), 301, 303(r), 303(v), 307, 309, 335, 403, 624(g), and 706 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 154(o), 301, 301(r), 303(v), 307, 309, 335, 403, 544(g), and 606, as well as by sections 602(a), (b), (c), (f), 603, 604 and 606 of the WARN Act, 47 U.S.C. 1202(a), (b), (c), (f), 1203, 1204 and 1206, that the Order on Reconsideration in PS Docket Nos. 15–91 and 15–94 *is hereby adopted.*

34. *It is further ordered* that, as set forth in this Order, that except for AT&T, Verizon, T-Mobile, Sprint and U.S. Cellular, for which the operative date for this requirement remains November 1, 2017, the operative date of the requirement imposed by 47 CFR 10.441, published at 81 FR 75710, is delayed until May 1, 2019, the date other rules and amendments adopted by the WEA R&O were made effective (30 months from the publication of the WEA R&O in the **Federal Register**, published at 81 FR 75710).

35. *It is further ordered* that the provisions of this Order on Reconsideration *will become effective* immediately upon publication in the **Federal Register**.

36. *It is further ordered that,* effective upon the adoption of this order, that the requirements imposed by 47 CFR 10.441, published at 81 FR 75710, are waived to the extent set forth in this Order.

The rules in this part are issued pursuant to the authority contained in the Warning, Alert, and Response Network Act, Title VI of the Security and Accountability for Every Port Act of 2006, Public Law 109–347, Titles I through III of the Communications Act of 1934, as amended, and Executive Order 13407 of June 26, 2006, Public Alert and Warning System, 71 FR 36975 (2006).

List of Subjects

47 CFR Part 10

Wireless emergency alerts.

47 CFR Part 11

Emergency alert system.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2017–25673 Filed 12–1–17; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 51 and 69

[WC Docket Nos. 10–90, 14–58; CC Docket No. 01–92; FCC 16–33]

Rate-of-Return Reform

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: In this document, the Commission announces that the Office of Management and Budget (OMB) has approved, for a period of three years, the information collection requirements associated with the Commission's *Rate-of Return Reform Order.* The reforms adopted in this Order require rate-of-return LECs to make tariff filings with the necessary tariff materials outside of the normal tariff filing period. This document is consistent with the *Order,* which stated that the Commission would publish a document in the **Federal Register** announcing the effective date of the rules.

DATES: The amendments to 47 CFR 51.917(f)(4), 69.4(k), 69.132, 69.311, and 69.416, published at 81 FR 24281, April 25, 2016, are effective December 4, 2017.

FOR FURTHER INFORMATION CONTACT: Amy Goodman, Pricing Policy Division, Wireline Competition Bureau, at (202) 418–1549, or email: *amy.goodman@fcc.gov*.

SUPPLEMENTARY INFORMATION: This document announces that, on September 20, 2016, OMB approved, for a period of three years, the information collection requirements relating to §§ 51.917(f)(4), 69.4(k), 69.132, 69.311, and 69.416 of the Commission's rules as a revision to OMB Control Number 3060–0298 (Part 61, Tariffs (Other than the Tariff Review Plan)). Also on September 20, 2016, OMB approved, for a period of three years, the information requirements relating to §§ 51.917(f)(4), 69.4(k), 69.132, 69.311, and 69.416 of the Commission's rules as a revision to 3060–0400 (Part 61, Tariff Review Plan (TRP)). The Commission publishes this document as an announcement of the effective date of the rules. If you have any comments on the burden estimates listed below, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Nicole Ongele, Federal Communications Commission, Room 1–A620, 445 12th Street SW., Washington, DC 20554. Please include the OMB Control Number, 3060–0400, in your correspondence. The Commission will also accept your comments via email at *PRA@fcc.gov*.

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

Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the FCC is notifying the public that it received final OMB approval on September 20, 2016, for the information collection requirements contained in §§ 51.917(f)(4), 69.4(k), 69.132, 69.311, and 69.416 of the Commission's rules. Under 5 CFR part 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number.

No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Numbers are 3060–0298 and 3060–0400.

The foregoing notice is required by the Paperwork Reduction Act of 1995,

Public Law 104–13, October 1, 1995, and 44 U.S.C. 3507.

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

OMB Control Number: 3060–0298.

OMB Approval Date: September 20, 2016.

OMB Expiration Date: September 30, 2019.

Title: Part 61, Tariffs (Other than Tariff Review Plan) (TRP).

Form Number: N/A.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 2,840 respondents; 4,277 responses.

Estimated Time per Response: 30 hours–50 hours.

Frequency of Response: On occasion, annual, biennial, and one-time reporting requirements.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 151–155, 201–203, 208, 251–271, 403, 502, and 503 of the Communications Act of 1934, as amended.

Total Annual Burden: 156,080 hours.

Total Annual Cost: $1,307,670.

Privacy Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: Respondents are not being asked to submit confidential information to the Commission. If the Commission requests respondents to submit information which respondents believe is confidential, respondents may request confidential treatment of such information under 47 CFR 0.459 of the Commission's rules.

Needs and Uses: On March 23, 2016 the Commission released the *Rate of Return Order,* FCC 16–33, which reformed universal service for rate-of-return local exchange carriers (LECs). These reforms require approximately 95 rate-of-return LECs to make one-time tariff filings and NECA to make two tariff filings with the necessary support materials outside the normal tariff filing period.

Part 61 of the Commission's rules, 47 CFR part 61, prescribes the framework for the initial establishment of and subsequent revisions to tariffs. The information collected through the carriers' tariffs and supporting documentation is used by the Commission and state commissions to determine whether the services are offered in a just and reasonable manner.

OMB Control Number: 3060–0400.

OMB Approval Date: September 20, 2016.

OMB Expiration Date: September 30, 2019.

Title: Part 61, Tariff Review Plan (TRP).

Form Number: N/A.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 2,840 respondents; 5,437 responses.

Estimated Time per Response: 0.5 hours–53 hours.

Frequency of Response: On occasion, annual, biennial, and one-time reporting requirements.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 201, 202, 203, and 251(b)(5) of the Communications Act of 1934, as amended.

Total Annual Burden: 66,000 hours.

Total Annual Cost: No cost.

Privacy Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: Respondents are not being asked to submit confidential information to the Commission. If the Commission requests respondents to submit information which respondents believe is confidential, respondents may request confidential treatment of such information under 47 CFR 0.459 of the Commission's rules.

Needs and Uses: On March 23, 2016 the Commission released the *Rate of Return Order,* FCC 16–33, which reformed universal service for rate-of-return local exchange carriers (LECs). These reforms require rate-of-return LECs to make tariff filings with the necessary support materials outside the normal tariff filing period.

Sections 201, 202, and 203 of the Communications Act of 1934, as amended, require common carriers to establish just and reasonable charges, practices, and regulations for their interstate telecommunications services. For services that are still covered under section 203, tariff schedules containing charges, rates, rules, and regulations must be filed with the Commission. Part 61 of the Commission's rules, 47 CFR part 61, prescribes the framework for the establishment of and subsequent revisions to tariffs. Certain LECs are required to submit a biennial or annual Tariff Review Plan (TRP) in partial fulfillment of cost support material required by part 61. The Commission developed the TRP to minimize reporting burdens on reporting incumbent local exchange carriers (ILECs). TRPs set forth the summary material ILECs file to support revisions to their interstate access service tariffs. For those services still requiring cost support, TRPs assist the Commission in determining whether ILEC access charges are just and reasonable as required under the Act.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2017–25949 Filed 12–1–17; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 161020985–7181–02]

RIN 0648–XF859

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

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

ACTION: Temporary rule; reallocation.

SUMMARY: NMFS is reallocating the projected unused amount of Pacific cod from trawl catcher vessels (3,083 metric tons (mt)), American Fisheries Act (AFA) trawl catcher/processors (205 mt), and jig vessels (94 mt) to hook-and-line catcher/processors (2,732 mt) and pot catcher/processors (650 mt) in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to allow the 2017 total allowable catch of Pacific cod to be harvested.

DATES: Effective November 29, 2017through 2400 hours, Alaska local time (A.l.t.), December 31, 2017.

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

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

The 2017 Pacific cod total allowable catch (TAC) in the BSAI specified for trawl catcher is 47,246 metric tons (mt),

for AFA trawl catcher/processors is 4,917 mt, and for jig vessels is 107 mt as established by the final 2017 and 2018 harvest specifications for groundfish in the BSAI (82 FR 11826, February 27, 2017) and reallocations (82 FR 47162, October 11, 2017, 82 FR 43503, September 18, 2017 and 82 FR 41899, September 5, 2017). The Administrator, Alaska Region, NMFS, (Regional Administrator) has determined that trawl catcher vessels will not be able to harvest 3,083 mt of the remaining 2017 Pacific cod TAC allocated to those vessels under § 679.20(a)(7)(ii)(A)(*9*), The Regional Administrator has determined that AFA trawl catcher/processors will not be able to harvest 205 mt of the remaining 2017 Pacific cod TAC allocated to those vessels under § 679.20(a)(7)(ii)(A)(*7*). The Regional Administrator has determined that jig vessels will not be able to harvest 94 mt of the remaining 2017 Pacific cod TAC allocated to those vessels under § 679.20(a)(7)(ii)(A)(*1*).

Therefore, in accordance with § 679.20(a)(7)(iii), taking into account the capabilities of the sectors to harvest reallocated amounts of Pacific cod, and following the hierarchies set forth in § 679.20(a)(7)(iii)(A) and § 679.20(a)(7)(iii)(B), NMFS reallocates 2,732 mt of Pacific cod to hook-and-line catcher/processors and 650 mt to pot catcher/processors.

The harvest specifications for Pacific cod included in the final 2017 harvest specifications for groundfish in the BSAI (82 FR 11826, February 27, 2017) and two inseason adjustments (82 FR 8905, February 1, 2017 and 82 FR 41899, September 5, 2017) are revised as follows: 44,163 mt for trawl catcher vessels, 4,712 for AFA trawl catcher/processors, 13 mt for jig vessels, 106,444 mt for hook-and-line catcher/processors, and 4,844 mt pot catcher/processors.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the reallocation of Pacific cod specified from trawl catcher vessels, AFA catcher/processors, and jig gear to hook-and-line catcher/processors and pot catcher/processors in the BSAI management area. Since most of these fisheries are currently open, it is important to immediately inform the industry as to the revised allocations. Immediate notification is necessary to allow for the orderly conduct and efficient operation of this fishery, to allow the industry to plan for the fishing season, and to avoid potential disruption to the fishing fleet as well as processors. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of November 21, 2017.

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

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

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

Dated: November 29, 2017.

Emily H. Menashes,

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

[FR Doc. 2017–26044 Filed 11–29–17; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 82, No. 231
Monday, December 4, 2017

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 906

[Doc. No. AMS–SC–17–0037; SC17–906–1 PR]

Oranges and Grapefruit Grown in the Lower Rio Grande Valley in Texas; Decreased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would implement a recommendation from the Texas Valley Citrus Committee (Committee) to decrease the assessment rate established for the 2017–18 and subsequent fiscal periods from $0.09 to $0.02 per 7/10-bushel carton or equivalent of oranges and grapefruit handled under the Marketing Order (Order). The assessment rate would remain in effect indefinitely unless modified, suspended, or terminated. This proposed rule also makes administrative revisions to the subpart headings to bring the language into conformance with the Office of Federal Register requirements.

DATES: Comments must be received by January 3, 2018.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposed rule. Comments must be sent to the Docket Clerk, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Fax: (202) 720–8938; or Internet: *http://www.regulations.gov.* Comments should reference the document number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: *http://www.regulations.gov.* All comments submitted in response to this proposed rule will be included in the record and will be made available to the public. Please be advised that the identity of the individuals or entities submitting the comments will be made public on the Internet at the address provided above.

FOR FURTHER INFORMATION CONTACT: Doris Jamieson, Marketing Specialist, or Christian D. Nissen, Regional Director, Southeast Marketing Field Office, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA; Telephone: (863) 324–3375, Fax: (863) 291–8614, or Email: *Doris.Jamieson@ams.usda.gov* or *Christian.Nissen@ams.usda.gov*.

Small businesses may request information on complying with this regulation by contacting Richard Lower, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: *Richard.Lower@ams.usda.gov*.

SUPPLEMENTARY INFORMATION: This action, pursuant to 5 U.S.C. 553, proposes an amendment to regulations issued to carry out a marketing order as defined in 7 CFR 900.2(j). This proposal is issued under Marketing Agreement and Order No. 906, as amended (7 CFR part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. Part 906, (hereinafter referred to as the ''Order''), is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.'' The Committee locally administers the Order and is comprised of producers and handlers of oranges and grapefruit operating within the production area.

The Department of Agriculture (USDA) is issuing this proposed rule in conformance with Executive Orders 13563 and 13175. This action falls within a category of regulatory actions that the Office of Management and Budget (OMB) exempted from Executive Order 12866 review. Additionally, because this proposal does not meet the definition of a significant regulatory action, it does not trigger the requirements contained in Executive Order 13771. See OMB's Memorandum titled ''Interim Guidance Implementing Section 2 of the Executive Order of January 30, 2017, titled 'Reducing Regulation and Controlling Regulatory Costs' '' (February 2, 2017).

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the Marketing Order now in effect, Texas orange and grapefruit handlers are subject to assessments. Funds to administer the Order are derived from such assessments. It is intended that the assessment rate will be applicable to all assessable oranges and grapefruit beginning on August 1, 2017, and continue until amended, suspended, or terminated.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This proposed rule would decrease the assessment rate for the 2017–18 and subsequent fiscal periods from $0.09 to $0.02 per 7/10-bushel carton or equivalent of oranges and grapefruit handled.

The Texas orange and grapefruit Marketing Order provides authority for the Committee, with the approval of USDA, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members of the Committee are producers and handlers of Texas oranges and grapefruit. They are familiar with the Committee's needs and with the costs of goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting. Thus, all directly affected persons have an

opportunity to participate and provide input.

For the 2016–17 and subsequent fiscal periods, the Committee recommended, and USDA approved, an assessment rate that would continue in effect from fiscal period to fiscal period unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Committee or other information available to USDA.

The Committee met on August 8, 2017, and unanimously recommended 2017–18 expenditures of $152,920 and an assessment rate of $0.02 per 7/10-bushel carton or equivalent of oranges and grapefruit. In comparison, last year's budgeted expenditures were $751,148. The assessment rate of $0.02 is $0.07 lower than the rate currently in effect. The Committee recommended decreasing the assessment rate to reflect that they would not be funding the Mexican fruit fly control program, reducing their budget by more than $595,000.

The major expenditures recommended by the Committee for the 2017–18 year include $79,220 for management, $50,000 for compliance, and $23,700 for operating expenses. Budgeted expenses for these items in 2016–17 were $77,200, $50,000, and $23,700, respectively.

The assessment rate recommended by the Committee was derived by considering anticipated expenses, expected shipments of 7.5 million 7/10-bushel cartons, and the amount of funds available in the authorized reserve. Income derived from handler assessments calculated at $150,000 (7.5 million × $0.02), along with interest income and funds from the Committee's authorized reserve, would be adequate to cover budgeted expenses of $152,920. Funds in the reserve (currently $282,572) would be kept within the maximum permitted by the Order (approximately one fiscal period's expenses as stated in § 906.35).

The assessment rate recommended in this proposed rule would continue in effect indefinitely unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Committee or other available information.

Although this assessment rate would be effective for an indefinite period, the Committee will continue to meet prior to or during each fiscal period to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Committee meetings are available from the Committee or USDA. Committee meetings are open to the public and interested persons may express their views at these meetings. USDA would evaluate Committee recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking will be undertaken as necessary. The Committee's 2017–18 budget and those for subsequent fiscal periods will be reviewed and, as appropriate, approved by USDA.

This proposed rule also makes administrative revisions to the subpart headings of the regulations.

Initial Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), the Agricultural Marketing Service (AMS) has considered the economic impact of this proposed rule on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

There are approximately 170 producers of oranges and grapefruit in the production area and 13 handlers subject to regulation under the Marketing Order. Small agricultural producers are defined by the Small Business Administration (SBA) as those having annual receipts less than $750,000, and small agricultural service firms are defined as those whose annual receipts are less than $7,500,000 (13 CFR 121.201).

According to Committee data, the average price for Texas citrus during the 2015–16 season was approximately $17.48 per box and total shipments were 7.5 million boxes. Using the average price and shipment information, the number of handlers (13), and assuming a normal distribution, the majority of handlers would have average annual receipts of greater than $7,500,000. Thus, the majority of Texas citrus handlers may be classified as large business entities.

In addition, based on information from the National Agricultural Statistics Service, the weighted grower price for Texas citrus during the 2015–16 season was approximately $14.64 per box. Using the weighted average price and shipment information, and assuming a normal distribution, the majority of producers would have annual receipts of less than $750,000. Thus, the majority of Texas citrus producers may be classified as small business entities.

This proposal would decrease the assessment rate collected from handlers for the 2017–18 and subsequent fiscal periods from $0.09 to $0.02 per 7/10-bushel carton or equivalent of Texas citrus. The Committee unanimously recommended 2017–18 expenditures of $152,920 and an assessment rate of $0.02 per 7/10-bushel carton or equivalent handled. The assessment rate of $0.02 is $0.07 lower than the 2016–17 rate. The quantity of assessable oranges and grapefruit for the 2017–18 fiscal period is estimated at 7.5 million 7/10-bushel cartons. Thus, the $0.02 rate should provide $150,000 in assessment income (7.5 million × $0.02). Income derived from handler assessments, along with interest income and funds from the Committee's authorized reserve (currently $282,572), would be adequate to cover budgeted expenses.

The major expenditures recommended by the Committee for the 2017–18 year include $79,220 for management, $50,000 for compliance, and $23,700 for operating expenses. Budgeted expenses for these items in 2016–17 were $77,200, $50,000, and $23,700, respectively.

The Committee recommended decreasing the assessment rate to reflect that it would not be funding the Mexican fruit fly control program, reducing its budget by more than $595,000.

Prior to arriving at this budget and assessment rate, the Committee considered information from various sources, such as the Committee's Budget and Personnel Committee, and the Research Committee. Alternative expenditure levels were discussed by these committees who reviewed the relative value of various activities to the Texas citrus industry. These committees determined that all program activities were adequately funded and essential to the functionality of the Order, thus no alternate expenditure levels were deemed appropriate. Additionally, alternate assessment rates of $0.01 and $0.015 per 7/10 bushel-carton were discussed. However, it was determined that these lower assessment rates would draw too heavily from reserves, roughly $78,000 and $43,000, respectively. The proposed rate of $0.02 per 7/10 bushel-carton would draw an anticipated $2,800 from reserves, thereby leaving reserves intact for future needs.

Based on these discussions and estimated shipments, the recommended assessment rate of $0.02 would provide $150,000 in assessment income. The

Committee determined that assessment revenue, along with funds from reserves and interest income, would be adequate to cover budgeted expenses for the 2017–18 fiscal period.

A review of historical information and preliminary information pertaining to the upcoming fiscal period indicates that the average grower price for the 2017–18 season should be approximately $15.50 per 7/10-bushel carton or equivalent of oranges and grapefruit. Therefore, the estimated assessment revenue for the 2017–18 crop year as a percentage of total grower revenue would be about 0.1 percent.

This proposed rule would decrease the assessment obligation imposed on handlers. Assessments are applied uniformly on all handlers, and some of the costs may be passed on to producers. However, decreasing the assessment rate reduces the burden on handlers and may also reduce the burden on producers.

The Committee's meeting was widely publicized throughout the Texas citrus industry. All interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the August 8, 2017, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. Finally, interested persons are invited to submit comments on this proposed rule, including the regulatory and informational impacts of this action on small businesses.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Order's information collection requirements have been previously approved by the OMB and assigned OMB No. 0581–0189, Fruit Crops. No changes in those requirements would be necessary as a result of this proposed rule. Should any changes become necessary, they would be submitted to OMB for approval.

This proposed rule would not impose any additional reporting or recordkeeping requirements on either small or large Texas orange and grapefruit handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

AMS is committed to complying with the E-Government Act, to promote the use of the Internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/rules-regulations/moa/small-businesses.* Any questions about the compliance guide should be sent to Richard Lower at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

A 30-day comment period is provided to allow interested persons to respond to this proposal. Thirty days is deemed appropriate since the fiscal period began August 1, 2017, and the Order requires that the rate of assessment apply to all assessable oranges and grapefruit handled during such fiscal period. All written comments timely received will be considered before a final determination is made on this rule.

List of Subjects in 7 CFR Part 906

Grapefruit, Marketing agreements, Oranges, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 906 is amended as follows:

PART 906—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

■ 1. The authority citation for 7 CFR part 906 continues to read as follows:

Authority: 7 U.S.C. 601–674.

[Subpart Redesignated as Subpart A]

■ 2. Redesignate ''Subpart—Order Regulating Handling'' as ''Subpart A—Order Regulating Handling.''

[Subpart Redesignated as Subpart B and Amended]

■ 3. Redesignate ''Subpart—Rules and Regulations'' as Subpart B and revise heading to read as follows:

Subpart B—Administrative Requirements

■ 4. Section 906.235 is revised to read as follows:

§ 906.235 Assessment rate.

On and after August 1, 2017, an assessment rate of $0.02 per 7/10-bushel carton or equivalent is established for oranges and grapefruit grown in the Lower Rio Grande Valley in Texas.

[Subpart Redesignated as Subpart C]

■ 5. Redesignate ''Subpart—Container and Pack Requirements'' as ''Subpart C—Container and Pack Requirements.''

Dated: November 22, 2017.

Bruce Summers,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 2017–25737 Filed 12–1–17; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 986

[Doc. No. AMS–SC–17–0039; SC17–986–3 PR]

Pecans Grown in the States of Alabama, Arkansas, Arizona, California, Florida, Georgia, Kansas, Louisiana, Missouri, Mississippi, North Carolina, New Mexico, Oklahoma, South Carolina, and Texas; Establishment of Reporting Requirements and New Information Collection

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule invites comments on the establishment of reporting requirements under the Federal marketing order for pecans (Order). These reporting requirements would enable collection of information from handlers on: Pecans received; pecans purchased outside the United States; shipments and inventory of pecans; pecans exported by country of destination; and pecans exported for shelling and returned to the United States. This information would be used to provide important statistical reports to the industry, meet requirements under the Order, and to help guide future marketing efforts. This proposal also announces the Agricultural Marketing Service's intention to request approval from the Office of Management and Budget of a new information collection.

DATES: Comments must be received by February 2, 2018. Pursuant to the Paperwork Reduction Act, comments on the information collection burden must be received by February 2, 2018.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent to the Docket Clerk, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Fax: (202) 720–8938; or Internet: *http://www.regulations.gov.* All comments should reference the

document number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: *http://www.regulations.gov.* All comments submitted in response to this proposal will be included in the record and will be made available to the public. Please be advised that the identity of the individuals or entities submitting the comments will be made public on the Internet at the address provided above.

FOR FURTHER INFORMATION CONTACT: Jennie M. Varela, Marketing Specialist, or Christian D. Nissen, Regional Director, Southeast Marketing Field Office, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA; Telephone: (863) 324–3375, Fax: (863) 291–8614, or Email: *Jennie.Varela@ams.usda.gov* or *Christian.Nissen@ams.usda.gov.*

Small businesses may request information on complying with this regulation by contacting Richard Lower, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202)720–8938, or Email: *Richard.Lower@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: This action, pursuant to 5 U.S.C. 553, proposes an amendment to regulations issued to carry out a marketing order as defined in 7 CFR 900.2(j).This proposal is issued under Marketing Agreement and Order No. 986, (7 CFR part 986), regulating the handling of pecans grown in the states of Alabama, Arkansas, Arizona, California, Florida, Georgia, Kansas, Louisiana, Missouri, Mississippi, North Carolina, New Mexico, Oklahoma, South Carolina, and Texas, hereinafter referred to as the ''Order.'' The Order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.'' The American Pecan Council (Council) locally administers the Order and is comprised of growers and handlers of pecans operating within the production area and one public member.

The Department of Agriculture (USDA) is issuing this proposed rule in conformance with Executive Orders 13563 and 13175. This action falls within a category of regulatory actions that the Office of Management and Budget (OMB) has exempted from Executive Order 12866 review. Additionally, because this proposed rule does not meet the definition of a significant regulatory action it does not trigger the requirements contained in Executive Order 13771. See OMB's Memorandum titled ''Interim Guidance Implementing Section 2 of the Executive Order of January 30, 2017 titled 'Reducing Regulation and Controlling Regulatory Costs' '' (February 2, 2017).

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. This proposed rule is not intended to have retroactive effect.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an Order may file with USDA a petition stating that the Order, any provision of the Order, or any obligation imposed in connection with the Order is not in accordance with law and request a modification of the Order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This proposed rule would establish reporting requirements under the Order. This proposed action would require all pecan handlers to submit to the Council reports on pecans received, shipped, held in inventory, exported for sale or shelling, and purchased from outside the United States. This information would be used by the Council to provide statistical reports to the industry, meet requirements under the Order, and help guide future marketing efforts. This proposal was unanimously recommended by the Council at its April 17, 2017, meeting.

Section 2(4) of the Act specifies that one of its stated policies is to establish and maintain orderly marketing conditions for certain agricultural commodities that will provide, in the interests of producers and consumers, an orderly flow of the supply of such commodities to market to avoid unreasonable fluctuations in supply and prices. Section 8(d)(1) of the Act specifies that the Secretary may require all handlers subject to a marketing order to provide USDA with such information as is necessary for it to ascertain and determine the degree to which the agreement has been carried out or effectuated the declared policy of the Act.

Sections 986.75, 986.76, and 986.77 of the Order provide authority to the Council to require handlers to submit reports of inventory, merchantable pecans handled, and pecans received by handlers, respectively, on such dates as the Council may prescribe. Section 986.78 further provides, with the approval of the Secretary, authority for the Council to collect other reports and information from handlers needed to perform its duties. This proposed rule would use these authorities to establish new §§ 986.177 and 986.178 under the administrative provisions of the Order. These new sections would require handlers of pecans to report to the Council on a monthly basis: Pecans received, shipped, held in inventory, exported for sale or shelling, and purchased from outside the United States, using five specific Council forms.

At its November 16, 2016, meeting, the first meeting following the promulgation of the Order, the Council discussed its initial budget, assessment rates, and necessary reporting requirements to establish a program that is efficient and responsive to industry needs. During these discussions, the Council appointed a Statistics and Reporting Committee (Committee) to develop reporting requirements.

Members of the Committee discussed the reporting needs of the industry, reviewed examples of reporting forms from other marketing orders, and met and worked with the staff of another marketing order in developing the proposed reporting requirements. The Committee also worked with USDA to ensure the recommended information collection would provide the information necessary to facilitate the administration of the Order.

At its February 23, 2017, meeting, the Council reviewed drafts of seven reporting forms as developed and recommended by the Committee. The Council expressed its interest in having as much electronic reporting as possible, but recognized that many handlers may prefer a paper submission. The Council also considered the timing of when forms would be due and submission dates that would work for all parts of the industry. After a thorough review and some modifications, seven forms were approved by the Council.

At a meeting on April 17, 2017, the Council revisited the recommended reporting requirements and the accompanying forms. Acknowledging that the industry was more than halfway through the fiscal year at that time, the Council recommended dividing the reporting requirements into the five forms needed beginning with the 2017–

2018 fiscal year and the two forms needed beginning with the 2016–2017 fiscal year. The two forms required for the 2016–2017 fiscal year are being considered in a separate rulemaking action.

This proposed rule would add five new reporting requirements and five new forms to the administrative provisions under the Order by adding §§ 986.177 and 986.178. Detailed information on the reporting burden that would be created by these new forms is discussed later in this document.

During the formal rulemaking hearing to promulgate the Order, it was stated that the data collection component was one of the most important aspects of the Order. Concerns were also expressed regarding the accuracy and availability of industry data, and the impact those have on making good business decisions.

Currently, most available reports on domestic pecan production are issued annually and often long after the marketing year has been completed. Additionally, the reporting of this information is currently voluntary, so not all handlers are reporting, which impacts the accuracy of the available information. Some aggregate import and export data are available, but this information too is usually available on an annual basis, or reported several months after the shipments have been made. Additionally, some domestic production is shipped outside of the country for shelling and then returned to the United States for sale or further processing. There is concern this volume is not being properly accounted for, and is negatively impacting the accuracy of the industry information currently available.

The Council agreed these reporting requirements would be necessary to develop accurate reports for the industry regarding pecans being produced and handled in the United States, and recognized the value to the industry of such reports. Having accurate and timely information on the total supply of pecans moving into and out of the country would also assist the industry in managing available supply and in making marketing decisions. Further, collecting this information monthly would allow the Council to provide key data regarding total supply and inventory to the industry in a more timely fashion throughout the season.

The Council also recognized that § 986.65 of the Order requires the Council to provide a report and recommendation to the Secretary on the Council's proposed marketing policy for the next fiscal year. The report is required to include, in part, an estimate of production; improved, native, and substandard pecans; handler inventory; and trade supply, taking into consideration imported pecans. In addition to providing important information for industry reports, the reporting requirements covered in this proposed action would provide the information needed to develop the marketing policy.

Two specific monthly reporting requirements would be added to the administrative provisions under the Order in a new § 986.177, a summary report of domestic pecans received, and a report of pecans purchased outside the United States. The summary report of domestic pecans received would include information on the handler submitting the form, the month covered by the report, the total weight and type of inshell pecans received, and the weight by variety of improved pecans received. In addition, the form would also include information regarding total assessments owed and total pounds reported to date.

The information on this form would provide the Council with the volume of pecans received by handlers each month throughout the season. This information would be used to track the available supply of pecans each month, and the overall crop as it is delivered to handlers. The Council would then be able to use the information to develop its own reports that would provide the industry with an overview of market information for the predominant varieties, including volume by variety, which could assist in the development of marketing strategies.

The Council also intends to use this form to facilitate the collection of assessments on a monthly basis throughout the season. Using the form, handlers would be able to calculate their assessments due based on the pecans received as listed on the report. Handlers would be required to pay to the Council the assessments owed on the pecans received by the due date of the summary report.

In its discussion of the report of pecans purchased outside the United States, the Council agreed it would be important to have information regarding the volume of pecans being imported by production area handlers. The monthly report of pecans purchased outside the United States would include the name of the handler importing pecans, the month covered by the report, the date imported, country of origin, volume, and variety of pecans imported.

As production of pecans abroad has increased, there has been an increase in pecans imported into the United States. One Council member stated that the domestic industry is currently shelling and processing as much as 70 to 75 percent of Mexican-grown pecans, and that Mexican pecans now account for nearly 50 percent of sales in the United States. Consequently, having information regarding the volume of imported pecans is essential when calculating available supply. Collecting this information would greatly improve the accuracy of reports to the industry as it would include information regarding both domestic and imported pecans.

One of the Council's main goals in developing these reporting requirements is to deliver to the industry accurate reports regarding the marketplace and supply of pecans to assist the industry in making its marketing decisions throughout the year. The Council believes having accurate information regarding imported pecans is an essential part of reaching this goal. Further, collecting this information would provide the industry with valuable data regarding the timing and volume of pecans imported into the United States. Members also agreed having this information would assist the Council in developing its marketing policy as required under the Order.

Three additional reporting requirements would be added to the administrative provisions in a new § 986.178: Reports of shipments and inventory, exports by country of destination, and inshell pecans exported to Mexico for shelling. The report of shipments and inventory would include information on the handler submitting the form, the month covered by the report, shipments of shelled and inshell pecans, current inventory, and pecans in inventory already committed for shipment.

The Council believes this form would provide beneficial information regarding shipments completed and volume in inventory. While there is currently some limited information available regarding pecans in cold storage, this information does not delineate between available inventory and inventory that is already committed for shipment. By collecting this information from handlers, this report, in conjunction with the data regarding pecans received, would allow the Council to provide the industry with inventory reports that are more accurate, and that provide a clearer picture of available supply. This data on the available volume of pecans would provide the industry with the information needed to make better marketing decisions.

When discussing a reporting requirement for exported pecans, the

Council expressed the industry's need for more information concerning international trade markets and export trends. The report of exports by country of destination would include information on the handler submitting the report, the month of the report, and the weight of all shipments of pecans, inshell or shelled, by classification, and by country of destination.

The Council estimated that prior to 2005, around 10 percent of domestic production was being exported. Since then, exports have grown considerably and now account for between 40 and 50 percent of production. The recommended form would be used to generate reports throughout the season providing industry members with information on where product is being sold and in what volume. Further, the Council could use this information to determine the effectiveness of any international promotional efforts and to consider opportunities for promotion and market expansion.

Some of the pecans shipped outside the United States are exported just for shelling and then returned to the United States for further use. The Council recommended an additional reporting form to capture this information. Specifically, the Council recommended collecting information on pecans exported to Mexico for shelling and then returned to the United States. The Council decided to limit the reporting to Mexico since the vast majority of pecans exported for this purpose are being sent to Mexico because of its proximity and cost efficiencies. The report of inshell pecans exported to Mexico for shelling would include information on the handler submitting the report, the month covered by the report, dates of shipments, the total weight of inshell pecans shipped for shelling, and the weight of shelled pecans returned to the United States.

In discussing this reporting requirement, the Council recognized that in addition to shelling some pecans from the production area, Mexico also exports pecans to the United States. This makes it difficult to determine how much of the import volume reported from Mexico is represented by domestic product after shelling. It was expressed that without this report, the accuracy of data regarding both reported exported and imported product could be compromised. Pecans exported for shelling could be counted as exports, and then counted again as imports when returned to the United States. This reporting requirement would help reduce the possibility of double counting of these pecans, and would help improve the accuracy of the overall information on supply.

The Council selected the tenth day of the month following the month of the activity as the due date for all five reports. Should the tenth day of the month fall on a weekend or holiday, reports would be due by the first business day following the tenth day of the month. The five monthly reports would be used during the 2017–2018 and subsequent seasons.

This proposed action would require pecan handlers to provide the Council with monthly reports on pecans received, shipped, held in inventory, exported for sale or shelling, and purchased from outside the United States. By establishing these reporting requirements, the Council would be able to gather and disseminate this information in accurate market reports. Further, this information would be used to create a marketing policy each year as required under the Order.

Initial Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), the Agricultural Marketing Service (AMS) has considered the economic impact of this proposed action on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

There are approximately 2,500 growers of pecans in the production area and approximately 250 handlers subject to regulation under the pecan marketing Order. Small agricultural growers are defined by the Small Business Administration as those having annual receipts less than $750,000, and small agricultural service firms are defined as those whose annual receipts are less than $7,500,000 (13 CFR 121.201).

According to information from the National Agricultural Statistics Service (NASS), the average grower price for pecans during the 2015–2016 season was $2.20 per pound and 254 million pounds were utilized. The value for pecans that year totaled $558.8 million ($2.20 per pound multiplied by 254 million pounds). Taking the total value of production for pecans and dividing it by the total number of pecan growers provides an average return per grower of $223,520. Using the average price and utilization information, and assuming a normal bell-curve distribution of receipts among growers, the majority of growers receive less than $750,000 annually.

Evidence presented at the formal rulemaking hearing indicates an average handler margin of $0.58 per pound. Adding this margin to the average grower price of $2.20 per pound of inshell pecans results in an estimated handler price of $2.78 per pound. With a total 2015 production of 254 million pounds, ($2.78 per pound multiplied by 254 million pounds) the total value of production in 2015 was $706.12 million. Taking the total value of production for pecans and dividing it by the total number of pecan handlers provides an average return per handler of $2,824,480. Using this estimated price, the utilization volume, number of handlers, and assuming a normal bell-curve distribution of receipts among handlers, the majority of handlers have annual receipts of less than $7,500,000. Thus, the majority (a substantial number) of growers and handlers of pecans grown in the states of Alabama, Arkansas, Arizona, California, Florida, Georgia, Kansas, Louisiana, Missouri, Mississippi, North Carolina, New Mexico, Oklahoma, South Carolina, and Texas may be classified as small entities.

This proposed rule would establish reporting requirements under the Order. This proposed action would require pecan handlers to provide the Council with reports of pecans received, shipped, held in inventory, exported for sale or shelling, and purchased from outside the United States. The Council would use this information to provide important statistical reports to the industry, to meet requirements under the Order, and to help guide future marketing efforts. This rule would establish new §§ 986.177 and 986.178 under the administrative provisions of the Order. The authority for this proposed action is provided for in Section 8(d)(1) of the Act and §§ 986.75, 986.76, 986.77, and 986.78 of the Order.

Requiring monthly reports of pecans received, shipped, held in inventory, exported for sale or shelling, and purchased from outside the United States would impose an increase in the reporting burden on all pecan handlers. However, this data is already recorded and maintained by handlers as a part of their daily business. Handlers, regardless of size, should be able to readily access this information. Consequently, any additional costs associated with this change would be

minimal (not significant) and apply equally to all handlers.

This proposed action should also help the entire industry by providing comprehensive data on pecans received, shipped, held in inventory, exported for sale or shelling, and purchased from outside the United States. Collection of this data was one of the industry's goals in promulgating the Order as there is no other source for this type of data. This information would provide accurate information regarding available inventory, help with marketing and planning for the industry, provide important information for the collection of assessments, and assist with preparing the annual marketing policy required by the Order. The benefits of this proposed rule are expected to be equally available to all pecan growers and handlers, regardless of their size.

The Council discussed other alternatives to this proposed action. The Council considered listing additional varieties on the summary report of pecans received. However, after discussion the Council determined a simpler version with the major commercial varieties and room for handlers to enter additional varieties as needed would be less burdensome. The Council also considered different due dates for these monthly reports, including a due date of the first, the third and the fifth day after the month of the activity. However, after some discussion, it was determined some handlers may have difficulty meeting these time frames. The 15th day of the month was also suggested, but Council members thought this would delay the issuance of reports, and negatively impact their value. Consequently, the Council agreed to set the due date for all five forms at the tenth of the month. The Council also considered the value and importance of each of the forms, and if all should be approved. However, the Council agreed each of the forms recommended provide important information for the industry and for administering the Order. Therefore, the alternatives were rejected.

This proposal would establish five new reporting requirements and five new Council forms. Therefore, this proposed rule would impose an increase in the reporting burden for all handlers, which is discussed in the Paperwork Reduction Act section of this document.

As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this proposed rule.

AMS is committed to complying with the E-Government Act, to promote the use of the Internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

Further, the Council's meetings were widely publicized throughout the pecan industry and all interested persons were invited to attend the meetings and participate in Council deliberations on all issues. Additionally, the Council's Committee meetings held February 23, 2017, and April 17, 2017, were also public meetings and all entities, both large and small, were able to express views on this issue. Finally, interested persons are invited to submit comments on this proposed rule, including the regulatory and information collection impacts of this proposed action on small businesses.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/rules-regulations/moa/small-businesses.* Any questions about the compliance guide should be sent to Richard Lower at the previously-mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

A 60-day comment period is provided to allow interested persons to respond to this proposal. All written comments timely received will be considered before a final determination is made on this matter.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), this notice announces AMS's intent to request approval from OMB for a new information collection under OMB No. 0581–NEW. It will be merged with the forms currently approved under OMB No. 0581–0291 ''Federal Marketing Order for Pecans.''

Title: Pecans Grown in the States of Alabama, Arkansas, Arizona, California, Florida, Georgia, Kansas, Louisiana, Missouri, Mississippi, North Carolina, New Mexico, Oklahoma, South Carolina, and Texas; Marketing Order No. 986.

OMB Number: 0581–NEW.

Type of Request: New Collection.

Abstract: The information requirements in this request are essential to carry out the intent of the Act, to provide the respondents the type of service they request, and to administer the pecan marketing order program.

On April 17, 2017, the Council unanimously recommended that all pecan handlers subject to the Order provide the Council with a monthly record of pecans received. This form, titled ''Summary Report U.S. Pecans Received for Your Own Account,'' would be submitted directly to the Council by handlers by the tenth day of the month following the month the pecans were received. This information collection would gather data on the total pounds received each month by variety and on the related assessments due.

The Council also recommended that all handlers subject to the Order submit a monthly report of product shipped, transferred, or committed. This form, titled ''Report of Shipments and Inventory on Hand,'' would be submitted directly to the Council by handlers by the tenth day of the month following the activity. This information collection would provide the Council with a monthly record of how much of the current crop has been shipped, is committed to be shipped or is being held in inventory. It would provide the volume of available inventory, which would be needed to make marketing decisions.

The Council also recommended that handlers provide the Council with a record of exports by type and destination. This form, titled ''Exports by Country of Destination,'' would be submitted directly to the Council by handlers by the tenth day of the month following the shipment(s). This information collection would provide the Council with up-to-date information on where exported pecans are being sold. This information would improve data collection by accounting for pecans moving outside the United States and is necessary for developing the Council's marketing policy as required by the Order.

The Council also recommended that handlers submit a report of pecans exported to Mexico for the purpose of shelling and then returned to the United States. This form, titled ''Inshell Pecans Exported to Mexico for Shelling and Returned to the United States as Shelled Meats,'' would be submitted directly to the Council by handlers by the tenth day of the month following the shipment(s) out of and into the United States. This reporting requirement would help reduce the possibility of double counting of these pecans as both exported and imported product, and would help improve the accuracy of the overall information on supply.

The Council also recommended that all handlers subject to the Order submit a monthly report that would capture information on the volume of imported

pecans. This form, titled ''Pecans Purchased Outside the United States,'' would be submitted directly to the Council by handlers by the tenth day of the month following the receipt of such pecans. This information collection would assist in quantifying the volume of imported pecans on the market, provide the industry with a more accurate estimate of total supply, and assist with the development of the marketing policy required under the Order.

The information collected would only be used by authorized representatives of the USDA, including the AMS Specialty Crops Program regional and headquarters staff, and authorized employees of the Council. Authorized Council employees would be the primary users of the information, and the AMS would be the secondary users. The Council's staff would compile the information and utilize it to account for pecans received, shipped, held in inventory, exported for sale or shelling, and purchased from outside the United States. All proprietary information would be kept confidential in accordance with the Act and the Order.

The proposed request for new information collection under the Order is as follows:

Summary Report—U.S. Pecans Received for Your Own Account

Estimate of Burden: Public reporting burden for this collection of information is estimated to be an average of 0.33 hours per response.

Respondents: Handlers of pecans in Alabama, Arkansas, Arizona, California, Florida, Georgia, Kansas, Louisiana, Missouri, Mississippi, North Carolina, New Mexico, Oklahoma, South Carolina, and Texas.

Estimated Number of Respondents: 250.

Estimated Number of Responses per Respondent: 12.

Estimated Total Annual Burden on Respondents: 990 hours.

Pecans Purchased Outside the United States

Estimate of Burden: Public reporting burden for this collection of information is estimated to be an average of 0.33 hours per response.

Respondents: Handlers of pecans in Alabama, Arkansas, Arizona, California, Florida, Georgia, Kansas, Louisiana, Missouri, Mississippi, North Carolina, New Mexico, Oklahoma, South Carolina, and Texas.

Estimated Number of Respondents: 15.

Estimated Number of Responses per Respondent: 12.

Estimated Total Annual Burden on Respondents: 59.4 hours.

Report of Shipments and Inventory on Hand

Estimate of Burden: Public reporting burden for this collection of information is estimated to be an average of 0.33 hours per response.

Respondents: Handlers of pecans in Alabama, Arkansas, Arizona, California, Florida, Georgia, Kansas, Louisiana, Missouri, Mississippi, North Carolina, New Mexico, Oklahoma, South Carolina, and Texas.

Estimated Number of Respondents: 250.

Estimated Number of Responses per Respondent: 12.

Estimated Total Annual Burden on Respondents: 990 hours.

Exports by Country of Destination

Estimate of Burden: Public reporting burden for this collection of information is estimated to be an average of 0.25 hours per response.

Respondents: Handlers of pecans in Alabama, Arkansas, Arizona, California, Florida, Georgia, Kansas, Louisiana, Missouri, Mississippi, North Carolina, New Mexico, Oklahoma, South Carolina, and Texas.

Estimated Number of Respondents: 35.

Estimated Number of Responses per Respondent: 12.

Estimated Total Annual Burden on Respondents: 105 hours.

Inshell Pecans Exported to Mexico for Shelling and Returned to the United States as Shelled Meats

Estimate of Burden: Public reporting burden for this collection of information is estimated to be an average of 0.5 hours per response.

Respondents: Handlers of pecans in Alabama, Arkansas, Arizona, California, Florida, Georgia, Kansas, Louisiana, Missouri, Mississippi, North Carolina, New Mexico, Oklahoma, South Carolina, and Texas.

Estimated Number of Respondents: 15.

Estimated Number of Responses per Respondent: 12.

Estimated Total Annual Burden on Respondents: 90 hours.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments should reference OMB No. 0581–NEW and the Marketing Order for Pecans Grown in the states of Alabama, Arkansas, Arizona, California, Florida, Georgia, Kansas, Louisiana, Missouri, Mississippi, North Carolina, New Mexico, Oklahoma, South Carolina, and Texas, and should be sent to the USDA in care of the Docket Clerk at the previously-mentioned address or at *http://www.regulations.gov.*

All responses to this notice will be summarized and included in the request for OMB approval. All comments received will become a matter of public record and will be available for public inspection during regular business hours at the address of the Docket Clerk or at *http://www.regulations.gov.*

If this proposed rule is finalized, this information collection will be merged with the forms currently approved under OMB No. 0581–0291 ''Federal Marketing Order for Pecans.''

List of Subjects in 7 CFR Part 986

Marketing agreements, Nuts, Pecans, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 986 is proposed to be amended as follows:

PART 986—PECANS GROWN IN THE STATES OF ALABAMA, ARKANSAS, ARIZONA, CALIFORNIA, FLORIDA, GEORGIA, KANSAS, LOUISIANA, MISSOURI, MISSISSIPPI, NORTH CAROLINA, NEW MEXICO, OKLAHOMA, SOUTH CAROLINA, AND TEXAS

■ 1. The authority citation for 7 CFR part 986 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. Add § 986.177 to Subpart B—Administrative Provisions to read as follows:

§ 986.177 Reports of pecans received by handlers

(a) *Summary report U.S. pecans received for your own account.* Handlers shall submit to the Council, by the tenth day of the month, a summary report of inshell domestic pecans received during the preceding month. Should the tenth day of the month fall on a weekend or holiday, reports are due by the first business day following the tenth day of

the month. The report shall be submitted to the Council on APC Form 1 and contain the following information:

(1) The name and address of the handler;

(2) The month covered by the report;

(3) The total weight and type of inshell pecans received, and the weight by variety for improved pecans received during the reporting period;

(4) The total weight and type of inshell pecans received, and the weight by variety for improved pecans received year to date; and,

(5) Assessments due on pecans received during the reporting period to be paid by the due date of the report.

(b) *Pecans purchased outside the United States.* Handlers shall submit to the Council, by the tenth day of the month, a summary report of shelled and inshell pecans imported during the preceding month. Should the tenth day of the month fall on a weekend or holiday, reports are due by the first business day following the tenth day of the month. The report shall be submitted to the Council on APC Form 6 and contain the following information:

(1) The name and address of the handler;

(1) The month covered by the report;

(3) The date the pecans were imported;

(4) The country of origin; and,

(5) The total weight of shelled and inshell pecans received, and the weight by variety for improved pecans received.

■ 3. Add § 986.178 to Subpart B—Administrative Provisions to read as follows:

§ 986.178 Other reports

(a) *Report of shipments and inventory on hand.* Handlers shall submit to the Council, by the tenth day of the month following the month of activity, a report of all shipments, inventory, and committed inventory for pecans. Should the tenth day of the month fall on a weekend or holiday, reports are due by the first business day following the tenth day of the month. The report shall be submitted to the Council on APC Form 2 and contain the following information:

(1) The name and address of the handler;

(2) The month covered by the report;

(3) The weight of all shipments of pecans, inshell and shelled, and inter-handler transfers shipped and received during the reporting period;

(4) The weight of all shipments of pecans, inshell and shelled, and inter-handler transfers shipped and received in the previous month and year to date;

(5) Total inventory held by handler;

(6) All the inventory committed (pecans not shipped, but sold or otherwise obligated) whether for domestic sale or export; and,

(7) The weight of all shelled or inshell pecans under contract for purchase from other handlers.

(b) *Exports by country of destination.* Handlers shall submit to the Council, by the tenth day of the month following the month of shipment, a report of exports. Should the tenth day of the month fall on a weekend or holiday, reports are due by the first business day following the tenth day of the month. The report shall be reported to the Council on APC Form 3 and contain the following information:

(1) The name and address of the handler;

(2) The month covered by the report;

(3) The total weight of pecans shipped for export, whether inshell, shelled, or substandard during the reporting period;

(4) The total weight of pecans shipped for export, whether inshell, shelled, or substandard during the previous period and year to date; and,

(5) The destination(s) of such exports.

(c) *Inshell pecans exported to Mexico for shelling and returned to the United States as shelled meats.* Handlers shall submit to the Council, by the tenth day of the month following the month of shipment, a report of all inshell pecans exported to Mexico for shelling and returned to the United States as shelled pecans. Should the tenth day of the month fall on a weekend or holiday, reports are due by the first business day following the tenth day of the month. The report shall be submitted to the Council on APC Form 5 and contain the following information:

(1) The name and address of the handler;

(2) The month covered by the report;

(3) The date of inshell shipment(s);

(4) The weight of pecans exported for shelling;

(5) The date shelled pecans returned to the United States after shelling;

(6) The weight of shelled pecans returned to the United States after shelling; and

(7) The total weight of inshell pecans exported to Mexico for shelling, and shelled pecans returned from Mexico, year to date.

Dated: November 22, 2017.

Bruce Summers,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 2017–25738 Filed 12–1–17; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–1119; Product Identifier 2017–CE–037–AD]

RIN 2120–AA64

Airworthiness Directives; Embraer S.A. Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for Embraer S.A. Models EMB–500 and EMB–505 airplanes. This proposed AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as improperly tied castle nuts on the aileron, rudder, and elevator trim tab (or autotab) attachment bolts. We are issuing this proposed AD to require actions to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by January 18, 2018.

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

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

For service information identified in this proposed AD, contact Embraer S.A., Phenom Maintenance Support, Avenida Brigadeiro Faria Lima, 2170, São José dos Campos—SP—12227–901, P.O. Box 36/2, Brasil; phone: +55 12 3927 1000; fax: +55 12 3927–2619; email: *phenom.reliability@embraer.com.br;* Internet: *http://www.embraer.com.br/en-US/Pages/home.aspx.* You may review this referenced service information at the FAA, Policy and Innovation Division, 901 Locust, Kansas City, Missouri 64106. For information

on the availability of this material at the FAA, call (816) 329–4148.

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–2017–1119; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Jim Rutherford, Aerospace Engineer, FAA, Small Airplane Standards Branch, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4165; fax: (816) 329–4090; email: *jim.rutherford@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2017–1119; Product Identifier 2017–CE–037–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

The Agência Nacional de Aviação Civil (ANAC), which is the aviation authority for Brazil, has issued AD No.: 2017–11–01, dated November 10, 2017 (referred to after this as ''the MCAI''), to correct an unsafe condition for Embraer S.A. Models EMB–500 and EMB–505 airplanes. The MCAI states:

This [ANAC] AD results of a report of one airplane having improperly tied castle nut on the aileron, rudder and elevator trim tab (or autotab) attachment bolts. A disconnected surface may cause an increase in dynamic loads and probable flutter, which may cause structural failure and possible loss of control of the airplane.

Since this condition may occur in other airplanes of the same type and affects flight safety, a corrective action is required. Thus, sufficient reason exists to request compliance with this [ANAC] AD in the indicated time limit without prior notice.

You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–1119.

Related Service Information Under 1 CFR Part 51

Embraer S.A. has issued PHENOM by Embraer Alert Service Bulletin 500–27–A026, Revision 1, dated October 6, 2017; and PHENOM by Embraer Alert Service Bulletin 505–27–A028, Revision 2, dated October 6, 2017. For the applicable models, the service information describes procedures for inspection of the aileron trim tab, rudder trim tab, and elevator trim tab, and, if required, application of torque and installation of a cotter pin. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section of this NPRM.

FAA's Determination and Requirements of the Proposed AD

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

Costs of Compliance

We estimate that this proposed AD will affect 114 products of U.S. registry. We also estimate that it would take about 1 work-hour per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour.

Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $9,690, or $85 per product.

In addition, we estimate that any necessary follow-on actions would take about 3 work-hours and require parts costing $50, for a cost of $305 per product. We have no way of determining the number of products that may need these actions.

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 small airplanes, gliders, and domestic business jet transport airplanes to the Director of the Policy and Innovation Division.

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Embraer S.A.: Docket No. FAA–2017–1119; Product Identifier 2017–CE–037–AD.

(a) Comments Due Date

We must receive comments by January 18, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Embraer S.A. Models EMB–500 and EMB–505 airplanes, serial numbers 50000246, 50000267, 50000286, 50000289, 50000291, 50000299, 50000304, 50000305, 50000306, 50000310, 50000348, 50000359, 50000368, 50000370, 50000372, 50000376, 50000377, 50000378, 50000379, 50000380, 50500118, 50500122, 50500148, 50500151, 50500167, 50500176, 50500179, 50500185, 50500188, 50500191, 50500197, 50500203, 50500207, 50500209, 50500212, 50500214, 50500215, 50500219, 50500225, 50500226, 50500231, 50500242, 50500244, 50500246, 50500248, 50500250, 50500256, 50500260, 50500266, 50500273, 50500275, 50500277, 50500280, 50500282, 50500285, 50500287, 50500288, 50500289, 50500292, 50500293, 50500294, 50500296, 50500297, 50500298, 50500300, 50500302, 50500304, 50500306, 50500309, 50500311, 50500317, 50500318, 50500323, 50500328, 50500331, 50500333, 50500335, 50500338, 50500340, 50500344, 50500345, 50500348, 50500351, 50500357, 50500361, 50500362, 50500363, 50500364, 50500365, 50500367, 50500368, 50500371, 50500372, 50500379, 50500381, 50500382, 50500385, 50500386, 50500390, 50500391, 50500394, 50500395, 50500397, 50500398, 50500399, 50500400, 50500402, 50500403, 50500404, 50500407, 50500410, 50500415, 50500418, and 50500424, certificated in any category.

(d) Subject

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

(e) Reason

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as improperly tied castle nuts on the aileron, rudder and elevator trim tab (or autotab) attachment bolts. We are issuing this proposed AD to inspect the aileron trim tab, rudder trim tab and elevator trim tab (or autotab), and correct any discrepancy, which if not corrected, may cause an increase in dynamic loads and possible flutter, leading to structural failure and loss of control.

(f) Actions and Compliance

Unless already done, do the following actions in paragraphs (f)(1) and (2) of this AD following the Accomplishment Instructions in PHENOM by Embraer Alert Service Bulletin (SB) No.: 500–27–A026, Revision 1, dated October 6, 2017; or PHENOM by Embraer Alert SB No.: 505–27–A028, Revision 2, dated October 6, 2017, as applicable:

(1) Within the next 25 hours time in service (TIS) after the effective date of this AD or within the next 12 months after the effective date of this AD, whichever occurs first, inspect the aileron trim tab, rudder trim tab, and elevator trim tab attachment points to make sure the cotter pin is installed on the castle nut of the attaching bolts.

(2) If any discrepancy is found during the inspection required in paragraph (f)(1) of this AD, before further flight, correct the discrepancy.

(g) Credit for Actions Accomplished in Accordance With Previous Service Information

This AD allows credit for the actions required in paragraph (f) of this AD if done before the effective date of this AD following PHENOM by Embraer Alert SB No. 500–27–A026, original issue, dated September 29, 2017; PHENOM by Embraer Alert SB No. 505–27–A028, original issue, dated September 28, 2017; or PHENOM by Embraer Alert SB 505–27–A028, Revision 01, dated September 29, 2017; as applicable.

(h) Reporting Requirement

Although PHENOM by Embraer Alert SB No.: 500–27–A026, Revision 1, dated October 6, 2017; and PHENOM by Embraer Alert SB No.: 505–27–A028, Revision 2, dated October 6, 2017; specify to submit certain information to the manufacturer, this AD does not require that action.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Small Airplane Standards Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Jim Rutherford, Aerospace Engineer, FAA, Small Airplane Standards Branch, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4165; fax: (816) 329–4090; email: *jim.rutherford@faa.gov.* Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, Small Airplane Standards Branch, FAA; or Agência Nacional de Aviação Civil (ANAC), which is the aviation authority for Brazil.

(j) Related Information

Refer to MCAI Agência Nacional de Aviação Civil (ANAC), which is the aviation authority for Brazil, AD No.: 2017–11–01, dated November 10, 2017; PHENOM by Embraer Alert Service Bulletin (SB) No.: 500–27–A026, Revision 1, dated October 6, 2017; and PHENOM by Embraer Alert SB No.: 505–27–A028, Revision 2, dated October 6, 2017, for related information. You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–1119. For service information related to this AD, contact Embraer S.A., Phenom Maintenance Support, Avenida Brigadeiro Faria Lima, 2170, São José dos Campos—SP—12227–901, P.O. Box 36/2, Brasil; phone: +55 12 3927 1000; fax: +55 12 3927–2619; email: *phenom.reliability@embraer.com.br;* Internet: *http://www.embraer.com.br/en-US/Pages/home.aspx.* You may review this referenced service information at the FAA, Policy and Innovation Division, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Issued in Kansas City, Missouri, on November 21, 2017.

Melvin J. Johnson,

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

[FR Doc. 2017–25888 Filed 12–1–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 884

[Docket No. FDA–2017–N–6538]

Obstetrical and Gynecological Devices; Reclassification of Single-Use Female Condom, To Be Renamed Single-Use Internal Condom

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed order.

SUMMARY: The Food and Drug Administration (FDA) is proposing to reclassify single-use female condoms, renaming the device to ''single-use internal condom,'' a postamendments class III device (product code MBU), into class II (special controls) subject to premarket notification (510(k)). FDA is also identifying the proposed special controls that the Agency believes are

necessary to provide a reasonable assurance of safety and effectiveness of the device. FDA is proposing this reclassification on its own initiative based on new information. FDA is also proposing to amend the existing device identification for ''female condom,'' a preamendments class III device (product code OBY), by renaming the device ''multiple-use female condom,'' to distinguish it from the ''single-use internal condom.'' If finalized, this order will reclassify single-use female condoms from class III to class II and reduce regulatory burdens on industry as these types of devices will no longer be required to submit a premarket approval application (PMA) but can instead submit a less burdensome 510(k) before marketing their device.

DATES: Submit either electronic or written comments on the proposed order by February 2, 2018. Please see section IX of this document for the proposed effective date of any final order that may publish based on this proposed order.

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 February 2, 2018. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of February 2, 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 Rulemaking 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 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 Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2017–N–6538 for ''Obstetrical and Gynecological Devices; Reclassification of Single-Use Female Condom, To Be Renamed Single-Use Internal Condom.'' 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: Monica Garcia, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. G215, Silver Spring, MD 20993, 240–402–2791, *monica.garcia@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background—Regulatory Authorities

The Federal Food, Drug, and Cosmetic Act (the FD&C Act), as amended, establishes a comprehensive system for the regulation of medical devices intended for human use. Section 513 of the FD&C Act (21 U.S.C. 360c) established three categories (classes) of devices, reflecting the regulatory controls needed to provide reasonable assurance of their safety and effectiveness. The three categories of devices are class I (general controls), class II (special controls), and class III (premarket approval).

Under section 513(d) of the FD&C Act, devices that were in commercial distribution before the enactment of the 1976 amendments, May 28, 1976 (generally referred to as ''preamendments devices''), are classified after FDA has: (1) Received a recommendation from a device classification panel (an FDA advisory committee) (the Panel); (2) published the Panel's recommendation for comment, along with a proposed regulation classifying the device; and (3) published a final regulation classifying the device. FDA has classified most preamendments devices under these procedures.

Devices that were not in commercial distribution prior to May 28, 1976 (generally referred to as ''postamendments devices'') are automatically classified by section 513(f)(1) of the FD&C Act into class III without any FDA rulemaking process. Those devices remain in class III and require premarket approval unless, and until, the device is reclassified into class I or II, or FDA issues an order finding

the device to be substantially equivalent, in accordance with section 513(i) of the FD&C Act, to a predicate device that does not require premarket approval. The Agency determines whether new devices are substantially equivalent to predicate devices by means of premarket notification procedures in section 510(k) of the FD&C Act (21 U.S.C. 360(k)) and part 807 (21 CFR part 807).

A postamendments device that has been initially classified in class III under section 513(f)(1) of the FD&C Act may be reclassified into class I or class II under section 513(f)(3) of the FD&C Act. On July 9, 2012, Food and Drug Administration Safety and Innovation Act (FDASIA) (Pub. L. 112–144) was enacted. Section 608(a) of FDASIA amended section 513(e) of the FD&C Act, changing the process for reclassifying a device from rulemaking to an administrative order. Section 513(e) provides that FDA may, by administrative order, reclassify a device based upon ''new information.'' The term ''new information,'' as used in section 513(e) of the FD&C Act, includes information developed as a result of a reevaluation of the data before the Agency when the device was originally classified, as well as information not presented, not available, or not developed at the time. To change the classification of the device, the proposed new class must have sufficient regulatory controls to provide reasonable assurance of the safety and effectiveness of the device for its intended use.

Reevaluation of the data previously before the Agency is an appropriate basis for subsequent action where the reevaluation is made in light of newly available regulatory authority (see *Bell* v. *Goddard,* 366 F.2d 177, 181 (7th Cir. 1966); *Ethicon, Inc.* v. *FDA,* 762 F. Supp. 382, 388–391 (D.D.C. 1991)), or in light of changes in ''medical science'' (*Upjohn Co.* v. *Finch,* 422 F.2d 944, 951 (6th Cir. 1970)). Whether data before the Agency are old or new, the ''new information'' to support reclassification under section 513(f)(3) must be ''valid scientific evidence'', as defined in section 513(a)(3) of the FD&C Act and 21 CFR 860.7(c)(2). (See, *e.g., General Medical Co.* v. *FDA,* 770 F.2d 214 (D.C. Cir. 1985); *Contact Lens Mfrs. Assoc.* v. *FDA,* 766 F.2d 592 (D.C. Cir.1985), cert. denied, 474 U.S. 1062 (1986)).

FDA relies upon ''valid scientific evidence'' in the classification process to determine the level of regulation for devices. To be considered in the reclassification process, the ''valid scientific evidence'' upon which the Agency relies must be publicly available. Publicly available information excludes trade secret and/or confidential commercial information, *e.g.,* the contents of a pending PMA (see section 520(c) of the FD&C Act (21 U.S.C. 360j(c)). Section 520(h)(4) of the FD&C Act provides that FDA may use, for reclassification of a device, certain information in a PMA 6 years after the application has been approved. This includes information from clinical and preclinical tests or studies that demonstrate the safety or effectiveness of the device, but does not include descriptions of methods of manufacture or product composition and other trade secrets.

Section 510(m) of the FD&C Act provides that a class II device may be exempted from the premarket notification requirements, if the Agency determines that premarket notification is not necessary to reasonably assure the safety and effectiveness of the device.

II. Device Description and Regulatory History

A single-use female condom is a sheath-like device that is inserted into the vagina prior to the initiation of coitus and discarded at its conclusion. It includes a mechanism (*e.g.,* flexible rings) to hold the device in place during sexual intercourse. The device is a mechanical barrier that is intended to protect the user from sexually transmitted infections (STIs) and prevent pregnancy. The female condom is distinct from the male condom, which is a sheath that completely covers the penis, because it is inserted internally prior to intercourse. Based on the differences in technology, these devices have different failure modes and therefore have distinct classifications. Male condoms that completely cover the penis with a closely fitting membrane are regulated as class II devices under §§ 884.5300 and 884.5310 (21 CFR 884.5300 and 884.5310). A single-use female condom (product code MBU) is a postamendments device currently regulated as a class III device under section 513(f)(1) of the FD&C Act. FDA first learned of the device in January 1989, when FDA received a 510(k) from the Wisconsin Pharmacal Company, LLC (WPC). The device was intended to line the vaginal wall during sexual intercourse for purposes of contraception and STI prophylaxis. At that time, the device was named the WPC–333 device but later renamed the Femshield/Reality Female Condom. WPC purported in its 510(k) that the Reality Female Condom was substantially equivalent to the male condom identified in § 884.5300, as well as to a preamendments female condom known as the Gee Bee Ring. WPC provided documentation in the 510(k) that indicated the Gee Bee Ring was a pouch-like device designed to line the wall of the vagina during coitus for contraceptive (pregnancy prevention) and prophylactic (prevention of STI transmission) purposes. However, in contrast to the Reality Female Condom, the Gee Bee Ring was indicated for reuse (versus single-use) and was made using animal tissue (versus polyurethane).

Before receiving WPC's 510(k), FDA was unaware of the existence, commercial distribution, and use of the Gee Bee Ring as a female condom. FDA verified the preamendments status and uses of the Gee Bee Ring, and presented this information to the Obstetrics and Gynecology Devices Panel (referred to as the Classification Panel) on March 7, 1989. The Classification Panel reviewed all available information concerning the classification of a sheath-like device that is inserted into the vagina prior to coitus for purposes of contraception and STI prophylaxis. The Classification Panel recommended that FDA classify this generic type of device as distinct from the male condom identified in § 884.5300. The Classification Panel also recommended that this device be classified into class III, because no published laboratory or clinical study data could be found that would allow FDA to establish special controls for the device, and the device is purported or represented to be for a use which is of substantial importance in preventing impairment of human health. FDA agreed with the Classification Panel's recommended classification, and in the **Federal Register** of June 10, 1999 (64 FR 31164), FDA published a proposed rule to create a new classification regulation (§ 884.5330 (21 CFR 884.5330)) for the female condom and classify the device in class III. FDA finalized this rule on May 18, 2000 (65 FR 31454). The Gee Bee Ring is the only female condom regulated under § 884.5330 and is identified using FDA product code OBY. In the **Federal Register** of August 25, 2010 (75 FR 52294), FDA published a proposed rule to require the filing, under section 515(b) of the FD&C Act (21 U.S.C. 360e(b)), of a PMA or notice of completion of a product development protocol for any female condom that was in commercial distribution before May 28, 1976. FDA finalized this rule on August 16, 2011 (76 FR 50663) and noted that the Agency has no record of the Gee Bee Ring being marketed after it was classified in 2000.

In April 1989, FDA completed its review of WPC's 510(k) and determined that the Reality Female Condom was not

substantially equivalent to either the male condom identified in § 884.5300 or the Gee Bee Ring. As a result, in accordance with section 513(f)(1) of the FD&C Act, the Reality Female Condom was automatically classified into class III. On May 7, 1993, FDA approved the PMA for the Reality Female Condom (P910064) and subsequently FDA identified this device type with the product code MBU (Ref. 1). On April 14, 1995, FDA approved the PMA for the Femidom Female Condom (P940033), which is identical to the Reality Female Condom. In this PMA, WPC authorized Chartex International plc to incorporate information contained in its approved PMA for the Reality Female Condom (Ref. 2). On January 8, 2008, FDA received a PMA (P080002) from the Female Health Company for the FC2 Female Condom and approved it on March 10, 2009 (Ref. 3). The FC2 Female Condom is a modified version of the Reality Female Condom. Since the introduction of the FC2 Female Condom, the Reality Female Condom has been referred to as the FC1 Female Condom. The FC2 Female Condom is a specific example of a single-use female condom that is the subject of this reclassification and is currently the only FDA-approved single-use female condom that is being marketed in the United States.

As part of the Center for Devices and Radiological Health's 2014–2015 strategic priority ''Strike the Right Balance Between Premarket and Postmarket Data Collection,'' a retrospective review of class III devices subject to PMA was completed to determine whether or not, based on our current understanding of the technology, reclassification may be appropriate. On April 29, 2015, FDA published a notice in the **Federal Register** entitled ''Retrospective Review of Premarket Approval Application Devices; Striking the Balance Between Premarket and Postmarket Data Collection'' in which FDA announced plans to consider reclassifying single-use female condoms identified with the MBU product code from class III to class II (80 FR 23798). Following this notice, FDA received seven comments, six of which supported reclassification of MBU. One comment did not support reclassification because it was stated that FDA lacked information to determine what risks might exist for female condoms of different design, materials, and manufacturing processes. FDA considered all comments in proceeding with this proposed order to reclassify single-use female condoms from class III to class II.

III. Proposed Reclassification and Summary of Reasons for Reclassification

FDA is proposing to reclassify single-use female condoms from class III into class II because sufficient information exists to establish special controls. FDA believes that these special controls, together with general controls, will provide a reasonable assurance of the device's safety and effectiveness for single-use female condoms.

In accordance with section 513(f)(3) of the FD&C Act and 21 CFR part 860, subpart C, FDA is proposing to reclassify this postamendments class III device into class II (special controls). FDA believes that there is sufficient information from nonclinical and clinical data submitted in PMA applications P910064 (Ref. 1), P940033 (Ref. 2), and P080002 (Ref. 3), available to FDA under section 520(h)(4) of the FD&C Act; postmarket experience; and peer-reviewed literature (Refs. 4–7) to establish special controls that can effectively mitigate the risks to health of single-use female condoms that are identified in section IV. Absent the special controls identified in this proposed order, general controls applicable to the device are insufficient to provide reasonable assurance of the safety and effectiveness of the device.

FDA is also proposing to amend the existing device identification for female condom (§ 884.5330), a preamendments class III device, by renaming the device ''multiple-use female condom'' to better distinguish it from the ''single-use female condom'' that is the subject of this reclassification. One difference between the preamendments female condom (product code OBY) and the postamendments female condom (product code MBU) is that the preamendments female condom is indicated to be cleaned at the conclusion of coitus and reused. Additionally, a minor revision to the identification language is being proposed to change the term ''diseases'' to ''infections'' to use more appropriate clinical terminology. This proposed revision does not substantively change the meaning. It will remain a class III device, as FDA has neither received nor identified valid scientific evidence from nonclinical or clinical studies that demonstrate the safety and effectiveness of that type of female condom. Additionally, FDA is unaware of valid scientific evidence regarding the reuse of condoms (female or male) that could be used to establish special control(s) for a multiple-use female condom to provide a reasonable assurance of safety and effectiveness.

FDA is proposing to identify the single-use female condom that is the subject of this proposed order under the new name ''single-use internal condom'' to indicate that the new classification regulation includes the use of these devices inserted internally for vaginal and/or anal intercourse. This technology is distinct from that of male condoms, which completely cover the penis with a closely fitting membrane. This proposed classification does not include male condoms that are class II devices regulated under §§ 884.5300 and 884.5310. FDA believes use of this device for vaginal and anal intercourse engender the same risks to health (with the exception of the risk of pregnancy when used for anal intercourse) and that the proposed special controls can effectively mitigate those risks when the device is used for these purposes.

Section 510(m) of the FD&C Act provides that FDA may exempt a class II device from the premarket notification requirements under section 510(k) of the FD&C Act if FDA determines that premarket notification is not necessary to provide reasonable assurance of the safety and effectiveness of the device. For this type of device, FDA has determined that premarket notification is necessary to provide reasonable assurance of the safety and effectiveness of the device. Therefore, FDA does not intend to exempt the proposed class II devices from 510(k) requirements. Persons who intend to market this type of device must submit to FDA a 510(k) and receive clearance prior to marketing the device.

IV. Risks to Health

After considering the information available to FDA from the recommendations of the Classification Panel for the classification of these devices (Refs. 8 and 9); data in PMA applications P910064, P940033, and P080002 available to FDA under section 520(h)(4) of the FD&C Act; postmarket experience; and peer-reviewed literature (Refs. 4–7), FDA determined that the probable risks to health associated with the use of single-use internal condoms are as follows:

- Pregnancy—Slippage, breakage, misdirection, or invagination of the device during vaginal intercourse could result in the occurrence of an undesired pregnancy.
- Transmission of infection—If the device fails due to slippage, breakage, misdirection, or invagination, contact with infected semen or vaginal secretions or vaginal/anal mucosa could result in the transmission of sexually-transmitted infections.

- Adverse tissue reaction—If the patient-contacting materials of the device are not biocompatible, local tissue irritation and sensitization, cytotoxicity, or system toxicity could occur when the device contacts the vagina, cervix, anus, and external male and female genitalia.
- Ulceration and other physical trauma—Use of the internal condom may cause abrasions, lacerations, bleeding, or other adverse effects to the vaginal, anal, or penile tissue if the device is not designed appropriately.

V. Summary of Data Upon Which the Reclassification Is Based

FDA has considered and analyzed the following information: The Manufacturer and User Facility Device Experience (MAUDE) database; data contained in PMAs approved 6 or more years before the date of this proposed order (reviewed under section 520(h)(4) of the FD&C Act, also known as the 6-year rule) (Ref. 10); the published literature; and the recommendations of the Classification Panel and FC1 and FC2 Panels.

Since 1993, the Center for Devices and Radiological Health (CDRH) has received one medical device report (MDR) regarding an adverse event associated with the use of an internal condom. This MDR reported injury following off-label use of the FC1 Female Condom during anal intercourse; the FC1 Female Condom is indicated for vaginal intercourse. Considering the number of internal condoms distributed in the United States since 1993 (approximately 3 to 4 million per year), the number of adverse events reported is low. FDA acknowledges that because internal condoms are over-the-counter devices, adverse events may be under reported.

Starting in 1989, several Panel meetings were held to discuss the safety and effectiveness of the internal condom. During the March 7, 1989, meeting, the Classification Panel recommended that the internal condom be classified into class III due to the absence of testing and clinical medical data regarding the safety and effectiveness of the device. On January 31 and December 10, 1992, the Obstetrics and Gynecology Devices Panel (referred to as the ''FC1 Panel'') was convened to discuss the safety and effectiveness of the FC1 Female Condom and provide recommendations to FDA regarding a specific PMA application (P910064). During these meetings, the FC1 Panel discussed the available nonclinical and clinical data on the FC1 Female Condom, which included an acute failure modes study and contraceptive effectiveness study. On December 10, 1992, the FC1 Panel expressed concern regarding the high failure rates (21.7 percent rate of pregnancy in the Latin American population, 21.4 percent rate of pregnancy in U.S. women less than 25 years of age, 5.4 percent total clinical failure rate) of the FC1 Female Condom but recommended approval with conditions, which included labeling changes aimed at limiting the safety and effectiveness claims and the development of physician labeling. The FC1 Panel based this decision on the fact that no other barrier method existed for women to protect themselves against transmission of STIs if their partner would not use a male condom.

On January 8, 2008, FDA received a PMA (P080002) from the Female Health Company for the FC2 Female Condom (an updated version of the Reality Female Condom, now also referred to as the FC1 Female Condom), comprised of a nitrile sheath, nitrile outer ring, and polyurethane inner ring. Data provided in this PMA demonstrated that the FC2 Female Condom is an effective barrier to viral particles, is biocompatible, has acceptable mechanical properties, and has comparable rates of total clinical failure (2.18 percent) when compared to the FC1 Female Condom (2.92 percent). On December 11, 2008, CDRH convened the Obstetrics and Gynecology Devices Panel (referred to as the ''FC2 Panel'') in 2008 to discuss the safety and effectiveness of the FC2 Female Condom. The FC2 Panel recommended approval of the device with conditions, which included labeling changes aimed at improving consumer understanding of possible failure modes of the FC2 Female Condom and the outcomes of the acute failure modes study. The FC2 Panel found that the acute failure modes study comparing the FC2 Female Condom to the FC1 Female Condom provided a reasonable assurance of the safety and effectiveness for the FC2 Female Condom. Additionally, the FC2 Panel did not believe a contraceptive effectiveness study was needed to demonstrate reasonable assurance of safety and effectiveness because of the similarities in design between the FC2 and FC1 Female Condoms and the results of the acute failure modes study, which demonstrated comparable rates of clinical failure between the two female condoms. However, the FC2 Panel noted that the recommendation to not require a contraceptive effectiveness study applied only to the FC2 Female Condom and not other female condoms. As outlined in the proposed special controls in section VI, FDA has determined that a contraceptive effectiveness study is necessary to mitigate the risks to health related to pregnancy for this device type when used for vaginal intercourse.

A review of published literature evaluating the clinical use of the FC2 Female Condom indicates that clinical failure occurred in less than 5 percent of device uses (Refs. 4–7). Clinical failure is defined as the sum total of acute failure events for the internal condom. For the FC2 Female Condom, the acute failure events are slippage, breakage, misdirection, and invagination. This clinical failure rate may decrease with increased user experience with internal condoms (Ref. 5). The adverse events experienced by users of internal condom were infrequent and mild. The results of these published studies indicate that the FC2 Female Condom is effective and has a favorable safety profile. FDA identified no new risks or safety and effectiveness concerns from the published literature that it did not previously identify through its review of the PMAs or either of the prior Obstetrics and Gynecology Devices Panel (''The Panel'') discussions of the female condom.

FDA acknowledges that the available valid scientific evidence, including the review of the MAUDE database, previous PMA approvals and The Panel discussions, and the published literature, primarily discuss use of internal condoms for vaginal intercourse. FDA believes that with the exception of pregnancy, the risks associated with internal condoms for vaginal intercourse are the same as those for anal intercourse (Refs. 11–13). Accordingly, FDA has tentatively determined that special controls can be established, in combination with general controls, which will provide reasonable assurance of the safety and effectiveness of internal condoms used for anal intercourse.

Based on its review of the FC1 and FC2 Female Condom PMAs; the discussions of the Classification Panel, FC1 Panel, and FC2 Panel on the safety and effectiveness of the internal condom; and peer-reviewed published literature, FDA has tentatively determined that available nonclinical and clinical performance data support that the risks associated with the internal condom are well understood and can be mitigated through special controls, including performance testing and labeling. FDA has also tentatively determined that the identified mitigation measures can be used to establish special controls, in addition to general controls, which are necessary to

provide a reasonable assurance of safety and effectiveness for this device type. FDA believes that premarket notification and establishment of special controls will allow for assessment of the design and materials of single-use internal condoms through completion of a risk analysis, biocompatibility testing, mechanical performance testing, viral penetration testing, and clinical performance testing and sufficient labeling. FDA, on its own initiative, is proposing to reclassify this postamendments class III device type into class II.

VI. Proposed Special Controls

FDA believes that the following special controls, together with general controls, address the risks to health and provide reasonable assurance of safety and effectiveness to mitigate the risks to health described in section V for the aforementioned single-use internal condoms.

The risks of pregnancy and STI are the most clinically significant risks of the single-use internal condom when used for vaginal and/or anal intercourse. Clinical testing is necessary to mitigate these risks to health. Clinical testing evaluates the rate of total clinical failure of the device and the rate of individual failure modes (slippage, breakage, misdirection, invagination, and other failure modes as appropriate) when the device is used as intended (*i.e.,* during vaginal and/or anal intercourse). When the device is indicated for vaginal intercourse, clinical testing evaluates the cumulative pregnancy rate based on a contraceptive effectiveness study.

To mitigate the risk of STI due to contact with infected semen or vaginal secretions or vaginal/anal mucosa, FDA believes that a viral penetration study is needed to demonstrate that the device is an effective barrier to STIs.

In addition to clinical testing and viral penetration testing to mitigate the risks of pregnancy and STI, FDA believes that the device must demonstrate that it performs as intended under the anticipated conditions of use (*i.e.,* vaginal and/or anal intercourse). Mechanical testing of the device must demonstrate that the device can withstand forces under anticipated use conditions by evaluation of the tensile, tear, and burst properties of the device. Compatibility testing with personal lubricants must determine whether the physical properties of the device are adversely affected by use of additional lubricants. Furthermore, shelf-life testing must demonstrate that the device maintains its performance characteristics and the packaging of the device maintains its integrity for the duration of the proposed shelf-life. The risk of an adverse tissue reaction due to the patient-contacting materials of the device is an additional risk of the single-use internal condom when used for vaginal and/or anal intercourse. In order to mitigate this risk, FDA believes the device must demonstrate biocompatibility.

FDA also believes that comprehensive labeling describing risks and mitigation measures associated with the single-use internal condom must be listed. When the device is indicated for vaginal intercourse, the labeling must include a contraceptive effectiveness table comparing typical use (actual use of the method, including inconsistent and incorrect use) and perfect use (when used correctly 100 percent of the time) pregnancy rates of the device to other available methods of birth control. The labeling must also list the adverse events associated with the device, including potential transmission of infection, adverse tissue reaction, and ulceration or other physical trauma. Because the physical properties of the device may be adversely affected by the use of personal lubricants, the labeling must specify whether the device is compatible with additional types of personal lubricants (*e.g.,* water-based, silicone-based). Finally, the labeling must specify an expiration date to ensure that the device performs as intended over the stated shelf-life.

Table 1 shows how FDA believes that the risks to health identified in section IV can be mitigated by the proposed special controls. This reclassification order and the identified special controls, if finalized, would provide sufficient detail regarding FDA's requirements to reasonably assure safety and effectiveness of single-use internal condoms.

TABLE 1—RISKS TO HEALTH AND MITIGATION MEASURES FOR SINGLE-USE INTERNAL CONDOMS

Identified risks to health	Mitigation measures
Pregnancy	Contraceptive effectiveness study. Acute failure modes study. Nonclinical performance testing. Shelf-life. Labeling.
Transmission of Infection	Acute failure modes study. Viral penetration study. Nonclinical performance testing. Shelf-life. Labeling.
Adverse tissue reaction	Biocompatibility. Labeling.
Ulceration and other physical trauma	Acute failure modes study. Nonclinical performance testing. Shelf-life. Labeling.

VII. Analysis of Environmental Impact

The Agency has determined under 21 CFR 25.34(b) 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.

VIII. Paperwork Reduction Act of 1995

This proposed order refers to currently 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 part 807, subpart E, have been approved under OMB control number 0910–0120; the collections of information in 21 CFR part 814,

subparts A through E, have been approved under OMB control number 0910–0231; and the collections of information under 21 CFR part 801 have been approved under OMB control number 0910–0485.

IX. Proposed Effective Date

FDA proposes that any final order based on this proposed order become effective 30 days after the date of its publication in the **Federal Register.**

X. References

The following references are on display in Dockets Management Staff (see **ADDRESSES**), and are available for viewing by interested persons between 9 a.m. and 4 p.m., Monday through Friday; most are available electronically at *https://www.regulations.gov.* FDA has verified the Web site addresses, as of the date this document publishes in the **Federal Register,** but Web sites are subject to change over time.

1. P910064 Summary of Safety and Effectiveness Data (SSED).

2. P940033 Premarket Approval Notice (60 FR 30310, June 8, 1995).

3. P080002 SSED is available on FDA's Web site at *https://www.accessdata.fda.gov/cdrh_docs/pdf8/P080002B.pdf.*

4. Joanis, C., M. Beksinska, C. Hart, et al., ''Three New Female Condoms: Which Do South-African Women Prefer?'' *Contraception,* 83(3):248–254, 2011.

5. Beksinska, M., J. Smit, C. Joanis, et al., ''Practice Makes Perfect: Reduction in Female Condom Failures and User Problems With Short-Term Experience in a Randomized Trial.'' *Contraception,* 86(2):127–131, 2012.

6. Beksinska, M.E., G. Piaggio, J.A. Smit, et al., ''Performance and Safety of the Second-Generation Female Condom (FC2) Versus the Woman's, the VA Worn-of-Women, and the Cupid Female Condoms: A Randomised Controlled Non-Inferiority Crossover Trial.'' *The Lancet Global Health,* 1(3):e146–152, 2013.

7. Beksinska, M., R. Greener, I. Kleinschmidt, et al., ''A Randomized Noninferiority Crossover Controlled Trial of the Functional Performance and Safety of New Female Condoms: An Evaluation of the Velvet, Cupid2, and FC2.'' *Contraception,* 92(3):261–267, 2015.

8. The panel transcript and other meeting materials for the December 11, 2008, Obstetrics and Gynecology Devices Panel are available on FDA's Web site at *https://wayback.archive-it.org/7993/20170405192707/https:/www.fda.gov/AdvisoryCommittees/CommitteesMeetingMaterials/MedicalDevices/MedicalDevicesAdvisoryCommittee/ObstetricsandGynecologyDevices/ucm433049.htm.*

9. The panel transcript and other meeting materials for the March 7, 1989, January 31, 1992, and December 10, 1992, Obstetrics and Gynecology Devices Panel.

10. ''Guidance for Industry and for FDA Reviewers: Guidance on Section 216 of the Food and Drug Administration Modernization Act of 1997,'' issued on August 9, 2000. Available at *https://www.fda.gov/downloads/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/ucm073709.pdf.*

11. Kelvin, E.A., J.E. Mantell, N. Candelario, et al., ''Off-Label Use of the Female Condom for Anal Intercourse Among Men in New York City.'' *American Journal of Public Health,* 101(12):2241–2244, 2011.

12. Gross, M., S.P. Buchbinder, S. Holte, et al., ''Use of Reality 'Female Condoms' for Anal Sex by US Men Who Have Sex With Men. HIVNET Vaccine Preparedness Study Protocol Team.'' *American Journal of Public Health,* 89(11):1739–1741, 1999.

13. Renzi, C., S.R. Tabet, J.A. Stucky, et al., ''Safety and Acceptability of the Reality Condom for Anal Sex Among Men Who Have Sex With Men.'' *AIDS,* 17(5):727–731, 2003.

List of Subjects in 21 CFR Part 884

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, it is proposed that 21 CFR part 884 be amended as follows:

PART 884—OBSTETRICAL AND GYNECOLOGICAL DEVICES

■ 1. The authority citation for part 884 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 360*l,* 371.

■ 2. Amend § 884.5330 in Subpart F by revising the section heading and paragraph (a) to read as follows:

§ 884.5330 Multiple-use female condom.

(a) *Identification.* A multiple-use female condom is a sheath-like device that lines the vaginal wall and is inserted into the vagina prior to the initiation of coitus. At the conclusion of coitus, the device can be reused. It is indicated for contraception and prophylactic (preventing the transmission of sexually transmitted infections) purposes.

* * * * *

■ 3. Add § 884.5340 in Subpart F to read as follows:

§ 884.5340 Single-use internal condom.

(a) *Identification.* A single-use internal condom is a sheath-like device that lines the vaginal or anal wall and is inserted into the vagina or anus prior to the initiation of coitus. At the conclusion of coitus, it is removed and discarded. It is indicated for contraception and/or prophylactic (prevention of sexually transmitted infections) purposes.

(b) *Classification.* Class II (special controls). The special controls for this device are:

(1) Clinical performance testing must evaluate the following:

(i) Rate of clinical failure of the device and rate of individual failure modes of the device based on an acute failure modes study evaluating the intended use (vaginal and/or anal intercourse); and

(ii) Cumulative pregnancy rate when using the device based on a contraceptive effectiveness study (when the device is indicated for vaginal intercourse).

(2) Viral penetration testing must demonstrate the device is an effective barrier to sexually transmitted infections.

(3) Nonclinical performance testing must demonstrate that the device performs as intended under anticipated conditions of use. The following performance characteristics must be evaluated:

(i) Mechanical testing must demonstrate the device can withstand forces under anticipated use conditions, include evaluation of tensile, tear, and burst properties of the device.

(ii) Compatibility testing with personal lubricants must determine whether the physical properties of the device are adversely affected by use of additional lubricants.

(4) The device must be demonstrated to be biocompatible.

(5) Shelf-life testing must demonstrate that the device maintains its performance characteristics and the packaging of the device must maintain integrity for the duration of the shelf-life.

(6) Labeling of the device must include:

(i) Contraceptive effectiveness table comparing typical use and perfect use pregnancy rates with the device to other available methods of birth control;

(ii) Statement regarding the adverse events associated with the device, including potential transmission of infection, adverse tissue reaction, and ulceration or other physical trauma;

(iii) Expiration date; and

(iv) Statement regarding compatibility with additional types of personal lubricants.

Dated: November 28, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017–26011 Filed 12–1–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF JUSTICE

28 CFR Part 16

[CPCLO Order No. 011–2017]

Privacy Act of 1974; Implementation

AGENCY: Federal Bureau of Investigation, United States Department of Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: In the Notice section of today's **Federal Register**, the Federal Bureau of Investigation (FBI), a component of the Department of Justice (Department or DOJ), has published a notice of a new Privacy Act system of records, ''FBI Online Collaboration Systems,'' JUSTICE/FBI–004. In this notice of proposed rulemaking, the FBI proposes to exempt this system of records from certain provisions of the Privacy Act in order to prevent interference with the national security and criminal law enforcement functions and responsibilities of the FBI and its partners. For the reasons provided below, the Department proposes to amend its Privacy Act regulations by establishing an exemption for records in this system from certain provisions of the Privacy Act. Public comment is invited.

DATES: Comments must be received by January 3, 2018.

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

- *Email: privacy.compliance@usdoj.gov.* To ensure proper handling, please reference the CPCLO Order No. in the subject line of the message.
- *Fax:* 202–307–0693. To ensure proper handling, please reference the CPCLO Order No. on the cover page of the fax.
- *Mail:* United States Department of Justice, Office of Privacy and Civil Liberties, ATTN: Privacy Analyst, National Place Building, 1331 Pennsylvania Avenue NW., Suite 1000, Washington, DC 20530. All comments sent via regular or express mail will be considered timely if postmarked on the day the comment period closes. To ensure proper handling, please reference the CPCLO Order No. in your correspondence.
- *Federal eRulemaking Portal: http://www.regulations.gov.* When submitting comments electronically, you must include the CPCLO Order No. in the subject box. Please note that the Department is requesting that electronic comments be submitted before midnight Eastern Daylight Savings Time on the day the comment period closes because *http://www.regulations.gov* terminates the public's ability to submit comments at that time. Commenters in time zones other than Eastern Time may want to consider this so that their electronic comments are received.

Posting of Public Comments: Please note that all comments received are considered part of the public record and made available for public inspection online at *http://www.regulations.gov* and in the Department's public docket. Such information includes personally identifying information (such as your name, address, etc.) voluntarily submitted by the commenter. If you want to submit personal identifying information (such as your name, address, etc.) as part of your comment, but do not want it to be posted online or made available in the public docket, you must include the phrase PERSONALLY IDENTIFYING INFORMATION in the first paragraph of your comment. You must also place all personal identifying information that you do not want posted online or made available in the public docket in the first paragraph of your comment and identify what information you want redacted.

If you want to submit confidential business information as part of your comment, but do not want it to be posted online or made available in the public docket, you must include the phrase CONFIDENTIAL BUSINESS INFORMATION in the first paragraph of your comment. You must also prominently identify confidential business information to be redacted within the comment. If a comment has so much confidential business information that it cannot be effectively redacted, all or part of that comment may not be posted online or made available in the public docket.

Personally identifying information and confidential business information identified and located as set forth above will be redacted and the comment, in redacted form, may be posted online and placed in the Department's public docket file. Please note that the Freedom of Information Act applies to all comments received. If you wish to inspect the agency's public docket file in person by appointment, please see the **FOR FURTHER INFORMATION CONTACT** paragraph, below.

FOR FURTHER INFORMATION CONTACT: Katherine M. Bond, Assistant General Counsel, Privacy and Civil Liberties Unit, Office of the General Counsel, FBI, 935 Pennsylvania Avenue NW., Washington, DC 20535–0001, telephone 202–324–3000.

SUPPLEMENTARY INFORMATION:

FBI Online Collaboration Systems

In the Notice section of today's **Federal Register**, the FBI has established a new Privacy Act system of records, ''FBI Online Collaboration Systems,'' JUSTICE/FBI–004. The FBI's Online Collaboration Systems will promote communication and information sharing for federal, state, local, tribal, territorial, foreign, and international criminal justice agencies, emergency management personnel and first responders, and private sector partners as well as military and other government personnel involved in law enforcement and national security matters, by allowing the FBI and its partners to communicate with experts, create and join communities of common interest, create blogs to present ideas and receive feedback, share files with colleagues, exchange ideas through online forums, enhance situational awareness, and facilitate incident management. By providing online communication platforms such as JusticeConnect, collaboration tools such as Special Interest Groups and Virtual Command Centers, and providing and maintaining a secure communications network, the FBI will increase collaboration and cooperation between and among its partners. In this rulemaking, the FBI proposes to exempt this Privacy Act system of records from certain provisions of the Privacy Act in order to prevent interference with the responsibilities of the FBI and its partners to detect, deter, and prosecute crimes and to protect the national security.

Regulatory Flexibility Act

This proposed rule relates to individuals rather than small business entities. Pursuant to the requirements of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, therefore, the proposed rule will not have a significant economic impact on a substantial number of small entities.

Small Business Regulatory Enforcement Fairness Act of 1996 (Subtitle E–Congressional Review Act)

The Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996, 5 U.S.C. 801 *et seq.,* requires the FBI to comply with small entity requests for information and advice about compliance with statutes and regulations within FBI jurisdiction. Any small entity that has a question regarding this document may contact the person listed in the **FOR FURTHER INFORMATION CONTACT** paragraph, above. Persons can obtain further information regarding SBREFA on the Small

Business Administration's Web page at *http://www.sba.gov/advo/archive/sum_sbrefa.html.*

Paperwork Reduction Act

The Paperwork Reduction Act of 1995, 44 U.S.C. 3507(d), requires that the FBI consider the impact of paperwork and other information collection burdens imposed on the public. There are no current or new information collection requirements associated with this proposed rule. The records that are contributed to this system are created by the FBI or other law enforcement and governmental entities. Sharing of this information electronically will not increase the paperwork burden on the public.

Analysis of Regulatory Impacts

This proposed rule is not a ''significant regulatory action'' within the meaning of Executive Order 12866 and therefore further regulatory evaluation is not necessary. This proposed rule will not have a significant economic impact on a substantial number of small entities because it applies only to information about individuals.

Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 103–3, 109 Stat. 48, requires Federal agencies to assess the effects of certain regulatory actions on State, local, and tribal governments, and the private sector. UMRA requires a written statement of economic and regulatory alternatives for proposed and final rules that contain Federal mandates. A ''Federal mandate'' is a new or additional enforceable duty, imposed on any State, local, or tribal government, or the private sector. If any Federal mandate causes those entities to spend, in aggregate, $100 million or more in any one year, the UMRA analysis is required. This proposed rule would not impose Federal mandates on any State, local, or tribal government or the private sector.

List of Subjects in 28 CFR Part 16

Administrative practice and procedure, Courts, Freedom of information, Privacy.

Pursuant to the authority vested in the Attorney General by 5 U.S.C. 552a and delegated to me by Attorney General Order 2940–2008, 28 CFR part 16 is proposed to be amended as follows:

PART 16—PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION

■ 1. The authority citation for part 16 continues to read as follows:

Authority: 5 U.S.C. 301, 552, 552a, 553; 28 U.S.C. 509, 510, 534; 31 U.S.C. 3717.

Subpart E—Exemption of Records Systems Under the Privacy Act

■ 2. Amend § 16.96 by adding paragraphs (x) and (y) to read as follows:

§ 16.96 Exemption of Federal Bureau of Investigation Systems-limited access.

* * * * *

(x) The Federal Bureau of Investigation Online Collaboration Systems (JUSTICE/FBI–004) system of records is exempted from subsections 5 U.S.C. 552a(c)(3) and (4); (d)(1), (2), (3), and (4); (e)(1), (2), (3), (4)(G), (H), and (I), (5), and (8); (f); and (g) of the Privacy Act:

(1) FBI Online Collaboration Systems, (JUSTICE/FBI–004).

(2) These exemptions apply only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(j) or (k). Where the FBI determines compliance with an exempted provision would not appear to interfere with or adversely affect interests of the United States or other system stakeholders, the FBI in its sole discretion may waive an exemption in whole or in part; exercise of this discretionary waiver prerogative in a particular matter shall not create any entitlement to or expectation of waiver in that matter or any other matter. As a condition of discretionary waiver, the FBI in its sole discretion may impose any restrictions deemed advisable by the FBI (including, but not limited to, restrictions on the location, manner, or scope of notice, access or amendment).

(y) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3), the requirement that an accounting be made available to the named subject of a record, because this system is exempt from the access provisions of subsection (d). Also, because making available to a record subject the accounting of disclosures from records concerning him/her would specifically reveal any law enforcement or national security investigative interest in the individual by the FBI or agencies that are recipients of the disclosures. Revealing this information could compromise ongoing, authorized law enforcement and intelligence efforts, particularly efforts to identify and defuse any potential acts of terrorism or other potential violations of criminal law. Revealing this information could also permit the record subject to obtain valuable insight concerning the information obtained during any investigation and to take measures to circumvent the investigation (*e.g.,* destroy evidence or flee the area to avoid investigation).

(2) From subsection (c)(4) notification requirements because this system is exempt from the access and amendment provisions of subsection (d) as well as the accounting disclosures provision of subsection (c)(3). The FBI takes seriously its obligation to maintain accurate records despite its assertion of this exemption, and to the extent it, in its sole discretion, agrees to permit amendment or correction of FBI records, it will share that information in appropriate cases.

(3) From subsection (d)(1), (2), (3), and (4), (e)(4)(G) and (H), (e)(8), (f) and (g) because these provisions concern individual access to and amendment of law enforcement and intelligence records and compliance could alert the subject of an authorized law enforcement or intelligence activity about that particular activity and the investigative interest of the FBI and/or other law enforcement or intelligence agencies. Providing access could compromise sensitive law enforcement information, disclose information that could constitute an unwarranted invasion of another's personal privacy; reveal a sensitive investigative or intelligence technique; provide information that would allow a subject to avoid detection or apprehension; or constitute a potential danger to the health or safety of law enforcement personnel, confidential sources, and witnesses. The FBI takes seriously its obligation to maintain accurate records despite its assertion of this exemption, and to the extent it, in its sole discretion, agrees to permit amendment or correction of FBI records, it will share that information in appropriate cases with subjects of the information.

(4) From subsection (e)(1) because it is not always possible to know in advance what information is relevant and necessary for law enforcement and intelligence purposes. Relevance and necessity are questions of judgment and timing. For example, what appears relevant and necessary when collected ultimately may be deemed unnecessary. It is only after information is assessed that its relevancy and necessity in a specific investigative activity can be established.

(5) From subsections (e)(2) and (3) because application of these provisions requiring collection directly from the

subject individuals and informing individuals regarding information to be collected about them, could present a serious impediment to efforts to solve crimes and improve national security. Application of these provisions would put the subject of an investigation on notice of that fact and allow the subject an opportunity to engage in conduct intended to impede that activity or avoid apprehension.

(6) From subsection (e)(4)(I), to the extent that this subsection is interpreted to require more detail regarding the record sources in this system than has already been published in the **Federal Register** through the SORN documentation. Should the subsection be so interpreted, exemption from this provision is necessary to protect the sources of law enforcement and intelligence information and to protect the privacy and safety of witnesses and informants and others who provide information to the FBI.

(7) From subsection (e)(5) because in the collection of information for authorized law enforcement and intelligence purposes it is impossible to determine in advance what information is accurate, relevant, timely, and complete. With time, additional facts, or analysis, information may acquire new significance. The restrictions imposed by subsection (e)(5) would limit the ability of trained investigators and intelligence analysts to exercise their judgment in reporting on investigations and impede the development of criminal intelligence necessary for effective law enforcement. Although the FBI has claimed this exemption, it continuously works with its federal, state, local, tribal, and international partners to maintain the accuracy of records to the greatest extent practicable. The FBI does so with established policies and practices. The criminal justice and national security communities have a strong operational interest in using up-to-date and accurate records and will foster relationships with partners to further this interest.

Dated: November 28, 2017.

Peter A. Winn,

Acting Chief Privacy and Civil Liberties Officer, United States Department of Justice.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2016–0585; FRL–9971–07–Region 8]

Approval and Promulgation of Air Quality Implementation Plans; State of Utah; Logan Nonattainment Area Fine Particulate Matter State Implementation Plan for Attainment of 2006 24-Hour Fine Particulate Matter National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve the emissions inventory, modeled attainment demonstration, determination for Major Stationary Source Reasonably Available Control Technology (RACT), determination for On-Road Mobile Sources Reasonably Available Control Measures (RACM), determination for Cache County Inspection and Maintenance (I/M) Program as additional reasonable measures, determination for Off-Road Mobile Sources RACM, and the 2015 Motor Vehicle Emission Budgets (MVEB) portions of the attainment plan submitted by Utah on December 16, 2014, to address Clean Air Act (CAA or the Act) requirements for the 2006 24-hour fine particulate matter ($PM_{2.5}$) national ambient air quality standards (NAAQS) in the Logan, UT–ID Moderate $PM_{2.5}$ nonattainment area. These actions are being taken under section 110 of the CAA.

DATES: Written comments must be received on or before January 3, 2018.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R08–OAR–2016–0585 at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *www.regulations.gov.* The EPA may publish any comment received to the public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information, the disclosure of which is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the Web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Crystal Ostigaard, Air Program, U.S. Environmental Protection Agency (EPA), Region 8, Mailcode 8P–AR, 1595 Wynkoop Street, Denver, Colorado 80202–1129, (303) 312–6602, *ostigaard.crystal@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

What should I consider as I prepare my comments for EPA?

a. *Submitting CBI.* Do not submit CBI to the EPA through *www.regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to the EPA, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

b. *Tips for Preparing Your Comments.* When submitting comments, remember to:

1. Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).

2. Follow directions—The agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

3. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

4. Describe any assumptions and provide any technical information and/or data that you used.

5. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

6. Provide specific examples to illustrate your concerns, and suggest alternatives.

7. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

8. Make sure to submit your comments by the comment period deadline identified.

II. Background

On October 17, 2006 (71 FR 61144), the EPA revised the level of the 24-hour $PM_{2.5}$ NAAQS, lowering the primary and secondary standards from the 1997 standard of 65 micrograms per cubic meter (μg/m³) to 35 μg/m³. On November 13, 2009 (74 FR 58688), the EPA designated three nonattainment areas in Utah for the 24-hour $PM_{2.5}$ NAAQS of 35 μg/m³. These are the Salt Lake City, Utah (UT); Provo, UT; and Logan, UT-Idaho (ID) nonattainment areas.

The Logan, UT–ID $PM_{2.5}$ nonattainment area, also called the Cache Valley, is composed of portions of Cache County, UT and Franklin County, ID. The Cache Valley is an isolated, bowl-shaped valley measuring approximately 60 kilometers north to south and 20 kilometers east to west and almost entirely surrounded by mountain ranges. The Wellsville Mountains lie to the west, and on the east lie the Bear River Mountains; both are northern branches of the Wasatch Range. The State considers topography as a barrier to air movement during the conditions which lead to elevated concentrations of fine particulates and as the primary factor in determining where the population is located. The low-lying valleys which trap air during winter-time temperature inversions are also the regions within which people live. Additional information pertaining to the unique issues associated with the Logan, UT–ID nonattainment area and studies completed on inversions can be found in the 9-factor analysis for Utah and Idaho in the November 13, 2009 (74 FR 58688) action titled ''Air Quality Designations for the 2006 24-Hour Fine Particulate ($PM_{2.5}$) National Ambient Air Quality Standards.''

The EPA originally issued a rule in 2007 [1] regarding implementation of the $PM_{2.5}$ NAAQS for the nonattainment area requirements specified in CAA title I, part D, subpart 1. Under subpart 1, Utah was required to submit an attainment plan for each area no later than three years from the date of nonattainment designation. These plans needed to provide for the attainment of the $PM_{2.5}$ standards as expeditiously as practicable, but no later than five years from the date the areas were designated nonattainment.

Following the November 13, 2009 designation of nonattainment for $PM_{2.5}$, Utah developed a draft $PM_{2.5}$ attainment plan intended to meet the requirements of subpart 1. The EPA submitted written comments dated November 1, 2012, to the Utah Division of Air Quality (UDAQ) on the draft $PM_{2.5}$ SIP, technical support document (TSD), area source rules, and point source rules found in Section IX, Part H.[2] Utah submitted a revised $PM_{2.5}$ attainment plan for the Logan, UT–ID nonattainment area on December 14, 2012.

On January 4, 2013, the U.S. Court of Appeals for the District of Columbia held that the EPA should have implemented the 2006 $PM_{2.5}$ 24-hour standards, as well as the other $PM_{2.5}$ NAAQS, based on both CAA title I, part D, subpart 1 and subpart 4. Under subpart 4, all nonattainment areas are initially classified as Moderate, and Moderate area attainment plans must address the requirements of subpart 4 as well as subpart 1. Additionally, subpart 4 sets a different SIP submittal due date and attainment year. For a Moderate area, the attainment SIP is due 18 months after designation and the attainment year is as expeditiously as practicable, but no later than the end of the sixth calendar year after designation.

On June 2, 2014 (79 FR 31566), the EPA finalized the Identification of Nonattainment Classification and Deadlines for Submission of State Implementation Plan (SIP) Provisions for the 1997 Fine Particulate ($PM_{2.5}$) National Ambient Air Quality Standard (NAAQS) and 2006 $PM_{2.5}$ NAAQS (''the Classification and Deadlines Rule''). This rule classified as Moderate the areas that were designated in 2009 as nonattainment, and set the attainment SIP submittal due date for those areas at December 31, 2014. Additionally, this rule established the Moderate area attainment date of December 31, 2015.

After the court's 2013 decision, Utah amended its attainment plan to address the requirements of subpart 4. On December 2, 2013, and October 30, 2014, the EPA provided comments on Utah's revised draft $PM_{2.5}$ SIPs, including the TSD and emissions limits in Section IX, Part H. Subsequently, on December 16, 2014, UDAQ withdrew all prior Logan, UT–ID $PM_{2.5}$ Moderate SIP submissions and submitted a subpart 1 and subpart 4 $PM_{2.5}$ Moderate SIP, which is one of the submissions we are proposing to act on today.[3]

On August 24, 2016, the EPA finalized the Fine Particulate Matter National Ambient Air Quality Standards: State Implementation Plan Requirements (''$PM_{2.5}$ Implementation Rule''), 81 FR 58010, which partially addressed the January 4, 2013 court ruling. The final $PM_{2.5}$ Implementation Rule details how air agencies can meet the statutory SIP requirements under subparts 1 and 4 that apply to areas designated nonattainment for any $PM_{2.5}$ NAAQS, such as: General requirements for attainment plan due dates and attainment demonstrations; provisions for demonstrating reasonable further progress (RFP); quantitative milestones; contingency measures; Nonattainment New Source Review (NNSR) permitting programs; and RACM (including RACT). The statutory attainment planning requirements of subparts 1 and 4 were established to ensure that the following goals of the CAA are met: (i) That states implement measures that provide for attainment of the $PM_{2.5}$ NAAQS as expeditiously as practicable; and, (ii) that states adopt emissions reduction strategies that will be the most effective at reducing $PM_{2.5}$ levels in nonattainment areas.

On September 8, 2017 (82 FR 42447), the EPA granted two, one-year extensions of the Moderate attainment date for the Logan, UT–ID Moderate $PM_{2.5}$ nonattainment area until December 31, 2017.

III. Clean Air Act Requirements for $PM_{2.5}$ Moderate Nonattainment Area Plans

A. $PM_{2.5}$ Moderate Area Plan Requirements

Upon designation as a Moderate nonattainment area under subpart 1 and subpart 4, the CAA requires the State to submit the following Moderate area SIP elements:

1. A comprehensive, accurate, current inventory of actual emissions from all sources of $PM_{2.5}$ and $PM_{2.5}$ precursors in the area (CAA section 172(c)(3));

2. Provisions to assure that RACM, including RACT, for the control of direct $PM_{2.5}$ and $PM_{2.5}$ precursors shall be implemented no later than four years after the area is designated (CAA sections 172(c)(1) and 189(a)(1)(C));

3. A demonstration (including air quality modeling) that the plan provides for attainment as expeditiously as

[1] 72 FR 20586; April 25, 2007.

[2] An ''area source'' is ''any small residential, governmental, institutional, commercial, or industrial fuel combustion operation; onsite solid waste disposal facility; motor vehicle], aircraft vessel or other transportation facilit[y] or other miscellaneous source identified'' through specified inventory techniques. 40 CFR 51.100(l). A ''point source'' is any stationary source emitting above certain thresholds. 40 CFR 51.100(k).

[3] The Salt Lake City, UT and Provo, UT Moderate $PM_{2.5}$ SIPs attainment plans, including requirements regarding RACM under CAA subparts 1 and 4 of part D, title I of the Act, will be acted on separately.

practicable but no later than the Moderate area attainment date;

4. Plan provisions that require RFP (CAA section 172(c)(2));

5. Quantitative milestones which are to be achieved every three years until the area is redesignated attainment and which demonstrate RFP toward attainment by the applicable date (CAA section 189(c));

6. Provisions to assure that control requirements applicable to major stationary sources of $PM_{2.5}$ also apply to major stationary sources of $PM_{2.5}$ precursors, except where the State demonstrates to the EPA's satisfaction that such sources do not contribute significantly to $PM_{2.5}$ levels that exceed the standard in the area (CAA section 189(e));

7. Contingency measures to be implemented if the area fails to meet RFP or fails to attain by the applicable attainment date (CAA section 172(c)(9)); and

8. A revision to the NNSR program to set the applicable ''major stationary source'' thresholds to 100 tons per year (tpy) (CAA section 302(j)).

Moderate area $PM_{2.5}$ plans must also satisfy the general requirements applicable to all SIP submissions under section 110 of the CAA, including the requirement to provide necessary assurances that the implementing agencies have adequate personnel, funding and authority under CAA section 110(a)(2)(E) and the requirements concerning enforcement provisions in CAA section 110(a)(2)(C).

The EPA interprets the CAA's requirements for particulate matter plans under part D, title I of the Act in the following documents: (1) ''State Implementation Plans; General Preamble for the Implementation of Title I of the CAA Amendments of 1990,'' 57 FR 13498 (April 16, 1992) (''General Preamble''); (2) ''State Implementation Plans; General Preamble for the Implementation of Title I of the CAA Amendments of 1990; Supplemental,'' 57 FR 18070 (April 28, 1992) (''Supplement''); (3) ''State Implementation Plans for Serious PM_{10} Nonattainment Areas, and Attainment Date Waivers for PM_{10} Nonattainment Areas Generally; Addendum to the General Preamble for the Implementation of Title I of the CAA Amendments of 1990,'' 59 FR 41998 (August 16, 1994) (''Addendum''); and (4) ''Fine Particulate Matter National Ambient Air Quality Standards: State Implementation Plan Requirements,'' August 24, 2016 (81 FR 58010) (''$PM_{2.5}$ Implementation Rule''). We discuss these interpretations of the Act as appropriate in our evaluation of the Logan, UT–ID Moderate $PM_{2.5}$ Plan.

B. Implementation of Reasonably Available Control Measures

Section 172(c)(1) of the Act (from subpart 1) requires that attainment plans, in general, provide for the implementation of all RACM (including RACT) as expeditiously as practicable and shall provide for attainment of the national primary ambient air quality standards. CAA section 189(a)(1)(C) (from subpart 4) requires Moderate area attainment plans to contain provisions to assure that RACM is implemented no later than four years after designation.

The EPA stated its interpretation of the RACT and RACM requirements of subparts 1 and 4 in the 1992 General Preamble for the Implementation of Title I of the CAA Amendments of 1990, 57 FR 13498 (Apr. 6, 1992). For RACT, the EPA followed its ''historic definition of RACT as the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.'' 57 FR 13541. Like RACT, the EPA has historically considered RACM to consist of control measures that are reasonably available, considering technological and economic feasibility. *See* $PM_{2.5}$ Implementation Rule, 81 FR 58010.

IV. EPA's Evaluation of the Logan, UT–ID $PM_{2.5}$ Moderate Plan

The EPA is proposing to act on the following portions of the Logan Moderate $PM_{2.5}$ SIP: The emissions inventory, modeled attainment demonstration, determination for Major Stationary Source RACT, determination for On-Road Mobile Sources RACM, determination for Cache County I/M Program as additional reasonable measures, determination for Off-Road Mobile Sources RACM, and 2015 MVEB.

A. Emissions Inventory

1. Requirements for Emissions Inventories

CAA section 172(c)(3) requires that each SIP include a ''comprehensive, accurate, current inventory of actual emissions from all sources of the relevant pollutant or pollutants in [the] area. . . .'' By requiring an accounting of actual emissions from all sources of the relevant pollutants in the area, this section provides for the base year inventory to include all emissions that contribute to the formation of a particular NAAQS pollutant. For the 2006 $PM_{2.5}$ standards, this includes direct $PM_{2.5}$ as well as the precursor emissions to the formation of secondary $PM_{2.5}$: Nitrogen oxide (NO_X), sulfur dioxide (SO_2), volatile organic compounds (VOC), and ammonia (NH_3). Direct $PM_{2.5}$ includes condensable and filterable particulate matter. Additionally, a state must include in its SIP submission documentation explaining how the emissions data were calculated. In estimating mobile source emissions, a state should use the latest emissions models and planning assumptions available at the time the SIP is developed.

In addition to the base year inventory submitted to meet the requirements of CAA section 172(c)(3), the State must also submit future inventories for the projected attainment year and any other year of significance for meeting applicable CAA requirements. By attainment projected inventories, we mean the projected emissions inventories for future years that account for, among other things, the ongoing effects of economic growth and adopted emissions control requirements. The SIP should include documentation to explain how the emissions projections were calculated.

2. Emissions Inventories in the Logan, UT–ID $PM_{2.5}$ Moderate Plan

The base year inventory should represent typical conditions at a recent point in time, and becomes the basis for comparisons with all projections into the future. The foundation that UDAQ used for each of these specific inventories is the 2008 triennial inventory, which was the most recent comprehensive inventory submitted to the EPA under subpart A of 40 CFR part 51. Utah used the 2008 inventory to back-cast and adjust for certain episodic conditions, and forecast a representation of more typical conditions to develop the projected inventories.

The Logan, UT–ID nonattainment area emissions inventory includes emissions estimates from point sources, area sources, on-road mobile sources, and off-road mobile sources. The methodologies used to derive the 2010 base year inventory for $PM_{2.5}$ are as follows:

- The point source emissions inventory is based on the 2008 triennial National Emissions Inventory (NEI) data of actual emissions reported by all permitted facilities. UDAQ used data from the Regional Economic Models, Inc. (REMI) to project the 2008 actual point source emissions to 2010.
- Activity data was used to calculate emissions for area source categories. This data includes population, employment, vehicle miles traveled

(VMT), fuel usage, agriculture, and other estimates covering a wide range of activities, in conjunction with the 2008 triennial NEI.

- The inventory for the on-road mobile source category includes emissions for mobile sources such as trucks, cars, buses, and motorcycles. It was prepared by UDAQ using the EPA's Motor Vehicle Emissions Simulator (MOVES2010a), the most current version of the model available at the time the inventory was prepared, in conjunction with information generated by travel demand models such as vehicle speeds and miles traveled.
- The non-road mobile source category includes miscellaneous non-road engines, aircraft, and locomotives. Miscellaneous non-road emissions were computed by using the EPA NONROAD Model, version 2008.1.0. Locomotive emissions were estimated by applying the EPA emission factors to the total amount of fuel used by locomotives. Aircraft emissions were estimated by applying aircraft specific activity data and the Emissions Dispersion Modeling System (EDMS), version 5.1.2.
- Paved road emissions (coarse particulate matter (PM_{10}) and $PM_{2.5}$ fugitive dust) were estimated by UDAQ based on the EPA's January 2011 version of AP–42, Section 13.2.1.

Table 1 below provides a summary of winter daily average inventories of source categories for direct $PM_{2.5}$ and $PM_{2.5}$ precursors for the 2010 base year and 2015 projected year. The base year inventory provides the basis for the control measure analysis in the Logan, UT–ID Moderate $PM_{2.5}$ SIP and the projected year inventory provides the model projection for emission reductions found in the Logan, UT–ID Moderate $PM_{2.5}$ SIP.

TABLE 1—LOGAN, UT–ID TYPICAL WINTER INVERSION WEEKDAY IN TONS PER DAY (tpd) OF SOURCE CATEGORIES FOR DIRECT $PM_{2.5}$ AND $PM_{2.5}$ PRECURSORS FOR THE 2010 BASELINE YEAR AND 2015 PROJECTED YEAR

Source category	2010					2015				
	Direct $PM_{2.5}$	NO_X	SO_2	VOC	NH_3	Direct $PM_{2.5}$	NO_X	SO_2	VOC	NH_3
Area Sources	0.54	1.63	0.26	4.16	4.31	0.40	1.59	0.27	3.75	4.08
Mobile Sources	0.67	6.48	0.04	4.99	0.12	0.32	4.49	0.03	3.36	0.10
Non-Road Mobile Sources	0.13	1.15	0.02	2.28	0.00	0.10	0.81	0.01	1.77	0.00
Point Sources	0.00	0.02	0.00	0.63	0.00	0.00	0.00	0.00	0.00	0.00
Total*	1.35	9.28	0.32	12.06	4.43	0.82	6.89	0.31	8.88	4.19

*Totals might have slight deviations from the sum of the source categories due to rounding.

The composition of the Area Source Category in the table above includes: Agriculture—livestock waste; bulk gasoline terminals; commercial cooking; dust—construction dust; fuel combination—commercial/institutional—coal, natural gas, oil, and other; fuel combination—residential—oil, other, and wood; gas stations, industrial processes—not elsewhere classified (NEC); miscellaneous non-industrial NEC; mobile—non-road equipment—diesel; solvent—consumer and commercial solvent use, degreasing, dry cleaning, graphic arts, industrial surface coating and solvent use, non-industrial surface coating; and waste disposal.

3. The EPA's Evaluation and Proposed Action: Base Year and Projected Emissions Inventories

The $PM_{2.5}$ Implementation Rule sets forth several requirements for the base year inventory and projected year inventory for Moderate area attainment plans. 40 CFR 51.1008(a)(1) and 40 CFR 51.1008(a)(2), respectively. The EPA has also issued guidance for the preparation of emissions inventories for implementation of the $PM_{2.5}$ and ozone standards, along with regional haze requirements.[4] We propose to determine that the base year and projected year inventories meet the requirements in the CAA and $PM_{2.5}$ Implementation Rule and was prepared consistently with the recommendations in the guidance.

Specifically, the base year inventory satisfies each requirement found in 40 CFR 51.1008(a)(1). First, the base year of 2010 was not one of the three years (2006–2008) used for designation of the area as nonattainment. See 40 CFR 51.1008(a)(1)(i). However, the state has justified 2010 as a technically appropriate inventory year, and the use of a later year is consistent with the statutory requirement in section 172(c)(3) to use a ''current'' inventory. Second, the inventory represents actual, average season-day emissions. 40 CFR 51.1008(a)(1)(ii) and (a)(1)(iii). Third, the inventory provides emissions of all precursors of $PM_{2.5}$. 40 CFR 51.1008(a)(1)(iv). Fourth, emissions of point sources are reported according to thresholds found in 40 CFR part 51, subpart A. 40 CFR 51.1008(a)(1)(v).

The projected year inventory satisfies each requirement in 40 CFR 51.1008(a)(2). First, the 2015 projected year inventory was the most expeditious year that showed modeled $PM_{2.5}$ concentrations below the 24-hour $PM_{2.5}$ NAAQS. 40 CFR 51.1008(a)(2)(i). Second, the projected emission values were derived from the same sources included in the base year inventory and included projected emissions based on growth and contraction pertaining to controls and other potential causes. 40 CFR 51.1008(a)(2)(ii). Third, the temporal period of projected emissions was the same as the base year inventory, average season-day. 40 CFR 51.1008(a)(2)(iii). Fourth, the inventory provides emissions of all precursors of $PM_{2.5}$. 40 CFR 51.1008(a)(2)(iv). Fifth, all sources (point, stationary nonpoint, and mobile sources) were included in the projected inventory at the same level of detail found in the base year inventory. 40 CFR 51.1008(a)(2)(v) and (a)(2)(vi).

The base year inventory in the Logan, UT–ID Moderate $PM_{2.5}$ SIP is based on the most current and accurate information available to the State at the time the SIP was being developed. Additionally, the base year and projected inventories met all minimum requirements found in 40 CFR 51.1008(a)(1) and (2), and the inventories addressed all source categories in the Logan, UT–ID

[4] ''Emissions Inventory Guidance for Implementation of Ozone and Particulate Matter National Ambient Air Quality Standards (NAAQS) and Regional Haze Regulations,'' Office of Air Quality Planning and Standards, EPA–454/R–05–001 (August 2005).

nonattainment area and were developed consistent with the EPA's inventory guidance.[5] For these reasons, we are proposing to approve the 2010 base year emissions inventory and the 2015 projected emissions inventory in the Logan, UT–ID $PM_{2.5}$ SIP as meeting the requirements of CAA section 172(c)(3). We are also proposing to find that the base year and projected inventories in the SIP provide an adequate basis for development of the Logan, UT–ID Moderate $PM_{2.5}$ SIP.

B. Modeled Attainment Demonstration

1. Requirements for the Modeled Attainment Demonstration

Air quality modeling is used to establish emissions attainment targets, the combination of emissions of $PM_{2.5}$ and $PM_{2.5}$ precursors that the area can accommodate and still attain the standard, and to assess whether the proposed control strategy will result in attainment of the standard. Air quality modeling is performed for a base year and compared to air quality monitoring data collected during that year in order to determine model performance. Once the model performance is determined to be acceptable, future year changes to the emissions inventory are simulated with the model to determine the relationship between emissions reductions and changes in ambient air quality. To project future design values (FDVs), the model response to emission reductions, in the form of Relative Response Factors (RRFs), is applied to monitored design values from the base year.

At the time the Logan, UT–ID Moderate $PM_{2.5}$ SIP was developed, the EPA's recommendations for model input preparation, model performance evaluation, use of the model output for the attainment demonstration and modeling documentation were described in Guidance on the Use of Models and Other Analyses for Demonstrating Attainment of Air Quality Goals for Ozone, $PM_{2.5}$, and Regional Haze, EPA–454/B–07–002, April 2007 (''Modeling Guidance Update'').[6]

The EPA recommends that states prepare a modeling protocol as part of their modeled attainment demonstration, and the Modeling Guidance describes the topics to be addressed in the modeling protocol. A modeling protocol should detail and formalize the procedures for conducting all phases of the modeling analysis, such as describing the background and objectives, creating a schedule and organizational structure, developing the input data, conducting model performance evaluations, interpreting modeling results, describing procedures for using the model to demonstrate whether proposed strategies are sufficient to attain the applicable standard, and producing documentation to be submitted for the EPA Regional Office review and approval prior to actual modeling.

In addition to a modeled attainment demonstration, which focuses on locations with an air quality monitor, EPA's Guidance describes an Unmonitored Area Analysis (UAA). This analysis is intended to ensure that a control strategy leads to reductions in $PM_{2.5}$ at other locations that have no monitor but that might have base year and future baseline (projection year) ambient $PM_{2.5}$ levels exceeding the standard.

Under the $PM_{2.5}$ Implementation Rule, the attainment demonstration must show that the projected attainment date is as expeditious as practicable. 40 CFR 51.1392(a)(1). The demonstration must meet the general modeling requirements in Appendix W to part 51 and must include the emission inventory data, modeling results, and emission reduction analyses that were used in the demonstration. 40 CFR 51.1392(a)(2). The base year for the emissions inventory must be one of the three years used for designation or another technically appropriate year that the state has justified. 40 CFR 51.1392(a)(3). Finally, the attainment demonstration must be consistent with the control strategy in the attainment plan. 40 CFR 51.1392(a)(4).

2. Modeled Attainment Demonstration in the Logan, UT–ID $PM_{2.5}$ Moderate Plan

UDAQ conducted a technical analysis to support the development of the Logan, UT–ID Moderate $PM_{2.5}$ SIP. Their analyses included preparation of emissions inventories, meteorological data, and the application and evaluation of a regional photochemical model. UDAQ's air quality analyses were conducted using the Community Multiscale Air Quality (CMAQ) Model version 4.7.1, with emissions inputs generated using the Sparse Matrix Operator Kernel Emissions (SMOKE) processing system, and meteorological inputs developed using the Weather Research and Forecasting (WRF) model.

The modeling protocol for the Moderate $PM_{2.5}$ SIP is contained in the docket for this action and includes descriptions of the photochemical modeling. Additional description of the photochemical modeling is covered in the Weight of Evidence Analysis (WOEA).[7] The protocol was reviewed by the EPA and covers all of the topics recommended in the Modeling Guidance Update.

The air quality modeling and results are summarized in Chapter 5—Attainment Demonstration of the Logan, UT–ID $PM_{2.5}$ SIP and in Chapter 4—Air Quality Modeling of the TSD. Additionally, the Logan, UT–ID $PM_{2.5}$ SIP included a UAA in Chapter 4 of the TSD within the WOEA (section 1.5).

3. Evaluation of the Air Quality Modeling in the Logan, UT–ID $PM_{2.5}$ SIP

As mentioned above, the attainment demonstration must show that the Moderate nonattainment area will attain the standard as expeditiously as practicable but no later than the end of the sixth calendar year after the area's designation. The Logan, UT–ID Moderate $PM_{2.5}$ nonattainment area attainment date was December 31, 2015. As the Moderate $PM_{2.5}$ attainment plan for the Logan, UT–ID nonattainment area was due December 31, 2014 (79 FR 31566; June 2, 2014), one year before the six-year mark, the EPA proposes to determine that the projected attainment date of December 31, 2015, was as expeditious as practicable. We also note that one of the control measure implemented in the Logan, UT–ID nonattainment area, the I/M program, was not fully implemented until 2015. This supports the conclusion that the attainment date, December 31, 2015, was as expeditiously as practicable.

The EPA proposes to approve the attainment demonstration as meeting general modeling requirements in Appendix W. The joint Utah and Idaho modeling included in Chapter 4 of the TSD and Chapter 5 of the Logan, UT–ID Moderate $PM_{2.5}$ SIP followed applicable EPA modeling guidance in

[5] Utah Moderate $PM_{2.5}$ SIP TSD, Chapter 1—Inventory General, Section b—Inventory Preparation Plan. The scope for UDAQ's $PM_{2.5}$ Emission Inventory Preparation Plan includes: EPA's ''Emission Inventory Improvement Program,'' ''Emissions Inventory Guidance for Implementation of Ozone and Particulate Matter National Ambient Air Quality Standards (NAAQS) and Regional Haze Regulations'' dated August 2005, ''Guidance on the Use of Models and Other Analyses for Demonstrating Attainment of Air Quality Goals for Ozone, $PM_{2.5}$, and Regional Haze'' dated April 2007, and ''Guidance for Creating Annual On-Road Mobile Source Emission Inventories for $PM_{2.5}$ Nonattainment Areas for Use in SIPs and Conformity'' dated August 2005. These documents helped to facilitate the collection of point, area, mobile, biogenic, and geogenic emission inventory data.

[6] The EPA Modeling Guidance and Modeling Guidance Update are available on EPA's SCRAM Web site, Web page: *http://www.epa.gov/scram001/guidance_sip.htm.*

[7] Chapter 4—Air Quality Modeling of the Logan, UT–ID Moderate $PM_{2.5}$ SIP TSD.

predicting that state and federal control measures to address point sources, area sources, on-road mobile sources, and off-road mobile sources would bring $PM_{2.5}$ concentrations below 35 μg/m^3 by December 31, 2015, in the Logan, UT–ID nonattainment area. The air quality model performance appears generally acceptable and usually within stated performance goals; speciation and composition of the modeled $PM_{2.5}$ matches the observed speciation, with good agreement in the magnitude of $PM_{2.5}$ and good replication of the episodic buildup and clear out of $PM_{2.5}$; however, the meteorological model does not always accurately simulate the intensity and persistence of cold air pool inversion conditions, and as a result, the model sometimes clears out the simulated $PM_{2.5}$ too early at the end of an episode.

We note that the $PM_{2.5}$ Implementation Rule provides that a state's modeled attainment demonstration must establish that an area will attain the NAAQS by the projected attainment date. However, for purposes of modeling, a state may elect to demonstrate that the area will meet the numerical level of the NAAQS for the attainment year (81 FR 58010, at page 58054). The EPA authorizes this approach because of the potential availability of extensions of the Moderate area attainment date under relevant provisions section 188(d) of the CAA. In other words, if ambient data show attainment-level concentrations in the applicable statutory attainment year, the state may be eligible for up to two one-year extensions of the attainment date. *See* 40 CFR 51.1005. Using this provision, a state may be able to attain the NAAQS by the extended attainment date, even if the measured design value (a three-year average) for an area does not meet the NAAQS by the end of the 6th calendar year after designation. For this reason, the $PM_{2.5}$ Implementation Rule indicates that it is acceptable for a state to model air quality levels for the final statutory attainment year in which the area is required to attain the standard, in this case, 2015. In the Logan, UT–ID nonattainment area, both measured and modeled $PM_{2.5}$ concentrations in 2015 were consistent with meeting the numerical level of the NAAQS in both Utah and Idaho, thus confirming the attainment demonstration.[8]

Additionally, UDAQ included a UAA in the WOEA found in Chapter 4 of the TSD. The UAA showed that five grid-cells north of the Franklin, ID monitor had calculated future design values (FDVs) over 35.5 μg/m^3. UDAQ was not sure why the predicted peak $PM_{2.5}$ concentrations were high because there were no large point sources in the county, or any other emissions sources that could produce the level of emissions in the specific grid-cells to cause this concentration. The WOEA explains that the uncertainty in UDAQ's UAA method may be responsible for the high values north/northwest of the Franklin, ID monitor. EPA modeling guidance [9] suggests using the Model Attainment Test Software (MATS) post-processor to perform a UAA. However, the MATS version 2.5.1 that was available when the Logan, UT–ID Moderate $PM_{2.5}$ SIP was developed did not have the ability to perform a UAA for daily average $PM_{2.5}$. As a result, UDAQ attempted to implement a UAA methodology for the Logan, UT–ID Moderate $PM_{2.5}$ nonattainment area UAA that was comparable to what was recommended by the EPA guidance, but the gradient adjustment and speciation techniques were necessarily simpler.

The EPA worked with UDAQ to develop the methodology for the UAA in the Logan, UT–ID Moderate $PM_{2.5}$ nonattainment area and agrees with UDAQ's conclusion that there were no large point sources within the high concentration grid-cells and the potentially high values north/northwest of the Franklin, ID monitor are possibly due to the uncertainty inherent in UDAQ's UAA method. Additionally, the EPA reviewed available monitoring data for 2015 at the Logan and Franklin monitors for which the 98th percentiles are 29.0 μg/m^3 and 18.8 μg/m^3, respectively. The monitoring data indicates that the high values in the UAA grid cells north/northwest of the Franklin monitor are likely an anomaly and the EPA will continue to work with UDAQ to refine their UAA method for future use.

The EPA is therefore proposing to approve the attainment demonstration portion of the Logan, UT–ID Moderate $PM_{2.5}$ SIP.

C. Reasonably Available Control Measures/Reasonably Available Control Technology and Additional Reasonable Measures

1. Requirements for the RACM/RACT and Additional Measures

As mentioned above, section 172(c)(1) of the Act (from subpart 1) requires that attainment plans, in general, provide for the implementation of all RACM (including RACT) as expeditiously as practicable. Section 189(a)(1)(C) (from subpart 4) requires Moderate area plans to include provisions to assure that RACM is implemented no later than four years after designation. The Logan, UT–ID area was designated nonattainment for the 2006 24-hour $PM_{2.5}$ NAAQS on November 13, 2009 (74 FR 58688). However, the Logan, UT–ID nonattainment area was not classified as Moderate under subpart 4 until the EPA published the Classification and Deadlines Rule on June 2, 2014 (79 FR 31566). Because the EPA designated the Logan, UT–ID nonattainment area effective December 14, 2009, the area was required to implement RACM/RACT no later than December 14, 2013.

The $PM_{2.5}$ Implementation Rule defines RACM (including RACT) as any technologically and economically feasible measure that can be implemented in whole or in part within four years after the effective date of designation of a $PM_{2.5}$ nonattainment area and that achieves permanent and enforceable reductions in direct $PM_{2.5}$ emissions and/or $PM_{2.5}$ precursor emissions from sources in the area.

Under the $PM_{2.5}$ Implementation Rule, the state must first identify all sources of emissions of direct $PM_{2.5}$ and all $PM_{2.5}$ precursors (NO_X, SO_2, VOC, and NH_3) in the nonattainment area, in accordance with the emission inventory requirements described above. 40 CFR 51.1010(a)(1). The state must then identify all potential control measures to reduce emissions from those source categories, except for source categories or major stationary sources for which the state submits an acceptable precursor demonstration. 40 CFR 51.1010(a)(2). The state next determines whether the identified potential control measures are technologically feasible and whether any of the identified technologically feasible control measures are economically feasible. 40 CFR 51.1010(a)(3). The state must provide a detailed written justification for any potential control measure that has been excluded as technologically or economically infeasible. 40 CFR 51.1010(a)(3)(iii). The state may also eliminate potential control measures

[8] The Logan, UT–ID Moderate $PM_{2.5}$ nonattainment area monitor located in Logan, UT, recorded a valid 2015 98th percentile of 29.0 μg/m^3. See the document titled ''May 8, 2017 Logan, UT–ID $PM_{2.5}$ Memo'' in the docket to this action.

[9] April 2007; EPA–454/B–07–002; Guidance on the Use of Models and Other Analyses for Demonstrating Attainment of Air Quality Goals for Ozone, $PM_{2.5}$, and Regional Haze.

that would take longer than six years to implement. 40 CFR 51.1010(a)(3)(i).

Section 172(c)(6) of the Act requires states to implement ''other measures'' necessary to provide for timely attainment in an area. The $PM_{2.5}$ Implementation Rule interprets this provision to require ''additional reasonable measures,'' which are those measures and technologies that can be applied at sources in the nonattainment area that are otherwise technologically and economically feasible but can only be implemented in whole or in part later than four years after designation.[10]

2. RACM/RACT in the Logan, UT–ID $PM_{2.5}$ Moderate Plan

a. Major Stationary Sources

In developing the emissions inventories underlying the SIP, UDAQ used the criteria of 40 CFR part 51, subpart A for air emissions reporting requirements to establish a 100 tons per year (tpy) threshold for identifying a sub-group of major stationary sources that would be evaluated individually for the establishment of emissions limits. Under 40 CFR 51.1000, the definition for major stationary source means ''Any stationary source of air pollutant(s) that emits, or has the potential to emit, 100 tpy or more of direct $PM_{2.5}$ or any $PM_{2.5}$ precursor in any Moderate nonattainment area for the $PM_{2.5}$ NAAQS, or 70 tpy or more of direct $PM_{2.5}$ or any $PM_{2.5}$ precursor in any Serious nonattainment area for the $PM_{2.5}$ NAAQS.'' [11] UDAQ used the Moderate threshold for emissions of direct $PM_{2.5}$ and all $PM_{2.5}$ precursors for all major stationary sources in the modeling domain. Additionally, UDAQ applied the 100 tpy threshold to the sources' potential to emit as well as their actual emissions. UDAQ determined that according to Moderate area threshold, Pepperidge Farm Inc., was the only source included on this list that is located in the Logan-UT–ID nonattainment area. Table 2 provides actual emission totals in tpy for the Pepperidge Farm Inc., plant for 2008.

TABLE 2—PEPPERIDGE FARM INCORPORATED 2008 CRITERIA POLLUTANT INVENTORY

Process	$PM_{2.5}$	SO_2	NO_X	VOC	NH_3
2008 Plantwide Emission Totals (tpy)					
Process & Fuel Emissions	0.48	0.03	5.20	0.29	0.03
Evaporative Emissions	.....	.....	.....	0.32	.....
Engines	0.02	0.01	0.13	0.01	0.00
Bakery	.....	.....	.....	149.58	.....
Totals	0.50	0.04	5.33	150.20	0.03

UDAQ determined that data from the REMI would be used to project the 2008 actual major stationary source emissions to 2010. On March 23, 2012, Pepperidge Farm Inc., applied to be designated as a synthetic minor source and on May 21, 2012, UDAQ concurred and issued a construction permit that restricted emissions below the major stationary source threshold. Specifically, VOC emissions were limited to 93.81 tpy per rolling 12-month period. Since Pepperidge Farm Inc. was designated as a synthetic minor source in 2012, the source was not included in the 2015 projection inventory as a major stationary source, but in the area source inventory. Table 3 below shows emissions in tons per day for the 2010 baseline and projected 2015 inventories.

TABLE 3—PEPPERIDGE FARM INCORPORATED BASELINE 2010 AND PROJECTED 2015 EMISSIONS INVENTORIES OF TYPICAL WINTER INVERSION DAY (tpd) AS A MAJOR STATIONARY SOURCE

	2010				2015			
	$PM_{2.5}$	NO_X	VOC	SO_2	$PM_{2.5}$	NO_X	VOC	SO_2
Pepperidge Farms Inc.	0.00	0.02	0.63	0.00	.....	.....	.....	.....

For the Logan, UT–ID Moderate $PM_{2.5}$ SIP, UDAQ concluded that there were no major stationary sources with actual emissions or potential to emit 100 tpy of $PM_{2.5}$ or any $PM_{2.5}$ plan precursors. As stated above, this conclusion is due to Pepperidge Farm Inc., reducing their emissions to be designated as a synthetic minor source.

b. On-Road Mobile Sources

Through the course of the development of the Logan, UT–ID $PM_{2.5}$ SIP, UDAQ identified a motor vehicle I/M program as RACM to achieve reductions of $PM_{2.5}$ precursor emissions of NO_X and VOC. Subsequently, the EPA approved the revisions involving amendments to Utah's SIP Section X, Vehicle Inspection and Maintenance Program, Part A, General Requirements and Applicability; the addition of Section X, Vehicle Inspection and Maintenance Program, Part F, Cache County in Utah's SIP; and revisions to Utah's Administrative Rules on September 9, 2015 (80 FR 54237).

The EPA noted in the September 9, 2015, final rule that under subparts 1 and 4 of the CAA, Cache County's I/M program is not a CAA mandatory or required I/M program; and is therefore, not held to the same level of applicability requirements as found in 40 CFR part 51, subpart S, I/M program requirements. Within Utah's SIP, Part F of Section X, in conjunction with Part A of Section X, were designed by the County and the State to meet the minimum applicable I/M provisions and requirements set forth in 40 CFR 51, subpart S. It is also noted in Part F of Utah's SIP that although only a portion of Cache County was designated as nonattainment for the 2006 $PM_{2.5}$ 24-hour NAAQS, the mandatory I/M program will be implemented county-wide. The I/M program began operation

[10] 81 FR 58010, 58043; August 24, 2016.

[11] 81 FR 58010, 58152; August 24, 2016.

on January 1, 2014, where motor vehicles are subject to a mandatory biennial emissions inspection. Emissions inspections were required in odd-numbered years for vehicles with an odd-numbered model year and even-numbered years for vehicles with an even-numbered model year.

The EPA is not revisiting the September 9, 2015 (80 FR 54237) approval of Cache County's I/M program with this action but is only acting on UDAQ's RACM analysis pertaining to this program. Within Chapter 5 of the TSD, UDAQ provides their review of several control measures and their final RACM conclusions for mobile sources in the Logan, UT–ID nonattainment area.

The potential control measures identified and evaluated by UDAQ include: (1) A mandatory I/M program in Logan where such a program did not previously exist; (2) reducing the Reid vapor pressure (RVP) of gasoline to control VOC emissions; and (3) implementing a bundle of voluntary control measures (*e.g.,* trip reduction, curtailing of operations/activities and driving on ''yellow'' and ''red'' air quality days, diesel retrofits and replacement of gasoline vehicles with alternate-fuel vehicles such as those running on compressed natural gas (CNG) or electricity, and gasoline/electric hybrids). UDAQ modeled these potential control measures but found that the only measure that provided any significant emission benefit was to include a mandatory I/M program for the Utah portion of the Logan, UT–ID nonattainment area and to implement the program throughout Cache County.[12]

The preliminary cost analysis for extending the I/M program to the Logan, UT–ID nonattainment area shows a cost effectiveness of approximately $6,000 to $8,000 per ton of emissions reduced per year. UDAQ concluded that this was within the range of costs associated with other control measures which were under consideration for inclusion in the Logan, UT–ID $PM_{2.5}$ SIP; therefore, it was economically feasible. Furthermore, similar programs have been successfully operated in Utah, Salt Lake, Davis, and Weber Counties and have proven to be both technologically and economically feasible.

The EPA's motor vehicle emissions model, MOVES2010a, was used to identify the effectiveness of the I/M program in the Logan, UT–ID nonattainment area. For 2015, MOVES predicted emission reductions of 0.21 tpd for NO_X, and 0.21 tpd for VOC. UDAQ concluded that the I/M program met RACM and was retained as part of the overall control strategy for the area.

Additionally, UDAQ provided information for On-Road Mobile programs that were promulgated at the federal level. The Tier 2 program was promulgated by the EPA on April 10, 2000 (65 FR 6698; February 10, 2000) and was phased in between 2004 and 2008. Tier 2 set a single set of standards for all light duty vehicles and required refiners to reduce gasoline sulfur levels nationwide. UDAQ provided estimates provided by the EPA that the Tier 2 program would reduce oxides of nitrogen emission by at least 2,220,000 tpy nationwide in 2020.[13] Tier 2 has also contributed in reducing VOC and direct PM emissions from light duty vehicles. Additional on-road mobile source emissions improvements that UDAQ highlights are from federal regulations for heavy-duty diesel vehicles. The Highway Diesel Rule, which aimed at reducing pollution from heavy-duty diesel highway vehicles, was finalized on January 18, 2001 (66 FR 5002). Under the rule, beginning in 2007, (with a phase-in through 2010) heavy-duty diesel highway vehicle emissions were required to be reduced by as much as 90 percent with a goal of complete fleet replacement by 2030. In order to enable the updated emission reduction technologies necessitated by the rule, beginning in 2006 (with a phase-in through 2009) refiners were required to begin producing cleaner-burning ultra-low sulfur diesel fuel. Specifically, the rule required a 97 percent reduction in sulfur content from 500 parts per million (ppm) to 15 ppm. This program was estimated to reduce PM and oxides of nitrogen from heavy duty engines by 90 percent and 95 percent below current standard levels set out in the rule, respectively.[14] Table 4 below shows emissions in tons per day for the 2010 baseline and projected 2015 inventories.

TABLE 4—ON-ROAD MOBILE SOURCE BASELINE 2010 AND PROJECTED 2015 EMISSIONS INVENTORIES OF TYPICAL WINTER INVERSION DAY (tpd)

	2010				2015			
	$PM_{2.5}$	NO_X	VOC	SO_2	$PM_{2.5}$	NO_X	VOC	SO_2
Cache County, UT	0.37	6.48	4.99	0.04	0.28	4.49	3.35	0.03

c. Off-Road Mobile Sources

UDAQ did not consider any additional SIP controls for off-road mobile sources beyond those already promulgated at the federal level. Emission reductions from these federal controls were taken indirectly because their effectiveness has been incorporated into the NONROAD model. Table 5 below summarizes the 2010 base year and 2015 projection year annual emissions from non-road mobile sources in Cache County which contains the Logan, UT–ID Moderate $PM_{2.5}$ nonattainment area.

TABLE 5—2010 BASE YEAR AND 2015 PROJECTION YEAR NON-ROAD MOBILE, AIRCRAFT, LOCOMOTIVES EMISSIONS INVENTORY (tpy)

	2010				2015			
	$PM_{2.5}$	NO_X	VOC	SO_2	$PM_{2.5}$	NO_X	VOC	SO_2
Cache County	492.47	1,144.85	61.99	8.55	360.63	901.09	49.21	2.88

[12] Chapter 5—Control Strategies of the Utah Moderate $PM_{2.5}$ SIP TSD.

[13] 65 FR 6698; February 10, 2000.

[14] 66 FR 5002; January 18, 2001.

Chapter 5 of UDAQ's TSD provides a detailed description of what control measures were included in the modeling.

3. EPA's Evaluation of the RACM/RACT Regulations

The EPA is proposing to approve UDAQ's determination that a RACT analysis for the Pepperidge Farms facility was not necessary, as the SIP demonstrates attainment based on the other control measures included in the SIP. The EPA agrees with UDAQ's underlying justification for including the I/M program in the Logan, UT–ID attainment plan. UDAQ analyzed the measure as technologically and economically feasible and therefore RACM; however, the measure was implemented in the fifth and sixth year after designation. UDAQ did not have the benefit of the EPA's distinction in the $PM_{2.5}$ Implementation Rule between RACM and additional reasonable measures at the time the RACM analysis for the I/M program was developed. We therefore consider the I/M program to be an additional reasonable measure and we are proposing to approve it as such. The EPA notes that, with the exception of timing of control measure implementation, the standard for the two types of control measures is the same: technological and economic feasibility. Additionally, the EPA agrees with UDAQ's reliance on federal on-road mobile regulations for other on-road mobile emission reductions in the Logan, UT–ID $PM_{2.5}$ SIP and is proposing to approve UDAQ's determination. We are also proposing to approve UDAQ's determination that additional off-road measures are not necessary given that the federal measures will provide further emission reductions for the Logan, UT–ID Moderate $PM_{2.5}$ SIP. The EPA is not proposing to determine whether the Logan, UT–ID Moderate $PM_{2.5}$ attainment SIP has fully met all requirements for RACM/RACT found in CAA subparts 1 and 4. This determination will be made at a later date.

D. Transportation Conformity and Motor Vehicle Emission Budgets

1. Requirements for Transportation Conformity and MVEBs

Transportation conformity is required by section 176(c) of the CAA. The EPA's conformity rule at 40 CFR 93, Subpart A requires that transportation plans, programs, and projects conform to SIPs and establishes the criteria and procedures for determining whether or not they conform. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the NAAQS or any interim milestone. To effectuate its purpose, the EPA's conformity rule requires a demonstration that emissions from a Metropolitan Planning Organization's (MPO) Regional Transportation Plan (RTP) and Transportation Improvement Program (TIP), involving Federal Highway Administration (FHWA) or Federal Transit Administration (FTA) funding or approval, are consistent with the MVEB(s) contained in a control strategy SIP revision or maintenance plan (40 CFR 93.101, 93.118, and 93.124). A MVEB is defined as the level of mobile source emissions of a pollutant relied upon in the attainment, RFP or maintenance demonstration to attain or maintain compliance with the NAAQS in the nonattainment or maintenance area. Further information concerning the EPA's interpretations regarding MVEBs can be found in the preamble to the EPA's November 24, 1993, transportation conformity rule (see 58 FR 62193–62196).

The EPA notes that $PM_{2.5}$ attainment plans should identify MVEBs for direct $PM_{2.5}$, NO_X and all other $PM_{2.5}$ precursors where on-road mobile source emissions are determined to significantly contribute to $PM_{2.5}$ levels in the nonattainment area. For the Logan, UT–ID $PM_{2.5}$ SIP, UDAQ identified mobile source VOC emissions as a significant contributor to the formation of $PM_{2.5}$ in the Logan, UT–ID $PM_{2.5}$ nonattainment area. For direct $PM_{2.5}$ SIP MVEBs, the MVEB should include direct $PM_{2.5}$ motor vehicle emissions from tailpipes, brake wear, and tire wear. In addition, a state must also consider whether re-entrained road dust is a significant contributor and should be included in the direct $PM_{2.5}$ MVEB.[15] With respect to this requirement, the EPA reviewed information, data, and an analysis from the UDAQ that sufficiently documented that re-entrained road dust emissions were negligible and meet the criteria of 40 CFR 93.102(b)(3) for not needing to be included in the direct $PM_{2.5}$ MVEB.

2. MVEBs Identified in the Logan, UT–ID Moderate $PM_{2.5}$ SIP

Utah's Logan, UT–ID $PM_{2.5}$ SIP Section IX. Part A.23 was submitted to meet the requirements of part D of title I of the CAA, subparts 1 and 4 for ''Moderate'' $PM_{2.5}$ nonattainment areas. The State's attainment plan specified the maximum mobile source emissions of $PM_{2.5}$, NO_X and VOC allowed in 2015, the attainment year. These mobile source emissions were then identified by the State as the SIP's MVEBs and are to be used by the Cache MPO to demonstrate transportation conformity for the Cache MPO's RTP and TIP. The attainment plan's 2015 MVEBs include direct $PM_{2.5}$, NO_X, and VOC emissions from vehicle exhaust/evaporation, tire wear and brake wear. The identified MVEBs were included in Table 7.1 of the SIP and are identified as: Direct $PM_{2.5}$ is 0.32 tpd, NO_X is 4.49 tpd, and VOC is 3.23 tpd.

We note that prior to December 31, 2015, the EPA had found the Logan, UT–ID $PM_{2.5}$ MVEBs were adequate as described in the transportation conformity adequacy provisions of 40 CFR 93.118(e). Under 40 CFR 93.118(e)(4)(iv), we review a submitted plan to determine whether the MVEBs, when considered together with all other emissions sources, are consistent with applicable requirements for RFP, attainment, or maintenance (whichever is relevant to a given SIP submission). We described our process for determining the adequacy of submitted SIP MVEBs in our July 1, 2004, Transportation Conformity Rule Amendments (69 FR 40004). We used these resources in making our adequacy determination.

On March 23, 2015, we announced receipt of the Logan, UT–ID $PM_{2.5}$ attainment plan at the EPA's Office of Transportation and Air Quality (OTAQ) adequacy Web site and requested public comment on the adequacy of the MVEBs by April 22, 2015. We did not receive any comments during the comment period. We sent a letter to the UDAQ on June 17, 2015, stating that the submitted Logan, UT–ID $PM_{2.5}$ attainment plan SIP revision MVEBs were adequate for transportation conformity purposes. We announced our adequacy finding in the **Federal Register** on September 11, 2015 (80 FR 54788); effective September 28, 2015.

3. MVEB Trading, for Purposes of Demonstrating Transportation Conformity, in the Logan, UT–ID $PM_{2.5}$ SIP

The EPA's transportation conformity rule allows for trading between direct $PM_{2.5}$ and NO_X and VOC precursor MVEBs, so long as the SIP establishes an appropriate mechanism for such trades.[16]

As discussed in section 7.6 ''Transportation Conformity $PM_{2.5}$

[15] 40 CFR 93.102(b) and 93.122(f); *see also* conformity rule preamble at 69 FR 40004, 40031–40036 (July 1, 2004).

[16] 40 CFR 93.124(b).

Budgets'' of the Logan UT–ID $PM_{2.5}$ attainment plan, the SIP revision establishes a MVEB trading mechanism to allow for future increases in on-road mobile sources direct $PM_{2.5}$ emissions to be offset by future decreases in NO_X and VOC precursor emissions from on-road mobile sources. These ratios were developed from data from the air quality attainment plan's dispersion modeling. Section 7.6 of the SIP and the Logan UT–ID $PM_{2.5}$ attainment plan's Technical Support Documentation Weight-of-Evidence information [17] provide the following modeling-derived trading ratios: Future increases in on-road mobile sources direct $PM_{2.5}$ emissions may be offset with future decreases in NO_X emissions from on-road mobile sources at a NO_X to $PM_{2.5}$ ratio of 13.66 to 1 and/or future decreases in VOC emissions from on-road mobile sources at a VOC to $PM_{2.5}$ ratio of 22.84 to 1.

The SIP notes that this trading mechanism will only be used by the Cache MPO for transportation conformity determination analyses for years after 2015. The SIP further notes that to ensure that the trading mechanism does not impact the ability to meet the NO_X or VOC budgets, the NO_X emission reductions available to supplement the direct $PM_{2.5}$ MVEB shall only be those remaining after the 2015 NO_X MVEB has been met. Also, the VOC emissions reductions available to supplement the direct $PM_{2.5}$ budget shall only be those remaining after the 2015 VOC MVEB has been met. The SIP further articulates that clear documentation of the calculations used in the MVEB trading are to be included in the conformity determination analysis as prepared by the Cache MPO.

4. Evaluation and Proposed Action

The EPA has evaluated the Logan, UT–ID $PM_{2.5}$ attainment plan's emission inventories and attainment demonstration modeling as described in sections above. Based on our evaluation, we have determined that the direct $PM_{2.5}$, NO_X, and VOC MVEBs are appropriately derived from the SIP and are acceptable. We have also evaluated the description and derivation of the MVEB trading mechanism and the supporting data from the SIP's attainment demonstration modeling/Weight-Of-Evidence information and find those acceptable. Therefore, we are proposing to approve the Logan UT–ID $PM_{2.5}$ attainment plan's MVEBs of direct $PM_{2.5}$ of 0.32 tpd, NO_X of 4.49 tpd, and VOC of 3.23 tpd. In addition, we are also proposing to approve the MVEB trading mechanism as documented in section 7.6 of the SIP.

[17] ''$PM_{2.5}$ State Implementation Plan Weight-Of-Evidence to the Model Attainment Test,'' section 1.9, pages 64 and 65.

V. Summary of the EPA's Proposed Action

For the reasons discussed in section IV above, under CAA section 110(k)(3), the EPA is proposing to approve the emissions inventory, modeled attainment demonstration, determination for Major Stationary Source RACT, determination for On-Road Mobile Sources RACM, determination of Cache County I/M program as additional reasonable measures, determination for Off-Road Mobile Sources RACM, and 2015 MVEB for the Logan, UT–ID $PM_{2.5}$ Moderate SIP.

A. Proposed Approval

1. The EPA is proposing the following actions on the Logan, UT–ID $PM_{2.5}$ SIP:

a. Approve the 2010 base year and 2015 projection year emissions inventories;

b. Approve the modeled attainment demonstration;

c. Approve the RACM/RACT and additional reasonable measure demonstrations for on-road mobile, Cache County I/M Program, off-road mobile and point sources; and

d. Approve the 2015 direct $PM_{2.5}$, NO_X and VOC MVEBs and the MVEB trading mechanism.

VI. Consideration of Section 110(l) of the CAA

Under section 110(l) of the CAA, the EPA cannot approve a SIP revision if the revision would interfere with any applicable requirements concerning attainment and RFP toward attainment of the NAAQS, or any other applicable requirement of the Act. The EPA proposes to determine that the portions of the Logan UT–ID $PM_{2.5}$ SIP that we are acting on are consistent with the applicable requirements of the Act. Furthermore, these portions do not relax any previously approved SIP provision; thus they do not otherwise interfere with attainment and maintenance of the NAAQS. In addition, section 110(l) requires that each revision to an implement plan submitted by a state shall be adopted by the state after reasonable notice and opportunity for public hearing. On September 3, 2014, the Air Quality Board proposed for public comment the Logan, UT–ID Moderate $PM_{2.5}$ attainment plan. The public comment period was held from October 1 to October 31, 2014, with a public hearing being held on October 20, 2014. On December 3, 2014, the Air Quality Board adopted the Logan, UT–ID Moderate $PM_{2.5}$ attainment plan and became effective on December 4, 2014. Therefore, CAA section 110(l) requirements are satisfied.

VII. Incorporation by Reference

In this rule, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference the approval of portions of the Logan, UT–ID $PM_{2.5}$ Moderate SIP submitted by the state of Utah as discussed in section IV of this preamble. The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and/or at the EPA Region 8 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VIII. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this proposed action approves state law as meeting federal requirements. For that reason, this proposed action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or

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

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

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

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

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

List of Subjects in 40 CFR Part 52

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

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

Dated: November 21, 2017.

Debra H. Thomas,

Acting Regional Administrator, Region 8.

[FR Doc. 2017–25960 Filed 12–1–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2017–0314; FRL–9970–76]

Receipt of a Pesticide Petition Filed for α-Methyl Mannoside for Residues of Pesticide Chemicals in or on Various Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of filing of petition and request for comment.

SUMMARY: This document announces EPA's receipt of an initial filing of a pesticide petition requesting the establishment or modification of regulations for residues of pesticide chemicals in or on various commodities.

DATES: Comments must be received on or before January 3, 2018.

ADDRESSES: Submit your comments, identified by Docket Identification (ID) Number EPA–HQ–OPP–2017–0314, by one of the following methods:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

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

• *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.* Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Robert McNally, Biopesticides and Pollution Prevention Division (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *BPPDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

• Crop production (NAICS code 111).

• Animal production (NAICS code 112).

• Food manufacturing (NAICS code 311).

• Pesticide manufacturing (NAICS code 32532).

If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, EPA seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticide discussed in this document, compared to the general population.

II. What action is EPA taking?

EPA is announcing receipt of a pesticide petition filed under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, requesting the establishment or modification of regulations in 40 CFR part 180 for residues of pesticide chemicals in or on various food commodities. EPA is taking public comment on the request before responding to the petitioner. EPA is not proposing any particular action at this time. EPA has determined that the pesticide petition described in this document contains data or information prescribed in FFDCA section 408(d)(2), 21 U.S.C. 346a(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the

pesticide petition. After considering the public comments, EPA intends to evaluate whether and what action may be warranted. Additional data may be needed before EPA can make a final determination on this pesticide petition.

Pursuant to 40 CFR 180.7(f), a summary of the petition that is the subject of this document, prepared by the petitioner, is included in a docket EPA has created for this rulemaking. The docket for this petition is available at *http://www.regulations.gov.*

As specified in FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), EPA is publishing notice of the petition so that the public has an opportunity to comment on this request for the establishment or modification of regulations for residues of pesticides in or on food commodities. Further information on the petition may be obtained through the petition summary referenced in this unit.

PP 6F8506. Brandt iHammer, 479 Village Park Dr., Powell, OH 43065, requests to establish an exemption from the requirement of a tolerance in 40 CFR part 180 for residues of the plant regulator α-Methyl Mannoside in or on all raw agricultural commodities. The petitioner believes no analytical method is needed because, based on the physical and chemical properties of a-Methyl Mannoside, as well as minimum exposure to the active ingredient in a formulated product applied to raw agricultural commodities, the use of α-Methyl Mannoside is not likely to result in significant residues, environmental persistence or bioaccumulation.

Authority: 21 U.S.C. 346a.

Dated: November 15, 2017.

Robert McNally,

Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

[FR Doc. 2017–26093 Filed 12–1–17; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 82, No. 231
Monday, December 4, 2017

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2017–0094]

Notice of Request for Revision to and Extension of Approval of an Information Collection; Foot-And-Mouth Disease: Prohibition on Importation of Farm Equipment

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Revision to and extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request a revision to and extension of approval of an information collection associated with the importation of used farm equipment into the United States from regions affected with foot-and-mouth disease.

DATES: We will consider all comments that we receive on or before February 2, 2018.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2017-0094.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2017–0094, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2017-0094* or in our reading room, which is located in Room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on foot-and-mouth disease and the prohibition on importation of farm equipment, contact Dr. Tracye Butler, Senior Staff Veterinarian, National Import Export Services, VS, APHIS, 4700 River Road, Unit 40, Riverdale, MD 20737; (301) 851–3300. For copies of more detailed information on the information collection, contact Ms. Kimberly Hardy, APHIS' Information Collection Coordinator, at (301) 851–2483.

SUPPLEMENTARY INFORMATION:

Title: Foot-And-Mouth Disease: Prohibition on Importation of Farm Equipment.

OMB Control Number: 0579–0195.

Type of Request: Revision to and extension of approval of an information collection.

Abstract: Under the Animal Health Protection Act (7 U.S.C. 8301 *et seq.*), the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture is authorized, among other things, to prohibit or restrict the importation of animals, animal products, and other articles into the United States to prevent the introduction of animal diseases and pests. The regulations for the importation of animals, animal products, and other articles into the United States are contained in 9 CFR parts 92 through 98.

In part 94, § 94.1(c) prohibits the importation of used farm equipment into the United States from regions where APHIS considers foot-and-mouth disease (FMD) or rinderpest to exist unless the equipment has been steam-cleaned prior to export to the United States so that it is free of exposed dirt and other particulate matter. Such equipment must be accompanied by an original certificate, signed by an authorized official of the national animal health service of the exporting region, stating that the farm equipment after its last use and prior to export, was steam-cleaned free of all exposed dirt and other particulate matter.

We are asking the Office of Management and Budget (OMB) to approve our use of this information collection activity, as described, for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the 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, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; *e.g.,* permitting electronic submission of responses.

Estimate of Burden: The public burden for this collection of information is estimated to average 0.2 hours per response.

Respondents: Exporters of farm equipment and foreign animal health authorities from regions where FMD or rinderpest exist.

Estimated Annual Number of Respondents: 71.

Estimated Annual Number of Responses per Respondent: 105.

Estimated Annual Number of Responses: 7,458.

Estimated Total Annual Burden on Respondents: 1,492 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 29th day of November 2017.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2017–26058 Filed 12–1–17; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2017–0084]

Notice of Request for Revision to and Extension of Approval of an Information Collection; Approval of Laboratories for Conducting Aquatic Animal Tests for Export Health Certificates

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Revision to and extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request a revision to and extension of approval of an information collection associated with its efforts to certify certain laboratories that conduct aquatic animal testing for export activities.

DATES: We will consider all comments that we receive on or before February 2, 2018.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2017-0084.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2017–0084, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2017-0084* or in our reading room, which is located in Room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on conducting aquatic animal tests for export health certificates, contact Dr. Katharine Starzel, Aquaculture Liaison Coordinator, 1408 24th Street, Ruskin, FL 33570; (813) 671–5230. For copies of more detailed information on the information collection, contact Ms. Kimberly Hardy, APHIS' Information Collection Coordinator, at (301) 851–2483.

SUPPLEMENTARY INFORMATION:

Title: Approval of Laboratories for Conducting Aquatic Animal Tests for Export Health Certificates.

OMB Control Number: 0579–0429.

Type of Request: Revision to and extension of approval of an information collection.

Abstract: The Animal Health Protection Act (AHPA, 7 U.S.C. 8301 *et seq.*) is the primary Federal law governing the protection of animal health. The AHPA gives the Secretary of Agriculture broad authority to detect, control, or eradicate pests or diseases of livestock or poultry. The Secretary may also prohibit or restrict import or export of any animal or related material if necessary to prevent the spread of any livestock or poultry pest or disease.

Disease prevention is the most effective method for maintaining a healthy animal population and enhancing the ability of U.S. producers to compete in the global market of animal and animal product trade. To facilitate the export of U.S. animals and animal products, the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture maintains information regarding the import health requirements of other countries for animals and animal products, including aquaculture animals, exported from the United States.

While APHIS does not currently require the approval or certification of laboratories that conduct disease tests for the export of aquaculture animals, some countries that import these animals from the United States require them to be tested for certain diseases and the test results recorded on the export certificates. In addition, the test results must originate from a laboratory approved by the competent authority of the exporting country, which is APHIS in this case. State, university, and private laboratories can voluntarily seek APHIS approval of individual diagnostic methods. Though APHIS does not have regulations for the approval or certification of laboratories that conduct tests for the export of aquaculture animals, APHIS provides this approval as a service to U.S. exporters who export aquaculture animals to countries that require this certification.

APHIS evaluates diagnostic methods for detecting aquatic animal pathogens listed by the World Organization for Animal Health (OIE) in the OIE diagnostic manual and other supporting scientific literature. APHIS lists the laboratories approved to conduct diagnostic testing in support of export health certification of aquatic species at *http://www.aphis.usda.gov/animal_health/lab_info_services/downloads/ApprovedLabs_Aquaculture.pdf.* Once approved, the laboratories are inspected by APHIS every 2 years to maintain their approval.

The approval of laboratories to conduct tests for the export of aquaculture animals requires the use of certain information collection activities including notification of intent to request approval, application for APHIS approval, protocol statement, submission and recordkeeping of sample copies of diagnostic reports, quality assurance/control plans and their recordkeeping, notification of proposed changes to assay protocols, recordkeeping of supporting assay documentation, and request for removal of approved status.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities, as described, for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the 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, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; *e.g.,* permitting electronic submission of responses.

Estimate of Burden: The public burden for this collection of information is estimated to average 28.11 hours per response.

Respondents: State, university, and private laboratory personnel.

Estimated Annual Number of Respondents: 12.

Estimated Annual Number of Responses per Respondent: 183.

Estimated Annual Number of Responses: 2,205.

Estimated Total Annual Burden on Respondents: 62,000 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 29th day of November 2017.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2017–26060 Filed 12–1–17; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2017–0085]

Notice of Request for Revision to and Extension of Approval of an Information Collection; National Veterinary Services Laboratories Request Forms

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Revision to and extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request a revision to and extension of approval of an information collection associated with its efforts to safeguard the health of the U.S. livestock and poultry populations by the use of National Veterinary Services Laboratories request forms.

DATES: We will consider all comments that we receive on or before February 2, 2018.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2017-0085.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2017–0085, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2017-0085* or in our reading Room, which is located in Room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on National Veterinary Services Laboratories request forms, contact Ms. Lori Anderson, Chief of Staff, STAS, VS, APHIS, 1920 Dayton Ave., Ames, IA 50010; (515) 337–7405. For copies of more detailed information on the information collection, contact Ms. Kimberly Hardy, APHIS' Information Collection Coordinator, at (301) 851–2483.

SUPPLEMENTARY INFORMATION:

Title: National Veterinary Services Laboratories Request Forms.

OMB Control Number: 0579–0430.

Type of Request: Revision to and extension of approval of an information collection.

Abstract: The Animal Health Protection Act (7 U.S.C. 8301 *et seq.*) provides the Secretary of Agriculture broad authority to prohibit or restrict, through orders and regulations, the importation or entry of any animal, article, or means of conveyance if the U.S. Department of Agriculture determines that the prohibition or restriction is necessary to prevent the introduction or spread of any pest or disease of livestock within the United States. Disease prevention is the most effective method for maintaining a healthy animal population.

As an element of the Animal and Plant Health Inspection Service (APHIS) disease prevention mission, the National Veterinary Services Laboratories (NVSL) safeguard U.S. animal health by ensuring that timely and accurate laboratory support is provided through a nationwide animal health diagnostic system. NVSL's work necessitates the use of several information collection activities including requests for reagents or supplies, NVSL contact information updates, and NVSL applications for laboratory training.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities, as described, for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the 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, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; *e.g.,* permitting electronic submission of responses.

Estimate of burden: The public burden for this collection of information is estimated to average 0.25 hours per response.

Respondents: Domestic and foreign diagnostic laboratories (Federal, State, university, or private), researchers (academia, private, government), and private veterinary practitioners.

Estimated annual number of respondents: 652.

Estimated annual number of responses per respondent: 4.

Estimated annual number of responses: 2,800.

Estimated total annual burden on respondents: 692 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, on November 29, 2017.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2017–26059 Filed 12–1–17; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2017–0095]

Notice of Request for Revision to and Extension of Approval of an Information Collection; Importation of Poultry Meat and Other Poultry Products From Sinaloa and Sonora; Poultry and Pork Transiting the United States

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Revision to and extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request a revision to and extension of

approval of an information collection associated with the regulations for the importation of poultry meat and other poultry products from Sinaloa and Sonora and for pork and poultry products transiting the United States.

DATES: We will consider all comments that we receive on or before February 2, 2018.

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

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2017-0095.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2017–0095, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2017-0095* or in our reading room, which is located in Room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on the importation of poultry meat and other poultry products from Sinaloa and Sonora, Mexico, and poultry and pork transiting the United States, contact Dr. Magde Elshafie, VS, APHIS, 4700 River Road, Unit 39, Riverdale, MD 20737; (301) 851–3300. For copies of more detailed information on the information collection, contact Ms. Kimberly Hardy, APHIS' Information Collection Coordinator, at (301) 851–2483.

SUPPLEMENTARY INFORMATION:

Title: Importation of Poultry Meat and Other Poultry Products From Sinaloa and Sonora, Mexico; Poultry and Pork Transiting the United States.

OMB Control Number: 0579–0144.

Type of Request: Revision to and extension of approval of an information collection.

Abstract: The Animal Health Protection Act is the primary Federal law governing the protection of animal health. The law gives the Secretary of Agriculture broad authority to detect, control, or eradicate pests or diseases of livestock or poultry. The Secretary may also prohibit or restrict the import or export of any animal or related material if necessary to prevent the spread of any livestock or poultry pest or disease.

Disease prevention is the most effective method for maintaining a healthy animal population and for enhancing the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS), Veterinary Services' ability to allow U.S. animal producers to compete in the world market of animal and animal product trade. APHIS is the agency charged with carrying out disease prevention by regulating the importation of animals and animal products into the United States. The regulations under which APHIS conducts these disease prevention activities are contained in title 9, chapter 1, subchapter D, parts 91 through 99, of the Code of Federal Regulations. These regulations govern the importation of animals and animal products.

APHIS currently places certain restrictions on the importation and in-transit movement of fresh (chilled or frozen) pork and pork products from Mexico because of the presence of classical swine fever (CSF) in some areas of Mexico.[1] However, the regulations in § 94.15 allow pork and pork products from certain Mexican States to transit the United States, under seal, for export to another country.

In addition, the regulations in § 94.6 provide the requirements for, among other things, the importation of poultry carcasses, parts, products, and eggs (other than hatching eggs) from regions where Newcastle disease (ND) is considered to exist. However, § 94.33 allows poultry carcasses, parts, products, and eggs (other than hatching eggs) that do not qualify for entry into the United States to transit the United States via land ports, for immediate export, from Mexican States that Mexico considers to be free of ND. APHIS believes that allowing such in-transit movements presents a negligible risk of introducing ND or CSF into the United States while simultaneously avoiding unnecessary restrictions on trade.

APHIS also currently has regulations in place that restrict the importation of poultry meat and other poultry products from Mexico due to the presence of ND in that country. However, under the regulations in § 94.30, APHIS allows the importation of poultry meat and poultry products from the Mexican States of Sinaloa and Sonora, if imported according to APHIS' requirements, because APHIS has determined that poultry meat and products from these two Mexican States pose a negligible risk of introducing ND into the United States.

To ensure these items are safe for importation, APHIS requires that information collection activities take place such as foreign meat inspection certificates, serially numbered seals, applications for import permits, emergency action notification, and pre-arrival notifications.

The information collection requirements above are currently approved by the Office of Management and Budget (OMB) under OMB control numbers 0579–0144 (Importation of Poultry Meat and other Poultry Products from Sinaloa and Sonora, Mexico) and 0579–0145 (Poultry and Pork Products Transiting the United States). After OMB approves this combined information collection package (0579–0144), APHIS will retire OMB control number 0579–0145.

In addition, as a result of merging these information collection activities, APHIS has revised the title of this information collection from ''Importation of Poultry Meat and other Poultry Products from Sinaloa and Sonora, Mexico'', to ''Importation of Poultry Meat and Other Poultry Products From Sinaloa and Sonora, Mexico; Poultry and Pork Transiting the United States.''

We are asking OMB to approve our use of these information collection activities, as described, for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the 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, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; *e.g.,* permitting electronic submission of responses.

Estimate of burden: The public burden for this collection of information is estimated to average 0.9 hours per response.

Respondents: Federal animal health authorities in Mexico and U.S. importers and exporters of poultry meat,

[1] On August 8, 2017, APHIS published a notice of availability of an evaluation of the CSF status of Mexico. The notice, supporting documents, and the comment we received may be viewed at *https://www.regulations.gov/docket?D=APHIS-2016-0038.*

other poultry products, pork, and pork products from Mexico.

Estimated annual number of respondents: 400.

Estimated annual number of responses per respondent: 1.40.

Estimated annual number of responses: 562.

Estimated total annual burden on respondents: 558 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 29th day of November 2017.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2017–26057 Filed 12–1–17; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Forest Service

Information Collection; Timber Sale Contract Operations and Administration

AGENCY: Forest Service, USDA.

ACTION: Notice; request for comment

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Forest Service is seeking comments from all interested individuals and organizations on the renewal of the currently approved information collection *0596–0225, Timber Sale Contract Operations and Administration.*

DATES: Comments must be received in writing on or before February 2, 2018 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Comments concerning this notice should be addressed to Carl Maass, Natural Resources Research Center, 2150 Centre Ave., Building A, Suite 316, Fort Collins, CO 80526. Comments also may be submitted via facsimile to (202) 205–1045 or by Email to: *tsc_op_admin_forms@fs.fed.us.*

All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Office of the Director, Forest Management, Third Floor, Southwest Wing, Yates Building, 201 14th Street SW., Washington, DC. Visitors are encouraged to call ahead at (202) 205–1496 to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Carl Maass, Forest Management Staff, at (970) 295–5961. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339, 24 hours a day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION:

Title: Timber Sale Contract Operations and Administration.

OMB Number: 0596–0225.

Expiration Date of Approval: May 31, 2018.

Type of Request: Renewal without Change.

Abstract: Forest Service contracts for the sale of timber and other forest products are bilateral contracts in which both contracting parties are bound to fulfill obligations reciprocally. By their nature, bilateral contracts require both parties to routinely share information and enter into agreements pertaining to operations and performance. Some information collected under Forest Service contracts is required by laws, regulations, and/or timber sale policies. Each contract specifies information the contractor will be required to provide, including the timing and frequency of the information collection.

The type and amount of information collected varies depending on the size, complexity, and length of each contract, and external factors such as weather and market conditions. The information collected includes plans, requests, agreements, and notices necessary for operations under the terms of the contracts. Forest Service officers collect the information from contractors who may be individuals, private sector businesses, or other government entities. The information is submitted in a variety of formats including Forest Service forms, Government Standard and/or Common Forms, forms developed by individual contractors, charts, maps, email messages, facsimiles, and letters. Also, to assist small contractors and lessen their burden, individual Contracting Officers may provide optional forms for some of the information collected.

Depending on the purpose of the specific information collection, the information may be submitted by electronic mail, facsimile, conventional mail, or hand delivery. The information is needed by the Agency for a variety of uses associated with the operations and administration of contracts for the sale of timber and other forest products, in order to: (1) Plan and schedule contract administration workloads, (2) plan and schedule the delivery of government furnished materials needed by contractors, (3) assure the safety of the public in the vicinity of contract work, (4) identify contractor resources that may be used in emergency fire-fighting situations, (5) determine contractor eligibility for additional contract time, (6) determine contractor eligibility for re-determining contract rates, (7) monitor compliance with domestic processing requirements, (8) monitor compliance with Small Business Administration requirements, (9) process agreements and modifications, (10) inspect and accept work and (11) properly process payment bonds.

Forms Associated With This Information Collection

FS–2400–0076 *Pre-Award Waiver, Release, and Limitation of Liability Agreement:* This form was developed for limited use when the apparent high bidder of a sale that is the subject of litigation requests to have the sale awarded prior to the litigation being resolved.

The following forms are available for optional use by timber sale purchasers. These forms were developed to assist small purchasers in submitting all of the information that the contract requires be included in these plans and schedules:

FS–2400–0077 *General Plan of Operation.* No changes.

FS–2400–0078 *Annual Operating Schedule.* No changes.

FS–2400–0079 *Specified Road Schedule of Proposed Progress.* No changes.

The following forms are for mandatory use when purchaser requests changes to the terms of the contract:

FS–2400–0010 *Agreement Extend and Modify Timber Sale or Integrated Resource Timber Contract.* This form is required to be used when a contract is extended or modified under the terms of the contract. No changes.

FS–2400–0011 *Waiver of Time Limit:* Required for use when additional time is needed for a Purchaser to complete non-timber removal work after the contract terminates. No changes.

FS–2400–0012 *Third Party Agreement:* Required for use when a Purchaser requests that another party take over operational responsibility for timber sale contract. No changes.

FS–2400–0016 *Request for Cooperative Work:* Required for use when a Purchaser requests Forest Service to assume the Purchaser's obligation to perform work under the contract. No changes.

The following forms are for mandatory use when purchaser requests

the use of a Performance Bond or Blanket Payment Bond on the contract:

FS–6500–12 *Payment Bond (for Timber Sales and Stewardship Contracts).* No changes.

FS–6500–12a *Blanket Payment Bond.* No changes.

Type of Respondents: Timber sale and forest products contractors.

Estimated Annual Number of Contracts: 3,400.

Estimated Annual Number of Respondents: 1,370.

Estimated Annual Responses: 128,100.

Estimated Annual Number of Responses per Respondent: 93.5.

Estimated Total Annual Burden on Respondents: 40,700 hours.

Estimate of Average Burden per Response: 0.32 hours.

To see forms displaying versions currently in use can be viewed on the World Wide Web/Internet site at: *https://www.fs.fed.us/forest management/products/2018-forms-update.shtml,* and in the Office of the Director, Forest Management, Third Floor, Southwest Wing, Yates Building, 201 14th Street SW., Washington, DC. Visitors are encouraged to call ahead at (202) 205–1496 to facilitate entry into the building.

Comment Is Invited

Comment is invited on: (1) Whether the proposed collection of information is necessary for the stated purposes or the proper performance of the functions of the agency, including whether the information shall have practical or scientific 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 respondents, including the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including name and address when provided, will be summarized and included in the request for Office of Management and Budget approval. All comments also will become a matter of public record.

Dated: November 15, 2017.

Christopher French,

Associate Deputy Chief, National Forest System.

[FR Doc. 2017–25958 Filed 12–1–17; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Information Collection; Qualified Products Lists for Fire Chemicals for Wildland Fire Management

AGENCY: Forest Service, USDA.

ACTION: Notice; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Forest Service is seeking comments from all interested individuals and organizations on the extension with no revision of a currently approved information collection, Qualified Products Lists for Fire Chemicals for Wildland Fire Management.

DATES: Comments must be received in writing on or before February 2, 2018 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Comments concerning this notice should be addressed to Dave Haston, Branch Chief, Equipment and Chemicals, USDA Forest Service, National Interagency Fire Center, 3833 S. Development Avenue, Boise, ID 83705.

Comments also may be submitted via facsimile to 208–387–5642 or by email to: *dhaston@fs.fed.us.*

The public may inspect comments received at the National Interagency Fire Center (NIFC), Jack Wilson Building, in Boise, Idaho, Monday through Friday 10:00 a.m. to 3:00 p.m. Visitors are encouraged to call ahead to 208–387–5348 to facilitate entry to the building.

FOR FURTHER INFORMATION CONTACT: Shirley Zylstra, Missoula Technology and Development Center (MTDC), 406–329–4859, Cecilia Johnson, (MTDC), 406–329–4819, or Dave Haston, NIFC, 208–387–5642. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 twenty-four hours a day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION:

Title: Qualified Products Lists for Fire Chemicals for Wildland Fire Management.

OMB Number: 0596–0182.

Expiration Date of Approval: April 30, 2018.

Type of Request: Extension with no revision.

Abstract: The Forest Service and cooperating wildland firefighting agencies need adequate types and quantities of qualified fire chemical products available to accomplish fire management activities as safely and effectively as possible. To accomplish this objective, the Agency evaluates and pre-approves commercial wildland firefighting chemicals. The Agency is required to submit the formulations to the U.S. Fish and Wildlife Service and NOAA Fisheries during the evaluation process. All products must meet the requirements of specifications identified and maintained by the Wildland Fire Chemical Systems (WFCS) staff at the National Technology & Development Program (Missoula). After a product evaluation has been completed successfully, the product is added to the Qualified Products List (QPL) for the appropriate product type. All Federal procurements of wildland fire chemicals are made from these lists.

To initiate an evaluation, product manufacturers (or authorized suppliers) enter into an agreement with the Forest Service and pay all costs associated with the submission and evaluation of the product. Once the agreement is in place and funds are deposited to cover the associated costs, the manufacturer submits the following information to WFCS:

1. List of the specific ingredients and quantity used to prepare the product;

2. Identification of a specific company as the source of supply for each ingredient;

3. Copies of the Material Safety Data Sheet (MSDS) for the product and for each ingredient used to prepare the product (from the company that supplies that chemical); and

4. Specific mixing requirements and performance information.

Review of the submitted information assures that the product does not contain ingredients meeting the criteria for Chemicals of Concern. Chemicals of Concern are defined as chemicals appearing on one or more of the following lists:

- Agency list of unacceptable ingredients;
- National Toxicology Program (NTP) Annual Report on Carcinogens;
- International Agency for Research on Cancer (IARC) Monographs for Potential Carcinogen;
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) List of Extremely Hazardous Substances and Their Threshold Planning Quantities;
- Resources Conservation and Recovery Act (RCRA), Acutely Hazardous and Toxic Wastes; and
- Emergency Planning and Community Right to Know (EPCRA), Toxic Release Inventory.

A risk assessment, performed at the manufacturer expense, is required. The risk assessment, performed by a third party selected by the Agency, assesses

the products and levels of ingredients found in typical applications relative to human and environmental impact.

Each product submitted is tested to determine the mammalian and aquatic toxicity of the product and must meet specific levels of performance to minimize potential risk during firefighting operations. Additional tests are performed to determine the effectiveness of the product to reduce spread rate and intensity of the fire by application directly on or near the fire. A number of product characteristics are measured over the operational performance range of the product to ensure that the product meets the needs of the firefighters in the field.

The collection of this information for each product submission is necessary due to the length of time needed to test the product (18 to 24 months) and the need to ensure that products do not pose a hazard for laboratory personnel during the evaluation prior to purchase and use. This information collection and the product evaluation must be conducted on an ongoing basis to ensure the Agency can solicit and award contracts in a timely manner to provide firefighters with safe and effective wildland fire chemical products.

Estimate of Annual Burden: 4.5 hours.

Type of Respondents: Businesses (manufacturers and suppliers) of fire chemicals for wildland fire management.

Estimated Annual Number of Respondents: 3.

Estimated Annual Number of Responses per Respondent: 3.

Estimated Total Annual Burden on Respondents: 40.5 hours.

Comment Is Invited

Comment is invited on: (1) Whether this collection of information is necessary for the stated purposes and the proper performance of the functions of the Agency, including whether the information will have practical or scientific utility; (2) the accuracy of the Agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record.

Comments will be summarized and included in the submission request toward Office of Management and Budget approval.

Dated: November 13, 2017.

Glenn Casamassa,

Associate Deputy Chief, National Forest System.

[FR Doc. 2017–25963 Filed 12–1–17; 8:45 am]

BILLING CODE 3411–15–P

COMMISSION ON CIVIL RIGHTS

Sunshine Act Meetings

AGENCY: United States Commission on Civil Rights.

ACTION: Notice of Commission Public Briefing.

DATES: Friday, December 8, 2017, 9:00 a.m. EST.

ADDRESSES: National Place Building, 1331 Pennsylvania Ave. NW., Suite 1150, Washington, DC 20245 (Entrance on F Street NW.).

FOR FURTHER INFORMATION CONTACT: Brian Walch, (202) 376–8371; TTY: (202) 376–8116; *publicaffairs@usccr.gov.*

SUPPLEMENTARY INFORMATION: The Commission will hold a public briefing: *The School-to-Prison Pipeline: The Intersections of Students of Color with Disabilities.* This meeting is open to the public.

The Commission's focused investigation will examine school districts' compliance with federal laws designed to ensure the safety of students of color with disabilities against discrimination, and whether laws adequately protect these students from discriminatory disciplinary actions and policies.

The Commission will hear presentations from diverse stakeholders, including advocacy groups and academics. Following these presentations, the Commission will hold an open comment period from 1:00–2:00 p.m. EST. Individuals who wish to participate in the open comment period should sign-up at the Commission between 9:30 a.m. and 12:30 p.m. EST. Each individual will have up to three (3) minutes to speak, with spots allotted on a first-come, first-serve basis. In addition, the Commission welcomes submission of additional material for consideration as we prepare a report following the briefing; please submit such information to *schooldiscipline@usccr.gov.*

The event will live-stream at *https://www.youtube.com/user/USCCR/videos* and there will be a public call-in line (listen-only): 1–800–479–9001; conference ID 8362937. If attending in person, we ask that you RSVP to *publicaffairs@usccr.gov.* Persons with disabilities who need accommodation should contact Pamela Dunston at (202) 376–8105 or at *access@usccr.gov* at least three business days before the date of the meeting.

Agenda

I. Introductory Remarks by Chair Catherine E. Lhamon 9:00–9:10 a.m.

II. Panel One: Federal Education Policy 9:10–10:30 a.m.

- Anurima Bhargava: Former Chief of Educational Opportunities Section, Civil Rights Division, U.S. Department of Justice
- Eve Hill: Former Deputy Assistant Attorney General, Civil Rights Division, U.S. Department of Justice
- Kristen Harper: Former Senior Policy Advisor, Office of Special Education and Rehabilitative Services, U.S. Department of Education
- Rebecca Cokley: Former Executive Director, National Council on Disability

III. Break 10:30–10:40 a.m.

IV. Panel Two: Stakeholders, Researchers, Experts on Special Education and the School-to-Prison Pipeline 10:40 a.m.–12:00 p.m.

- Max Eden: Senior Fellow, Manhattan Institute
- James Scanlan: Attorney studying statistical discrimination on educational and achievement disparities and studies federal education statutes
- Dan Losen: Director, Center for Civil Rights Remedies, University of California, Los Angeles
- Monique Morris: Founder and President, National Black Women's Justice Institute, with expertise in the areas of education, civil rights, juvenile and social justice

V. Break 12:00–1:00 p.m.

VI. Open Comment Period 1:00–2:00 p.m.

VII. Adjourn 2:00 p.m.

Dated: November 30, 2017.

Brian Walch,

Director, Communications and Public Engagement.

[FR Doc. 2017–26145 Filed 11–30–17; 11:15 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

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: U.S. Census Bureau.

Title: Annual Retail Trade Survey.

OMB Control Number: 0607–0013.

Form Number(s): SA–44, SA–44A, SA–44C, SA–44D, SA–44E, SA–44N, SA–44S, SA–44T.

Type of Request: Revision of a currently approved collection.

Number of Respondents: 20,067.

Average Hours per Response: Because of the inclusion of the detailed operating expenses questions in the 2017 survey year ARTS (collected in 2018), the average burden per respondent for that year will be 3 hours and 19 minutes. In survey years 2018 and 2019, the average burden will be 37 minutes.

Burden Hours: 30,531.

Needs and Uses: The Annual Retail Trade Survey (ARTS) covers employer firms with establishments located in the United States and classified in retail trade sector as defined by the North American Industry Classification System (NAICS). The survey requests firms to provide annual sales, sales tax, e-commerce sales, year-end inventories held inside and outside the United States, total operating expenses, purchases, and accounts receivable. We also request, for selected industries, sales and e-commerce sales by merchandise line.

The data collected in the ARTS provide a current statistical picture of the retail portion of consumer activity. These data are collected to provide a sound statistical basis for the formation of policy by various government agencies, as well as to serve as a benchmark for the estimates compiled from the Monthly Retail Trade Survey. Results will be made available, at the United States summary level, for selected retail trade industries approximately fifteen months after the end of the reference year.

Every 5 years, ARTS requests data on detailed operating expenses. During the 2017 collection survey year that will occur in 2018, ARTS will collect detailed operating expenses. The last time ARTS collected detailed operating expenses was in 2013 for the 2012 survey year. Estimates are published based on the NAICS, which has been widely adopted throughout both the public and private sectors.

This request is for the clearance of eight electronic report worksheets, the SA–44, SA–44A, SA–44C, SA–44D, SA–44E, SA–44N, SA–44S, and SA–44T. These eight electronic worksheets enable us to collect information on a NAICS basis and to request similar data items. Variations in the electronic worksheets are needed to address the size of the firm, kind-of-business, or data items requested.

The Bureau of Economic Analysis (BEA) uses the data to estimate the change in private inventories component of gross domestic product (GDP) and output in both the benchmark and annual input-output (I–O) accounts and GDP by industry. Data on sales taxes are also used to prepare estimates of GDP by industry and to derive industry output for the I–O accounts. Data on detailed operating expenses, are collected on this survey quinquennially and are used to produce national estimates of value added, gross output, and intermediate inputs and serve as a benchmark for the annual industry accounts, which provide the control totals for the GDP-by-state accounts.

The Bureau of Labor Statistics uses the data as input to its Producer Price Indexes and in developing productivity measurements. The Federal Reserve Board uses the accounts receivables balances to measure consumer credit. Private businesses use the estimates in computing business activity indexes.

Other government agencies and businesses use the data to satisfy a variety of public and business needs such as economic market analysis, company performance, and forecasting future demands.

Affected Public: Business or other for-profit.

Frequency: Annually.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13, United States Code, Section 131 and 182.

This information collection request may be viewed at *www.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.

Sheleen Dumas,

Departmental PRA Lead, Office of the Chief Information Officer.

[FR Doc. 2017–26076 Filed 12–1–17; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

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: International Trade Administration.

Title: Steel Import License.

OMB Control Number: 0625–0245.

Form Number(s): ITA–4141P.

Type of Request: Regular submission (extension of a currently approved information collection).

Number of Respondents: 3,500.

Average Hours per Response: 0.17 hour/response (10 minutes).

Burden Hours: 92,878.

Needs and Uses: In order to monitor steel imports in real-time and to provide the public with real-time data, the Department of Commerce (DOC) must collect and provide timely aggregated summaries about these imports. The Steel Import License proposed by the International Trade Administration of the DOC is the tool used to collect the necessary information. The Census Bureau currently collects import data and disseminates aggregate information about steel imports. However, the time required to collect, process, and disseminate this information through Census can take up to 70 days after importation of the product, giving interested parties and the public far less time to respond to injurious sales.

Affected Public: Business or other for-profit organizations.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

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.

Sheleen Dumas,

Departmental PRA Lead, Office of the Chief Information Officer.

[FR Doc. 2017–26089 Filed 12–1–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

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 (44 U.S.C. Chapter 35).

Agency: Bureau of Economic Analysis (BEA), Commerce.

Title: Quarterly Survey of Foreign Direct Investment in the United States—Transactions of U.S. Affiliate with Foreign Parent.

OMB Control Number: 0608–0009.

Form Number: BE–605.

Type of Request: Regular submission.

Number of Responses: 17,200 annually.

Average Hours per Response: One hour is the average, but may vary considerably among respondents because of differences in company size and complexity.

Estimated Total Annual Burden Hours: 17,200.

Needs and Uses: The Quarterly Survey of Foreign Direct Investment in the United States—Transactions of U.S. Affiliate with Foreign Parent (Form BE–605) obtains quarterly data on transactions and positions between foreign-owned U.S. business enterprises and their ''affiliated foreign groups'' (*i.e.,* their foreign parents and foreign affiliates of their foreign parents). The survey is a sample survey that covers all U.S. affiliates above a size-exemption level. The sample data are used to derive universe estimates of direct investment transactions, positions, and income in nonbenchmark years from similar data reported in the BE–12, Benchmark Survey of Foreign Direct Investment in the United States, which is conducted every five years and will next be conducted for the fiscal year ending in 2017. The data collected through the BE–605 survey are essential for the preparation of the U.S. international transactions, national income and product, and input-output accounts and the international investment position of the United States. The data are needed to measure the size and economic significance of foreign direct investment in the United States, measure changes in such investment, and assess its impact on the U.S. economy.

Affected Public: Businesses or other for-profit organizations.

Frequency: Quarterly.

Respondent's Obligation: Mandatory.

This information collection request may be viewed at *www.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.

Sheleen Dumas,

Departmental PRA Lead, Office of the Chief Information Officer.

[FR Doc. 2017–26010 Filed 12–1–17; 8:45 am]

BILLING CODE 3510–06–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Modification of June 27, 2017 Renewal of Temporary Denial Order

Mahan Airways, Mahan Tower, No. 21, Azadegan St., M.A. Jenah Exp. Way, Tehran, Iran

Pejman Mahmood Kosarayanifard, a/k/a Kosarian Fard, P.O. Box 52404, Dubai, United Arab Emirates;

Mahmoud Amini, G#22 Dubai Airport Free Zone, P.O. Box 393754, Dubai, United Arab Emirates; and

P.O. Box 52404, Dubai, United Arab Emirates; and

Mohamed Abdulla Alqaz Building, Al Maktoum Street, Al Rigga, Dubai, United Arab Emirates;

Kerman Aviation, a/k/a GIE Kerman Aviation, 42 Avenue Montaigne 75008, Paris, France

Sirjanco Trading LLC, P.O. Box 8709, Dubai, United Arab Emirates

Mahan Air General Trading LLC, 19th Floor Al Moosa Tower One, Sheik Zayed Road, Dubai 40594, United Arab Emirates

Mehdi Bahrami, Mahan Airways-Istanbul Office, Cumhuriye Cad. Sibil Apt No: 101 D:6, 34374 Emadad, Sisli Istanbul, Turkey

Al Naser Airlines, a/k/a al-Naser Airlines, a/k/a Alnaser Airlines and, Air Freight Ltd., Home 46, Al-Karrada, Babil Region, District 929, St 21, Beside Al Jadirya Private Hospital, Baghdad, Iraq; and

Al Amirat Street, Section 309, St. 3/H.20, Al Mansour, Baghdad, Iraq; and

P.O. Box 28360, Dubai, United Arab Emirates; and

P.O. Box 911399, Amman 11191, Jordan

Ali Abdullah Alhay, a/k/a Ali Alhay, a/k/a Ali Abdullah Ahmed Alhay, Home 46, Al-Karrada, Babil Region, District 929, St 21, Beside Al Jadirya Private Hospital, Baghdad, Iraq; and

Anak Street, Qatif, Saudi Arabia 61177,

Bahar Safwa General Trading, P.O. Box 113212, Citadel Tower, Floor-5, Office #504, Business Bay, Dubai, United Arab Emirates; and

P.O. Box 8709, Citadel Tower, Business Bay, Dubai, United Arab Emirates, Sky Blue Bird Group, a/k/a Sky Blue Bird Aviation, a/k/a Sky Blue Bird Ltd, a/k/a Sky Blue Bird FZC, P.O. Box 16111, Ras Al Khaimah Trade Zone, United Arab Emirates; and

Issam Shammout, a/k/a Muhammad Isam Muhammad Anwar Nur Shammout, a/k/a Issam Anwar, Philips Building, 4th Floor, Al Fardous Street, Damascus, Syria; and

Al Kolaa, Beirut, Lebanon 151515; and

17–18 Margaret Street, 4th Floor, London, W1W 8RP, United Kingdom; and

Cumhuriyet Mah. Kavakli San St. Fulya, Cad. Hazar Sok. No.14/A Silivri, Istanbul, Turkey

Pursuant to Section 766.24 of the Export Administration Regulations, 15 CFR parts 730–774 (2017) (''EAR'' or the ''Regulations''),[1] I hereby grant the request of the Office of Export Enforcement (''OEE'') to modify the order that I issued on June 27, 2017, renewing the temporary denial order (''TDO'') in this matter (''June 27, 2017 TDO Renewal Order'').

OEE has requested that the following parties be removed from the TDO:

Ali Eslamian, 33 Cavendish Square, 4th Floor, London, W1G 0PW, United Kingdom; and

2 Bentinck Close, Prince Albert Road, St. Johns Wood, London NW8 7RY, United Kingdom

Equipco (UK) Ltd., 2 Bentinck Close, Prince Albert Road, St. Johns Wood, London, NW8 7RY, United Kingdom

Skyco (UK) Ltd., 33 Cavendish Square, 4th Floor, London, W1G 0PW, United Kingdom

I. Pertinent Procedural History [2]

On March 17, 2008, Darryl W. Jackson, the then-Assistant Secretary of Commerce for Export Enforcement (''Assistant Secretary''), signed a TDO denying Mahan Airways' export privileges for a period of 180 days on the grounds that its issuance was necessary in the public interest to prevent an imminent violation of the Regulations. The TDO was issued *ex parte* pursuant to Section 766.24(a), and went into effect on March 21, 2008, the date it was published in the **Federal Register** (''the TDO''). The TDO subsequently has been renewed in accordance with Section 766.24(d), including most recently on June 27, 2017.[3] Parties have been added to or

[1] The Regulations, currently codified at 15 CFR parts 730–774 (2017), originally issued pursuant to the Export Administration Act of 1979. Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), which has been extended by successive Presidential Notices, the most recent being that of August 15, 2017 (82 FR 39,005 (August 16, 2017)), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701, *et seq.*) (2012).

[2] The June 27, 2017 TDO Renewal Order includes a more detailed procedural history relating to the TDO. See 82 FR 30,823 (July 3, 2017).

[3] The June 27, 2017 Order was effective upon issuance and was published in the **Federal Register** on July 3, 2017 (82 FR 30,823). The TDO previously had been renewed by orders issued and effective on, respectively, September 17, 2008, March 16, 2009, September 11, 2009, March 9, 2010, September 3, 2010, February 25, 2011, August 24, 2011, February 15, 2012, August 9, 2012, February 4, 2013, July 31, 2013, January 24, 2014, July 22, 2014, January 16, 2015, July 13, 2015, January 7,

Continued

removed from the TDO at various times in renewal orders or though orders modifying or amending the TDO. As part of the August 24, 2011 TDO renewal, Ali Eslamian was added to the TDO as a related person. Equipco (UK) Ltd. and Skyco (UK) Ltd. were subsequently added to the TDO as related persons through a modification order issued and effective on April 9, 2012.

On June 27, 2017, I signed a renewal order denying for an additional 180 days the export privileges of Ali Eslamian, Equipco (UK) Ltd., and Skyco (UK) Ltd., as well as Mahan Airways, Pejman Mahmood Kosarayanifard, Mahmoud Amini, Kerman Aviation, Sirjanco Trading LLC, Mahan Air General Trading LLC, Mehdi Bahrami, Al Naser Airlines, Ali Abdullah Alhay, Bahar Safwa General Trading, Sky Blue Bird Group, and Issam Shammout. See 82 FR 30,823 (July 3, 2017). On September 28, 2017, I issued an order (''the Settlement Order'') approving a settlement agreement between BIS and Ali Eslamian, Equipco (UK) Ltd., and Skyco (UK) Ltd. (''the Settlement Agreement''), which, inter alia, resolves pursuant to that Order and the Settlement Agreement an administrative charge against Ali Eslamian for acting contrary to the terms of the TDO, in violation of Section 764.2(k) of the Regulations (''the Charging Letter''). In doing so, I found that the requirements of Section 766.23 of the Regulations had been met to include Equipco (UK) Ltd. and Skyco (UK) Ltd., two companies owned and operated by Ali Eslamian, in the Settlement Order as related persons.[4] As part of the approved Settlement Agreement, OEE agreed to request that I remove Ali Eslamian, Equipco (UK) Ltd., and Skyco (UK) Ltd from the TDO. As indicated above, OEE has made that request.

II. Findings

Having considered OEE's request and the record herein, I find that Ali Eslamian, Equipco (UK) Ltd., and Skyco (UK) Ltd. should be removed from the TDO. The TDO shall remain in full force and effect as to Mahan Airways, Pejman Mahmood Kosarayanifard, Mahmoud Amini, Kerman Aviation, Sirjanco Trading LLC, Mahan Air General Trading LLC, Mehdi Bahrami, Al Naser Airlines, Ali Abdullah Alhay, Bahar Safwa General Trading, Sky Blue Bird Group, and Issam Shammout.

III. Order

It is therefore ordered:

First, that MAHAN AIRWAYS, Mahan Tower, No. 21, Azadegan St., M.A. Jenah Exp. Way, Tehran, Iran; PEJMAN MAHMOOD KOSARAYANIFARD A/K/A KOSARIAN FARD, P.O. Box 52404, Dubai, United Arab Emirates; MAHMOUD AMINI, G#22 Dubai Airport Free Zone, P.O. Box 393754, Dubai, United Arab Emirates, and P.O. Box 52404, Dubai, United Arab Emirates, and Mohamed Abdulla Alqaz Building, Al Maktoum Street, Al Rigga, Dubai, United Arab Emirates; KERMAN AVIATION A/K/A GIE KERMAN AVIATION, 42 Avenue Montaigne 75008, Paris, France; SIRJANCO TRADING LLC, P.O. Box 8709, Dubai, United Arab Emirates; MAHAN AIR GENERAL TRADING LLC, 19th Floor Al Moosa Tower One, Sheik Zayed Road, Dubai 40594, United Arab Emirates; and MEHDI BAHRAMI, Mahan Airways—Istanbul Office, Cumhuriye Cad. Sibil Apt No: 101 D:6, 34374 Emadad, Sisli Istanbul, Turkey; AL NASER AIRLINES A/K/A AL–NASER AIRLINES A/K/A ALNASER AIRLINES AND AIR FREIGHT LTD., Home 46, Al-Karrada, Babil Region, District 929, St 21, Beside Al Jadirya Private Hospital, Baghdad, Iraq, and Al Amirat Street, Section 309, St. 3/H.20, Al Mansour, Baghdad, Iraq, and P.O. Box 28360, Dubai, United Arab Emirates, and P.O. Box 911399, Amman 11191, Jordan; ALI ABDULLAH ALHAY A/K/A ALI ALHAY A/K/A ALI ABDULLAH AHMED ALHAY, Home 46, Al-Karrada, Babil Region, District 929, St 21, Beside Al Jadirya Private Hospital, Baghdad, Iraq, and Anak Street, Qatif, Saudi Arabia 61177; BAHAR SAFWA GENERAL TRADING, P.O. Box 113212, Citadel Tower, Floor-5, Office #504, Business Bay, Dubai, United Arab Emirates, and P.O. Box 8709, Citadel Tower, Business Bay, Dubai, United Arab Emirates; SKY BLUE BIRD GROUP A/K/A SKY BLUE BIRD AVIATION A/K/A SKY BLUE BIRD LTD A/K/A SKY BLUE BIRD FZC, P.O. Box 16111, Ras Al Khaimah Trade Zone, United Arab Emirates; and ISSAM SHAMMOUT A/K/A MUHAMMAD ISAM MUHAMMAD ANWAR NUR SHAMMOUT A/K/A ISSAM ANWAR, Philips Building, 4th Floor, Al Fardous Street, Damascus, Syria, and Al Kolaa, Beirut, Lebanon 151515, and 17–18 Margaret Street, 4th Floor, London, W1W 8RP, United Kingdom, and Cumhuriyet Mah. Kavakli San St. Fulya, Cad. Hazar Sok. No.14/A Silivri, Istanbul, Turkey, and when acting for or on their behalf, any successors or assigns, agents, or employees (each a ''Denied Person'' and collectively the ''Denied Persons'') may not, directly or indirectly, participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Export Administration Regulations (''EAR''), or in any other activity subject to the EAR including, but not limited to:

A. Applying for, obtaining, or using any license, license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the EAR, or engaging in any other activity subject to the EAR; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the EAR, or from any other activity subject to the EAR.

Second, that no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of a Denied Person any item subject to the EAR;

B. Take any action that facilitates the acquisition or attempted acquisition by a Denied Person of the ownership, possession, or control of any item subject to the EAR that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby a Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from a Denied Person of any item subject to the EAR that has been exported from the United States;

D. Obtain from a Denied Person in the United States any item subject to the EAR with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the EAR that has been or will be exported from the United States and which is owned,

2016, July 7, 2016, December 30, 2016, and June 27, 2017. The August 24, 2011 renewal followed a modification of the TDO on July 1, 2011. The July 13, 2015 renewal followed a modification of the TDO on May 21, 2015. Each renewal or modification order also was effective upon issuance and published in the **Federal Register**.

[4] Following issuance of the Settlement Order, a copy of that Order, the Settlement Agreement, and the Charging Letter were posted on the Electronic FOIA page on BIS's Web site and can be found at *https://efoia.bis.doc.gov/index.php/electronic-foia/index-of-documents/7-electronic-foia/227-export-violations*. In addition to other sanctions, the Settlement Order and Settlement Agreement provide that Ali Eslamian, Equipco (UK) Ltd., and Skyco (UK) Ltd. shall be subject to a conditionally-suspended denial order for a period of four years from the date of that Order.

possessed or controlled by a Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by a Denied Person if such service involves the use of any item subject to the EAR that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, that, after notice and opportunity for comment as provided in section 766.23 of the EAR, any other person, firm, corporation, or business organization related to a Denied Person by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be made subject to the provisions of this Order.

Fourth, that this Order does not prohibit any export, reexport, or other transaction subject to the EAR where the only items involved that are subject to the EAR are the foreign-produced direct product of U.S.-origin technology.

In accordance with the provisions of Sections 766.24(e) of the EAR, Mahan Airways, Al Naser Airlines, Ali Abdullah Alhay, and/or Bahar Safwa General Trading may, at any time, appeal this Order by filing a full written statement in support of the appeal with the Office of the Administrative Law Judge, U.S. Coast Guard ALJ Docketing Center, 40 South Gay Street, Baltimore, Maryland 21202–4022. In accordance with the provisions of Sections 766.23(c)(2) and 766.24(e)(3) of the EAR, Pejman Mahmood Kosarayanifard, Mahmoud Amini, Kerman Aviation, Sirjanco Trading LLC, Mahan Air General Trading LLC, Mehdi Bahrami, Sky Blue Bird Group, and/or Issam Shammout may, at any time, appeal their inclusion as a related person by filing a full written statement in support of the appeal with the Office of the Administrative Law Judge, U.S. Coast Guard ALJ Docketing Center, 40 South Gay Street, Baltimore, Maryland 21202–4022.

In accordance with the provisions of Section 766.24(d) of the EAR, BIS may seek renewal of this Order by filing a written request not later than 20 days before the expiration date. A renewal request may be opposed by Mahan Airways, Al Naser Airlines, Ali Abdullah Alhay, and/or Bahar Safwa General Trading as provided in Section 766.24(d), by filing a written submission with the Assistant Secretary of Commerce for Export Enforcement, which must be received not later than seven days before the expiration date of the Order.

A copy of this Order shall be provided to Mahan Airways, Al Naser Airlines, Ali Abdullah Alhay, and Bahar Safwa General Trading and each related person, and shall be published in the **Federal Register**.

This Order is effective immediately and shall remain in effect until December 26, 2017, unless renewed in accordance with Section 766.24(d) of the Regulations.

Dated: November 16, 2017.

Richard R. Majauskas,

Acting Assistant Secretary of Commerce for Export Enforcement.

[FR Doc. 2017–25964 Filed 12–1–17; 8:45 am]

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DEPARTMENT OF COMMERCE

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 (44 U.S.C. Chapter 35).

Agency: International Trade Administration.

Title: Proposed Information Collection; Comment Request; EU–U.S. Privacy Shield; Invitation for Applications for Inclusion on the List of Arbitrators.

OMB Control Number: 0625–0277.

Form Number(s): None.

Type of Request: Regular submission (extension of a currently approved information collection).

Number of Respondents: 60.

Average Hours per Response: 240 minutes.

Burden Hours: 240 hours.

Needs and Uses: Under the Privacy Shield, the U.S. Department of Commerce (DOC) and the European Commission have committed to implement an arbitration mechanism to provide European individuals with the ability to invoke binding arbitration to determine, for residual claims, whether an organization has violated its obligations under the Privacy Shield. The DOC and the European Commission will work together to implement the arbitration mechanism. Consistent with applicable law, DOC and the European Commission will develop a list of at least 20 arbitrators, chosen on the basis of independence, integrity, and expertise. Parties to a binding arbitration under this Privacy Shield mechanism may only select arbitrators from this list. The arbitral mechanism is a critical component of the EU–U.S. Privacy Shield Framework and must be implemented as soon as possible to preserve the integrity of the Privacy Shield program. More than 2,500 U.S.-based organizations currently rely on the Privacy Shield to transfer the personal data from Europe to the United States necessary to do business across the Atlantic. Such a data transfer mechanism is critically important, because it underpins almost $300 billion in digitally deliverable services traded across the Atlantic each year.

Affected Public: Private individuals.

Frequency: Recurrent, depending on the number of arbitrators required to retain an active list of 20 arbitrators.

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.

Sheleen Dumas,

Departmental PRA Lead, Office of the Chief Information Officer.

[FR Doc. 2017–26081 Filed 12–1–17; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–838]

Carbazole Violet Pigment 23 From India: Preliminary Results of Antidumping Duty Administrative Review; 2015–2016

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on carbazole violet pigment 23 (CVP 23) from India. The period of review (POR) is December 1, 2015, through November 30, 2016. The review covers one producer/exporter of the subject merchandise, Pidilite Industries Limited (Pidilite). The Department preliminarily finds that subject merchandise has been sold in the United States at prices below normal value (NV) during the POR.

DATES: Applicable December 4, 2017.

FOR FURTHER INFORMATION CONTACT: Irene Gorelik or George Ayache, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration,

U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone (202) 482–6905 or (202) 482–2623, respectively.

SUPPLEMENTARY INFORMATION:

Scope of the Order

The merchandise subject to the Order [1] is CVP–23 identified as Color Index No. 51319 and Chemical Abstract No. 6358–30–1, with the chemical name of *diindolo [3,2-b:3′,2′-m]* [2] *triphenodioxazine, 8,18-dichloro-5, 15-diethy-5, 15-dihydro-,* and molecular formula of C34 H22 Cl2 N4 O2. The subject merchandise includes the crude pigment in any form (*e.g.,* dry powder, paste, wet cake) and finished pigment in the form of presscake and dry color. Pigment dispersions in any form (*e.g.,* pigments dispersed in oleoresins, flammable solvents, water) are not included within the scope of the order.

The merchandise subject to the Order is classifiable under subheading 3204.17.9040 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheading is provided for convenience and customs purposes, our written description of the scope of the order is dispositive.

Methodology

The Department is conducting this review in accordance with section 751(a)(1)(B) and (a)(2) of the Tariff Act of 1930, as amended (the Act). For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum.[3] A list of the topics included in the Preliminary Decision Memorandum is included as an appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov,* and to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed at *http://enforcement.trade.gov/frn/index.html.* The signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content.

Adverse Facts Available

Because mandatory respondent Pidilite has failed to provide requested information, and has failed to cooperate by not acting to the best of its ability to comply with a request for information from the Department in this review, we preliminarily determine to apply facts otherwise available with an adverse inference (AFA) to this respondent, in accordance with sections 776(a) and (b) of the Act and 19 CFR 351.308. For further discussion, *see* the Preliminary Decision Memorandum.

Adjustment for Export Subsidies

For Pidilite, in the original investigation, we subtracted the portion of the countervailing duty rate attributable to export subsidies (17.02 percent) from the final dumping margin of 66.59 percent in order to calculate the cash-deposit rate of 49.57 percent.[4] Since the publication of the *Antidumping Duty Order* we have not conducted an administrative review of the countervailing duty order on CVP 23 from India.[5] Therefore, the portion of the countervailing duty rate attributable to export subsidies currently in effect for Pidilite is 17.02 percent. Further, imports from Pidilite during the review period were subject to countervailing duties to offset export subsidies of 17.02 percent or more. Because the AFA rate we selected for this review is the margin we calculated for Pidilite in the investigation, we have adjusted the dumping margin to ensure that, in accordance with section 772(c)(1)(C) of the Act, we do not collect duties attributable to export subsidies twice.

Preliminary Results of the Review

We preliminarily determine that, for the period of December 1, 2015, through November 30, 2016, the following weighted-average dumping margin exists:

Exporter/producer	Weighted-average dumping margin (percent)	Rate adjusted for export subsidies (percent)
Pidilite Industries Limited	66.59	49.57

Disclosure and Public Comment

Normally, the Department discloses to interested parties the calculations performed in connection with the preliminary results within five days of the date of publication of the notice of preliminary results in the **Federal Register**, in accordance with 19 CFR 351.224(b). However, there are no calculations to disclose in connection with these presliminary results because, in accordance with section 776 of the Act, the Department preliminarily applied AFA to Pidilite, the only company that is subject to this review, and the Department has preliminarily determined as the AFA rate a dumping margin applied in a prior segment of this proceeding.

Interested parties may submit case briefs to the Department no later than 30 days after the date of publication of this notice.[6] Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[7] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a

[1] *See Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Carbazole Violet Pigment 23 From India,* 69 FR 77988 (December 29, 2004) (the *Order*).

[2] The bracketed section of the product description, [3,2-b:3′,2′-m], is not business proprietary information. In this case, the brackets are simply part of the chemical nomenclature. *See* ''Amendment to Petition for Antidumping Investigations of China and India and a Countervailing Duty Investigation of India on Imports of Carbazole Violet Pigment 23 in the forms of Crude Pigment, Presscake and Dry Color Pigment,'' dated December 3, 2003, at 8.

[3] *See* Memorandum from James Maeder, Senior Director performing the duties of Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Gary Taverman, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, ''Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review: Carbazole Violet Pigment 23 from India; 2015–2016'' (Preliminary Decision Memorandum) dated concurrently with, and hereby adopted by, this notice.

[4] *See Antidumping Duty Order.*

[5] *See Carbazole Violet Pigment 23 from India: Rescission of Countervailing Duty Administrative Review; 2015,* 82 FR 42648 (September 11, 2017).

[6] *See* 19 CFR 351.309(c)(1)(ii).

[7] *See* 19 CFR 351.309(d).

table of authorities. Case and rebuttal briefs should be filed using ACCESS.[8]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. An electronically-filed document must be received successfully in its entirety by ACCESS by 5 p.m. Eastern Standard Time within 30 days after the date of publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) whether any participant is a foreign national; and (4) a list of issues parties intend to discuss. Issues raised in the hearing will be limited to those raised in the respective case and rebuttal briefs. If a request for a hearing is made, the Department intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230, at a time and date to be determined.[9] Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

The Department intends to issue the final results of this administrative review, including the results of its analysis of issues raised in any written briefs, not later than 120 days after the date of publication of this notice, unless the deadline is extended.[10]

Assessment Rates

Upon issuance of the final results, the Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review.[11] The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.[12] We will instruct CBP to assess antidumping duties at the adjusted rate of 49.57 percent if CBP has collected the appropriate countervailing duties on the same entry. We will instruct CBP to assess antidumping duties at the unadjusted rate of 66.59 percent if the appropriate countervailing duties are not collected by CBP.

We intend to issue instructions to CBP 15 days after the date of publication of the final results of this review.

Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for Pidilite will be the rate established in the final results of this review; (2) for previously reviewed or investigated companies not participating in this review, the cash deposit rate will continue to be the company-specific rate published for the most recently-completed segment of this proceeding in which the company was reviewed; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recently-completed segment of this proceeding for the manufacturer of subject merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 27.48 percent, the all-others rate established in the LTFV investigation.[13] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

The preliminary results of review are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: November 27, 2017.

Carole Showers,

Executive Director, Office of Policy performing the duties of the Deputy Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Affiliation
IV. Use of Facts Otherwise Available and Adverse Inferences
V. Conclusion

[FR Doc. 2017–26069 Filed 12–1–17; 8:45 am]

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[8] *See* 19 CFR 351.303.

[9] *See* 19 CFR 351.310(c).

[10] *See* section 751(a)(3)(A) of the Act and 19 CFR 351.213(h).

[11] *See* 19 CFR 351.212(b).

[12] *See* section 751(a)(2)(C) of the Act.

[13] *See Antidumping Duty Order.*

DEPARTMENT OF COMMERCE

International Trade Administration

Advisory Committee on Supply Chain Competitiveness Charter Renewal

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice.

SUMMARY: The U.S. Department of Commerce has renewed the Charter for the Advisory Committee on Supply Chain Competitiveness on November 16, 2017.

DATES: The Charter for the Advisory Committee on Supply Chain Competitiveness was renewed on November 16, 2017.

FOR FURTHER INFORMATION CONTACT: Richard Boll, Supply Chain Team, Room 11014, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; phone 202–482–1135; email: *richard.boll@trade.gov.*

SUPPLEMENTARY INFORMATION: The U.S. Department of Commerce has renewed the Charter for the Advisory Committee on Supply Chain Competitiveness on November 16, 2017. This Notice is published in accordance with the Federal Advisory Committee Act (FACA) (as amended, Title 5, United States Code (U.S.C.), Appendix, § 9). It has been determined that the Committee is necessary and in the public interest. The Committee was established pursuant to Commerce's authority under 15 U.S.C. 1512, established under the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C., app. The Committee provides advice to the Secretary on the necessary elements of a comprehensive policy approach to supply chain competitiveness designed to support U.S. export growth and national economic competitiveness, encourage innovation, facilitate the movement of goods, and improve the competitiveness of U.S. supply chains for goods and services in the domestic and global economy; and to provide advice to the Secretary on regulatory policies and programs and investment priorities that affect the competitiveness of U.S. supply chains. The total number of members that may serve on the Committee is a maximum of 45.

Dated: November 20, 2017.

Maureen Smith,

Director, Office of Supply Chain and Professional & Business Services.

[FR Doc. 2017–26021 Filed 12–1–17; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–469–805]

Stainless Steel Bar From Spain: Preliminary Results of Antidumping Duty Administrative Review; 2016–2017

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on stainless steel bar (SSB) from Spain. The period of review (POR) is March 1, 2016, through February 28, 2017. The review covers one producer/exporter of the subject merchandise, Sidenor Aceros Especiales, S.L. (Sidenor). The Department preliminarily finds that subject merchandise has been sold in the United States at prices below normal value (NV) during the POR. Interested parties are invited to comment on these preliminary results.

DATES: Applicable December 4, 2017.

FOR FURTHER INFORMATION CONTACT: Kabir Archuletta, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–2593.

SUPPLEMENTARY INFORMATION:

Scope of the Order

The product covered by this investigation is SSB from Spain. For a full description of the scope see the Preliminary Decision Memorandum dated concurrently with and hereby adopted by this notice.[1]

Methodology

The Department is conducting this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act). For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. A list of the topics included in the Preliminary Decision Memorandum is included as an appendix to this notice. The Preliminary Decision Memorandum is a public document and is made available to the public via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov,* and it is available to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum is available at *http://enforcement.trade.gov/frn/.* The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Preliminary Results of Review

We preliminarily determine that, for the period of March 1, 2016, through February 28, 2017, the following weighted-average dumping margin exists:

Exporter/producer	Weighted-average dumping margin (percent)
Sidenor Aceros Especiales, S.L.[2]	13.62

Disclosure and Public Comment

We intend to disclose the calculations performed to parties within five days after public announcement of the preliminary results. Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs not later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs. Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue, (2) a brief summary of the argument, and (3) a table of authorities. Case and rebuttal briefs should be filed using ACCESS.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. An electronically filed document must be received successfully in its entirety by the Department's electronic records system, ACCESS, by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice. Requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs. The Department intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

Assessment Rates

Upon issuance of the final results, the Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review. If Sidenor's weight-average dumping margin is not zero or *de minimis* (*i.e.,* less than 0.5 percent), we will calculate an importer-specific *ad valorem* antidumping duty assessment rate based on the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of those same sales in accordance with 19 CFR 351.212(b)(1). We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific assessment rate calculated in the final results of this review is not zero or *de minimis.* If Sidenor's weighted-average dumping margin is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by this review where applicable.

In accordance with the Department's ''automatic assessment'' practice, for entries of subject merchandise during the POR produced by Sidenor for which it did not know that the merchandise was destined for the United States, we will instruct CBP to liquidate those entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction. We intend to issue instructions to CBP 15 days after the publication date of the final results of this review.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the notice of final results

[1] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of Antidumping Duty Administrative Review: Stainless Steel Bar from Spain; 2016–2017,'' dated concurrently with this notice (Preliminary Decision Memorandum).

[2] On December 2, 2016, the Department determined that Sidenor is the successor-in-interest to Gerdau Aceros Especiales Europa S.L. *See Notice of Final Results of Antidumping Duty Changed Circumstances Review: Stainless Steel Bar from Spain,* 81 FR 87021 (December 2, 2016).

of administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for Sidenor will be the rate established in the final results of this administrative review; (2) for merchandise exported by producers or exporters not covered in this administrative review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation, but the producer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the producer of the subject merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 25.77 percent, the all-others rate established in the investigation.[3] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and increase the subsequent assessment of the antidumping duties by the amount of the antidumping duties reimburses.

The preliminary results of review are issued and published in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: November 27, 2017.

Carole Showers,

Executive Director, Office of Policy performing the duties of the Deputy Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

1. Summary
2. Background
3. Scope of the Order
4. Discussion of the Methodology
   a. Determination of the Comparison Method
   b. Results of the Differential Pricing Analysis
5. Product Comparisons
6. Date of Sale
7. Export Price
8. Normal Value
   a. Home Market Viability as Comparison Market
   b. Level of Trade
   c. Sales to Affiliates
   d. Cost of Production
   1. Calculation of COP
   2. Test of Comparison Market Sales Prices
   3. Results of the COP Test
   e. Calculation of Normal Value Based on Comparison Market Prices
   f. Price to Constructed Value Comparison
9. Currency Conversion
10. Recommendation

[3] *See Notice of Final Determination of Sales at Less Than Fair Value: Stainless Steel Bar from Spain,* 59 FR 66931 (December 28, 1994).

[FR Doc. 2017–26064 Filed 12–1–17; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–991]

Chlorinated Isocyanurates From the People's Republic of China: Preliminary Results of Countervailing Duty Administrative Review; 2015

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) preliminarily determines that countervailable subsidies are being provided to producers and exporters of chlorinated isocyanurates (chloro isos) from the People's Republic of China (the PRC). The period of review (POR) is January 1, 2015 to December 31, 2015. The administrative review covers three producers/exporters: (1) Hebei Jiheng Chemical Co., Ltd. (Hebei Jiheng); (2) Heze Huayi Chemical Co., Ltd. (Huayi); and (3) Juancheng Kangtai Chemical Co., Ltd. (Kangtai). We preliminarily determine that these companies received countervailable subsidies during the POR related to certain programs. Interested parties are invited to comment on these preliminary results.

DATES: Applicable December 4, 2017.

FOR FURTHER INFORMATION CONTACT: Julia Hancock or Omar Qureshi, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone (202) 482–1394 or (202) 482–5307, respectively.

SUPPLEMENTARY INFORMATION:

Scope of the Order

The products covered by the order are chloro isos, which are derivatives are cyanuric acid, described as chlorinated s-triazine triones.[1] Chloro isos are currently classifiable under subheadings 2933.69.6015, 2933.69.6021, 2933.69.6050, 3808.50.4000, 3808.94.5000, and 3808.99.9500 of the Harmonized Tariff Schedule of the United States (HTSUS). The HTSUS subheadings are provided for convenience and customs purposes; the written product description of the scope of the order is dispositive.

Methodology

On November 13, 2014, the Department published in the **Federal Register** a countervailing duty (CVD) order on chloro isos from the PRC.[2] The Department is conducting this administrative review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, we preliminarily find that there is a subsidy (*i.e.,* a financial contribution from an authority that gives rise to a benefit to the recipient), and that the subsidy is specific.[3] In making this preliminary determination, the Department relied, in part, on facts otherwise available, with the application of adverse inferences.[4] For further information, see ''Use of Facts Otherwise Available and Adverse Inferences'' in the accompanying Preliminary Decision Memorandum.[5] A list of topics discussed in the Preliminary Decision Memorandum is provided at the Appendix to this notice.

The Preliminary Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov,* and is available to all parties in the Central Records Unit, Room B8024 of the main

[1] For a complete description of the Scope of the Order, *see Countervailing Duty Administrative Review of Chlorinated Isocyanurates from the People's Republic of China: Decision Memorandum for the Preliminary Results,* published concurrently with this notice.

[2] *Id.*

[3] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

[4] *See* section 776(a) of the Act.

[5] *See* Memorandum, ''Decision Memorandum for Preliminary Results of Countervailing Duty Administrative Review: Chlorinated Isocyanurates from the People's Republic of China,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn.* The signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content.

Preliminary Results of Review

In accordance with section 703(d)(1)(A)(i) of the Act, we calculated an estimated individual countervailable subsidy rate for each producer/exporter of the subject merchandise individually investigated during the period of January 1, 2015, through December 31, 2015. We preliminarily determine these rates to be:

Company	Subsidy rate (percent)
Hebei Jiheng Chemical Co., Ltd	25.18
Heze Huayi Chemical Co., Ltd	3.81
Juancheng Kangtai Chemical Co., Ltd	1.53

Disclosure and Public Comment

The Department intends to disclose its calculations and analysis performed to interested parties in this preliminary determination within five days of its public announcement, or if there is no public announcement, within five days of the date of this notice in accordance with 19 CFR 351.224(b). Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than 30 days after the date of publication of the preliminary determination. Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs.[6] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this investigation are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, the Department intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230, at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Unless the deadline is extended pursuant to section 751(a)(3)(A) of the Act, we intend to issue the final results of this administrative review, including the results of our analysis of the issues raised by the parties in their comments, within 120 days after issuance of these preliminary results.

Assessment Rates and Cash Deposit Requirement

In accordance with 19 CFR 351.221(b)(4)(i), we preliminarily assigned subsidy rates in the amounts shown above for the producer/exporters shown above. Upon issuance of the final results, the Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess, CVDs on all appropriate entries covered by this review. We intend to issue instructions to CBP 15 days after publication of the final results of review.

Pursuant to section 751(a)(2)(C) of the Act, the Department also intends to instruct CBP to collect cash deposits of estimated CVDs, in the amounts shown above for each of the respective companies shown above, on shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. For all non-reviewed firms, we will instruct CBP to continue to collect cash deposits at the most-recent company-specific or all-others rate applicable to the company, as appropriate. These cash deposit requirements, when imposed, shall remain in effect until further notice.

These preliminary results are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: November 27, 2017.

Carole Showers,

Executive Director, Office of Policy performing the duties of the Deputy Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Application of CVD Law to Imports From the PRC
IV. Subsidies Valuation
V. Benchmarks
VI. Use of Facts Otherwise Available and Adverse Inferences
VII. Analysis of Programs
VIII. Disclosure and Public Comment
IX. Conclusion

[FR Doc. 2017–26065 Filed 12–1–17; 8:45 am]

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[6] *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–867]

Large Power Transformers From the Republic of Korea: Initiation of Antidumping Duty Changed Circumstances Review

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) obtained information, with respect to certain entities, sufficient to warrant the self-initiation of a changed circumstances review of the antidumping duty order on large power transformers (LPTs) from the Republic of Korea (Korea). Interested parties are invited to submit comments, as indicated below.

DATES: Applicable December 4, 2017.

FOR FURTHER INFORMATION CONTACT: Moses Song, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–5041.

SUPPLEMENTARY INFORMATION:

Background

On August 31, 2012, the Department published in the **Federal Register** an antidumping duty order on LPTs from Korea.[1] Hyundai Heavy Industries Co., Ltd. (HHI) is one of the producers/exporters reviewed in the less-than fair-value investigation and has been reviewed in each subsequent administrative review of the *Order.* During the 2014/2015 administrative review, which is also the most recently completed administrative review, the Department assigned HHI an antidumping duty rate of 60.81 percent.[2] To address concerns that certain merchandise may not be entering the United States at the appropriate cash deposit rate, the

[1] *See Large Power Transformers from the Republic of Korea: Antidumping Duty Order,* 77 FR 53177 (August 31, 2012) (the *Order*).

[2] *See Large Power Transformers from the Republic of Korea: Final Results of Antidumping Duty Administrative Review;* 2014–2015, 82 FR 13432 (March 13, 2017) (*2014/2015 Final Results*).

Department is self-initiating a changed circumstances review.

Scope of the Order

The scope of this *Order* covers large liquid dielectric power transformers having a top power handling capacity greater than or equal to 60,000 kilovolt amperes (60 megavolt amperes), whether assembled or unassembled, complete or incomplete.

Incomplete LPTs are subassemblies consisting of the active part and any other parts attached to, imported with or invoiced with the active parts of LPTs. The ''active part'' of the transformer consists of one or more of the following when attached to or otherwise assembled with one another: The steel core or shell, the windings, electrical insulation between the windings, the mechanical frame for an LPT.

The product definition encompasses all such LPTs regardless of name designation, including but not limited to step-up transformers, step-down transformers, autotransformers, interconnection transformers, voltage regulator transformers, rectifier transformers, and power rectifier transformers.

The LPTs subject to this *Order* are currently classifiable under subheadings 8504.23.0040, 8504.23.0080, and 8504.90.9540 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this *Order* is dispositive.

Initiation of Changed Circumstances Review

Pursuant to section 751(b)(1) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.216(d), the Department will conduct a changed circumstances review upon receipt of information concerning, or a request from an interested party for a review of, an antidumping duty order which shows changed circumstances sufficient to warrant such a review of the order. In this case, the Department is self-initiating a changed circumstances review based on information obtained (1) during the course of the 2014/2015 and 2015/2016 administrative reviews, (2) *via* public search, and (3) from U.S. Customs and Border Protection (CBP) data, as detailed below.

On March 13, 2017, the Department published the final results of the 2014/2015 antidumping administrative review (covering the period August 1, 2014, through July 31, 2015), assigning a dumping rate of 60.81 percent to HHI.[3]

On May 24, 2017, in connection with the 2015/2016 administrative review (covering the period August 1, 2015, through July 31, 2016), HHI submitted English translations of HHI's 2016 Korean language financial statements, requested by the Department as part of HHI's response to the Department's supplemental questionnaire.[4] HHI's 2016 unconsolidated and consolidated financial statements, both of which ended on December 31, 2016, and became effective as of March 16, 2017, list the ''tentative'' name of a newly established company by ''spin-off,'' as ''Hyundai Electric and energy Co., Ltd.'' [5] These financial statements also identify HHI as a company that still continued to exists after the ''spin-off.'' [6]

Additionally, on or around August 14, 2017, a representative of Georgetown Economic Services, LLC (an economic consulting firm retained by Kelly Drye & Warren, LLP, counsel to the petitioner in the LPTs from Korea proceeding) contacted the Department.[7] During this phone conversation, the representative expressed concern that subject merchandise produced by HHI may be entering the United States under the name ''Hyundai Electric and energy Co., Ltd.,'' that this merchandise may be subject to the antidumping duty order on LPTs from Korea, and may be entering at the ''all-others'' rate of 22 percent, rather than the 60.81 percent rate assigned to HHI in the 2014/2015 antidumping administrative review.[8]

In light of the information in HHI's 2016 financial statements and the phone conversation discussed above, the Department had concerns as to whether (1) Hyundai Electric and energy Co., Ltd. may be entering subject merchandise produced by HHI into the United States and (2) merchandise entered by Hyundai Electric and energy Co., Ltd. is entering at the appropriate rate. Because Hyundai Electric and energy Co., Ltd. is a new entity, which has not been covered by a prior administrative review or the original investigation, it does not have its own company-specific cash deposit rate.

To gather additional information regarding the above-referenced company (*i.e.,* Hyundai Electric and energy Co., Ltd.), the Department conducted a search of public information and found that Hyundai Electric & Energy System Co., Ltd., which has a similar name to the company identified in HHI's 2016 financial statements (*i.e.,* Hyundai Electric and energy Co., Ltd.), appears to be related to HHI and/or involved in the production and sales of power transformers.[9] Additionally, the Department conducted a query of CBP

[3] *See 2014/2015 Final Results,* 82 FR 13432 (March 13, 2017).

[4] *See* Memorandum, on the subject of ''Placement of Factual Information: (1) Hyundai Heavy Industries Co., Ltd.'s Financial Statements from the 2015/2016 Administrative Review of the Antidumping Duty Order on Large Power Transformers from the Republic of Korea and (2) Web site Information Regarding Hyundai Electric & Energy System Co., Ltd.,'' dated concurrently with this notice (New Factual Information Placement Memorandum) at Attachment 1 (citing Letter from HHI to the Department, regarding ''Large Power Transformers from South Korea: Hyundai's Response to Questions 48 and 49 and Question 35e of the Supplemental Section A Questionnaire,'' dated May 24, 2017 (HHI's May 24, 2017, Questionnaire Response) at Attachment 1). We note that HHI and its U.S. affiliate, Hyundai Corporation USA (Hyundai USA), are collectively referred to as ''Hyundai'' in HHI's May 24, 2017, Questionnaire Response.

[5] *Id.* (citing HHI's May 24, 2017, Questionnaire Response at Attachment 1). We note that HHI's May 24, 2017, Questionnaire Response at Attachment 1 contains HHI's 2016 unconsolidated financial statements named ''Hyundai Heavy Industries Co., Ltd. Separate Financial Statements December 31. 2016'' (HHI's 2016 unconsolidated financial statements). Page 100 of HHI's 2016 unconsolidated financial statements notes that Hyundai Electric and energy Co., Ltd. is a ''{n}ewly established company by spin-off'' and that HHI is a ''{r}emaining company after spin-ff.'' We also note that this attachment contains HHI's 2016 consolidated financial statements named ''Hyundai Heavy Industries Co., Ltd. and Subsidiaries Consolidated Financial Statements December 31, 2016'' (HHI's 2016 consolidated financial statements). The page 143 of HHI's 2016 consolidated financial statements notes that Hyundai Electric and energy Co., Ltd. is a ''{n}ewly established company by spin-off'' and HHI is a ''{r}emaining company after spin-off.'' Both financial statements indicate that the date of spin-off is April 1, 2017.

[6] *Id.* (citing HHI's May 24, 2017, Questionnaire Response at Attachment 1).

[7] *See* Memorandum to the File from Gary Taverman, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-executive functions and duties of the Assistant Secretary for Enforcement and Compliance, regarding ''Phone Call,'' dated concurrently with this notice (Phone Call Memorandum).

[8] *See* Phone Call Memorandum.

[9] *See* New Factual Information Placement Memorandum, at Attachment 2. We note that although the company name is slightly different (*i.e.,* ''Hyundai Electric and energy Co., Ltd.'' from HHI's 2016 financial statements and ''Hyundai Electric & Energy System Co., Ltd.'' from its Web site), the names are very similar and HHI's financial statements state that ''Hyundai Electric and energy Co., Ltd.'' is a tentative name. According to the Web site, Hyundai Electric & Energy System Co., Ltd. was established on April 3, 2017, which is after the effective date of HHI's 2016 financial statements (*i.e.,* March 16, 2017) and the date of spin-off *(i.e.,* April 1, 2017) identified in HHI's 2016 financial statements. We also note that the Web site of ''Hyundai Electric & Energy System Co., Ltd.'' states that ''Hyundai Heavy Industries' Electric Systems Division . . . is making a fresh start as Hyundai Electric'' and lists ''Power Transformer'' as one of its businesses. The history section of this Web site

Continued

import data for entries of subject merchandise that entered the United States from the **Federal Register** publication date of the *2014/2015 Final Results* (*i.e.,* March 13, 2017) to October 31, 2017.[10] Because Hyundai Electric & Energy System Co., Ltd. has not been covered by a prior administrative review or the original investigation, it does not have its own company-specific cash deposit rate.

Based on (1) information contained in the CBP import data, (2) concerns that Hyundai Electric and energy Co., Ltd., may be entering merchandise produced by HHI, (3) public information indicating that Hyundai Electric & Energy System Co., Ltd., which has a name similar to that of the company identified in the above-referenced phone call, appears to be involved in the production/sales of power transformers, and (4) the fact that neither of these entities have their own company-specific cash deposit rate, there is a serious concern that entries made by either of these entities since the *2014/2015 Final Results* may include merchandise produced by HHI or otherwise may not be entering at the appropriate rate.

In accordance with the above-referenced statute and regulation, and based on the information obtained above, the Department finds that there is information which shows changed circumstances sufficient to warrant initiation of such a review to determine whether action is necessary to maintain the integrity of the *Order.* Therefore, the Department is self-initiating a changed circumstances review to determine the appropriate cash deposit rate for any merchandise entered by either Hyundai Electric and energy Co., Ltd. or Hyundai Electric & Energy System Co., Ltd. since the publication of the *2014/2015 Final Results.* This changed circumstances review may require an examination of whether these entities are a successor-in-interest to HHI or should be treated as a single entity with HHI pursuant to 19 CFR 351.401(f).

Public Comment

Interested parties may submit comments on the above-referenced information and the notice of initiation of this changed circumstances review by no later than 15 calendar days after the date of publication of this notice in the **Federal Register**.[11] Parties who wish to comment on the initiation of this changed circumstances review must file comments electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS).[12] Access to ACCESS is available to registered users at *http://access.trade.gov* and is available to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. An electronically filed document must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Time on the day on which it is due.[13]

Preliminary and Final Results of the Review

The Department intends to publish in the **Federal Register** a notice of the preliminary results of the antidumping duty changed circumstances review in accordance with 19 CFR 351.221(b)(4) and 351.221(c)(3)(i), which will set forth the Department's preliminary factual and legal conclusions. The Department will issue its final results of the changed circumstances review in accordance with the time limits set forth in 19 CFR 351.216(e). At the preliminary result of this review, if warranted based on the Department's analysis, we may instruct CBP as to the appropriate cash deposit rate.

Notification to Interested Parties

This notice is published in accordance with section 751(b)(1) of the Act and 19 CFR 351.221(b)(1).

Dated: November 28, 2017.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2017–26071 Filed 12–1–17; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

Application(s) for Duty-Free Entry of Scientific Instruments

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, as amended by Pub. L. 106–36; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be postmarked on or before December 26, 2017. Address written comments to Statutory Import Programs Staff, Room 3720, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 a.m. and 5:00 p.m. at the U.S. Department of Commerce in Room 3720.

Docket Number: 17–014. *Applicant*: Fermi Research Alliance, 2000 East Wilson Street, Batavia, IL 60510. *Instrument:* ICARUS T600 Detector. *Manufacturer:* The European Organization for Nuclear Research, Switzerland. *Intended Use:* The instrument will be used to study the rate at which muon neutrinos, a type of elementary particle, change flavor to electron neutrinos as they travel the distance between three LArTPC detectors. This is the only instrument that meets the requirements for position and time resolution of particle trajectories. *Justification for Duty-Free Entry:* There are no instruments of the same general category manufactured in the United States. *Application accepted by Commissioner of Customs:* July 12, 2017.

Docket Number: 17–015. *Applicant:* New Mexico Institute of Mining and Technology, 801 Leroy Place, Socorro, NM 87801. *Instrument:* Unit Telescope Enclosure #1 (UTE1). *Manufacturer:* European Industrial Engineering (EIE) Group, Italy. *Intended Use:* The instrument will be used to study star and planet formation, active galactic nuclei and stellar accretion and mass loss. Unique features of the instrument include access to all astronomical objects above 30 degrees in elevation, with an inner axis rotation angle between +40 degrees and −50 degrees, as well as thermal stability and protection from shock load and vibration. *Justification for Duty-Free Entry:* There are no instruments of the same general category manufactured in the United States. *Application accepted by Commissioner of Customs:* July 24, 2017.

Docket Number: 17–016. *Applicant:* Yale University, 333 Cedar Street, SHM B323, New Haven, CT 06520. *Instrument:* Mosquito crystal robot. *Manufacturer:* TTP Labtech, United Kingdom. *Intended Use:* The instrument will be used to obtain crystals of the

further indicates that Hyundai Electric & Energy System Co., Ltd. is engaged in the transformer business. In addition, under this Web site, HHI is listed as one of the ''Family Site.''

[10] *See* Memorandum, on the subject of ''Release of U.S. Customs and Border Protection Import Data,'' dated currently with this notice (CBP Memorandum).

[11] Or the next business day, if the deadline falls on a weekend, federal holiday or any other day when the Department is closed. *See* 19 CFR 351.303(b).

[12] *See* 19 CFR 351.303(b) and (f).

[13] *See* 19 CFR 351.303(b).

biological macromolecule with and without its binding partner(s). Unique features of the instrument include disposable tips, which are essential to avoid cross contamination. *Justification for Duty-Free Entry:* There are no instruments of the same general category manufactured in the United States. *Application accepted by Commissioner of Customs:* July 25, 2017.

Docket Number: 17–018. *Applicant:* Brookhaven National Laboratory, P.O. Box 5000, Upton, NY 11973. *Instrument:* Solid State Klystron Modulator. *Manufacturer:* Scandinova Systems AB, Sweden. *Intended Use:* The instrument will be used to study the magnetization, structure and conductivity of various organic and inorganic specimens such as proteins, ferrite, and superconducting materials. This is the only instrument with specific electrical socket to connect to the klystron, a solenoid magnet with magnetic field contours specific to the Model E37302A. *Justification for Duty-Free Entry:* There are no instruments of the same general category manufactured in the United States. *Application accepted by Commissioner of Customs:* August 16, 2017.

Dated: November 20, 2017.

Gregory W. Campbell,

Director, Subsidies Enforcement, Enforcement and Compliance.

[FR Doc. 2017–26067 Filed 12–1–17; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

Yale School of Medicine; Notice of Decision on Application for Duty-Free Entry of Scientific Instruments

This is a decision pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, as amended by Pub. L. 106–36; 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 3720, U.S. Department of Commerce, 14th and Constitution Ave. NW., Washington, DC.

Docket Number: 15–061. Applicant: Yale School of Medicine, New Haven, CT 06510. Instrument: SuperK Extreme EXR–20 white light laser. Manufacturer: NKT Photonics, Denmark. Intended Use: See notice at 81 FR 71702, October 18, 2016. Comments: None received. Decision: Approved. We know of no instruments of equivalent scientific value to the foreign instruments described below, for such purposes as this is intended to be used, that was being manufactured in the United States at the time of order. Reasons: The instrument will be used as an excitation source for the study of intracellular processes and structures at super resolution. The experiments require a high power pulsed excitation source at a wavelength of 590 nm, and minimal after pulse tail and sub 100 ps pulse width.

Docket Number: 17–009. Applicant: UChicago Argonne, Lemont, IL 60439–4873. Instrument: Electron Beams Position Processors. Manufacturer: Instrumentation Technologies, Slovenia. Intended Use: See notice at 82 FR 34924, July 27, 2017. Comments: None received. Decision: Approved. We know of no instruments of equivalent scientific value to the foreign instruments described below, for such purposes as this is intended to be used, that was being manufactured in the United States at the time of order. Reasons: The instrument will be used to measure the precise position of the Advanced Photon Source (APS) storage ring electron beam with resolution of 50 to 100 nanometers from DC to 1000 kHz. It can also turn by turn position to the 1 micrometer level for fast 271 kHz (the turn by turn rate) beam position measurement, without which the required vertical beam stability of 400 = nm will not be met. The instrument also has a daisy chain capability to accumulate and send all data from several bpm processors to the fast-orbit-feedback processor, without which data cannot be sent at 32 bpms to the local fast-orbit feedback processors at the same time.

Docket Number: 17–010. Applicant: New Mexico Institute of Mining and Technology, Socorro, NM 87801. Instrument: Delay Line Trolley #2 (DLT2). Manufacturer: University of Cambridge/Cavendish Lab, United Kingdom. Intended Use: See notice at 82 FR 34924, July 27, 201. Comments: None received. Decision: Approved. We know of no instruments of equivalent scientific value to the foreign instruments described below, for such purposes as this is intended to be used, that was being manufactured in the United States at the time of order. Reasons: The instrument will be flexure-mounted and voice-coil actuated on a motorized wheeled carriage inside each delay line pipe of the Magdalena Ridge Observatory Interferometer. The instrument's unique specifications include a wavelength of operation that covers both the visible and near infrared, between 600 nm and 2400 nm, and a limiting group-delay tracking limiting magnitude of H = 14 to allow observations of extragalactic targets while tracking on the science object rather than a nearby reference star.

Docket Number: 17–011. Applicant: William Marsh Rice University, Houston, TX 77005. Instrument: 3D Laser Lithography System. Manufacturer: Nanoscribe GmbH, Germany. Intended Use: See notice at 82 FR 34924, July 27, 2017. Comments: None received. Decision: Approved. We know of no instruments of equivalent scientific value to the foreign instruments described below, for such purposes as this is intended to be used, that was being manufactured in the United States at the time of order. Reasons: The instrument will be used to prepare materials for investigations of the mechanical, optical, electronic, and thermal properties of substrates for cell culture growth to better understand cancer propagation and tumors, mechanical trusses with nanoscale structure to create and study light, strong composite materials and metal structures to understand and control optical properties of materials in new ways. The distinctive feature of the instrument is its computer control integrated with both sample-stage motion in three dimensions with nano-resolution, and longer-distance scanning mirror technology to cover large (hundreds of microns) distances quickly.

Docket Number: 17–012. Applicant: Lawrence Berkeley National Laboratory, Berkeley, CA 94720. Instrument: Custom undulator magnetic system mfg'd. to LBNL spec., for an accelerator research facility: (1) 1st article & (21) production units. Manufacturer: Vacuumschemelze GmbH & Co., KG, Germany. Intended Use: See notice at 82 FR 34924–25, July 27, 2017. Comments: None received. Decision: Approved. We know of no instruments of equivalent scientific value to the foreign instruments described below, for such purposes as this is intended to be used, that was being manufactured in the United States at the time of order. Reasons: The instrument will be used as a core component of a free-electron-laser which produces x-rays for scientific discovery. To reach sufficiently high magnetic field values (1.3 Tesla) the instrument requires magnets with maximum field energy and poles with the highest saturation fields.

Docket Number: 17–013. Applicant: William Marsh Rice University, Houston, TX 77005. Instrument: Professional Lab-Device electrospraying/electrospinning Unit V2.0. Manufacturer: Yflow

Nanotechnology Solutions, Spain. Intended Use: See notice at 82 FR 34924–25, July 25, 2017. Comments: None received. Decision: Approved. We know of no instruments of equivalent scientific value to the foreign instruments described below, for such purposes as this is intended to be used, that was being manufactured in the United States at the time of order. Reasons: The instrument will be used to prepare samples and materials for experiments. The electrospinning and electrospraying capabilities of this instrument will allow studies of the mechanical, biodegradation, optical, architectural, drug elution, biocompatibility, and cell metabolism among other such properties as materials for basic science and engineering research. The instrument is unique in its capabilities to control climate, jet diameter, micro-droplet production, fibered core-shell capsule production, core-shell capsules, and co/multi-axial designs.

Dated: November 20, 2017.

Gregory W. Campbell,

Director, Subsidies Enforcement, Enforcement and Compliance.

[FR Doc. 2017–26066 Filed 12–1–17; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–073, C–570–074]

Common Alloy Aluminum Sheet From the People's Republic of China: Initiation of Less-Than-Fair-Value and Countervailing Duty Investigations

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Applicable November 28, 2017.

FOR FURTHER INFORMATION CONTACT: Erin Kearney, at (202) 482–0167, AD/CVD Operations, Office VI, or Vicki Flynn, at (202) 482–1756, Office of Policy, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Initiation

On the basis of information available to the Department of Commerce (the Department), we are initiating an antidumping duty (AD) investigation, under section 732(a) of the Tariff Act of 1930, as amended (the Act), to determine whether common alloy aluminum sheet (common alloy sheet) from the People's Republic of China (PRC) is being, or is likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act. We are also initiating a countervailing duty (CVD) investigation, under section 702(a) of the Act, to determine whether the Government of the PRC is providing countervailable subsidies (within the meaning of sections 701 and 771(5) of the Act) with respect to imports of common alloy sheet from the PRC.

We have evidence indicating that the United States price of common alloy sheet from the PRC may be less than the normal value of such or similar merchandise and that imports of common alloy sheet from the PRC may be benefitting from countervailable subsidies. We also have evidence that imports of common alloy sheet from the PRC may be materially injuring, or threatening material injury to, the domestic industry producing common alloy sheet in the United States.

U.S. law provides two mechanisms for the initiation of AD and CVD investigations. Normally, AD and/or CVD investigations are initiated under sections 702(b) and 732(b) of the Act, which specify that AD and/or CVD proceedings ''shall be initiated whenever an interested party described in subparagraph (C), (D), (E), (F), or (G) of section 771(9) files a petition with the administering authority, on behalf of an industry, which alleges the elements necessary for the imposition of the duty imposed by {section 701(a) (for CVD) or 731 (for AD)}, and which is accompanied by information reasonably available to the petitioner supporting those allegations.'' Investigations may also be initiated under sections 702(a) and 732(a) of the Act, which specify that AD and/or CVD investigations ''shall be initiated whenever the administering authority determines, from information available to it, that a formal investigation is warranted into the question of whether the elements necessary for the imposition of a duty under {section 701 (CVD) or 731 (AD)} exist.'' Although the Department has rarely invoked this statutory authority, the Department intends to make use of all the tools available under U.S. unfair trade laws, where such action is warranted under the law, to ensure potential unfair trade practices are addressed. To that end, self-initiation of certain AD and CVD cases can address situations where industries are faced with potentially dumped and/or subsidized imports and where the Department received comprehensive detailed information. Although the Department expects that future investigations will normally proceed based on petitions filed by or on behalf of the industry, the Department will take action under Sections 702(a) and 732(a), where warranted, to facilitate the application of the appropriate trade remedy for U.S. industries.

In this instance, we have information warranting an investigation into whether (1) the United States price of common alloy sheet from the PRC may be less than the normal value of such or similar merchandise, (2) imports of common alloy sheet from the PRC may be benefitting from countervailable subsidies, and (3) imports of common alloy sheet from the PRC may be materially injuring, or threatening material injury to, the domestic industry producing common alloy sheet in the United States. Imports of common alloy sheet from the PRC into the United States have been significant since 2005 and have increased rapidly in the last three years.[1] Furthermore, in light of the systemic and significant over-capacity in the Chinese aluminum industry, which has been extensively documented, including in a recent International Trade Commission (ITC) investigation conducted under section 332(g) of the Act,[2] the U.S. industry is faced with the potential for even further increases in exports from the PRC. In light of the above, among other considerations, the Department is self-initiating AD and CVD investigations of imports of common alloy sheet from the PRC as provided for under sections 702(a) and 732(a) of the Act.

Period of Investigation

Pursuant to 19 CFR 351.204(b), the proposed period of investigation (POI) for the CVD investigation is January 1, 2016 through December 31, 2016 while the proposed POI for the AD investigation is April 1, 2017 through September 30, 2017.

[1] Department Memoranda: Supporting Memorandum for the Initiation of Antidumping Duty Investigation of Common Alloy Aluminum Sheet from the People's Republic of China (AD Initiation Memo), at Exhibit 1A, at Attachment 9, and Supporting Memorandum for the Initiation of Countervailing Duty Investigation of Common Alloy Aluminum Sheet from the People's Republic of China (CVD Initiation Memo), at Exhibit 1A, at Attachment 9. These memoranda are dated concurrently with this notice and on file electronically via Enforcement & Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). Access to documents filed via ACCESS is also available in the Central Records Unit, Room B8024 of the main Department of Commerce building.

[2] *See Aluminum: Competitive Conditions Affecting the U.S. Industry,* Inv. No. 332–557, USITC Pub. 4703 (June 2017), at 39, 68, 161, 241, and 465.

Scope of the Investigations

The product covered by these investigations is common alloy sheet from the PRC. For a full description of the scope of these investigations, *see* the ''Scope of the Investigations,'' in the Appendix to this notice.

Comments on Scope of the Investigations

As discussed in the preamble to the Department's regulations,[3] we are setting aside a period for interested parties to raise issues regarding product coverage (scope). The Department will consider all comments received from parties and, if necessary, will consult with parties prior to the issuance of the preliminary determinations. If scope comments include factual information (*see* 19 CFR 351.102(b)(21)), all such factual information should be limited to public information. In order to facilitate preparation of its questionnaires, the Department requests all interested parties to submit such comments by 5:00 p.m. Eastern Time (ET) on December 18, 2017. Any rebuttal comments, which may include factual information, must be filed by 5:00 p.m. ET on December 28, 2017.

The Department requests that any factual information the parties consider relevant to the scope of the investigations be submitted during this time period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigations may be relevant, the party may contact the Department and request permission to submit the additional information. All such comments must also be filed on the records of the concurrent AD and CVD investigations.

Filing Requirements

All submissions to the Department must be filed electronically using ACCESS.[4] An electronically filed document must be received successfully in its entirety by the time and date when it is due. Documents excepted from the electronic submission requirements must be filed manually (*i.e.,* in paper form) with Enforcement & Compliance's APO/Dockets Unit, Room 18022, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230, and stamped with the date and time of receipt by the applicable deadlines.

Comments on Product Characteristics for AD Questionnaires

The Department requests comments from interested parties regarding the appropriate physical characteristics of common alloy sheet to be reported in response to the Department's AD questionnaires. This information will be used to identify the key physical characteristics of the subject merchandise in order to report the relevant factors and costs of production accurately as well as to develop appropriate product-comparison criteria.

Interested parties may provide any information or comments that they believe are relevant to the development of an accurate list of physical characteristics. Specifically, they may provide comments as to which characteristics are appropriate to use as: (1) General product characteristics and (2) product-comparison criteria. We note that it is not always appropriate to use all product characteristics as product-comparison criteria. We base product-comparison criteria on meaningful commercial differences among products. In other words, although there may be some physical product characteristics utilized by manufacturers to describe common alloy sheet, it may be that only a select few product characteristics take into account commercially meaningful physical characteristics. In addition, interested parties may comment on the order in which the physical characteristics should be used in matching products. Generally, the Department attempts to list the most important physical characteristics first and the least important characteristics last.

In order to consider the suggestions of interested parties in developing and issuing the AD questionnaire, all comments must be filed by 5:00 p.m. ET on December 18, 2017. Any rebuttal comments, which may include factual information, must be filed by 5:00 p.m. ET on December 28, 2017. All comments and submissions to the Department must be filed electronically using ACCESS, as explained above, on the record of the less-than-fair-value investigation.

Injury Test

Because the PRC is a ''Subsidies Agreement Country'' within the meaning of section 701(b) of the Act, section 701(a)(2) of the Act applies to the CVD investigation. Accordingly, the ITC must determine whether imports of the subject merchandise from the PRC materially injure, or threaten material injury to, a U.S. industry.

Evidence of Material Injury, Threat of Material Injury, and Causation

The Department has evidence indicating that the U.S. industry producing the domestic like product[5] may be materially injured, or may be threatened with material injury, by reason of imports of the subject merchandise that may be benefitting from countervailable subsidies and may be sold at less than normal value (NV). In addition, the subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.[6]

Information considered by the Department indicates that the industry's injured condition is illustrated by reduced market share; underselling and price suppression or depression; decreasing U.S. shipment and production trends, as well as low capacity utilization rates; increasing volumes of imports from the PRC; plant and facility closures; and deterioration in financial performance. In addition, the information indicates a threat of material injury by reason of the imports from the PRC based on the vulnerability of the domestic industry to material injury; the rapid increase in the volume and market penetration of subject imports; continued underselling and price suppression or depression; countervailable subsidies received by common alloy sheet producers in the PRC; and significant unused capacity available to PRC producers of common alloy sheet to increase production for exportation.[7]

Sales at Less-Than-Fair Value

The following is a description of the evidence of sales at less-than-fair value upon which the Department based its decision to initiate an AD investigation of imports of common alloy sheet from the PRC. The sources of data for the deductions and adjustments relating to U.S. price and NV are discussed in

[3] *See Antidumping Duties; Countervailing Duties,* 62 FR 27296, 27323 (May 19, 1997).

[4] *See* 19 CFR 351.303 (describing general filing requirements); *see also Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011) and *Enforcement and Compliance; Change of Electronic Filing System Name,* 79 FR 69046 (November 20, 2014) for details of the Department's electronic filing requirements, which went into effect on August 5, 2011. Information on help using ACCESS can be found at *https://access.trade.gov/help.aspx* and a handbook can be found at *https://access.trade.gov/help/Handbook%20on%20Electronic%20Filling%20Procedures.pdf.*

[5] For a discussion of the domestic like product analysis in this case, *see* AD Initiation Memo and CVD Initiation Memo, at ''Definition of Domestic Industry.''

[6] *See* AD Initiation Memo and CVD Initiation Memo, at ''Negligibility.''

[7] *See* AD Initiation Memo; *see also* CVD Initiation Memo.

greater detail in the AD Initiation Memo.

Export Price

The Department calculated two export prices (EP) based on (1) the average unit value (AUV) of combined imports of common alloy sheet under the relevant Harmonized Tariff Schedule of the United States (HTSUS) subheadings for this product (7060.11.3060, 7060.11.6000, 7606.12.3090, 7606.12.6000, 7606.91.3090, 7606.91.6080, 7606.92.3090, 7606.92.6080) from the PRC during the POI; and (2) the AUV of imports of common alloy sheet under HTSUS subheading 7606.12.3090 from the PRC during the POI, which accounted for over 90 percent of total imports of subject merchandise. The Department deducted foreign inland freight, foreign brokerage and handling, and unrebated Value-Added Tax (VAT) to obtain ex-factory prices, in accordance with our normal practice for calculating EPs.[8]

Normal Value

The Department considers the PRC to be a non-market economy (NME) country.[9] In accordance with section 771(18)(C)(i) of the Act, any determination that a foreign country is an NME country shall remain in effect until revoked by the Department. Therefore, we continue to treat the PRC as an NME country for purposes of the initiation of this AD investigation. Accordingly, the NV of the product is appropriately based on factors of production (FOPs) valued in a surrogate market economy country, in accordance with section 773(c) of the Act.

South Africa is an appropriate surrogate country because it is a market economy country that is at a level of economic development comparable to that of the PRC, it is a significant producer of comparable merchandise, and public information pertaining to South Africa is available to value the FOPs.[10] Interested parties will have the opportunity to submit comments regarding surrogate country selection and, pursuant to 19 CFR 351.301(c)(3)(i), will be provided an opportunity to submit publicly available information to value FOPs within 30 days before the scheduled date of the preliminary determination.

Factors of Production

We based the FOPs for materials, labor, and energy on the consumption rates of certain producers of common alloy sheet in the United States.[11] The production process for common alloy sheet is similar regardless of whether the product is produced in the United States or in the PRC.[12] We valued the estimated FOPs using surrogate values from South Africa, as discussed below.[13]

Valuation of Raw Materials

We valued the FOPs for raw materials using public import data for South Africa obtained from the Global Trade Atlas (GTA) for the POI.[14] We excluded all import data from countries previously determined by the Department to maintain broadly available, non-industry-specific export subsidies and from countries previously determined by the Department to be NME countries. In addition, in accordance with the Department's practice, we excluded imports that were labeled as originating from an unidentified country.[15]

Valuation of Energy

We valued natural gas using the AUV of imports of liquid natural gas into South Africa.[16] We valued electricity using electricity rates reported by Eskom, South Africa's electricity public utility.[17]

Valuation of Labor

We valued labor using labor data published by Statistics South Africa (SSA), the national statistics service of South Africa.[18] SSA is the official South African source for government employment and earnings data.[19]

Valuation of Packing Materials

We determined the FOPs for packing materials based on the experience of U.S. producers of common alloy sheet in packing their own products.[20] We valued the packing materials based on South African import values.[21] We valued labor expenses for packing based on the hourly rates derived from the aforementioned labor data from the SSA.[22]

Valuation of Factory Overhead, Selling, General and Administrative Expenses, and Profit

We calculated ratios for factory overhead, selling, general and administrative expenses based on the 2016 consolidated financial statements of Hulamin Ltd. (Hulamin), a South African producer of common alloy sheet.[23] We calculated a profit rate for Hulamin by dividing its operating profit before taxes by the sum of cost of sales and SG&A expenses. We multiplied that rate by the total cost of production to obtain a profit value. The resulting profit value was added to the cost of production value to arrive at total cost of production plus profit for the product.[24]

Fair Value Comparisons

Based on the data obtained by the Department, there is reason to believe that imports of common alloy sheet from the PRC are being, or are likely to be, sold in the United States at less-than-fair value. Based on comparisons of EP to NV, in accordance with section 773(c) of the Act, the estimated dumping margins for common alloy sheet from the PRC are 56.54 percent and 59.72 percent.[25]

Initiation of Less-Than-Fair-Value Investigation

Section 732(a) of the Act states that the Department shall initiate an antidumping duty investigation whenever it determines, from information available to it, that a formal

[8] *See* AD Initiation Memo, at ''U.S. Price.''

[9] *See Antidumping Duty Investigation of Certain Aluminum Foil from the People's Republic of China: Affirmative Preliminary Determination of Sales at Less-Than-Fair Value and Postponement of Final Determination,* 82 FR 50858, 50861 (November 2, 2017) and accompanying decision memorandum, *China's Status as a Non-Market Economy.*

[10] *See* AD Initiation Memo at 3–7 (citing Department Memorandum: ''Request for a List of Surrogate Countries for an Antidumping Investigation on Cast Soil Iron Pipe Fittings (CSIPF) from the People's Republic of China (China),'' dated November 7, 2017); *see also Potassium Permanganate from the People's Republic of China: Preliminary Results of the 2015 Antidumping Duty Administrative Review,* 81 FR 89897 (December 13, 2016) (*Potassium Permanganate from the PRC Preliminary Decision*) and accompanying Preliminary Decision Memorandum (PDM) (unchanged in *Potassium Permanganate from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2015,* 82 FR 28044 (June 20, 2017) (*Potassium Permanganate from the PRC*)) and accompanying Issues and Decision Memorandum (IDM)).

[11] *See* AD Initiation Memo.

[12] *Id.*

[13] *Id.*

[14] *See* AD Initiation Memo; *see also Potassium Permanganate from the PRC Preliminary Decision* and accompanying PDM at 14 (unchanged in *Potassium Permanganate from the PRC*).

[15] *See* AD Initiation Memo at 4–7.

[16] *Id.*

[17] *Id.,* at 6; *see also Potassium Permanganate from the PRC Preliminary Decision* and accompanying PDM at 14 (unchanged in *Potassium Permanganate from the PRC*).

[18] *See* AD Initiation Memo.

[19] *Id.*

[20] *Id.*

[21] *Id.; see also Potassium Permanganate from the PRC Preliminary Decision* and accompanying PDM at 14 (unchanged in *Potassium Permanganate from the PRC*).

[22] *See* AD Initiation Memo.

[23] *Id.; see also Potassium Permanganate from the PRC Preliminary Decision* and accompanying PDM at 15–16 (unchanged in *Potassium Permanganate from the PRC*).

[24] *See* AD Initiation Memo, at 7.

[25] *Id.,* at ''Estimated Margins.''

investigation is warranted into the question of whether the elements necessary for the imposition of a duty under section 731 exists. Pursuant to section 732(a) of the Act, on the basis of information available to the Department, we are initiating an AD investigation to determine whether imports of common alloy sheet from the PRC are being, or are likely to be, sold in the United States at less-than-fair value. In accordance with section 733(b)(1)(A) of the Act and 19 CFR 351.205(b)(1), unless postponed, we intend to make our preliminary AD determination no later than 140 days after the date of this initiation.

Respondent Selection for AD Investigation

In accordance with our standard practice for respondent selection in AD cases involving NME countries, we intend to issue quantity and value (Q&V) questionnaires to known producers/exporters of merchandise subject to the investigation and, if necessary, base respondent selection on the responses received. In addition, the Department will post the Q&V questionnaire along with filing instructions on the Enforcement and Compliance Web site at *http://www.trade.gov/enforcement/news.asp.*

Producers/exporters of common alloy sheet from the PRC that do not receive Q&V questionnaires by mail may still submit a response to the Q&V questionnaire and can obtain a copy from the Enforcement & Compliance Web site. The Q&V response must be submitted by the relevant PRC exporters/producers no later than 5:00 p.m. ET on December 13, 2017. All Q&V responses must be filed electronically via ACCESS.

Separate Rates

In order to obtain separate-rate status in an NME AD investigation, exporters and producers must submit a separate-rate application.[26] The specific requirements for submitting a separate-rate application in the PRC AD investigation are outlined in detail in the application itself, which is available on the Department's Web site at *http://enforcement.trade.gov/nme/nme-sep-rate.html.* The separate-rate application will be due 30 days after publication of this initiation notice.[27] Exporters and producers who submit a separate-rate application and have been selected as mandatory respondents will be eligible for consideration for separate-rate status only if they respond to all parts of the Department's AD questionnaire as mandatory respondents. The Department requires that companies from the PRC submit a response to both the Q&V questionnaire and the separate-rate application by the respective deadlines in order to receive consideration for separate-rate status. Companies not filing a timely Q&V response will not receive separate rate consideration.

Use of Combination Rates

In an NME AD investigation, the Department will calculate combination rates for certain respondents that are eligible for a separate rate in that investigation. The Separate Rates and Combination Rates Bulletin states:

> {W}hile continuing the practice of assigning separate rates only to exporters, all separate rates that the Department will now assign in its NME Investigation will be specific to those producers that supplied the exporter during the period of investigation. Note, however, that one rate is calculated for the exporter and all of the producers which supplied subject merchandise to it during the period of investigation. This practice applies both to mandatory respondents receiving an individually calculated separate rate as well as the pool of non-investigated firms receiving the weighted-average of the individually calculated rates. This practice is referred to as the application of ''combination rates'' because such rates apply to specific combinations of exporters and one or more producers. The cash-deposit rate assigned to an exporter will apply only to merchandise both exported by the firm in question *and* produced by a firm that supplied the exporter during the period of investigation.[28]

Initiation of Countervailing Duty Investigation

Section 702(a) of the Act states that the Department shall initiate a CVD investigation whenever it determines that a formal investigation is warranted into the question of whether the elements necessary for an imposition of a duty under section 701(a) of the Act exist based on information available to the Department.

On the basis of information available to the Department, producers/exporters of common alloy sheet in the PRC may benefit from countervailable subsidies bestowed by the Government of the PRC. Pursuant to section 702(a) of the Act, on the basis of information available to the Department, we are initiating a CVD investigation to determine whether manufacturers, producers, or exporters of common alloy sheet from the PRC receive countervailable subsidies from the Government of the PRC. Based on information available to the Department, we find that there is sufficient information to initiate a CVD investigation on 26 programs. For a full discussion of the basis for our decision to initiate on each program, *see* CVD Initiation Memo.

In accordance with section 703(b)(1) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary CVD determination no later than 65 days after the date of this initiation.

Respondent Selection in CVD Investigation

Following standard practice in CVD investigations, in the event the Department determines that the number of producers/exporters of common alloy sheet in the PRC is large and it cannot individually examine each company based upon the Department's resources, where appropriate, the Department intends to select respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports of common alloy sheet during the POI under the appropriate HTSUS subheadings listed in the ''Scope of the Investigations,'' in the Appendix. We intend to release the CBP data under APO to all parties with access to information protected by APO within five business days of this initiation. Interested parties may submit comments regarding the CBP data and respondent selection by 5:00 p.m. ET seven calendar days after the placement of the CBP data on the record of this investigation. The Department will not accept rebuttal comments regarding the CBP data or respondent selection.

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found at *http://enforcement.trade.gov/apo/.*

Comments must be filed electronically using ACCESS. An electronically-filed document must be received successfully, in its entirety, by ACCESS no later than 5:00 p.m. ET on the date noted above. If respondent selection is appropriate, we intend to

[26] *See* Policy Bulletin 05.1: Separate-Rates Practice and Application of Combination Rates in Antidumping Investigation Involving Non-Market Economy Countries (April 5, 2005), available at *http://enforcement.trade.gov/policy/bull05-1.pdf* (Policy Bulletin 05.1).

[27] Although in past investigations this deadline was 60 days, consistent with 19 CFR 351.301(a), which states that ''the Secretary may request any person to submit factual information at any time during a proceeding,'' this deadline is now 30 days.

[28] *See* Policy Bulletin 05.1: Separate-Rates Practice and Application of Combination Rates in Antidumping Investigation Involving Non-Market Economy Countries (April 5, 2005), available at *http://enforcement.trade.gov/policy/bull05-1.pdf* (Policy Bulletin 05.1).

finalize our decisions regarding respondent selection within 20 days of publication of this notice.

ITC Notification

We will notify the ITC of our initiation, as required by sections 702(d) and 732(d) of the Act.

Preliminary Determinations by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the ITC receives notice from the Department that an investigation has been initiated, whether there is a reasonable indication that imports of common alloy sheet from the PRC are materially injuring or threatening material injury to a U.S. industry.[29] A negative ITC determination will result in the investigations being terminated; [30] otherwise, these investigations will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by the Department; and (v) evidence other than factual information described in (i)–(iv). Any party, when submitting factual information, must specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted [31] and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct.[32] Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Interested parties should review the regulations prior to submitting factual information in these investigations.

Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351, or as otherwise specified by the Secretary. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351 expires. For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. ET on the due date. Under certain circumstances, we may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, we will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, stand-alone submission; under limited circumstances we will grant untimely-filed requests for the extension of time limits. Review *Extension of Time Limits; Final Rule,* 78 FR 57790 (September 20, 2013), available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to submitting factual information in this investigation.

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.[33] Parties are hereby reminded that revised certification requirements are in effect for company/government officials, as well as their representatives. Investigations initiated on or after August 16, 2013, and other segments of any AD or CVD proceedings initiated on or after August 16, 2013, should use the formats for the revised certifications provided at the end of the *Final Rule*.[34] The Department intends to reject factual submissions if the submitting party does not comply with applicable revised certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under administrative protective order (APO) in accordance with 19 CFR 351.305. On January 22, 2008, the Department published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures,* 73 FR 3634 (January 22, 2008).

Parties wishing to participate in these investigations should ensure that they meet the requirements of these procedures (*e.g.,* the filing of letters of appearance as discussed in 19 CFR 351.103(d)).

Under the Trade Preferences Extension Act of 2015, numerous amendments to the AD and CVD laws were made.[35] The 2015 law does not specify dates of application for those amendments. On August 6, 2015, the Department published an interpretative rule, in which it announced the applicability dates for each amendment to the Act, except for amendments contained in section 771(7) of the Act, which relate to determinations of material injury by the ITC.[36] The amendments to sections 771(15), 773, 776, and 782 of the Act are applicable to all determinations made on or after August 6, 2015, and, therefore, apply to these AD and CVD investigations.[37]

This notice is issued and published pursuant to sections 702(a), 732(a), and 777(i) of the Act and 19 CFR 351.201(b).

Dated: November 28, 2017.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix—Scope of the Investigations

The merchandise covered by these investigations is aluminum common alloy sheet (common alloy sheet), which is a flat-rolled aluminum product having a thickness of 6.3 mm or less, but greater than 0.2 mm, in coils or cut-to-length, regardless of width. Common alloy sheet within the scope of these investigations includes both not clad aluminum sheet, as well as multi-alloy, clad aluminum sheet. With respect to not clad aluminum sheet, common alloy sheet is manufactured from a 1XXX-, 3XXX-, or 5XXX-series alloy as designated by the Aluminum Association. With respect to multi-alloy, clad aluminum sheet, common alloy sheet is produced from a 3XXX-series core, to which cladding layers are applied to either one or both sides of the core.

Common alloy sheet may be made to ASTM specification B209–14, but can also be made to other specifications. Regardless of specification, however, all common alloy sheet meeting the scope description is included in the scope. Subject merchandise includes common alloy sheet that has been further processed in a third country, including but not limited to annealing,

[29] *See* sections 793(a) and 733(a) of the Act.

[30] *Id.*

[31] *See* 19 CFR 351.301(b).

[32] *See* 19 CFR 351.301(b)(2).

[33] *See* section 782(b) of the Act.

[34] *See Certification of Factual Information to Import Administration during Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Final Rule*); *see also* frequently asked questions regarding the *Final Rule,* available at *http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

[35] *See* Trade Preferences Extension Act of 2015, Public Law 114–27, 129 Stat. 362 (2015).

[36] *See Dates of Application of Amendments to the Antidumping and Countervailing Duty Laws Made by the Trade Preferences Extension Act of 2015,* 80 FR 46793 (August 6, 2015) (*Applicability Notice*).

[37] *Id.* at 46794–95. The 2015 amendments may be found at *https://www.congress.gov/bill/114th-congress/house-bill/1295/text/pl.*

tempering, painting, varnishing, trimming, cutting, punching, and/or slitting, or any other processing that would not otherwise remove the merchandise from the scope of the investigations if performed in the country of manufacture of the common alloy sheet.

Excluded from the scope of these investigations is aluminum can stock, which is suitable for use in the manufacture of aluminum beverage cans, lids of such cans, or tabs used to open such cans. Aluminum can stock is produced to gauges that range from 0.200 mm to 0.292 mm, and has an H–19, H–41, H–48, or H–391 temper. In addition, aluminum can stock has a lubricant applied to the flat surfaces of the can stock to facilitate its movement through machines used in the manufacture of beverage cans. Aluminum can stock is properly classified under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7606.12.3045 and 7606.12.3055.

Where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set for the above.

Common alloy sheet is currently classifiable under HTSUS subheadings 7606.11.3060, 7606.11.6000, 7606.12.3090, 7606.12.6000, 7606.91.3090, 7606.91.6080, 7606.92.3090, and 7606.92.6080. Further, merchandise that falls within the scope of these investigations may also be entered into the United States under HTSUS subheadings 7606.11.3030, 7606.12.3030, 7606.91.3060, 7606.91.6040, 7606.92.3060, 7606.92.6040, 7607.11.9090. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of these investigations is dispositive.

[FR Doc. 2017–26068 Filed 12–1–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

FOR FURTHER INFORMATION CONTACT: Brenda E. Brown, Office of AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230, telephone: (202) 482–4735.

Background

Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspended investigation, an interested party, as defined in section 771(9) of the Tariff Act of 1930, as amended (the Act), may request, in accordance with 19 CFR 351.213, that the Department of Commerce (the Department) conduct an administrative review of that antidumping or countervailing duty order, finding, or suspended investigation.

All deadlines for the submission of comments or actions by the Department discussed below refer to the number of calendar days from the applicable starting date.

Respondent Selection

In the event the Department limits the number of respondents for individual examination for administrative reviews initiated pursuant to requests made for the orders identified below, the Department intends to select respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports during the period of review. We intend to release the CBP data under Administrative Protective Order (APO) to all parties having an APO within five days of publication of the initiation notice and to make our decision regarding respondent selection within 21 days of publication of the initiation **Federal Register** notice. Therefore, we encourage all parties interested in commenting on respondent selection to submit their APO applications on the date of publication of the initiation notice, or as soon thereafter as possible. The Department invites comments regarding the CBP data and respondent selection within five days of placement of the CBP data on the record of the review.

In the event the Department decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Act:

In general, the Department finds that determinations concerning whether particular companies should be ''collapsed'' (*i.e.,* treated as a single entity for purposes of calculating antidumping duty rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, the Department will not conduct collapsing analyses at the respondent selection phase of a review and will not collapse companies at the respondent selection phase unless there has been a determination to collapse certain companies in a previous segment of this antidumping proceeding (*i.e.,* investigation, administrative review, new shipper review or changed circumstances review). For any company subject to a review, if the Department determined, or continued to treat, that company as collapsed with others, the Department will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, the Department will not collapse companies for purposes of respondent selection. Parties are requested to (a) identify which companies subject to review previously were collapsed, and (b) provide a citation to the proceeding in which they were collapsed. Further, if companies are requested to complete a Quantity and Value Questionnaire for purposes of respondent selection, in general each company must report volume and value data separately for itself. Parties should not include data for any other party, even if they believe they should be treated as a single entity with that other party. If a company was collapsed with another company or companies in the most recently completed segment of a proceeding where the Department considered collapsing that entity, complete quantity and value data for that collapsed entity must be submitted.

Deadline for Withdrawal of Request for Administrative Review

Pursuant to 19 CFR 351.213(d)(1), a party that requests a review may withdraw that request within 90 days of the date of publication of the notice of initiation of the requested review. The regulation provides that the Department may extend this time if it is reasonable to do so. In order to provide parties additional certainty with respect to when the Department will exercise its discretion to extend this 90-day deadline, interested parties are advised that, with regard to reviews requested on the basis of anniversary months on or after December 2017, the Department does not intend to extend the 90-day deadline unless the requestor demonstrates that an extraordinary circumstance prevented it from submitting a timely withdrawal request. Determinations by the Department to extend the 90-day deadline will be made on a case-by-case basis.

The Department is providing this notice on its Web site, as well as in its ''Opportunity to Request Administrative Review'' notices, so that interested parties will be aware of the manner in which the Department intends to exercise its discretion in the future.

Opportunity to Request a Review: Not later than the last day of December

2017,[1] interested parties may request administrative review of the following orders, findings, or suspended investigations, with anniversary dates in December for the following periods:

	Period of review
Antidumping Duty Proceedings	
BRAZIL: Carbon Steel Butt-Weld Pipe Fittings A–351–602	12/1/16–11/30/17
CHILE: Certain Preserved Mushrooms A–337–804	12/1/16–11/30/17
GERMANY: Non-Oriented Electrical Steel A–428–843	12/1/16–11/30/17
INDIA:	
Carbazole Violet Pigment 23 A–533–838	12/1/16–11/30/17
Certain Hot-Rolled Carbon Steel Flat Products A–533–820	12/1/16–11/30/17
Commodity Matchbooks A–533–848	12/1/16–11/30/17
Stainless Steel Wire Rod A–533–808	12/1/16–11/30/17
INDONESIA: Certain Hot-Rolled Carbon Steel Flat Products A–560–812	12/1/16–11/30/17
JAPAN:	
Prestressed Concrete Steel Wire Strand A–588–068	12/1/16–11/30/17
Non-Oriented Electrical Steel A–588–857	12/1/16–11/30/17
Welded Large Diameter Line Pipe A–588–857	12/1/16–11/30/17
OMAN: Circular Welded Carbon-Quality Steel Pipe A–523–812	6/8/16–12/4/16 12/16/16–11/30/17
PAKISTAN: Circular Welded Carbon-Quality Steel Pipe A–553–903	6/8/16–11/30/17
REPUBLIC OF KOREA:	
Non-Oriented Electrical Steel A–580–872	12/1/16–11/30/17
Welded Astm A–312 Stainless Steel Pipe A–580–810	12/1/16–11/30/17
Uncovered Innersprings Units A–580–821	12/1/16–11/30/17
Welded Line Pipe A–580–876	12/1/16–11/30/17
RUSSIA: Certain Hot-Rolled Flat-Rolled Carbon-Quality Steel Products A–821–809	12/1/16–11/30/17
SOCIALIST REPUBLIC OF VIETNAM: Uncovered Innerspring Units A–552–803	12/1/16–11/30/17
SWEDEN: Non-Oriented Electrical Steel A–401–809	12/1/16–11/30/17
TAIWAN:	
Carbon Steel Butt-Weld Pipe Fittings A–583–605	12/1/16–11/30/17
Non-Oriented Electrical Steel A–583–851	12/1/16–11/30/17
Steel Wire Garment Hangers A–583–849	12/1/16–11/30/17
Welded Astm A–312 Stainless Steel Pipe A–583–815	12/1/16–11/30/17
THE PEOPLE'S REPUBLIC OF CHINA:	
Carbazole Violet Pigment 23 A–570–892	12/1/16–11/30/17
Cased Pencils A–570–827	12/1/16–11/30/17
Crystalline Silicon Photovoltaic Cells, Whether orNot Assembled Into Modules A–570–979	12/1/16–11/30/17
Hand Trucks and Certain Parts Thereof A–570–891	12/1/16–11/30/17
Honey A–570–863	12/1/16–11/30/17
Malleable Cast Iron Pipe Fittings A–570–881	12/1/16–11/30/17
Melamine A–570–020	12/1/16–11/30/17
Multilayered Wood Flooring A–570–970	12/1/16–11/30/17
Non-Oriented Electrical Steel A–570–996	12/1/16–11/30/17
Porcelain-On-Steel Cooking Ware A–570–020	12/1/16–11/30/17
Silicomanganese A–570–828	12/1/16–11/30/17
TURKEY: Welded Line Pipe A–489–822	12/1/16–11/30/17
UNITED ARAB EMIRATES: Circular Welded Carbon-Quality Steel Pipe A–520–807	6/8/16–11/30/17
Countervailing Duty Proceedings	
CANADA: Supercalendered Paper C–122–854	1/1/16–12/31/16
INDIA:	
Carbazole Violet Pigment 23 C–533–839	1/1/16–12/31/16
Certain Hot-Rolled Carbon Steel Flat Products C–533–821	1/1/16–12/31/16
Commodity Matchbooks C–533–849	1/1/16–12/31/16
INDONESIA: Certain Hot-Rolled Carbon Steel Flat Products C–560–813	1/1/16–12/31/16
TAIWAN: Non-Oriented Electrical Steel C–583–852	1/1/16–12/31/16
THAILAND: Certain Hot-Rolled Carbon Steel Flat Products C–549–818	1/1/16–12/31/16
THE PEOPLE'S REPUBLIC OF CHINA:	
Crystalline Silicon Photovoltaic Cells, Whether orNot Assembled Into Modules C–570–980	1/1/16–12/31/16
Melamine C–570–021	1/1/16–12/31/16
Non-Oriented Electrical Steel C–570–997	1/1/16–12/31/16
Multilayered Wood Flooring C–570–971	1/1/16–12/31/16
TURKEY: Welded Line Pipe C–489–823	1/1/16–12/31/16
Suspension Agreements	
MEXICO:	
Sugar A–201–845	12/1/16–11/30/17
Sugar C–201–846	1/1/17–12/30/17

[1] Or the next business day, if the deadline falls on a weekend, federal holiday or any other day when the Department is closed.

In accordance with 19 CFR 351.213(b), an interested party as defined by section 771(9) of the Act may request in writing that the Secretary conduct an administrative review. For both antidumping and countervailing duty reviews, the interested party must specify the individual producers or exporters covered by an antidumping finding or an antidumping or countervailing duty order or suspension agreement for which it is requesting a review. In addition, a domestic interested party or an interested party described in section 771(9)(B) of the Act must state why it desires the Secretary to review those particular producers or exporters. If the interested party intends for the Secretary to review sales of merchandise by an exporter (or a producer if that producer also exports merchandise from other suppliers) which was produced in more than one country of origin and each country of origin is subject to a separate order, then the interested party must state specifically, on an order-by-order basis, which exporter(s) the request is intended to cover.

Note that, for any party the Department was unable to locate in prior segments, the Department will not accept a request for an administrative review of that party absent new information as to the party's location. Moreover, if the interested party who files a request for review is unable to locate the producer or exporter for which it requested the review, the interested party must provide an explanation of the attempts it made to locate the producer or exporter at the same time it files its request for review, in order for the Secretary to determine if the interested party's attempts were reasonable, pursuant to 19 CFR 351.303(f)(3)(ii).

As explained in *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003), and *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011), the Department clarified its practice with respect to the collection of final antidumping duties on imports of merchandise where intermediate firms are involved. The public should be aware of this clarification in determining whether to request an administrative review of merchandise subject to antidumping findings and orders.[2]

The Department no longer considers the non-market economy (NME) entity as an exporter conditionally subject to an antidumping duty administrative reviews.[3] Accordingly, the NME entity will not be under review unless the Department specifically receives a request for, or self-initiates, a review of the NME entity.[4] In administrative reviews of antidumping duty orders on merchandise from NME countries where a review of the NME entity has not been initiated, but where an individual exporter for which a review was initiated does not qualify for a separate rate, the Department will issue a final decision indicating that the company in question is part of the NME entity. However, in that situation, because no review of the NME entity was conducted, the NME entity's entries were not subject to the review and the rate for the NME entity is not subject to change as a result of that review (although the rate for the individual exporter may change as a function of the finding that the exporter is part of the NME entity).

Following initiation of an antidumping administrative review when there is no review requested of the NME entity, the Department will instruct CBP to liquidate entries for all exporters not named in the initiation notice, including those that were suspended at the NME entity rate.

All requests must be filed electronically in Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) on Enforcement and Compliance's ACCESS Web site at *http://access.trade.gov*.[5] Further, in accordance with 19 CFR 351.303(f)(l)(i), a copy of each request must be served on the petitioner and each exporter or producer specified in the request.

The Department will publish in the **Federal Register** a notice of ''Initiation of Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation'' for requests received by the last day of December 2017. If the Department does not receive, by the last day of December 2017, a request for review of entries covered by an order, finding, or suspended investigation listed in this notice and for the period identified above, the Department will instruct CBP to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of (or bond for) estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant provisional-measures ''gap'' period of the order, if such a gap period is applicable to the period of review.

This notice is not required by statute but is published as a service to the international trading community.

Dated: November 28, 2017.

James Maeder,

Senior Director, performing the duties of Deputy Assistant Secretary, for Antidumping and Countervailing Duty Operations.

[FR Doc. 2017–26070 Filed 12–1–17; 8:45 am]

BILLING CODE 3510–DS–P

[2] *See also* the Enforcement and Compliance Web site at *http://trade.gov/enforcement/*.

[3] *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963 (November 4, 2013).

[4] In accordance with 19 CFR 351.213(b)(1), parties should specify that they are requesting a review of entries from exporters comprising the entity, and to the extent possible, include the names of such exporters in their request.

[5] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–560–826]

Monosodium Glutamate From Indonesia: Preliminary Results of Antidumping Duty Administrative Review; 2015–2016

AGENCY: Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce.

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on monosodium glutamate (MSG) from Indonesia. The period of review (POR) is November 1, 2015 through October 31, 2016. The review covers a single mandatory respondent, PT Cheil Jedang Indonesia (CJI). The Department preliminarily determines that the respondent has not made sales of subject merchandise below normal value (NV). We invite interested parties to comment on these preliminary results.

DATES: Applicable December 4, 2017.

FOR FURTHER INFORMATION CONTACT: Caitlin Monks or Joseph Traw, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade

Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–2670 or (202) 482–6079, respectively.

SUPPLEMENTARY INFORMATION:

Background

On January 13, 2017, the Department initiated this administrative review on MSG from Indonesia covering one company, CJI. The events that have occurred between initiation and these preliminary results are discussed in the Preliminary Decision Memorandum.[1]

Scope of the Order

The merchandise covered by this order is monosodium glutamate (MSG), whether or not blended or in solution with other products. The product is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) at subheading 2922.42.10.00. Merchandise covered by this order may also enter under HTSUS subheadings 2922.42.50.00, 2103.90.72.00, 2103.90.74.00, 2103.90.78.00, 2103.90.80.00, and 2103.90.90.91. These tariff classifications are provided for convenience and customs purposes; however, the written product description, available in the Preliminary Decision Memorandum, remains dispositive.[2]

Methodology

The Department is conducting this review in accordance with section 751(a)(2) of the Tariff Act of 1930, as amended (the Act). Export price is calculated in accordance with section 772 of the Act. NV is calculated in accordance with section 773 of the Act.

For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov* and is available to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the internet at *http://enforcement.trade.gov/frn/index.html.* The signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content. A list of the topics discussed in the Preliminary Decision Memorandum is attached as an Appendix to this notice.

Preliminary Results of Review

As a result of this review, we calculated a zero percent dumping margin for CJI for the period November 1, 2015, through December 31, 2016.

Disclosure and Public Comment

The Department intends to disclose to the parties the calculations performed in connection with these preliminary results within five days of the date of publication of this notice.[3] Pursuant to 19 CFR 351.309(c)(ii), the Department will issue a case brief schedule at a later date in the proceeding, notifying interested parties of the deadlines for submitting case and rebuttal briefs. When the case brief schedule is issued, parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[4] Case and rebuttal briefs should be filed using ACCESS.[5] In order to be properly filed, ACCESS must successfully receive an electronically-filed document in its entirety by 5 p.m. Eastern Time on the established deadline.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS, within 30 days after the date of publication of this notice.[6] Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs.

Unless extended, the Department intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h).

Assessment Rates

Upon issuance of the final results, the Department will determine, and Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries in accordance with 19 CFR 351.212(b)(1). If CJI's weighted-average dumping margin is not zero or *de minimis* (*i.e.,* less than 0.5 percent) in the final results of this review, we will calculate importer-specific assessment rates based on the ratio of the total amount of dumping calculated for the importer's examined sales and the total entered value of the sales in accordance with 19 CFR 351.212(b)(1). We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific assessment rate calculated in the final results of this review is above *de minimis.* Where the respondent's weighted-average dumping margin is zero or *de minimis,* or an importer-specific assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.

For entries of subject merchandise during the POR produced by the respondent for which it did not know that its merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction. We intend to issue instructions to CBP 15 days after the date of publication of the final results of this review.

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review, as provided for by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for the company under review will be the rate established in the final results of this review, except, if the rate is zero or *de minimis* (*i.e.,* less than 0.5 percent), no cash deposit will be required; (2) for previously reviewed or investigated

[1] *See* Memorandum to Gary Taverman, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, from James Maeder, Senior Director performing the duties of Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, ''Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review: Monosodium Glutamate from Indonesia, 2015–2016,'' dated November 27, 2017 (Preliminary Decision Memorandum), which is hereby adopted by this **Federal Register** notice.

[2] For a complete description of the Scope of the Order, see Preliminary Decision Memorandum.

[3] *See* 19 CFR 351.224(b).

[4] *See* 19 CFR 351.309(c)(2) and (d)(2).

[5] *See* 19 CFR 351.303.

[6] *See* 19 CFR 351.310(c).

companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters is 6.19 percent, the all-others rate established in the investigation.[7] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Interested Parties

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: November 27, 2017.

Carole Showers,

Executive Director, Office of Policy performing the duties of the Deputy Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Comparisons to Normal Value
V. Product Comparisons
VI. Date of Sale
VII. Constructed Export Price
VIII. Normal Value
IX. Currency Conversion
X. Recommendation

[FR Doc. 2017–26063 Filed 12–1–17; 8:45 am]

BILLING CODE 3510–DS–P

[7] *See Monosodium Glutamate from the Republic of Indonesia: Final Determination of Sales at Less Than Fair Value* 79 FR 58329 (September 29, 2014).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; West Coast Region Gear Identification Requirements

AGENCY: National Ocean and Atmospheric Administration, 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 February 2, 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 Keeley Kent, (206) 526–4655 or *keeley.kent@noaa.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for extension of a currently approved information collection.

The success of fisheries management programs depends significantly on regulatory compliance. The requirements that fishing gear be marked are essential to facilitate enforcement. The ability to link fishing gear to the vessel owner or operator is crucial to enforcement of regulations issued under the authority of the Magnuson-Stevens Fishery Conservation and Management Act. The marking of fishing gear is also valuable in actions concerning damage, loss, and civil proceedings. The regulations specify that fishing gear must be marked with the vessel's official number, Federal permit or tag number, or some other specified form of identification. The regulations further specify how the gear is to be marked (*e.g.,* location and color). Law enforcement personnel rely on gear marking information to assure compliance with fisheries management regulations. Gear that is not properly identified is confiscated. Gear violations are more readily prosecuted when the gear is marked, and this allows for more cost-effective enforcement. Gear marking helps ensure that a vessel harvests fish only from its own traps/pots/other gear are not illegally placed. Cooperating fishermen also use the gear marking numbers to report suspicious or non-compliant activities that they observe, and to report placement or occurrence of gear in unauthorized areas. The identifying number on fishing gear is used by the National Marine Fisheries Service (NMFS), the United States Coast Guard (USCG), and other marine agencies in issuing regulations, prosecutions, and other enforcement actions necessary to support sustainable fisheries behaviors as intended in regulations. Regulation-compliant fishermen ultimately benefit from these requirements, as unauthorized and illegal fishing is deterred and more burdensome regulations are avoided.

II. Method of Collection

The physical marking of fishing buoys is done by fishermen in the Pacific Coast Groundfish Fishery) according to regulation.

III. Data

OMB Control Number: 0648–0352.

Form Number(s): None.

Type of Review: Regular submission (extension of a current information collection).

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 1,125.

Estimated Time per Response: 15 minutes.

Estimated Total Annual Burden Hours: 574 hours.

Estimated Total Annual Cost to Public: $11,351.60 for materials.

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 and whether the information shall have practical utility) 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 29, 2017.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2017–26023 Filed 12–1–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; West Coast Region Vessel Identification Requirements

AGENCY: National Ocean 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 February 2, 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 Keeley Kent, (206) 526–4655 or *keeley.kent@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for extension of a currently approved information collection.

The success of fisheries management programs depends significantly on regulatory compliance. The vessel identification requirement is essential to facilitate enforcement. The ability to link fishing (or other activity) to the vessel owner or operator is crucial to enforcement of regulations issued under the authority of the Magnuson-Stevens Fishery Conservation and Management Act. A vessel's official number is required to be displayed on the port and starboard sides of the deckhouse or hull, and on a weather deck. It identifies each vessel and should be visible at distances at sea and in the air. Law enforcement personnel rely on vessel marking information to assure compliance with fisheries management regulations. Vessels that qualify for particular fisheries are also readily identified, and this allows for more cost-effective enforcement. Cooperating fishermen also use the vessel numbers to report suspicious or non-compliant activities that they observe in unauthorized areas. The identifying number on fishing vessels is used by the National Marine Fisheries Service (NMFS), the United States Coast Guard (USCG), and other marine agencies in issuing regulations, prosecutions, and other enforcement actions necessary to support sustainable fisheries behaviors as intended in regulations. Regulation-compliant fishermen ultimately benefit from these requirements, as unauthorized and illegal fishing is deterred and more burdensome regulations are avoided.

II. Method of Collection

Fishing vessel owners physically mark vessels with identification numbers in three locations per vessel.

III. Data

OMB Control Number: 0648–0355.

Form Number(s): None.

Type of Review: Regular submission (extension of a currently approved information collection).

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 1,125.

Estimated Time per Response: 15 minutes per marking.

Estimated Total Annual Burden Hours: 69 hours.

Estimated Total Annual Cost to Public: $19,106 for materials.

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 and whether the information shall have practical utility) 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 29, 2017.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2017–26024 Filed 12–1–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; National Saltwater Angler Registry

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 February 2, 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 Gordon Colvin (240) 357–4524 or *Gordon.Colvin@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for extension of a currently approved collection.

The National Saltwater Angler Registry Program (Registry Program) was established to implement recommendations included in the review of national saltwater angling data collection programs conducted by the National Research Council (NRC) in 2005/2006, and the provisions of the Magnuson-Stevens Reauthorization Act, codified at Section 401(g) of the

Magnuson-Stevens Fishery Conservation and Management Act (MSA), which require the Secretary of Commerce to commence improvements to recreational fisheries surveys, including establishing a national saltwater angler and for-hire vessel registry, by January 1, 2009. A final rule that includes regulatory measures to implement the Registry Program (RIN 0648–AW10) was adopted and codified in 50 CFR 600, Subpart P.

The Registry Program collects identification and contact information from those anglers and for-hire vessels who are involved in recreational fishing in the United States Exclusive Economic Zone or for anadromous fish in any waters, unless the anglers or vessels are exempted from the registration requirement. Data collected includes: For anglers: Name, address, date of birth, telephone contact information and region(s) of the country in which they fish; for for-hire vessels: Owner and operator name, address, date of birth, telephone contact information, vessel name and registration/documentation number and home port or primary operating area. This information is compiled into a national and/or series of regional registries that is being used to support surveys of recreational anglers and for-hire vessels to develop estimates of recreational angling effort.

II. Method of Collection

Persons may register on line at a NOAA-maintained Web site. Registration cards, valid for one year from the date of issuance, are mailed to registrants.

III. Data

OMB Control Number: 0648–0578.

Form Number(s): None.

Type of Review: Regular submission (extension of a currently approved collection).

Affected Public: Individuals or households; business or other for-profit organizations.

Estimated Number of Respondents: 2,724.

Estimated Time per Response: 3 minutes.

Estimated Total Annual Burden Hours: 137.

Estimated Total Annual Cost to Public: $78,996 in registration fees.

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 29, 2017.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2017–26025 Filed 12–1–17; 8:45 am]

BILLING CODE 3510–22–P

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities: Notice of Intent To Renew Collection Number 3038–0062, Off-Exchange Foreign Currency Transactions; Correction

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice; correction.

SUMMARY: The Commodity Futures Trading Commission published a document in the **Federal Register** of November 28, 2017, concerning a request for comments on a Paperwork Reduction Act Notice related to off-exchange foreign currency transactions. The document contained a reference to an incorrect Office of Management and Budget control number. This document corrects that error.

FOR FURTHER INFORMATION CONTACT: Lauren Bennett, Special Counsel, 202–418–5290, email: *lbennett@cftc.gov,* Division of Swap Dealer and Intermediary Oversight, Commodity Futures Trading Commission and refer to OMB Control No. 3038–0062.

Correction

In the **Federal Register** of November 28, 2017, FR Doc. 2017–25698, on page 56221, in the second column, correct the second sentence of the **ADDRESSES** caption to read:

Please identify the comments by OMB Control No. 3038–0062.

Dated: November 29, 2017.

Robert N. Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2017–26026 Filed 12–1–17; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF DEFENSE

Department of the Army

Performance Review Board Membership

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: The original notice of the list of participants for the Performance Review Board Membership published in the **Federal Register** on Friday, November 3, 2017. There is an additional participant to add to the list: MG Michael Wehr, Deputy Chief of Engineers/Deputy Commanding General, U.S. Army Corps of Engineers, Washington, DC.

DATES: The term began on November 1, 2017.

FOR FURTHER INFORMATION CONTACT: Barbara Smith, Civilian Senior Leader Management Office, 111 Army Pentagon, Washington, DC 20310–0111, (703) 693–1126.

SUPPLEMENTARY INFORMATION: None.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2017–26050 Filed 12–1–17; 8:45 am]

BILLING CODE 5001–03–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 17–22]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Arms sales notice.

SUMMARY: The Department of Defense is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Pamela Young, (703) 697–9107, *pamela.a.young14.civ@mail.mil* or Kathy Valadez, (703) 697–9217, *kathy.a.valadez.civ@mail.mil;* DSCA/DSA–RAN.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 17–22 with attached Policy Justification.

Dated: November 28, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

NOV 0 1 2017

The Honorable Paul D. Ryan
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 17-22, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Qatar for defense articles and services estimated to cost $1.1 billion. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

Charles W. Hooper
Lieutenant General, USA
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Regional Balance (Classified Document Provided Under Separate Cover)

BILLING CODE 5001–06–C

Transmittal No. 17–22

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Qatar

(ii) *Total Estimated Value:*

Major Defense Equipment *	$0 billion
Other	$1.1 billion
Total	$1.1 billion

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):
None

Non-MDE:

Design and construction services, new parking/loading ramps, hot cargo pads, taxiways, hangars, back shops, alert facilities, weapons storage areas, hardened shelters, squadron operations facilities, maintenance facilities, training facilities, information technology support and cyber facilities, force protection support facilities,

squadron operations facilities, other F–15QA related support structures, construction/facilities/design services, cybersecurity services, mission critical computer resources, support services, force protection services, and other related elements of logistics and program support.

(iv) *Military Department:* Air Force (X7–D–QAL)

(v) *Prior Related Cases, if any:*

Air Force: QA–D–SAC, QA–D–TAH, QA–D–YAB

Navy: QA–P–AAG, QA–P–AAE, QA–P–AAH, QA–P–LAC, QA–P–LAE

(vi) *Sales Commission, Fee, etc., Paid, Offered. or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* None

(viii) *Date Report Delivered to Congress:* November 1, 2017

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Qatar—F–15QA Construction, Cybersecurity, and Force Protection Infrastructure

The Government of Qatar has requested support of its F–15QA multi-role fighter aircraft program to include design and construction services, new parking/loading ramps, hot cargo pads, taxiways, hangars, back shops, alert facilities, weapons storage areas, hardened shelters, squadron operations facilities, maintenance facilities, training facilities, information technology support and cyber facilities, force protection support facilities, squadron operations facilities, other F–15QA related support structures, construction/facilities/design services, cybersecurity services, mission critical computer resources, support services, force protection services, and other related elements of logistics and program support. The estimated cost is $1.1 billion.

This proposed sale supports the foreign policy and national security objectives of the United States. Qatar is an important force for political stability and economic progress in the Persian Gulf region. Our mutual defense interests anchor our relationship and the Qatar Emiri Air Force (QEAF) plays a predominant role in Qatar's defense.

The proposed sale improves Qatar's capability to operate and sustain its F–15QA aircraft. A robust construction, cybersecurity, and force protection infrastructure is vital to ensuring the QEAF partners can utilize the F–15QA aircraft to its full potential. Qatar will have no difficulty absorbing this support into its armed forces.

The proposed sale of this construction, cybersecurity, and force protection infrastructure will not alter the basic military balance in the region.

The prime contractor for construction, cybersecurity, and force protection infrastructure will be determined through competition. The purchaser typically requests offsets. Any offset agreement will be defined in negotiations between the purchaser and the contractor.

Implementation of the construction, cybersecurity, and force protection aspects of this notification include the establishment of a construction office in Doha with as many as ten (10) U.S. Government civilians which will adjust in size as case workload varies. Anticipated contractor footprint for this effort is approximately fifteen (15) to fifty (50) personnel, which may vary based on phases of construction and establishment of required services.

There will be no adverse impact to U.S. defense readiness as a result of this proposed sale.

[FR Doc. 2017–25974 Filed 12–1–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 17–47]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Arms sales notice.

SUMMARY: The Department of Defense is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Pamela Young, (703) 697–9107, *pamela.a.young14.civ@mail.mil* or Kathy Valadez, (703) 697–9217, *kathy.a.valadez.civ@mail.mil;* DSCA/DSA–RAN.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 17–47 with attached Policy Justification and Sensitivity of Technology.

Dated: November 28, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 209
ARLINGTON, VA 22202-5408

OCT 1 1 2017

The Honorable Paul D. Ryan
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 17-47, concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Government of the Czech Republic for defense articles and services estimated to cost $575 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

Charles W. Hooper
Lieutenant General, USA
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 5001–06–C

Transmittal No. 17–47

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of the Czech Republic

(ii) *Total Estimated Value:*

Major Defense Equipment*	$335.9 million
Other	$239.1 million
Total	$575.0 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):
Twelve (12) UH–1Y Utility Helicopters
Twenty-five (25) T–700 GE 401C Engines (twenty-four (24) installed, one (1) spare)
Thirteen (13) Honeywell Embedded Global Positioning Systems (GPS)/

Inertial Navigation System (INS) (EGI) (twelve (12) installed, one (1) spare) Twelve (12) 7.62mm M240 Machine Guns

Non-MDE includes:

Brite Star II FLIR system, Aircraft Survivability Equipment (ASE) (includes the AN/AAR–47 Missile Warning and Laser Detection System, AN/ALE–47 Counter Measure Dispensing System (CMDS) and the AN/APR–39 Radar Warning Receiver (RWR)), Joint Mission Planning Systems, Helmet Mounted Displays, communication equipment, small caliber gun systems including GAU–17A and GAU–21, electronic warfare systems, Identification Friend or Foe (IFF) Mode 4/5 transponder, support equipment, spare engine containers, spare and repair parts, tools and test equipment, technical data and publications, personnel training and training equipment, U.S. government and contractor engineering, technical, and logistics support services, and other related elements of logistics and program support.

(iv) *Military Department:* Navy

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services*

Proposed to be Sold: See Attached Annex

(viii) *Date Report Delivered to Congress:* October 11, 2017

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Czech Republic—UH–1Y Utility Helicopters

The Government of the Czech Republic has requested the possible sale of twelve (12) UH–1Y utility helicopters, twenty-five (25) T–700 GE 401C engines (twenty-four (24) installed, one (1) spare), thirteen (13) Honeywell Embedded GPS/INS (EGI) (twelve (12) installed, one (1) spare), and twelve (12) 7.62mm M240 Machine Guns. This request also includes Brite Star II FLIR system, Aircraft Survivability Equipment (ASE) (includes the AN/AAR–47 Missile Warning and Laser Detection System, AN/ALE–47 Counter Measure Dispensing System (CMDS) and the AN/APR–39 Radar Warning Receiver (RWR)), Joint Mission Planning Systems, Helmet Mounted Displays, communication equipment, small caliber gun systems including GAU–17A and GAU–21, electronic warfare systems, Identification Friend or Foe (IFF) Mode 4/5 transponder, support equipment, spare engine containers, spare and repair parts, tools and test equipment, technical data and publications, personnel training and training equipment, U.S. government and contractor engineering, technical, and logistics support services, and other related elements of logistics and program support. The estimated cost is $575 million.

This proposed sale will support the foreign policy and national security of the United States by helping to improve the security of a NATO partner that is an important force for ensuring peace and stability in Europe. The proposed sale will support the Czech Republic's needs for its own self-defense and support NATO defense goals.

The Czech Republic intends to use these helicopters to modernize its armed forces and strengthen its homeland defense and deter regional threats. This will contribute to the Czech Republic's military goal of updating its capabilities while further enhancing interoperability with the United States and other NATO allies. The Czech Republic will have no difficulty absorbing these helicopters into its armed forces.

This proposed sale of equipment and support will not alter the basic military balance in the region.

The principal contractors will be Bell Helicopter, Textron, Fort Worth, Texas; and General Electric Company, Lynn, Massachusetts. There are no known offset agreements proposed in conjunction with this potential sale.

Implementation of this proposed sale will require multiple trips by U.S. Government and contractor representatives to participate in program and technical reviews plus training and maintenance support in country, on a temporary basis, for a period of twenty-four (24) months. It will also require three (3) Contractor Engineering Technical Service (CETS) representatives to reside in country for a period of two (2) years to support this program.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 17–47

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The following components and technical documentation for the program are classified as listed below:

a. The UH–1Y-model has an Integrated Avionics System (IAS) which includes two (2) mission computers and an automatic flight control system. Each crew station has two (2) 8×6-inch multifunction liquid crystal displays (LCD) and one (1) 4.2×4.2-inch dual function LCD display. The communications suite will have COMSEC ARC–210 Ultra High Frequency Very High Frequency (UHF/VHF) radios with associated communications equipment. The navigation suite includes Honeywell Embedded Global Positioning System (GPS) Inertial Navigation System (INS) (EGI) w/Precise Positioning Service (PPS), a digital map system, a low-airspeed air data subsystem, and an AN/APX–123/A(V) IFF Transponder.

b. The crew is equipped with the Optimized Top Owl (OTO) helmet-mounted sight and display system. The OTO has a Day Display Module (DDM) and a Night Display Module (NDM). The UH–1Y has survivability equipment including the AN/AAR–47 Missile Warning and Laser Detection System, AN/ALE–47 Counter Measure Dispensing System (CMDS) and the AN/APR–39 Radar Warning Receiver (RWR) to cover countermeasure dispensers, radar warning, incoming/on-way missile warning and on fuselage laser-spot warning systems.

c. The following performance data and technical characteristics are classified as follows for the UH–1Y Airframe: countermeasure capability—up to SECRET, counter-countermeasures capability—SECRET, vulnerability to countermeasures—SECRET, vulnerability to electromagnetic pulse from nuclear environmental effects—SECRET.

2. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures which might reduce weapon system effectiveness.

3. The consequences of the loss of this technology to a technologically advanced or competent adversary could result in the compromise of equivalent systems, which in turn could reduce those weapons systems' effectiveness, or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that the Czech Republic can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale of the UH–1Y helicopter and associated weapons will further U.S. foreign policy and national security objectives.

5. All defense articles and services listed in this transmittal are authorized for release and export to the Government of the Czech Republic.

[FR Doc. 2017–26006 Filed 12–1–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 17–57]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Arms sales notice.

SUMMARY: The Department of Defense is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Pamela Young, (703) 697–9107, *pamela.a.young14.civ@mail.mil* or Kathy Valadez, (703) 697–9217, *kathy.a.valadez.civ@mail.mil*; DSCA/DSA–RAN.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 17–57 with attached Policy Justification and Sensitivity of Technology.

Dated: November 28, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

The Honorable Paul D. Ryan
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

OCT 30 2017

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 17-57, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Canada for defense articles and services estimated to cost $140 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

Charles W. Hooper
Lieutenant General, USA
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 5001–06–C

Transmittal No. 17–57

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Canada

(ii) *Total Estimated Value:*

Major Defense Equipment*	$130 million
Other	$10 million
Total	$140 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Up to thirty-two (32) AIM–120D Advanced Medium-Range Air-to-Air Missiles (AMRAAM)

Up to eighteen (18) AMRAAM Captive Air Training Missiles (CATMs)

Up to four (4) AMRAAM Non-Development Item—Airborne Instrumentation Unit (NDI–AIU)

Up to two (2) AMRAAM Instrumented Test Vehicles (ITV)

Up to seven (7) spare AMRAAM guidance units

Up to four (4) spare AMRAAM control sections

Non-MDE:

Included in the sale are containers; storage and preservation; transportation; aircrew and maintenance training; training aids and equipment, spares and repair parts; warranties; weapon system support and test equipment;

publications and technical documentation; software development integration, and support; system integration and testing; U.S. Government and contractor engineering technical and logistics support; and other related elements of logistics and program support.

(iv) *Military Department:* Air Force (XX–D–YDG)

(v) *Prior Related Cases, if any:* CN–D–YAE for AIM–120 AMRAAMs; CN–D–QBU for in-service support for those AMRAAMs

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* Oct 30, 2017

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Canada—AIM–120D Advanced Medium Range Air-to-Air Missiles (AMRAAM)

The Government of Canada has requested a Letter of Offer and Acceptance for the procurement of up to thirty-two (32) AIM–120D Advanced Medium-Range Air-to Air Missiles (AMRAAMs), up to eighteen (18) AMRAAM Captive Air Training Missiles (CATMs); up to four (4) AMRAAM Non-Development Item—Airborne Instrumentation Unit (NDI–AIU); up to two (2) AMRAAM Instrumented Test Vehicles (ITV); up to seven (7) spare AMRAAM guidance units; up to four (4) spare AMRAAM control sections for use on their F/A–18 aircraft. Included in the sale are containers; storage and preservation; transportation; aircrew and maintenance training; training aids and equipment, spares and repair parts; warranties; weapon system support and test equipment; publications and technical documentation; software development, integration, and support; system integration and testing; U.S. Government and contractor engineering, technical, and logistics support; and other related elements of logistics and program support. The estimated total cost is $140 million.

This proposed sale will contribute to the foreign policy and national security objectives of the United States by helping to improve the security of a NATO ally which has been, and continues to be, a key democratic partner of the United States in ensuring peace and stability. The missiles will be used on Royal Canadian Air Force (RCAF) fighter aircraft.

This proposed sale of defense articles and services is required to enable RCAF fighters to optimally fulfill both North American Aerospace Defense (NORAD) and NATO missions and also meets the U.S. Northern Command's goals of combined air operations interoperability and standardization between Canadian and U.S. forces. The RCAF will have no difficulty absorbing these missiles into its inventory.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractor will be Raytheon Missile Systems, Tucson, AZ. The Government of Canada has advised that it will negotiate offset agreements in conjunction with this sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Canada.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 17–57

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The AIM–120D Advanced Medium Range Air-to-Air Missile (AMRAAM) hardware, including the missile guidance section, is classified CONFIDENTIAL. State-of-the-art technology is used in the missile to provide it with unique beyond-visual-range capability. The increase in capability from the AIM–120C–7 to AIM–120D consists of a two-way data link, a more accurate navigation unit, improved High-Angle Off-Boresight (HOBS) capability, and enhanced aircraft-to-missile position handoff.

2. AIM–120D features a target detection device with embedded electronic countermeasures, and electronics unit within the guidance section that performs all radar signal processing, mid-course and terminal guidance, flight control, target detection, and warhead burst point determination.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that Canada can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This proposed sale is necessary to further the U.S. foreign policy and national security objectives outlined in the Policy Justification.

5. All defense articles and services listed on this transmittal are authorized for release and export to Canada.

[FR Doc. 2017–25978 Filed 12–1–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 17–59]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Arms sales notice.

SUMMARY: The Department of Defense is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Pamela Young, (703) 697–9107, *pamela.a.young14.civ@mail.mil* or Kathy Valadez, (703) 697–9217, *kathy.a.valadez.civ@mail.mil*; DSCA/DSA–RAN.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 17–59 with attached Policy Justification and Sensitivity of Technology.

Dated: November 28, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

NOV 17 2017

The Honorable Paul D. Ryan
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 17-59, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of Georgia for defense articles and services estimated to cost $75 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

Charles W. Hooper
Lieutenant General, USA
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 5001–06–C

Transmittal No. 17–59

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Georgia

(ii) *Total Estimated Value:*

Major Defense Equipment*	$50 million
Other	$25 million
Total	$75 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):
Four-hundred ten (410) Javelin Missiles
Seventy-two (72) Javelin Command Launch Units (CLUs) (includes two (2) Javelin Block 1 CLUs to be used as spares)

Non-MDE:
Also included are ten (10) Basic Skills Trainers (BST); up to seventy (70) simulated rounds; United States Government (USG) and contractor technical assistance, transportation, and other related elements of logistics and program support.

(iv) *Military Department:* Army

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* November 17, 2017

* As defined in Section 47(6) of the Arms Export Control Act.

Policy Justification

Georgia—Javelin Missile and Command Launch Units

The Government of Georgia has requested to purchase four hundred and ten (410) Javelin Missiles, and seventy-two (72) Javelin Command Launch Units (CLUs) (includes two (2) Javelin Block 1 CLUs to be used as spares). Also included are ten (10) Basic Skills Trainers (BST); up to seventy (70) simulated rounds; U.S. Government and contractor technical assistance; transportation; and other related elements of logistics and program support. The total estimated cost is $75 million.

This proposed sale will contribute to the foreign policy and national security of the United States by improving the security of Georgia. The Javelin system will provide Georgia with increased capacity to meet its national defense requirements. Georgia will have no difficulty absorbing this system into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractors will be Raytheon/Lockheed Martin Javelin Joint Venture of Orlando, Florida, and Tucson, Arizona. However, these missiles are being provided from U.S. Army stock and the CLUs will be obtained from on-hand Special Defense Acquisition Fund (SDAF)-purchased stock. There are no known offset agreements proposed in conjunction with this potential sale.

Implementation of this proposed sale will require the assignment of approximately one (1) U.S. Government and two (2) contractor representatives to Georgia.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 17–59

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The Javelin Weapon System is a medium-range, man portable, shoulder-launched, fire and forget, anti-tank system for infantry, scouts, and combat engineers. It may also be mounted on a variety of platforms including vehicles, aircraft and watercraft. The system weighs 49.5 pounds and has a maximum range in excess of 2,500 meters. They system is highly lethal against tanks and other systems with conventional and reactive armors. The system possesses a secondary capability against bunkers.

2. Javelin's key technical feature is the use of fire-and-forget technology which allows the gunner to fire and immediately relocate or take cover. Additional special features are the top attack and/or direct fire modes, an advanced tandem warhead and imaging infrared seeker, target lock-on before launch, and soft launch from enclosures or covered fighting positions. The Javelin missile also has a minimum smoke motor thus decreasing its detection on the battlefield.

3. The Javelin Weapon System is comprised of two major tactical components, which are a reusable Command Launch Unit (CLU) and a round contained in a disposable launch tube assembly. The CLU incorporates an integrated day-night sight that provides a target engagement capability in adverse weather and countermeasure environments. The CLU may also be used in a stand-alone mode for battlefield surveillance and target detection. The CLU's thermal sight is a second generation Forward Looking Infrared (FLIR) sensor. To facilitate initial loading and subsequent updating of software, all on-board missile software is uploaded via the CLU after mating and prior to launch.

4. The missile is autonomously guided to the target using an imaging infrared seeker and adaptive correlation tracking algorithms. This allows the gunner to take cover or reload and engage another target after firing a missile. The missile has an advanced tandem warhead and can be used in either the top attack or direct fire modes (for target undercover). An onboard flight computer guides the missile to the selected target.

5. The Javelin Missile System hardware and the documentation are UNCLASSIFIED. The missile software which resides in the CLU is considered SENSITIVE. The sensitivity is primarily in the software programs which instruct the system how to operate in the presence of countermeasures. The overall hardware is also considered sensitive in that the infrared wavelengths could be useful in attempted countermeasure development.

6. If a technologically advanced adversary obtains knowledge of the specific hardware and software elements, the information could be used to develop countermeasures or equivalent systems that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

7. A determination has been made that Georgia can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This proposed sale is necessary to further the U.S. foreign policy and national security objectives outlined in the Policy Justification.

8. All defense articles and services listed on this transmittal are authorized for release and export to the Government of Georgia.

[FR Doc. 2017–25980 Filed 12–1–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 17–67]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Arms sales notice.

SUMMARY: The Department of Defense is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Pamela Young, (703) 697–9107, *pamela.a.young14.civ@mail.mil* or Kathy Valadez, (703) 697–9217, *kathy.a.valadez.civ@mail.mil;* DSCA/DSA–RAN.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 17–67 with attached Policy Justification and Sensitivity of Technology.

Dated: November 28, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

The Honorable Paul D. Ryan
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

NOV 14 2017

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 17-67, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of Poland for defense articles and services estimated to cost $10.5 billion. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

Charles W. Hooper
Lieutenant General, USA
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 5001–06–C

Transmittal No. 17–67

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Poland

(ii) *Total Estimated Value:*

Major Defense Equipment *	$ 6.8 billion
Other	$ 3.7 billion
Total	$10.5 billion

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:* This is phase one of a two-phase program for an Integrated Air and Missile Defense (IAMD) Battle Command System (IBCS)—enabled Patriot Configuration-3+ with Modernized Sensors and Components consisting of:

Major Defense Equipment (MDE):

Four (4) AN/MPQ–65 Radar Sets
Four (4) Engagement Control Stations
Four (4) Radar Interface Units (RIU) Modification Kits
Sixteen (16) M903 Launching Stations adapted
Eighteen (18) Launcher Integrated Network Kits (LINKs) (includes two (2) spares)
Two hundred and eight (208) Patriot Advanced Capability-3 (PAC–3) Missile Segment Enhancement (MSE) Missiles
Eleven (11) PAC–3 MSE Test Missiles

IBCS Software
Six (6) Current Operations—IBCS Engagement Operations Centers (EOCs)
Six (6) Engagement Operations—IBCS EOCs
Two (2) Future Operations—IBCS EOCs
Fifteen (15) Integrated Fire Control Network (IFCN) Relays
Four (4) Electrical Power Plants (EPP) III
Five (5) Multifunctional Information Distribution Systems/Low Volume Terminals (MIDS/LVTs)

Non-MDE includes:

Also included with this request are communications equipment, tools and test equipment, range and test programs, support equipment, prime movers, generators, publications and technical documentation, training equipment, spare and repair parts, personnel training, Technical Assistance Field Team (TAFT), U.S. Government and contractor technical, engineering, and logistics support services, Systems Integration and Checkout (SICO), field office support, and other related elements of logistics and program support.

(iv) *Military Department:* Army

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex.

(viii) *Date Report Delivered to Congress:* November 14, 2017

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Poland—Integrated Air and Missile Defense (IAMD) Battle Command System (IBCS)-enabled Patriot Configuration-3+ with Modernized Sensors and Components

The Government of Poland has requested to purchase phase one of a two-phase program for an Integrated Air and Missile Defense (IAMD) Battle Command System (IBCS) enabled Patriot Configuration-3+ with Modernized Sensors and Components consisting of four (4) AN/MPQ–65 radar sets, four (4) engagement control stations, four (4) Radar Interface Units (RIU) modification kits, sixteen (16) M903 Launching stations adapted, eighteen (18) Launcher Integrated Network Kits (LINKs) (includes two (2) spares), two hundred and eight (208) Patriot Advanced Capability-3 (PAC–3) Missile Segment Enhancement (MSE) missiles, eleven (11) PAC–3 MSE test missiles, IBCS software, two (2) future operations—IBCS Engagement Operations Centers (EOCs), six (6) current operations-IBCS EOCs, six (6) engagement operations-IBCS EOCs, fifteen (15) Integrated Fire Control Network (IFCN relays, four (4) Electrical Power Plants (EPP) III, and five (5) Multifunctional Information Distribution Systems/Low Volume Terminals (MIDS/LVTs). Also included with this request are communications equipment, tools and test equipment, range and test programs, support equipment, prime movers, generators, publications and technical documentation, training equipment, spare and repair parts, personnel training, Technical Assistance Field Team (TAFT), U.S. Government and contractor technical, engineering, and logistics support services, Systems Integration and Checkout (SICO), field office support, and other related elements of logistics and program support. The total estimated program cost is $10.5. billion.

This proposed sale will support the foreign policy and national security objectives of the United States by helping to improve the security of a NATO ally which has been, and continues to be an important force for political stability and economic progress in Europe. This sale is consistent with U.S. initiatives to provide key allies in the region with modern systems that will enhance interoperability with U.S. forces and increase security.

Poland will use the IBCS-enabled Patriot missile system to improve its missile defense capability, defend its territorial integrity, and deter regional threats. The proposed sale will increase the defensive capabilities of the Polish Military to guard against hostile aggression and shield the NATO allies who often train and operate within Poland's borders. Poland will have no difficulty absorbing this system into its armed forces.

The proposed sale of these missiles and equipment will not alter the basic military balance in the region.

The prime contractors will be Raytheon Corporation in Andover, Massachusetts, Lockheed-Martin in Dallas, Texas, and Northrop Grumman in Falls Church, Virginia. The purchaser requested offsets. At this time, offset agreements are undetermined and will be defined in negotiations between the purchaser and contractors.

Implementation of this proposed sale will require approximately 42 U.S. Government and 55 contractor representatives to travel to Poland for an extended period for equipment de-processing/fielding, system checkout, training, and technical and logistics support.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 17–67

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The Patriot Air Defense System contains classified CONFIDENTIAL hardware components, SECRET tactical software and CRITICAL/SENSITIVE technology. Patriot ground support equipment and Patriot missile hardware contain CONFIDENTIAL components and the associated launcher hardware is UNCLASSIFIED. Information on system performance capabilities, effectiveness, survivability, missile seeker capabilities, select software/software documentation and test data are classified up to and including SECRET. The items requested represent significant technological advances for Poland. The Patriot Air Defense System continues to hold a significant technology lead over other surface-to-air missile systems in the world.

2. The Patriot Air Defense System's sensitive/critical technology is primarily in the area of design and production know-how and primarily inherent in the design, development and/or manufacturing data related to certain components. The list of components is classified CONFIDENTIAL. For more information contact the PEO Missiles and Space Lower Tier Project Office.

3. The Integrated Air and Missile Defense (IAMD) Battle Command System (IBCS) contains classified SECRET tactical software, UNCLASSIFIED hardware components, a few classified SECRET hardware components and CRITICAL/SENSITIVE technology. Information on Integrated Fire Control (IFC) Network performance, Integrated System Requirements and Effectiveness, Common Command and Control Requirements and Performance, Precision of sensor, shelter, launcher, and Plug & Fight module time references, Detailed security device configurations, Cyber Security details, Distributed Track Management Processing, Distributed Control Management Processing, External Interface Data, IBCS Specifications, Critical Elements, Vulnerabilities and Weaknesses, and Test Data, Results, and Equipment are classified up to and including SECRET. The items requested represent significant technological advances for Poland Air and Missile Defense. The IBCS represents a

technology lead over any other Air and Missile Defense (AMD) Command and Control (C2) system existing today.

4. The IBCS sensitive/critical technology is primarily in software. And also resides in the design, developments, and manufacturing of certain components. The list of components containing sensitive/critical technology is classified SECRET.

5. The loss of this hardware, software, documentation and/or data could permit development of information which may lead to a significant threat to future U.S. military operations. If an adversary were to obtain this sensitive technology, the missile system effectiveness could be compromised through reverse engineering techniques.

6. A determination has been made that Poland can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This proposed sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

7. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Poland.

[FR Doc. 2017–25996 Filed 12–1–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Notice of Intent To Prepare a Joint Environmental Impact Statement/Environmental Impact Report for the San Francisco Bay to Stockton General Reevaluation Report, San Francisco Bay, California

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: In accordance with the National Environmental Policy Act (NEPA), the U.S. Army Corps of Engineers (USACE) South Atlantic Division and the Port of Stockton are preparing an Environmental Impact Statement and Environmental Impact Report (EIS/EIR) to evaluate the efficiency of the movement of goods along the existing deep-draft navigation route extending from the Golden Gate, through San Pablo Bay and Carquinez Strait, to deep draft facilities at Avon, California. This Notice of Intent (NOI) represents a supplemental notice to the March 4, 2016, NOI released for the San Francisco Bay to Stockton Navigation Improvement Study. This supplemental NOI is being released to notify the public that the study scope has been reduced to only consider improvements within the portion of the navigation project extending from San Francisco Bay to Avon. Work is now being conducted on an EIS/EIR with a reduced scope and project footprint, which is anticipated to be issued for public review in 2018. This NOI also re-opens the public scoping period.

The 2016 NOI proposed to deepen the John F. Baldwin channel from the West Richmond Channel through the Pinole Shoal Channel, Bulls Head Reach and Suisun Bay Channel to New York Slough Channel to a maximum depth of 45 feet mean lower low water (MLLW) and the Stockton Deep Water Ship Channel to a maximum depth of 40 feet MLLW. As of September, 2017, the portion of the authorized navigation project to the east of Avon is no longer under consideration for formulation of navigation improvements.

The revised study area extends from Central San Francisco Bay to Avon only and includes the West Richmond Channel, Pinole Shoal Channel, and Bulls Head Reach portion of the Suisun Bay Channel (west of Avon). The current authorized depth of this study area is 45 feet mean lower low water (MLLW), but is currently maintained at 35 feet MLLW.

The forthcoming EIS/EIR is a single purpose navigation improvement project to evaluate incremental deepening to a maximum depth of 38 feet MLLW within the channel reaches of the revised study area only.

DATES: Submit comments concerning this notice on or before thirty days after this posting. There will be no additional public meeting in conjunction with this scoping period.

ADDRESSES: Mail written comments concerning this notice to: U.S. Army Corps of Engineers, Jacksonville District, Planning and Policy Division, Environmental Branch, P.O. Box 4970, Jacksonville, FL 32232–0019. Comment letters should include the commenter's physical mailing address and the project title.

FOR FURTHER INFORMATION CONTACT: Stacie Auvenshine, 904–314–6714 or email at *Stacie.j.auvenshine@usace.army.mil.*

SUPPLEMENTARY INFORMATION: This EIS/EIR is intended to be sufficient in scope to address the federal, state, and local requirements and environmental issues concerning the proposed activities and permit approvals.

Project Area and Background Information: The authorized San Francisco Bay to Stockton, California, navigation project includes the John F. Baldwin and Stockton Ship Channels, which extend 75 nautical miles from the Pacific Ocean, just outside the Golden Gate, to the Port of Stockton. Modern vessels transiting the channels can require up to 55 feet of draft when fully laden. Given that these channels are maintained at 35 feet MLLW, most vessels utilizing the navigation channels between San Francisco Bay and Avon must be ''light-loaded'' (*i.e.,* less than fully loaded with cargo) to navigate the channels with sufficient under-keel clearance. Light-loading is inefficient and increases the transportation cost and overall cost of shipped products because more trips must be made to carry the same volume of cargo.

The revised study area includes the West Richmond Channel, Pinole Shoal Channel, Carquinez Strait, and the Bulls Head Reach portion of the Suisun Bay Channel, ending at Avon. These channels are currently maintained at 35 feet MLLW, although the channels have an authorized depth of 45 feet MLLW.

The Draft EIS/EIR will analyze the project alternatives described below:

No Action, in which dredging would not occur and all construction-related activities would be avoided. Maintenance dredging would continue annually or on an as-needed basis and the federal standard placement sites would continue to be used.

Deepening to 37 feet MLLW, which would deepen the study area to a depth of 37 feet MLLW with an additional 2 feet of overdepth for a maximum depth of 39 feet MLLW. To account for rapid shoaling, a sediment trap would be constructed at Bulls Head Reach by dredging an additional 6 feet (including 2 feet of overdepth) to 43 feet MLLW.

Deepening to 38 feet MLLW, which would deepen the study area to a depth of 38 feet MLLW with an additional 2 feet of overdepth for a maximum depth of 40 feet MLLW. Under this alternative, a sediment trap at Bulls Head Reach would be constructed by dredging an additional 6 feet (including 2 feet of overdepth) to 44 feet MLLW.

Under both deepening alternatives, the dredged material will be placed at one or more permitted and economically feasible beneficial reuse sites.

Purpose and Need: The purpose of the project is to provide more efficient deep-draft navigation operations in a manner that minimizes adverse environmental effects. The need for the project is to address vessel restrictions imposed by the existing channel depths, which are inadequate to accommodate

vessels with drafts exceeding 35 feet MLLW.

Issues: The environmental analysis will consider the effects of deepening navigation channels in the study area on biological resources, sediments, air quality, greenhouse gas emissions, climate change, water quality, geology, sediments, hydraulics and hydrology, hazards, noise, utilities, navigation, transportation, land use, cultural and historic resources, aesthetics, recreation, and socioeconomics. The EIS/EIR will evaluate environmental justice and cumulative impacts and potentially other environmental issues.

Scoping Process: The USACE is seeking participation of all interested federal, state, and local agencies, Native American groups, and other concerned private organizations or individuals through this public notice. The purpose of the public scoping period is to solicit comments regarding the potential impacts, environmental issues, and alternatives associated with the proposed action to be considered in the Draft EIS/EIR; identify other significant issues; and provide other relevant information.

The public will have an additional opportunity to comment once the Draft EIS/EIR is released, which is anticipated to be in the summer of 2018. The U.S. Environmental Protection Agency will provide notice of the availability of the Draft EIS/EIR in the **Federal Register** and the USACE and Port of Stockton will provide a 45-day review period for the public, organizations, and agencies to review and comment on the Draft EIS/EIR. All interested parties should respond to this notice and provide a current address if they wish to be notified about circulation of the Draft EIS/EIR.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2017–26051 Filed 12–1–17; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2017–ICCD–0149]

Agency Information Collection Activities; Comment Request; Survey on the Use of Funds Under Title II, Part A: Supporting Effective Instruction Grants—Subgrants to LEAs

AGENCY: Office of Elementary and Secondary Education (OESE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a reinstatement of a previously approved information collection.

DATES: Interested persons are invited to submit comments on or before February 2, 2018.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2017–ICCD–0149. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 216–44, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Tawanda Avery, 202–453–6471.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Survey on the Use of Funds Under Title II, Part A: Supporting Effective Instruction Grants—Subgrants to LEAs.

OMB Control Number: 1810–0618.

Type of Review: A reinstatement of a previously approved information collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 6,050.

Total Estimated Number of Annual Burden Hours: 36,300.

Abstract: The Elementary and Secondary Education Act of 1965, as reauthorized by the Every Student Succeeds Act of 2015 (ESSA), provides funds to States to prepare, train, and recruit high-quality teachers, principals, and other school leaders. These funds are provided to districts through Title II, Part A (Supporting Effective Instruction Grants). The purpose of these surveys is to provide the U.S. Department of Education with a better understanding of how local educational agencies (LEAs) utilize these funds. This survey also collects data on teacher salaries funded by Title II, Part A, and professional development provided by LEAs to their teachers.

Similar data have been collected under the Survey on the Use of Funds Under Title II, Part A prior to reauthorization of ESEA. This OMB clearance request is to continue these types of analyses, but using new data collection instruments updated to reflect changes due to the reauthorization of ESEA by the ESSA. The request is to begin data collection and analyses for the 2017–18 school year and subsequent years.

Dated: November 28, 2017.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2017–25970 Filed 12–1–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2017–ICCD–0148]

Agency Information Collection Activities; Comment Request; Quarterly Cumulative Caseload Report

AGENCY: Office of Special Education and Rehabilitative Services (OSERS), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is

proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before February 2, 2018.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2017–ICCD–0148. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 216–44, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Melinda Giancola, 202–245–7312.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Quarterly Cumulative Caseload Report.

OMB Control Number: 1820–0013.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 316.

Total Estimated Number of Annual Burden Hours: 316.

Abstract: State agencies that administer vocational rehabilitation programs provide key caseload data on this form, including numbers of persons who are applicants, determined eligible/ineligible, waiting for services, and their program outcomes. The Rehabilitation Services Administration collects this information quarterly from states and reports it in the Annual Report to Congress on the Rehabilitation Act.

Dated: November 28, 2017.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2017–25969 Filed 12–1–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2017–ICCD–0121]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Family Educational Rights and Privacy Act (FERPA) Regulatory Requirements

AGENCY: Office of Management (OM), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before January 3, 2018.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2017–ICCD–0121. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 216–44, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Ellen Campbell, 202–260–3887.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Family Educational Rights and Privacy Act (FERPA) Regulatory Requirements.

OMB Control Number: 1880–0543.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 20,293,021.

Total Estimated Number of Annual Burden Hours: 1,914,593.

Abstract: The Family Educational Rights and Privacy Act (FERPA) requires that subject educational agencies and institutions notify parents and students of their rights under FERPA and requires that they record disclosures of personally identifiable information from education records, with certain exceptions.

Dated: November 28, 2017.

Tomakie Washington,

Acting Director. Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2017–25968 Filed 12–1–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

[OE Docket No. PP–441]

Application for Presidential Permit; Clean Power Northeast Development Inc.

AGENCY: Office of Electricity Delivery and Energy Reliability, DOE.

ACTION: Notice of Application.

SUMMARY: Clean Power Northeast Development Inc. (CPNE) has applied for a Presidential permit to construct, operate, maintain, and connect an electric transmission line across the United States border with Canada.

DATES: Comments or motions to intervene must be submitted on or before January 3, 2018.

ADDRESSES: Comments or motions to intervene should be addressed as follows: Office of Electricity Delivery and Energy Reliability (OE–20), U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Christopher Lawrence (Program Office) at 202–586–5260 or via electronic mail at *Christopher.Lawrence@hq.doe.gov*; Rishi Garg (Program Attorney) at 202–586–0258.

SUPPLEMENTARY INFORMATION: The construction, operation, maintenance, and connection of facilities at the international border of the United States for the transmission of electric energy between the United States and a foreign country is prohibited in the absence of a Presidential permit issued pursuant to Executive Order (EO) 10485, as amended by EO 12038.

On September 28, 2017, CPNE filed an application with the Office of Electricity Delivery and Energy Reliability of the Department of Energy (DOE) for a Presidential permit for the Atlantic Link Project (Atlantic Link). CPNE is an indirectly wholly owned subsidiary of Emera Inc. CPNE is a development company headquartered and operating in Boston, Massachusetts. Emera Inc., headquartered in Halifax, Nova Scotia, Canada, is an energy company operating in the United States, Canada, and four Caribbean countries.

CNPE proposes to construct, operate, maintain and connect a subsea, 1000 megawatt, high voltage direct current (HVDC) transmission cable system to deliver electricity from Atlantic Canada to Massachusetts. The final transmission cable system route is anticipated to be located within rights-of-way (ROW) selected from two current route alternatives, and would connect Coleson Cove, New Brunswick, Canada to Plymouth, Massachusetts for a total length of approximately 375 miles, depending on which route alternative is selected. Over 99 percent of the route would be subsea. A majority of the total transmission cable system route would be located in United States federal waters; however, short sections of the route would traverse Massachusetts state waters for a total of approximately 20 to 34 miles, depending on which route alternative is selected. The total length of the submarine transmission cable system route in U.S. federal waters (*i.e.,* areas exclusive of Massachusetts state waters) would be approximately 230 miles depending on which route is selected.

Since the restructuring of the electric industry began, resulting in the introduction of different types of competitive entities into the marketplace, DOE has consistently expressed its policy that cross-border trade in electric energy should be subject to the same principles of comparable open access and non-discrimination that apply to transmission in interstate commerce. DOE has stated that policy in export authorizations granted to entities requesting authority to export over international transmission facilities. Specifically, DOE expects transmitting utilities owning border facilities to provide access across the border in accordance with the principles of comparable open access and non-discrimination contained in the Federal Power Act and articulated in Federal Energy Regulatory Commission (FERC) Order No. 888, (Promoting Wholesale Competition Through Open Access Non-Discriminatory Transmission Services by Public Utilities), 61 FR 21,540 (May 10, 1996), as amended.

Procedural Matters: Any person may comment on this application by filing such comment at the address provided above. Any person seeking to become a party to this proceeding must file a motion to intervene at the address provided above in accordance with Rule 214 of FERC's Rules of Practice and Procedure (18 CFR 385.214). Two copies of each comment or motion to intervene should be filed with DOE on or before the date listed above.

Additional copies of such motions to intervene also should be filed directly with: Dan Muldoon, P. Eng, President, Clean Power Northeast Development Inc., 101 Federal Street Suite 1101, Boston, MA 02110, *Dan.Muldoon@Emera.com* AND Gerald Weseen, Vice President, Clean Power Northeast Development Inc., 101 Federal Street Suite 1101, Boston, MA 02110, *Gerald.Weseen@Emera.com.*

Before a Presidential permit may be issued or amended, DOE must determine that the proposed action is in the public interest. In making that determination, DOE may consider the environmental impacts of the proposed project pursuant to the National Environmental Policy Act of 1969, the project's impact on electric reliability by ascertaining whether the proposed project would adversely affect the operation of the U.S. electric power supply system under normal and contingency conditions, and any other factors that DOE may also deem relevant to the public interest. Also, DOE must obtain the concurrences of the Secretary of State and the Secretary of Defense before taking final action on a Presidential permit application.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above, by accessing the program Web site at *http://energy.gov/oe/services/electricity-policy-coordination-and-implementation/international-electricity-regulatio-2.*

Issued in Washington, DC, on November 28, 2017.

Christopher A. Lawrence,

Electricity Policy Analyst, National Electricity Delivery Division, Office of Electricity Delivery and Energy Reliability.

[FR Doc. 2017–26052 Filed 12–1–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

[EERE–2017–BT–CRT–0054]

Agency Information Collection Extension, With Changes

AGENCY: Office of Energy Efficiency and Renewable Energy, U.S. Department of Energy.

ACTION: Submission for Office of Management and Budget review; comment request.

SUMMARY: Pursuant to the Paperwork Reduction Act of 1995 (PRA), this notice announces that the U.S. Department of Energy (DOE) is forwarding an information collection request to the Office of Management and Budget

(OMB) for review and comment. With this information collection request DOE intends to extend with changes for three years with the OMB, the Certification Reports, Compliance Statements, Application for a Test Procedure Waiver, and Recordkeeping for Consumer Products and Commercial/Industrial Equipment subject to Energy or Water Conservation Standards Package under OMB No. 1910–1400.

DATES: Written comments and information are requested and will be accepted on or before January 3, 2018. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, please advise the DOE Desk Officer at OMB of your intention to make a submission as soon as possible. The Desk Officer may be telephoned at 202–395–4718 or contacted by email at *Chad_S_Whiteman@omb.eop.gov.*

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management or sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974;

And to:

Ashley Armstrong, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–5B, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 586–6590. Email: *ApplianceStandardsQuestions@ee.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Ashley Armstrong, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Office, EE–5B, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 586–6590. Email: *ApplianceStandardsQuestions@ee.doe.gov.*

SUPPLEMENTARY INFORMATION: The PRA, 44 U.S.C. 3501–3520, and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. 44 U.S.C. 3506, 3507; 5 CFR 1320.5, 1320.8(d)(1), and 1320.12. On August 22, 2017, DOE published a 60-day notice in the **Federal Register** soliciting comment on the information collection request for which it is now seeking OMB approval. See 82 FR 39780. DOE received eight comments in response to this notice, which are discussed in section I of this document.

I. Summary of Comments

DOE requested comments as to 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. ASAP, ASE, ACEEE, NCLC, NEEP, NEEA, and NPCC[1] (hereafter referred to as ASAP *et al.*) submitted a joint comment in support the extension of information collection related to the appliance standards program. ASAP *et al.* emphasized that publicly-available certification data provides valuable information to consumers because it can help consumers make purchasing decisions. ASAP *et al.* further commented that DOE's compliance certification database provides easy-to-use information about all basic models that have been certified to DOE, which can help facilitate efficiency programs by providing reliable model-specific information. (ASAP *et al.,* No. 7 at pp. 1–2) ASAP *et al.* also supported DOE's collection of information related to applications for extensions regarding representations because these applications provide a mechanism to limit burden on manufacturers. (ASAP *et al.,* No. 7 at p. 3)

The California Investor Owned Utilities[2] (CA IOUs) fully supported the collection of appliance information in terms of utility and necessity, and are proponents of the proposed extension by three years. CA IOUs stated that the information collected by DOE is invaluable for standards development, energy efficiency programs, marketplace research, and other types of appliance-related analyses conducted by industry participants as well as consumers and consumer advocate groups. (CA IOUs, No. 8 at p. 2)

Lennox commented that consistent information collection and enforcement of DOE energy efficiency regulations are needed to maintain a level playing field in the market. Information reporting should strike a balance between providing sufficient information and excessive reporting burden. Lennox further stated that DOE should not eviscerate reporting and compliance provisions, as doing so would chill manufacturer investment in developing new and improved products. (Lennox, No. 9 at pp. 1–2)

Plumbing Manufacturers International (PMI) commented that the current reporting requirements are no longer needed for commercial pre-rinse spray valves, faucets, showerheads, urinals and water closets because water consumption requirements in line with Federal regulations are already addressed in industry standards and/or codes. (PMI, No. 2 at pg. 1) DOE notes that while industry standards may help ensure that plumbing products comply with Federal standards, industry standards are voluntary. DOE also notes that state building codes do not uniformly adopt the most recent industry standards. In addition to ensuring compliance with the Federal standards, DOE's certification database provides consumers with comprehensive, up-to-date efficiency information. Therefore, DOE does not agree that industry standards and state building codes negate the impact of certification.

NAFEM commented that the proposed requirements to submit certificates of admissibility to the U.S. Customs for each imported shipment is an incredible burden and redundant with other reporting obligations. (NAFEM, No. 6 at p. 2) DOE appreciates NAFEM's comments, and notes that the proposal to which NAFEM was referring is part of an open rulemaking, has not been finalized, and is not part of this information collection. Any additional information collection burden that would be imposed under such a regulation, were one to be finalized, would be evaluated and addressed in the course of that rulemaking. For more information about DOE's rulemaking on import data collection see docket number: EERE–2015–BT–CE–0019.

DOE received several comments about the accuracy of DOE's estimates of the burden of the information collection activities. ALA, AHAM, HPBA, ITI, and NEMA (hereafter referred to as ALA *et al.*) jointly commented that on average the total annual certification burden is 358 hours per manufacturer. (ALA *et al.,* No. 5 at p. 2) In addition, NAFEM commented that its small business members report that CCMS-related testing and reporting cost a minimum between $10,000–$15,000 for every product line. (NAFEM, No. 6 at p. 2)

In the August 2017 60-day notice, DOE estimated that annually

[1] Appliance Standards Awareness Project (ASAP), Alliance to Save Energy, American Council for an Energy-Efficient Economy (ACEEE), National Consumer Law Center (NCLC), Natural Resources Defense Council (NRDC), Northeast Energy Efficiency Partnerships (NEEP), Northwest Energy Efficiency Alliance (NEEA), and Northwest Power and Conservation Council (NPCC).

[2] Pacific Gas and Electric Company (PG&E), Southern California Gas Company (SoCalGas), San Diego Gas and Electric (SDG&E), and Southern California Edison (SCE).

respondents file 10 certification reports per year with an average burden of 30 hours per response resulting in an average of 300 burden hours per respondent. In response to comments received, DOE is increasing the certification burden to 35 hours per response, which better aligns with ALA *et al.'*s estimate of 358 hours per manufacturer.

DOE appreciates NAFEM's feedback on the cost for small businesses to test and certify their products. However, DOE wants to make clear that its certification requirements do not require manufacturers to test their basic models annually in order to submit a certification report. DOE only requires manufacturers to determine the basic model's representative efficiency or energy consumption before distribution in U.S. commerce according to the product-specific provisions found in subpart B of 10 CFR part 429. For most products, these provisions require manufacturers to test at least two units per basic model according to the DOE test procedure, and DOE accounts for the burden associated with testing when adopting or amending a test procedure or energy conservation standard. NAFEM's estimated burden includes both the cost of testing and certification and did not break out the cost associated only with certification. For this reason DOE cannot compare NAFEM's estimate to its own.

ALA *et al.* commented that certification is primarily done by product/compliance/design engineers, but that additional staff involved in reporting activities include lab technicians, plant/product managers, data entry personnel, compliance officers, regulatory affairs staff, interns, general support staff, and assistants. In order to determine the total reporting and recordkeeping cost burden, DOE estimated a fully burdened labor rate [3] of $100/hr. In addition to consideration of an engineer's labor rate, the fully burdened labor rate also reflects the labor rates of the other staff as described by ALA *et al.,* as well as that of a staff attorney.

DOE also received comments suggesting ways to enhance the quality, utility, and clarity of the information being collected and suggestions to minimize the burden of information collection activities.

A number of comments focused on DOE's Compliance Certification Management System (CCMS). ASAP *et al.* and Lennox commented in support of DOE's electronic CCMS because it reduces reporting burdens and streamlines the certification process. (ASAP *et al.,* No. 7 at p. 3; Lennox No. 9 at p. 2)

However, Acuity opined that DOE uses the CCMS system to check that manufacturers have completed the requisite administrative tasks and that the system provides no value in validating a product's performance. Acuity asserted that DOE's enforcement efforts are focused entirely on entry mistakes, while ignoring manufacturers who do not report at all. Acuity further asserted that its prior complaints regarding manufacturers that do not comply with the certification reporting obligations have gone unaddressed. Acuity suggested DOE could establish a Web site or reporting mechanism, similar to the FTC's public claims filing system, which would allow manufacturers to report suspected nonreporting manufacturers to help facilitate enforcement against nonreporting entities. (Acuity, No. 3 at pp. 4–5)

The Office of the Assistant General Counsel for Enforcement reviews manufacturers' compliance with certification requirements to ensure that manufacturers provide information demonstrating compliance with DOE standards and regulations. In addition, this program investigates all complaints about potential noncompliance. DOE notes that it currently has a mechanism for the submission of complaints. Anyone wishing to make a complaint may send an email to *energyefficiency enforcement@hq.doe.gov* or call 202–287–6997. Additional information about submitting complaints of non-compliance may be found on DOE's Web site at: *https://energy.gov/gc/action-center-office-general-counsel/report-appliance-regulation-violation.*

DOE also received suggestions to improve CCMS. Lennox commented that DOE should publish certification record numbers on its public certification database to further streamline verification of product certification. (Lennox, No. 9 at pp. 2–3) Acuity commented that CCMS has an outdated data entry system, which requires manual input of numerous fields of information for hundreds of product models into a Microsoft Excel spreadsheet that cannot be edited or updated after filing. Acuity suggested the data entry system should be replaced with a dynamic Web-based platform that would allow companies to enter and update—and DOE to analyze—real-time compliance data. In addition, Acuity commented that a Web-based portal or similar construct could be secured by password/credential protection from both the manufacturer and DOE sides. (Acuity, No. 3, pp. 2–3 and p. 5) Traulsen commented that DOE should better align annual product certification deadlines with new template usage so that manufacturers are not required to certify multiple times. In addition, Traulsen suggested that DOE release a revision log noting changes made in certification templates to aid the entities completing the templates. (Traulsen, No. 4 at p. 1)

DOE appreciates the feedback from Lennox, Acuity, and Traulsen and will consider these comments going forward. In response to Acuity's comment, DOE emphasizes that it elected to use Microsoft Excel spreadsheet for certification templates because of its flexibility and because it is a widely adopted standard product across industries. The certification templates allow data to be entered manually, with copy-and-paste, or imported from another system. In addition, these Microsoft Excel templates allow manufacturers to work on it over time, save it locally, and have several people work on it without having to have an open user session in CCMS. Further, DOE's CCMS system is currently secured by password protection. All users are required to register with CCMS and establish usernames and passwords to access CCMS.

Interested parties also commented on aligning DOE's reporting requirements with other entities. The CA IOUs commented in support of aligning the data collected for DOE and the California Energy Commission (CEC) because the reduction of duplicative reporting requirements helps avoid inconsistencies in data and benefits manufacturers serving the California marketplace by minimizing their compliance overhead. The CA IOUs urged DOE to work very closely with CEC to make sure their data and systems align. (CA IOUs, No. 8 at p. 2–3) Traulsen also supports DOE's consideration of revisions to the CCMS to facilitate a reduction in duplicative reporting under California's Appliance Efficiency Regulations. (Traulsen, No. 4 at p. 2) Lennox stated that DOE's CCMS system should be utilized as the central information repository to satisfy other regulatory or program requirements and DOE should work to utilize the existing data to satisfy CEC's reporting requirements. (Lennox, No. 9 at pp. 2–3) ALA *et al.* also commented that CCMS should be the central place for manufacturers to report data related to energy use. In addition to aligning reporting requirements with FTC, ALA

[3] A fully burdened labor rate includes the employee's salary, fringe benefits, health insurance, and administrative costs.

et al. suggested that DOE could further streamline the database by adding a column to each template so that ENERGY STAR qualification can be indicated. ALA *et al.* also supported eliminating duplicative reporting requirements between California and DOE by ensuring that the information reported on CCMS can satisfy the CEC requirements. (ALA *et al.,* No. 5 at pp. 3–5) NAFEM suggested that the U.S. and Canada harmonize reporting requirements and templates because their programs and markets are similar. NAFEM stated that DOE should survey Canada, U.S. states and other agencies to identify additional information that should be included in the CCMS database so that CCMS is a one-stop location where manufacturers list their products. (NAFEM, No. 6 at p. 2)

PMI commented that Federal and state requirements should be reported separately, even though it could possibly eliminate duplicative reporting, as DOE should maintain its national focus and let states manage themselves. PMI also questioned how DOE would address differences in reporting requirements and covered products. (PMI, No. 2 at p. 2)

Based on the comments received, DOE has incorporated the cost of reporting any additional fields to its certification templates, which would aid in facilitating a reduction in duplicative reporting under the California's Appliance Efficiency Regulations and the ENERGY STAR program. At this time, DOE will work with CEC and EPA on ways it could reduce duplicative reporting on a case-by-case basis. In response to PMI's concern about addressing differences in reporting requirements, DOE would simply add additional fields to its certification templates to account for any additional information needed for reporting to CEC or ENERGY STAR. Submission of the additional information would not be mandatory for the purpose of complying with DOE's Federal requirements.

ALA *et al.* commented that DOE should reevaluate its annual certification requirements and that manufacturers should be required to report only when a new product is introduced, when a model is changed in a way that impacts measured energy or efficiency, and when a product is no longer in production. ALA *et al.* opined that annual reporting does nothing to enhance consumer knowledge and serves no purpose for DOE rulemaking or enforcement efforts. ALA *et al.* estimated that removing annual reporting requirements would reduce the annual reporting burden on average by 126.6 hours per manufacturer. In addition, ALA *et al.* commented that DOE should limit the data reporting to only information that is essential to show compliance with the standards. (ALA *et al.,* No. 5 at pp. 2–4) Acuity commented that annual reporting adds unnecessary costs for manufacturers. Acuity also stated that DOE uses valuable enforcement resources reviewing vast amounts of repetitive data. Acuity recommended DOE eliminate the annual reporting requirement when products and information have not changed from the previous report. Instead, Acuity suggested that annual reporting be replaced with an annual certification requirement from reporting companies that their information is correct and up-to-date or, alternatively, allow for certification of only updated information. (Acuity, No. 3 at pp. 1, 3 and 5)

ASAP *et al.* stated that the requirement to submit certification reports annually provides DOE with up-to-date information about regulated products available for sale. ASAP *et al.* commented that the submission of certification and compliance reports along with records retention is essential for DOE to conduct effective enforcement and that effective enforcement protects manufacturers who are complying with the law from unscrupulous competitors and ensures products purchased by consumers deliver the required levels of efficiency and, in turn, utility bill savings. (ASAP *et al.,* No. 7 at pp. 1–2)

DOE is not considering amending its regulations as part of this notice; however, it will consider these comments in any future rulemakings that address certification requirements.

ALA *et al.* commented DOE should commit to issuing related CCMS templates no later than one year before the compliance date of the standard or test procedure. (ALA *et al.,* No. 5 at pp. 4) NAFEM and Acuity commented that at times DOE does not provide certification templates in a timely manner. (NAFEM, No. 6 at p. 2; Acuity, No. 3 at p. 3) NAFEM added that templates should be provided more than three months before a certification deadline. (NAFEM, No. 6 at p. 2) DOE appreciates the feedback from ALA *et al.,* NAFEM, and Acuity. DOE strives to make certification templates available in a timely manner and will work to post new or revised templates well in advance of certification deadlines to address concerns of the commenters.

Lennox commented that DOE should employ negotiated or working group consensus approaches as an integral part of the DOE rulemakings unless there is not a reasonable likelihood that the requisite consensus can be reached. Certification and information reporting requirements should be included in this process. (Lennox, No. 9 at p. 2) DOE appreciates Lennox's comment and will take it under consideration for future rulemakings.

DOE also received comments on its test procedure waiver process. ASAP *et al.* commented that the test procedure waiver process helps to ensure that manufacturers can continue to introduce products with new features, even when those features may not have been contemplated at the time the test procedure was established. (ASAP *et al.,* No. 7 at pp. 2) NAFEM commented that DOE's current test procedure waiver process is burdensome, lengthy, costly, and an inhibitor to innovation and small business. NAFEM stated that the test waiver process needs to be streamlined to allow the manufacturers and DOE to be more flexible and responsive, thus allowing continued product development and innovation of products that further energy efficiency. (NAFEM, No. 6 at p. 2–3) Acuity suggested that DOE should allow waiver applications from trade associations or similar industry groups because this would streamline the application process and allow manufacturers to pool compliance resources, while saving DOE time and expense in reviewing repetitive company applications. In addition, Acuity urged DOE to approve or deny test procedure waivers in a timely manner. (Acuity, No. 3 at p. 5) Traulsen suggested that an interim waiver should be considered granted if the applicant does not receive a response from DOE within 30 business days. In addition, Traulsen suggested an amendment to the waiver process that if public comment or rebuttal is not submitted to DOE within the allotted comment period after an interim waiver is granted, then a final determination on the waiver can be expected within three months of issuance of the interim waiver. Traulsen asserted that the time lost during a waiver's review delays the product from being available to the market, resulting in lost opportunity. (Traulsen, No. 4 at p. 2) While DOE is not considering amending its regulations, including those for the waiver process, as part of this notice, it will consider these comments in any future rulemakings that address certification or other regulatory requirements.

Acuity also commented that there is a lack of guidance and compliance resources from DOE regarding compliance expectations and interpretations, particularly when

regulations are, in Acuity's opinion, ambiguous or conflicting. (Acuity, No. 3 at pp. 1, 3–4, 5) DOE appreciates Acuity's comment and notes that it has a mechanism in place for manufacturers to seek guidance. DOE posts guidance and frequently asked questions on its Web site at: *https://www1.eere.energy.gov/guidance/default.aspx?pid=2&spid=1.* DOE encourages manufacturers and other entities with questions to email questions to *EERE_ACES@ee.doe.gov* or submit questions via the online form on the aforementioned Web page.

II. Information Collection Request and Expected Burden

The summaries below describe the information collection request and its expected burden. DOE is submitting this renewal request for clearance by OMB, as the PRA requires.

Comments are invited on the following information collection request regarding: (1) Whether the information collection activities are necessary for DOE to properly execute its functions, including whether the information will have practical utility; (2) the accuracy of DOE's estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (3) ways for DOE to enhance the quality, utility, and clarity of the information being collected; and (4) ways to minimize the burden of information collection activities on the public, including the use of automated collection techniques or other forms of information technology.

This information collection request contains:

(1) OMB No. 1910–1400;

(2) *Information Collection Request Title:* Certification Reports, Compliance Statements, Application for a Test Procedure Waiver, Application for Extension of Representation Requirements, Labeling, and Recordkeeping for Consumer Products and Commercial/Industrial Equipment subject to Federal Energy or Water Conservation Standards;

(3) *Type of Request:* Renewal with changes;

(4) *Purpose:*

Pursuant to the Energy Policy and Conservation Act of 1975 (''EPCA'' or ''the Act''),[4] Public Law 94–163 (42 U.S.C. 6291–6317, as codified), DOE regulates the energy efficiency of a number of consumer products, and commercial and industrial equipment. Title III, Part B[5] of EPCA established the Energy Conservation Program for Consumer Products Other Than Automobiles, which sets forth a variety of provisions designed to improve energy efficiency of covered consumer products (''covered products''). Title III, Part C[6] of EPCA, added by Public Law 95–619, Title IV, § 441(a), established the Energy Conservation Program for Certain Industrial Equipment, which sets forth a variety of provisions designed to improve energy efficiency of covered commercial and industrial equipment (collectively referred to as ''covered equipment'').

Covered products and covered equipment are described in 10 CFR parts 429, 430, and 431. These covered products and covered equipment, including all product or equipment classes, include: (1) Consumer refrigerators, refrigerator-freezers and freezers; (2) Room air conditioners; (3) Central air conditioners and central air conditioning heat pumps; (4) Consumer water heaters; (5) Consumer furnaces and boilers; (6) Dishwashers; (7) Residential clothes washers; (8) Clothes dryers; (9) Direct heating equipment; (10) Cooking products; (11) Pool heaters; (12) Television sets; (13) Fluorescent lamp ballasts; (14) General service fluorescent lamps, general service incandescent lamps, and incandescent reflector lamps; (15) Faucets; (16) Showerheads; (17) Water closets; (18) Urinals; (19) Ceiling fans; (20) Ceiling fan light kits; (21) Torchieres; (22) Compact fluorescent lamps; (23) Dehumidifiers; (24) External power supplies; (25) Battery chargers; (26) Candelabra base incandescent lamps and intermediate base incandescent lamps; (27) Commercial warm air furnaces; (28) Commercial refrigerators, freezers, and refrigerator-freezers; (29) Commercial heating and air conditioning equipment; (30) Commercial water heating equipment; (31) Automatic commercial ice makers; (32) Commercial clothes washers; (33) Distribution transformers; (34) Illuminated exit signs; (35) Traffic signal modules and pedestrian modules; (36) Commercial unit heaters; (37) Commercial pre-rinse spray valves; (38) Refrigerated bottled or canned beverage vending machines; (39) Walk-in coolers and walk-in freezers and certain components; (40) Metal halide lamp ballasts and fixtures (41) Integrated light-emitting diode lamps; (42) General service lamps; (43) Furnace fans; (44) Pumps; (45) Commercial packaged boilers; (46) Consumer miscellaneous refrigeration equipment; (47) Portable air conditioners; (48) Compressors; (49) Electric motors, and (50) Small electric motors.

Under EPCA, DOE's energy conservation program consists essentially of four parts: (1) Testing, (2) labeling, (3) Federal energy conservation standards, and (4) certification and enforcement procedures. For consumer products, relevant provisions of the Act specifically include definitions (42 U.S.C. 6291), energy conservation standards (42 U.S.C. 6295), test procedures (42 U.S.C. 6293), labeling provisions (42 U.S.C. 6294), and the authority to require information and reports from manufacturers (42 U.S.C. 6296). For covered equipment, relevant provisions of the Act include definitions (42 U.S.C. 6311), energy conservation standards (42 U.S.C. 6313), test procedures (42 U.S.C. 6314), labeling provisions (42 U.S.C. 6315), and the authority to require information and reports from manufacturers (42 U.S.C. 6316). DOE is seeking to renew its information collection related to the following aspects of the appliance standards program: (1) Gathering data and submittal of certification and compliance reports for each basic model distributed in commerce in the U.S. including supplemental testing instructions for certain commercial equipment; (2) maintaining records underlying the certified ratings for each basic model including test data and the associated calculations; (3) applications for a test procedure waiver, which manufacturers may elect to submit if they manufacture a basic model that cannot be tested pursuant to the DOE test procedure; (4) applications requesting an extension of the date by which representations must be made in accordance with any new or amended DOE test procedure; and (5) labeling.

DOE's certification and compliance activities ensure accurate and comprehensive information about the energy and water use characteristics of covered products and covered equipment sold in the United States. Manufacturers of all covered products and covered equipment must submit a certification report before a basic model is distributed in commerce, annually thereafter, and if the basic model is redesigned in such a manner to increase the consumption or decrease the efficiency of the basic model such that the certified rating is no longer supported by the test data. Additionally, manufacturers must report when

[4] All references to EPCA in this document refer to the statute as amended through the Energy Efficiency Improvement Act of 2015 (EEIA 2015), Public Law 114–11 (April 30, 2015).

[5] For editorial reasons, upon codification in the U.S. Code, Part B was redesignated Part A.

[6] For editorial reasons, upon codification in the U.S. Code, Part C was redesignated Part A–1.

production of a basic model has ceased and is no longer offered for sale as part of the next annual certification report following such cessation. DOE requires the manufacturer of any covered product or covered equipment to establish, maintain, and retain the records of certification reports, of the underlying test data for all certification testing, and of any other testing conducted to satisfy the requirements of 10 CFR part 429, part 430, and/or part 431. Certification reports provide DOE and consumers with comprehensive, up-to-date efficiency information and support effective enforcement.

As the result of a negotiated rulemaking, DOE adopted additional certification requirements for commercial HVAC, water heater, and refrigeration equipment. Specifically, DOE requires manufacturers of commercial refrigeration equipment and some types of commercial HVAC equipment to submit a PDF with specific testing instructions to be used by the Department during verification and enforcement testing. Manufacturers of commercial water heating equipment and some types of commercial HVAC equipment have the option of submitting a PDF with additional testing instructions at the manufacturer's discretion. For additional information on the negotiated rulemaking or supplemental testing instructions see docket number EERE–2013–BT–NOC–0023.

On December 18, 2014, Congress enacted the EPS Service Parts Act of 2014 (Pub. L. 113–263, ''Service Parts Act''). That law exempted manufacturers of certain external power supplies (''EPSs'') that were made available as service and spare parts for end-use products manufactured before February 10, 2016, from the energy conservation standards that DOE promulgated in its February 2014 rule. See 79 FR 7846 (Feb. 10, 2014). Additionally, the Service Parts Act permits DOE to require manufacturers of an EPS that is exempt from the 2016 standards to report to DOE the total number of such EPS units that are shipped annually as service and spare parts and that do not meet those standards. (42 U.S.C. 6295(u)(5)(A)(ii)) DOE may also limit the applicability of the exemption if the Secretary determines that the exemption is resulting in a significant reduction of the energy savings that would result in the absence of the exemption. (42 U.S.C. 6295(u)(5)(A)(iii)) In a final rule published on May 16, 2016, DOE adopted reporting requirements for EPS manufacturers to provide the total number of exempt EPS units sold as service and spare parts for which the manufacturer is claiming exemption from the current standards. 81 FR 30157.

DOE currently requires manufacturers or their party representatives to prepare and submit certification reports and compliance statements using DOE's electronic Web-based tool, the Compliance and Certification Management System (CCMS), which is the primary mechanism for submitting certification reports to DOE. CCMS currently has product and equipment specific templates which manufacturers are required to use when submitting certification data to DOE. DOE believes the availability of electronic filing through the CCMS system reduces reporting burdens, streamlines the process, and provides the Department with needed information in a standardized, more accessible form. This electronic filing system also ensures that records are recorded in a permanent, systematic way.

Manufacturers also may rely on CCMS reporting to satisfy certain reporting requirements established by the Federal Trade Commission (''FTC''). EPCA directs the FTC generally to prescribe labeling rules for the consumer products subject to energy conservation standards under EPCA. (42 U.S.C. 6296) The required labels generally must disclose the estimated annual operating cost of such product (determined in accordance with Federal test procedures); and information respecting the range of estimated annual operating costs for covered products to which the rule applies. (42 U.S.C 6296(c)(1)) Pursuant to EPCA, the FTC prescribed the Energy Labeling Rule, which in part, requires manufacturers to attach yellow EnergyGuide labels to many of the covered consumer products. See 16 CFR part 305. EnergyGuide labels for most products subject to the FTC labeling requirement contain three key disclosures: estimated annual energy cost (16 CFR 305.5); a product's energy consumption or energy efficiency rating as determined from DOE test procedures (*Id.*); and a comparability range displaying the highest and lowest energy costs or efficiency ratings for all similar models (16 CFR 305.10).

The Energy Labeling Rule also contains reporting requirements for most products, under which manufacturers must submit data to the FTC both when they begin manufacturing new models and on an annual basis thereafter. 16 CFR 305.8. These reports must contain, among other things, estimated annual energy consumption or energy efficiency ratings, similar to what is required under DOE's reporting requirement. *Id.* Prior to 2013, FTC collected energy data on products subject to the Energy Labeling Rule separate from DOE through paper and email submissions to the FTC. This arrangement required manufacturers to submit nearly duplicative reports to DOE and FTC.

However, in 2013 the FTC streamlined and harmonized its reporting requirements by giving manufacturers the option to report FTC-required data through DOE's CCMS, in lieu of the traditional practice of submitting directly to FTC. 78 FR 2200 (Jan. 10, 2013); 16 CFR 305.8(a)(1). As such, the CCMS reduces duplicative reporting for manufacturers of covered consumer products that are also required to report under the FTC Energy Label Rule.

DOE allows manufacturers of both consumer products and/or commercial equipment to apply for a test procedure waiver. A manufacturer may submit an application for a test procedure waiver at its discretion if the basic model for which the petition for waiver was submitted contains one or more design characteristics that prevents testing of the basic model according to the prescribed test procedures, or if the prescribed test procedures may evaluate the basic model in a manner so unrepresentative of its true energy consumption characteristics as to provide materially inaccurate comparative data. The Department currently uses and will continue to use the information submitted in the application for a waiver as the basis for granting or denying the petition. See 10 CFR 430.27 for additional information on petitions for waivers and for consumer products. See 10 CFR 431.401 for additional information on petitions for waivers for commercial equipment.

DOE also allows manufacturers of both consumer products and/or commercial equipment to submit applications requesting an extension of the date by which representations must be made in accordance with any new or amended DOE test procedure. DOE may grant extensions of up to 180 days if it determines that making such representations would impose an undue hardship on the petitioner. The Department currently uses and will continue to use the information submitted in these applications as the basis for granting or denying the petition.

In addition to the FTC labeling requirements for consumer products discussed, EPCA directs DOE to establish labeling requirements for covered industrial and commercial equipment when specified criteria is

met. If the Department has prescribed test procedures for any class of covered equipment, a labeling rule applicable to such class of covered equipment must be prescribed. (42 U.S.C. 6315(a)) EPCA, however, requires that certain criteria must be met prior to DOE prescribing a given labeling rule. Specifically, DOE must determine that: (1) Labeling is technologically and economically feasible with respect to any particular equipment class; (2) significant energy savings will likely result from such labeling; and (3) labeling is likely to assist consumers in making purchasing decisions. (42 U.S.C. 6315(h)) DOE has established labeling requirements under the authority in 42 U.S.C. 6315 for electric motors (10 CFR 431.31), walk-in coolers and freezers (10 CFR 431.305), and pumps (10 CFR 431.466).

(5) Proposed changes to the information collection, including description of additional information that would be collected.

No changes are being made to the information collection instrument at this time; any such changes would be made through a rulemaking to amend the applicable regulations. DOE accounted for the reporting that would be needed in order to facilitate a reduction in duplicative reporting under the California's Appliance Efficiency Regulations and the ENERGY STAR program, similar to what was achieved with the FTC. Under its Appliance Efficiency Regulations, California requires manufacturers to certify and report to the CEC energy efficiency data of certain consumer products. See California Code of Regulations (CCR), Title 20, section 1606. For consumer products that are reported to the California Energy Commission and are subject to Federal test procedures, the California regulations generally require submission of data from those Federal test procedures (*i.e.,* the same data reported to DOE). While DOE continues to explore this pathway on a case-by-case basis with the other agencies or States involved, DOE would just add fields to the CCMS that would allow the California Energy Commission to accept a CCMS report in satisfaction of the state reporting requirement. Submission of the additional information would not be mandatory (from DOE's perspective) and would consist of information that manufacturers are already submitting to the California Energy Commission. Should the California Energy Commission choose to streamline and harmonize its reporting requirements by giving manufacturers the option to report California-required data through DOE's CCMS, use of CCMS would reduce duplicative reporting between the California and DOE requirements. In addition, the Environmental Protection Agency (EPA) currently requires ENERGY STAR program participants to send information about the energy-efficiency characteristics of those models participating in the ENERGY STAR program. Should DOE and EPA decide that a single submittal system could satisfy DOE's regulatory requirements and EPA's voluntary ENERGY STAR reporting requirements, then DOE would add minimal additional fields to CCMS and collect them from certifiers in order to reduce overall burden. DOE believes its estimates in this information collection account for the burden associated with these two potential harmonization efforts, which would result in a reduction in cost for the scheme in place today.

(6) *Annual Estimated Number of Respondents:* 2,000;

(7) *Annual Estimated Number of Total Responses:* 20,000;

(8) *Annual Estimated Number of Burden Hours:* 775,000 (35 hours per certification, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information; 16 additional hours for creating supplement testing instructions for commercial HVAC, water heating, and refrigeration equipment manufacturers; 160 hours for test procedure waiver preparation; 160 hours for representation extension request preparation; 1 hour for creating and applying a label for walk-in cooler and freezer, commercial and industrial pump, and electric motor manufacturers);

(9) *Annual Estimated Reporting and Recordkeeping Cost Burden:* $77,500,000.

Authority: Section 326(d) of the Energy Policy and Conservation Act, Public Law 94–163, as amended (42 U.S.C. 6296); 10 CFR parts 429, 430, and 431.

Issued in Washington, DC, on November 28, 2017.

Kathleen Hogan,

Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy.

[FR Doc. 2017–26056 Filed 12–1–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 9088–051]

Sugar River Power LLC; Notice of Application Accepted for Filing, Soliciting Comments, Protests and Motions to Intervene

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Proceeding:* Extension of License Term.

b. *Project No.:* P–9088–051.

c. *Date Filed:* November 2, 2017.

d. *Licensee:* Sugar River Power LLC.

e. *Name and Location of Project:* Lower Village Project, located on the Sugar River in Sullivan County, New Hampshire.

f. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

g. *Licensee Contact Information:* Mr. Robert King, Manager, Sugar River Power LLC, 42 Hurricane Rd., Keene, New Hampshire 03431, 603–352–3444, *bking31415@gmail.com*.

h. *FERC Contact:* Mr. Ashish Desai, (202) 502–8370, *Ashish.Desai@ferc.gov*.

i. Deadline for filing comments, motions to intervene and protests, is 30 days from the issuance date of this notice by the Commission. The Commission strongly encourages electronic filing. Please file motions to intervene, protests, comments, and recommendations, using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–9088–051.

j. *Description of Proceeding:* The licensee, Sugar River LLC, requests the Commission extend the term of the license for the Lower Village Project No. 9088, from August 31, 2026 to August 31, 2031, which will align its modified expiration date with that of the nearby Sweetwater Project No. 10898, which has an expiration date of February 28, 2031. The licensee received a 40-year

license for the project on September 10, 1986. The licensee states that in order to facilitate a basin-wide relicensing approach with the Sweetwater Project, it needs to extend the license term to synchronize the license expiration date with that of the Sweetwater Project. The licensee's request includes letters from the U.S. Fish and Wildlife Service, New Hampshire Fish and Game Department, and New Hampshire Department of Environmental Service, all stating that they do not support extending the license term.

k. This notice is available for review and reproduction at the Commission in the Public Reference Room, Room 2A, 888 First Street NE., Washington, DC 20426. The filing may also be viewed on the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the Docket number (P–9088–051) excluding the last three digits in the docket number field to access the notice. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call toll-free 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov.* For TTY, call (202) 502–8659.

l. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

m. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, and .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

n. *Filing and Service of Responsive Documents:* Any filing must (1) bear in all capital letters the title COMMENTS, PROTEST, or MOTION TO INTERVENE as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, motions to intervene, or protests should relate to the request to extend the license term. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Dated: November 28, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–26035 Filed 12–1–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR18–7–000]

Epsilon Trading, LLC, Chevron Products Company, Valero Marketing and Supply Company v. Colonial Pipeline Company; Notice of Complaint

Take notice that on November 22, 2017, pursuant to sections 1(5), 6, 8, 9, 13, 15 and 16 of the Interstate Commerce Act, 49 U.S.C. App. 1(5), 6, 8, 9, 13, 15 and 16; section 1803 of the Energy Policy Act of 1992 (Pub. L. 102–486, 106 Stat. 2772 (1992); Rule 206 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission's (Commission), 18 CFR 385.206 (2017); and Rules 343.1(a) and 343.2(c) of the Commission's Procedural Rules Applicable to Oil Pipeline Proceedings, 18 CFR 343.1(a) and 343.2(c) (2017), Epsilon Trading, LLC, Chevron Products Company, and Valero Marketing and Supply Company (collectively, Joint Complainants) filed a formal complaint against Colonial Pipeline Company, (Respondent) challenging the just and reasonableness of (1) Respondent's cost-based transportation rates in Tariff FERC No. 99.36.0 and predecessor tariffs; (2) Respondent's market-based rate authority and rates charged pursuant to that authority; and (3) Respondent's charges relating to product loss allocation and transmix, as more fully explained in the complaint.

The Joint Complainants certify that copies of the complaint were served on the contacts for Respondent as listed on the Commission's list of Corporate Officials.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the eFiling link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the eLibrary link and is available for electronic review in the Commission's Public Reference Room in Washington, DC There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on December 22, 2017.

Dated: November 27, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–25999 Filed 12–1–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP18–20–000]

Transcontinental Gas Pipe Line Company, LLC; Notice of Request Under Blanket Authorization

Take notice that on November 15, 2017, Transcontinental Gas Pipe Line Company, LLC (Transco), P.O. Box 1396, Houston, Texas 77251, filed a prior notice application pursuant to sections 157.205, and 157.208 of the Federal Energy Regulatory Commission's (Commission) regulations under the Natural Gas Act (NGA), and Transco's blanket certificate issued in Docket No. CP82–426–000. Transco requests authorization to construct and operate three new heaters and related appurtenant facilities at the existing Meadow Heater facility located in the Borough of Ridgefield, Bergen County, New Jersey, all as more fully set forth in the application, which is open to the public for inspection. The filing may also be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding this application should be directed to Marg Camardello, P.O. Box 1396, Houston, Texas 77251 or by phone (713) 215–3380.

Any person or the Commission's staff may, within 60 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the regulations under the NGA (18 CFR 157.205), a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the allowed time for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding, or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenter will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the eFiling link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

Dated: November 27, 2017.

Kimberly D. Bose,

Secretary

[FR Doc. 2017–26001 Filed 12–1–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP17–458–000]

Midship Pipeline Company, LLC; Notice of Schedule for Environmental Review of the Midcontinent Supply Header Interstate Pipeline Project

On May 31, 2017, Midship Pipeline Company, LLC (Midship Pipeline) filed an application with the Federal Energy Regulatory Commission (FERC or Commission) in Docket No. CP17–458–000 requesting a Certificate of Public Convenience and Necessity pursuant to section 7(c) of the Natural Gas Act (NGA) and part 157 of the Commission's regulations to construct, own, operate, and maintain a new 233.6-mile-long natural gas pipeline system and associated facilities in Oklahoma. The proposed project, known as the Midcontinent Supply Header Interstate Pipeline Project (MIDSHIP Project), would provide 1,440 million standard cubic feet per day of natural gas transportation capacity from the Anadarko Basin in Oklahoma to existing natural gas pipelines near Bennington, Oklahoma, for transport to growing Gulf Coast and Southeast markets.

FERC issued its Notice of Application for the MIDSHIP Project on June 14, 2017. Among other things, the notice alerted other agencies issuing federal authorizations of the requirement to complete all necessary reviews and to reach a final decision on the request for a federal authorization within 90 days of the date of issuance of the Commission staff's final environmental impact statement (EIS) for the MIDSHIP Project. This notice identifies the FERC staff's planned schedule for completion of the final EIS for the MIDSHIP Project, which is based on an issuance of the draft EIS in February 2018.

Schedule for Environmental Review

Issuance of Notice of Availability of the final EIS: June 21, 2018.

90-day Federal Authorization Decision Deadline: September 19, 2018.

If a schedule change becomes necessary, an additional notice will be provided so that the relevant agencies are kept informed of the MIDSHIP Project's progress.

Background

On November 9, 2016, the Commission staff granted Midship Pipeline's request to use FERC's pre-filing environmental review process and assigned the MIDSHIP Project Docket No. PF17–3–000. On January 27, 2017,

the Commission issued a *Notice of Intent to Prepare an Environmental Impact Statement for the Planned Midcontinent Supply Header Interstate Pipeline Project, Request for Comments on Environmental Issues, and Notice of Public Scoping Sessions.* On March 22, 2017, the Commission issued a *Supplemental Notice* to seek comments on additional facilities identified by Midship Pipeline as part of the MIDSHIP Project. The notices were sent to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; affected property owners; other interested parties; and local libraries and newspapers. Major issues raised include the potential for induced seismicity; possible alternative routes; and potential impacts on agricultural lands, cattle grazing, threatened and endangered species, surface water and groundwater resources, air quality and noise, and safety. The U.S. Environmental Protection Agency is a cooperating agency in the preparation of the EIS.

Additional Information

In order to receive notification of the issuance of the EIS and to keep track of all formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents via email. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Additional information about the MIDSHIP Project is available from the Commission's Office of External Affairs at (866) 208–FERC or on the FERC Web site (*www.ferc.gov*). Using the eLibrary link, select General Search from the eLibrary menu, enter the selected date range and Docket Number excluding the last three digits (*i.e.,* CP17–458), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at (866) 208–3676, TTY (202) 502–8659, or at *FERCOnlineSupport@ferc.gov.* The eLibrary link on the FERC Web site also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

Dated: November 28, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–26031 Filed 12–1–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP17–40–000 and CP17–40–001]

Spire STL Pipeline LLC; Supplemental Notice of Availability of the Environmental Assessment and Reopening of Comment Period for the Proposed Spire STL Pipeline Project

On September 29, 2017, the Federal Energy Regulatory Commission (FERC or Commission) issued in Docket Nos. CP17–40–000 and CP17–40–001 a *Notice of Availability of the Environmental Assessment for the Proposed Spire STL Pipeline Project.* FERC has subsequently learned that delivery of the CD version of the Environmental Assessment (EA) was delayed and as a result some stakeholders did not receive a copy of the EA until after the comment period had closed. In recognition of the delay in receipt, this supplemental notice announces the opening of another comment period.

A CD containing an electronic copy of the EA was previously mailed to you. Alternatively, the EA is available for public viewing on the FERC's Web site (*www.ferc.gov*) using the eLibrary link and searching for accession number 20170929–3022; the direct link is as follows: *http://elibrary.FERC.gov/idmws/file_list.asp?accession_num=20170929-3022.*

The enclosure contains the original notice of availability describing the project and the methods you can use to file your comments to the Commission. To ensure that the Commission has the opportunity to consider your comments prior to making its decision on this project, it is important that we receive your comments in Washington, DC on or before December 22, 2017.

Dated: November 22, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–25998 Filed 12–1–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC18–23–000.

Applicants: Dynegy Inc., Vistra Energy Corp.

Description: Joint Application of Dynegy Inc., et al. for Authorization for Merger of Jurisdictional Assets and Purchase of Securities under Sections 203(a)(1) and 203(a)(2) of the Federal Power Act.

Filed Date: 11/22/17.

Accession Number: 20171122–5134.

Comments Due: 5 p.m. ET 1/22/17.

Docket Numbers: EC18–24–000.

Applicants: Innergex Renewable Energy Inc.

Description: Application of Innergex Renewable Energy Inc. for Authorization of Acquisition under Section 203(a)(2).

Filed Date: 11/24/17.

Accession Number: 20171124–5031.

Comments Due: 5 p.m. ET 12/15/17.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2331–068; ER10–2319–058; ER10–2317–058; ER13–1351–040; ER10–2330–065.

Applicants: J.P. Morgan Ventures Energy Corporation, BE CA LLC, BE Alabama LLC, Florida Power Development LLC, Utility Contract Funding, L.L.C.

Description: Notice of Non-Material Change in Status of the J.P. Morgan Sellers.

Filed Date: 11/27/17.

Accession Number: 20171127–5059.

Comments Due: 5 p.m. ET 12/18/17.

Docket Numbers: ER17–2087–001.

Applicants: Hog Creek Wind Project, LLC.

Description: Notice of Non-Material Change in Status of Hog Creek Wind Project, LLC.

Filed Date: 11/27/17.

Accession Number: 20171127–5061.

Comments Due: 5 p.m. ET 12/18/17.

Docket Numbers: ER18–329–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Six Interconnection Service Agreements re: Dayton Transfer to be effective 10/26/2017.

Filed Date: 11/27/17.

Accession Number: 20171127–5010.

Comments Due: 5 p.m. ET 12/18/17.

Docket Numbers: ER18–330–000.

Applicants: NSTAR Electric Company.

Description: Tariff Cancellation: Notice of Cancellation of Essential Power Newington Design Engineering Agreement to be effective 11/27/2017.

Filed Date: 11/27/17.

Accession Number: 20171127–5080.

Comments Due: 5 p.m. ET 12/18/17.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: November 27, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–25997 Filed 12–1–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 10822–013]

Town of Canton, Connecticut; Notice of Application for License Reinstatement, Amendment, Transfer, Extension of License Term, and Soliciting Comments, Motions To Intervene, Protests, Recommendations, Terms and Conditions, and Fishway Prescriptions

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Reinstatement, Amendment, and Transfer.

b. *Project No.:* 10822–013.

c. *Date filed:* October 12, 2017.

d. *Applicant:* Town of Canton, Connecticut.

e. *Name of Project:* Upper Collinsville Project.

f. *Location:* On the Farmington River near the village of Collinsville in Hartford County, Connecticut.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r) and Public Law 113–122.

h. *Applicant Contact:* Robert Skinner, Chief Administrative Officer, Town of Canton, Connecticut, P.O. Box 168, 4 Market Street, Collinsville, CT, (860) 693–7837 or *rskinner@townofcantonct.org.*

i. *FERC Contact:* Diana Shannon, (202) 502–6136 or *diana.shannon@ferc.gov.*

j. Deadline for filing motions to intervene and protests, comments, recommendations, terms and conditions, and fishway prescriptions is 60 days from the issuance date of this notice by the Commission; reply comments are due 105 days from the issuance date of this notice by the Commission. The Commission strongly encourages electronic filing.

Please file any motion to intervene, protest, comments, and/or recommendations using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–10822–013.

k. *Description of Request:* On October 12, 2017, the Town of Canton, Connecticut, filed a request to reinstate, amend, and transfer the license for the Upper Collinsville Project No. 10822. The project was previously licensed to Summit Hydropower, but the license was terminated by Commission order dated December 4, 2007, for failure to start construction pursuant to Article 301 of the license and section 13 of the Federal Power Act. By Public Law 113–122, dated June 30, 2014, Congress approved the Collinsville Renewable Energy Production Act, which at the request of the Town of Canton, and after reasonable notice, allows the Commission to: (1) Reinstate the license; (2) extend for two years after the date on which the license is reinstated the time period during which the licensee is required to commence construction of the project; and (3) allows the license to be transferred to the town of Canton. The Town of Canton proposes to rehabilitate the project, provide upstream and downstream fish and eel passage, and provide additional environmental measures, including water quality monitoring, mussel relocation, and recreation. The Town requests the Commission to reinstate the license with a new term of 40–50 years.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov/docs-filing/efiling.asp.* Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the addresses in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, and .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title COMMENTS, PROTEST, or MOTION TO INTERVENE as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource

agency, they must also serve a copy of the document on that resource agency. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Dated: November 28, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–26036 Filed 12–1–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP17–471–000]

Paiute Pipeline Company; Notice of Availability of the Environmental Assessment for the Proposed 2018 Expansion Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) for the 2018 Expansion Project (Project) proposed by Paiute Pipeline Company (Paiute) in the above-referenced docket. Paiute requests authorization to construct approximately 8.46 miles of pipeline to upsize or loop four segments of Paiute's Carson and South Tahoe Laterals in Douglas and Lyon Counties and Carson City, Nevada. The Project would provide up to 4,604 dekatherms per day of new natural gas delivery capacity from Paiute's Tuscarora Gas Transmission Company's Interconnect (Tuscarora) at Wadsworth, Nevada to delivery points along Paiute's Carson and South Tahoe Laterals. The requested pipeline facilities would also allow 1,031 dekatherms per day of existing delivery capacity to be shifted from Paiute's Minden/Gardnerville Delivery Point on its Carson Lateral to the South Lake Tahoe City Gate, a point farther downstream on the South Tahoe Lateral.

The EA assesses the potential environmental effects of the construction and operation of the 2018 Expansion Project in accordance with the requirements of the National Environmental Policy Act (NEPA). The FERC staff concludes that approval of the proposed Project, with appropriate mitigating measures, would not constitute a major federal action significantly affecting the quality of the human environment.

The Bureau of Land Management (BLM) and the Consolidated Municipality of Carson City, Nevada (Carson City) participated as cooperating agencies in the preparation of the EA. Cooperating agencies have jurisdiction by law or special expertise with respect to resources potentially affected by the proposal and participate in the NEPA analysis. The BLM intends to adopt and use the EA to consider the issuance of a right-of-way grant for the portion of the project on federal lands.

Specifically, the 2018 Expansion Project would include:

- Construction of 0.42 miles of new 12-inch-diameter pipeline paralleling Paiute's existing South Tahoe Lateral pipeline (Segment 1);
- replacement of 1.58 miles of existing 8-inch-diameter Carson Lateral Loop pipeline with 12-inch-diameter pipeline (Segment 2);
- replacement of 2.27 miles of existing 10-inch-diameter pipeline along Paiute's existing Carson Lateral pipeline with 20-inch-diameter pipeline (Segment 3); and
- construction of 4.19 miles of new 20-inch-diameter pipeline loop paralleling Paiute's existing Carson Lateral pipeline (Segment 4).

The FERC staff mailed copies of the EA to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American tribes; potentially affected landowners and other interested individuals and groups; and newspapers and libraries in the project area. In addition, the EA is available for public viewing on the FERC's Web site (*www.ferc.gov*) using the eLibrary link. A limited number of copies of the EA are available for distribution and public inspection at: Federal Energy Regulatory Commission, Public Reference Room, 888 First Street NE., Room 2A, Washington, DC 20426, (202) 502–8371.

Any person wishing to comment on the EA may do so. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that the Commission has the opportunity to consider your comments prior to making its decision on this project, it is important that we receive your comments in Washington, DC, on or before December 27, 2017.

For your convenience, there are three methods you can use to file your comments with the Commission. In all instances please reference the project docket number (CP17–471–000) with your submission. The Commission encourages electronic filing of comments and has expert staff available to assist you at 202–502–8258 or *FercOnlineSupport@ferc.gov.*

(1) You can file your comments electronically using the *eComment* feature located on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* This is an easy method for submitting brief, text-only comments on a project;

(2) You can also file your comments electronically using the *eFiling* feature on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on *eRegister.* You must select the type of filing you are making. If you are filing a comment on a particular project, please select Comment on a Filing; or

(3) You can file a paper copy of your comments by mailing them to the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214).[1] Only intervenors have the right to seek rehearing of the Commission's decision. The Commission grants affected landowners and others with environmental concerns intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which no other party can adequately represent. Simply filing environmental comments will not give you intervenor status, but you do not need intervenor status to have your comments considered.

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on General Search, and enter the docket number excluding the last three digits in the Docket Number field (*i.e.,* CP17–471). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also

[1] See the previous discussion on the methods for filing comments.

provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets.

This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Dated: November 27, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–26000 Filed 12–1–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Commission Staff Attendance

The Federal Energy Regulatory Commission (Commission) hereby gives notice that members of the Commission's staff may attend the following meetings related to the transmission planning activities of the New York Independent System Operator, Inc. (NYISO):

NYISO Electric System Planning Working Group and Transmission Planning Advisory Subcommittee Meeting

December 1, 2017, 10:00 a.m.–11:45 a.m. (EST)

The above-referenced meeting will be via Web conference and teleconference.

The above-referenced meeting is open to stakeholders.

Further information may be found at: *http://www.nyiso.com/public/committees/documents.jsp?com=oc_tpas&directory=2017-12-01.*

NYISO Business Issues Committee Meeting

December 13, 2017, 10:00 a.m.–4:00 p.m. (EST)

The above-referenced meeting will be via Web conference and teleconference.

The above-referenced meeting is open to stakeholders.

Further information may be found at: *http://www.nyiso.com/public/committees/documents.jsp?com=bic&directory=2017-12-13.*

NYISO Operating Committee Meeting

December 14, 2017, 10:00 a.m.–4:00 p.m. (EST)

The above-referenced meeting will be via Web conference and teleconference.

The above-referenced meeting is open to stakeholders.

Further information may be found at: *http://www.nyiso.com/public/committees/documents.jsp?com=oc&directory=2017-12-14.*

NYISO Management Committee Meeting

December 21, 2017, 10:00 a.m.–4:00 p.m. (EST)

The above-referenced meeting will be via Web conference and teleconference.

The above-referenced meeting is open to stakeholders.

Further information may be found at: *http://www.nyiso.com/public/committees/documents.jsp?com=mc&directory=2017-12-21.*

The discussions at the meetings described above may address matters at issue in the following proceedings:

New York Independent System Operator, Inc., Docket No. ER13–102.

New York Independent System Operator, Inc., Docket No. ER15–2059.

New York Independent System Operator, Inc., Docket No. ER17–2327.

For more information, contact James Eason, Office of Energy Market Regulation, Federal Energy Regulatory Commission at (202) 502–8622 or *James.Eason@ferc.gov.*

Dated: November 28, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–26032 Filed 12–1–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 5931–026]

Roseburg Resources Company, Mega Renewables, Shasta Cascade Timberlands LLC; Notice of Application for Partial Transfer of License and Soliciting Comments, Motions To Intervene, and Protests

On November 2, 2017, Roseburg Resources Company (Roseburg) and Mega Renewables (Mega) (co-licensees/transferors) and Shasta Cascade Timberlands LLC (Shasta/transferee) filed an application to partially transfer the license for the Hatchet Creek Project No. 5931. The project is located on Hatchet Creek in Shasta County, California. The project does not occupy Federal lands.

The applicants seek Commission approval to partially transfer the license for the Hatchet Creek Project from Roseburg Resources Company and Mega Renewables as co-licensees, to remove Roseburg Resources Company as a co-licensee and add Shasta Cascade Timberlands LLC as a co-licensee.

Applicants Contact: For transferors: Roseburg: Ms. Cherise M. Gaffney and Mr. Jared R. Wigginton, Stoel Rives LLP, 600 University Street, Suite 3600, Seattle, Washington 98101, Phone: 206–386–7622, Fax: 206–386–7500, Emails: *cherise.gaffney@stoel.com* and *jared.wigginton@stoel.com.*

Mega: Mr. Mike Knapp, Berg & Berg Enterprises LLC, 10050 Bandley Drive, Cupertino, CA 95014, Phone: 408–725–7620, Email: *mknapp@bergvc.com.*

For transferee: Shasta: Mr. Gregory Fullem and Mr. William J. Ohle, Schwabe Williamson & Wyatt, 1211 SW Fifth Ave., Suites 1500–1900, Portland, OR 97204, Phone: 503–222–9981, Fax: 503–796–2900, Emails: *gfullem@schwabe.com* and *wohle@schwabe.com.*

FERC Contact: Patricia W. Gillis, (202) 502–8735, *patricia.gillis@ferc.gov.*

Deadline for filing comments, motions to intervene, and protests: 30 days from the date that the Commission issues this notice. The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–5931–026.

Dated: November 28, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–26033 Filed 12–1–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 7016–006]

City of Hailey, Idaho; Notice of Application for Surrender of License, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Proceeding:* Application for surrender of exemption.

b. *Project No.:* 7016–006.

c. *Date Filed:* October 31, 2017.

d. *Licensee:* City of Hailey, Idaho.

e. *Name of Project:* Hailey Hydroelectric Project.

f. *Location:* The project is located on the artesian Indian Creek Springs, in Blaine County, Idaho.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Licensee Contact:* Ms. Mariel Miller, Public Works Director, City of Hailey, 115 Main Street South, Suite H, Hailey, ID 83333, Telephone: (208) 788–4221.

i. *FERC Contact:* Mr. Ashish Desai, (202) 502–8370, *Ashish.Desai@ferc.gov.*

j. Deadline for filing comments, interventions, and protests is 30 days from the issuance date of this notice by the Commission. The Commission strongly encourages electronic filing. Please file motions to intervene, protests and comments using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–7016–006.

k. *Description of Project Facilities:* The project consists of the City of Hailey's groundwater collection and power production facilities, including: (1) A spring collection system, comprising 10-inch-diameter infiltration pipes and a collection box; (2) a 2.5-mile-long, 12-inch-diameter penstock connecting the collection system to the powerhouse; (3) a 700-foot-long, 18-inch-diameter steel penstock, bifurcated from the water main; (4) a powerhouse containing one generating unit rated at 56 kilowatts; and (5) an 800-foot-long, underground transmission line. The City of Hailey sells project power to Idaho Power.

l. *Description of Request:* On August 24, 2017, the Commission issued an Order Ruling on Declaration of Intention and Finding Licensing Not Required for the project under docket number DI17–6–000 finding that a license or exemption for licensing is not required to operate and maintain the project. As a result, the exemptee, the City of Hailey, Idaho, has determined it would like to surrender the exemption. No ground disturbance is associated with the proposed surrender and project features will remain in place.

m. This filing may be viewed on the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction in the Commission's Public Reference Room located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371.

n. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

o. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .212 and .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

p. *Filing and Service of Responsive Documents:* Any filing must (1) bear in all capital letters the title COMMENTS, PROTEST, or MOTION TO INTERVENE as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, motions to intervene, or protests should relate to the surrender application that is the subject of this notice. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

q. Agency Comments—Federal, state, and local agencies are invited to file comments on the described proceeding. If any agency does not file comments within the time specified for filing comments, it will be presumed to have no comments.

Dated: November 28, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–26034 Filed 12–1–17; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2017–0409; FRL–9970–33]

Certain New Chemicals; Receipt and Status Information for September 2017

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is required under the Toxic Substances Control Act (TSCA) to publish in the **Federal Register** a notice of receipt of a premanufacture notice (PMN); an application for a test marketing exemption (TME), both pending and/or expired; and a periodic status report on any new chemicals under EPA review and the receipt of notices of commencement (NOC) to manufacture those chemicals. This

document covers the period from September 1, 2017 to September 29, 2017.

DATES: Comments identified by the specific case number provided in this document, must be received on or before January 3, 2018.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2017–0409, and the specific PMN number or TME number for the chemical related to your comment, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

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

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Jim Rahai, Information Management Division (7407M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–8593; email address: *rahai.jim@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general. As such, the Agency has not attempted to describe the specific entities that this action may apply to. Although others may be affected, this action applies directly to the submitters of the actions addressed in this document.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR parts 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

II. What action is the Agency taking?

This document provides receipt and status reports, which cover the period from September 1, 2017 to September 29, 2017, and consists of the PMNs and TMEs both pending and/or expired, and the NOCs to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period.

III. What is the Agency's authority for taking this action?

Under TSCA, 15 U.S.C. 2601 *et seq.,* EPA classifies a chemical substance as either an ''existing'' chemical or a ''new'' chemical. Any chemical substance that is not on EPA's TSCA Inventory is classified as a ''new chemical,'' while those that are on the TSCA Inventory are classified as an ''existing chemical.'' For more information about the TSCA Inventory, please go to: *http://www.epa.gov/opptintr/newchems/pubs/inventory.htm.*

Anyone who plans to manufacture or import a new chemical substance for a non-exempt commercial purpose is required by TSCA section 5 to provide EPA with a PMN, before initiating the activity. Section 5(h)(1) of TSCA authorizes EPA to allow persons, upon application, to manufacture (includes import) or process a new chemical substance, or a chemical substance subject to a significant new use rule (SNUR) issued under TSCA section 5(a), for ''test marketing'' purposes, which is referred to as a test marketing exemption, or TME. For more information about the requirements applicable to a new chemical go to: *http://www.epa.gov/oppt/newchems.*

Under TSCA sections 5(d)(2) and 5(d)(3), EPA is required to publish in the **Federal Register** a notice of receipt of a PMN or an application for a TME and to publish in the **Federal Register** periodic reports on the status of new chemicals under review and the receipt of NOCs to manufacture those chemicals.

IV. Receipt and Status Reports

As used in each of the tables in this unit, (S) indicates that the information in the table is the specific information provided by the submitter, and (G) indicates that the information in the table is generic information because the specific information provided by the submitter was claimed as CBI.

For the 165 PMNs received by EPA during this period, Table 1 provides the following information (to the extent that such information is not claimed as CBI): The EPA case number assigned to the PMN; The date the PMN was received by EPA; the projected end date for EPA's review of the PMN; the submitting manufacturer/importer; the potential uses identified by the manufacturer/importer in the PMN; and the chemical identity.

TABLE 1—PMNS RECEIVED FROM SEPTEMBER 1, 2017 TO SEPTEMBER 29, 2017

Case No.	Received date	Projected notice end date	Manufacturer /importer	Use	Chemical
P–17–0015	09/08/2017	12/07/2017	Daicel Chemtech, Inc	(G) Precursor for photochromic substance ..	(G) Heteromonocycle ester with alkanediol.
P–17–0016	09/18/2017	12/17/2017	CBI	(G) Polymer for coatings	(G) Hydroxyl alkyl acrylate ester, polymer with acrylates, aromatic vinyl monomer, cycloaliphatic lactone, and alkyl carboxylic acid, peroxide initiated.

TABLE 1—PMNS RECEIVED FROM SEPTEMBER 1, 2017 TO SEPTEMBER 29, 2017—Continued

Case No.	Received date	Projected notice end date	Manufacturer /importer	Use	Chemical
P–17–0017	09/18/2017	12/17/2017	CBI	(G) Polymer for coatings	(G) Hydroxyl alkyl acrylate ester, polymer with acrylates, aromatic vinyl monomer, cycloaliphatic lactone, and alkyl carboxylic acid, peroxide initiated.
P–17–0018	09/18/2017	12/17/2017	CBI	(G) Polymer for coatings	(G) Hydroxyl alkyl acrylate ester, polymer with acrylates, aromatic vinyl monomer, cycloaliphatic lactone, and alkyl carboxylic acid, azobis[aliphatic nitrile] initiated.
P–17–0019	09/18/2017	12/17/2017	CBI	(G) Polymer for coatings	(G) Hydroxyl alkyl acrylate ester, polymer with acrylates, aromatic vinyl monomer, cycloaliphatic lactone, and alkyl carboxylic acid, peroxide initiated.
P–17–0020	09/18/2017	12/17/2017	CBI	(G) Polymer for coatings	(G) Hydroxyl alkyl acrylate ester, polymer with acrylates, aromatic vinyl monomer, cycloaliphatic lactone, and alkyl carboxylic acid, peroxide initiated.
P–17–0021	09/18/2017	12/17/2017	CBI	(G) Polymer for coatings	(G) Hydroxyl alkyl acrylate ester, polymer with acrylates, aromatic vinyl monomer, cycloaliphatic lactone, and alkyl carboxylic acid, azobis[aliphatic nitrile] initiated.
P–17–0026	09/19/2017	12/18/2017	CBI	(G) Industrial ink printing applications	(G) Cycloaliphatic diamine, polymer with .alpha-hydro-.omega.-hydroxypoly(oxy-alkanediyl), .alpha-hydro-.omega.-hydroxypoly(oxy-alkanediyl), and cycloaliphatic diisocyanate.
P–17–0027	09/19/2017	12/18/2017	CBI	(G) Industrial Use of Printing Ink	(G) Diol polymer with .alpha.-hydro-.omega.-hydroxypoly[oxy(alkanediyl)] and aromatic diisocyante.
P–17–0086	09/15/2017	12/14/2017	CBI	(G) Perfume	(G) Cycloalkyl, bis(ethoxyalkyl)-, trans-cycloalkyl, bis(ethoxyalkyl)-, cis-.
P–17–0109	09/21/2017	12/20/2017	CBI	(S) Intermediate for polyurethane catalyst (S) Polyurethane catalyst	(G) Alkyldiamine, aminoalkyl dimethylaminoalkyl dimethyl-.
P–17–0110	09/08/2017	12/07/2017	DIC International (USA), LLC.	(G) Masking photopolymer	(G) Phenol formaldehyde glycidyl ether acrylate cycloalkene ester.
P–17–0117	09/13/2017	12/12/2017	CBI	(G) Use as a polyol for polyurethane manufacture reaction of the new substance with a diisocyanate or polyisocyanate in a blend with other polyols will produce a higher MW polymer.	(S) 1,6,10-dodecatriene, 7,11-dimethyl-3-methylene-, (6e)-, homopolymer, 2-hydroxypropyl-terminated.
P–17–0118	09/13/2017	12/12/2017	CBI	(G) Use as a polyol for polyurethane manufacture. Reaction of the new substance with a diisocyanate or polyisocyanate in a blend with other polyols will produce a higher MW polymer.	(S) 1,6,10-dodecatriene, 7,11-dimethyl-3-methylene-, (6e)-, homopolymer, 2-hydroxyethyl-terminated.
P–17–0118	09/13/2017	12/12/2017	CBI	(S) Used as a feedstock for hydrogenation to produce a saturated diol for use in urethane chemistry or as an additive in coatings, adhesives or sealants.	(S) 1,6,10-dodecatriene, 7,11-dimethyl-3-methylene-, (6e)-, homopolymer, 2-hydroxyethyl-terminated.
P–17–0152	09/12/2017	12/11/2017	CBI	(G) Additive in home care products	(G) Poly-(2-methyl-1-oxo-2-propen-1-yl) ester with ethanaminium, n,n,n-trialkyl, chloride and methoxypoly(oxy-1,2-ethanediyl)
P–17–0160	09/13/2017	12/12/2017	CBI	(G) Binder	(G) 2-propenoic acid, alkyl-, alkyl ester, polymer with alkyl 2-propenoate, dialkyloxoalkyl-2-propenamide and alkyl 2-propenoate
P–17–0161	09/13/2017	12/12/2017	CBI	(G) Binder	(G) 2-propenoic acid, alkyl-, alkyl ester, polymer with alkyl 2-propenoate, dialkyloxoalkyl-2-propenamide, ethenylbenzene and alkyl 2-propenoate.
P–17–0186	09/28/2017	12/27/2017	CBI	(G) Additive, open, non-dispersive use	(G) 2,5-furandione, telomer with 1,1′-(1,1-dimethyl-3-methylene-1,3-propanediyl)bis[benzene] and ethenylbenzene, carbonmonocycle alkyl ester, esters with polyalkylene glycol mono alkyl ethers, ammonium salts, 2,2′-(1,2-diazenediyl)bis[2-methylbutanenitrile]-initiated.
P–17–0191	09/21/2017	12/20/2017	CBI	(S) Polyurethane catalyst	(G) Alkyldiamine, aminoalkyl dimethylaminoalkyl dimethyl-, reaction products with propylene oxide.
P–17–0195	09/06/2017	12/05/2017	CBI	(G) For manufacturing modified Ethylene vinyl alcohol copolymer.	(G) 1,3-propanediol,2-methylene-, substituted.
P–17–0203	09/27/2017	12/26/2017	CBI	(G) Crosslinking binder component	(G) Aromatic bis[(ether)(alkyl)phenol]
P–17–0207	09/18/2017	12/17/2017	CBI	(G) Paint	(G) 2-alkenoic acid, 2 alkyl, 2 alkyl ester, polymer with alkyl alkenoate, carbomonocyle, alkyl alkenoate and alkyl alkenoate, alkyl peroxide initiated.

TABLE 1—PMNS RECEIVED FROM SEPTEMBER 1, 2017 TO SEPTEMBER 29, 2017—Continued

Case No.	Received date	Projected notice end date	Manufacturer /importer	Use	Chemical
P–17–0232	09/27/2017	12/26/2017	CBI	(G) Engineering thermoplastic	(G) Copolyamide of an aromatic dicarboxylic acid and a mixture of diamines.
P–17–0237	09/13/2017	12/12/2017	CBI	(G) Export overseas for use in polyurethanes.	(S) 1,6,10-dodecatriene, 7,11-dimethyl-3-methylene-, (6e)-, homopolymer, hydrogenated, 2-hydroxyethyl-terminated.
P–17–0237	09/13/2017	12/12/2017	CBI	(G) For use as a plasticizer in UV Cure formulations.	(S) 1,6,10-dodecatriene, 7,11-dimethyl-3-methylene-, (6e)-, homopolymer, hydrogenated, 2-hydroxyethyl-terminated.
P–17–0237	09/13/2017	12/12/2017	CBI	(G) Use in UV cured systems	(S) 1,6,10-dodecatriene, 7,11-dimethyl-3-methylene-, (6e)-, homopolymer, hydrogenated, 2-hydroxyethyl-terminated.
P–17–0237	09/13/2017	12/12/2017	CBI	(S) LOCA (see description for the Primary diol) due to its lower reactivity, very little of the hydrogenated secondary diol will be made or sold for this use the uses would be identical to the use of the hydrogenated primary diol.	(S) 1,6,10-dodecatriene, 7,11-dimethyl-3-methylene-, (6e)-, homopolymer, hydrogenated, 2-hydroxyethyl-terminated.
P–17–0238	09/13/2017	12/12/2017	CBI	(G) Export overseas for use in polyurethanes. (G) For use as a plasticizer in UV Cure formulations. (G) Use in UV cured systems	(S) 1,6,10-dodecatriene, 7,11-dimethyl-3-methylene-, (6e)-, homopolymer, 2-hydroxypropyl-terminated, hydrogenated.
P–17–0238	09/13/2017	12/12/2017	CBI	(S) LOCA (see description for the Primary diol). Due to its lower reactivity, very little of the hydrogenated secondary diol will be made or sold for this use. The uses would be identical to the use of the hydrogenated primary diol.	(S) 1,6,10-dodecatriene, 7,11-dimethyl-3-methylene-, (6e)-, homopolymer, 2-hydroxypropyl-terminated, hydrogenated.
P–17–0246	09/19/2017	12/18/2017	CBI	(G) Industrial intermediate	(G) Polycarbonate polyol.
P–17–0249	09/08/2017	12/07/2017	CBI	(G) Open, dispersive use	(G) Acid-neutralized, amine-functional acrylic polymer.
P–17–0260	09/05/2017	12/04/2017	Shin Etsu Silicones of America.	(G) Resin modifier	(G) Alkoxy silane modified butadiene-styrene copolymer.
P–17–0263	09/07/2017	12/06/2017	CBI	(G) Most paint formulators will add less than 5% of Borchi Gel NA that contains 50% of the PMN substance to make their formulated product volume (i.e. 10 gallon batch would contain 0.5 gallon of our product (0.25gal of PMN substance) our product will be metered in by hand (via smaller containers) or by pumping into an open and/or closed vessel at desired levels and then mixed mechanically. Manufactures/formulators typically use modern manufacturing techniques including PPR, engineering controls, and best management practices to mitigate risk.	(G) Zirconium carboxylates sodium complexes.
P–17–0268	09/08/2017	12/07/2017	ADC—Adrian	(S) Resin for powder coating ..... (S) Resin for powder coating applications. ...	(G) Methyl methacrylate, glycidyl methacrylate co-polymer with styrene and ester acrylate
P–17–0269	09/08/2017	12/07/2017	ADC—Adrian	(S) Resin for powder coating applications	(G) Methyl methacrylate, glycidyl methacrylate co-polymer with butyl acrylate, styrene and ester acrylate, peroxide initiated.
P–17–0282	09/12/2017	12/11/2017	Elantas PDG, Inc	(S) This is a component of a mixture that is used as an impregnating varnish for stators and motors.	(S) Isocyanic acid, polymethylenepolyphenylene ester, caprolactam- and phenol-blocked.
P–17–0284	09/18/2017	12/17/2017	CBI	(G) In-process intermediate	(S) 2-heptanone, 4-hydroxy-
P–17–0285	09/18/2017	12/17/2017	CBI	(G) In-process intermediate	(S) 4-hepten-2-one.
P–17–0301	09/05/2017	12/04/2017	CBI	(G) Used as a surface drier in clear and pigmented coatings systems to replace other primary driers, particularly cobalt.	(G) Manganese heterocyclic-amine carboxylate complexes.
P–17–0322	09/19/2017	12/18/2017	CBI	(G) Auxiliary drier, has little drying action in itself but is very useful in combination with active driers. In vehicles that show poor tolerance for lead, calcium can replace part of the lead with a larger amount of calcium to prevent the precipitation of the lead & maintain drying efficiency. Calcium is also useful as pigment wetting & dispersing agents & help to improve hardness & gloss & reduce ''Silkins'' when ground with drier adsorbing pigments, Calcium minimizes loss of dry by being preferentially absorbed.	(G) Zinc naphthenate complexes.
P–17–0325	09/26/2017	12/25/2017	Cekal Specialties, Inc	(S) Used in textile industry in bleaching and dyeing operations as a dispersing agent, for professional use according to the instructions in the technical bulletin.	(S) 2-propenoic acid, polymer with 2-methyl-2-((1-oxo-2-propenyl)amino)-1-propanesulfonic acid.

TABLE 1—PMNS RECEIVED FROM SEPTEMBER 1, 2017 TO SEPTEMBER 29, 2017—Continued

Case No.	Received date	Projected notice end date	Manufacturer /importer	Use	Chemical
P–17–0330	09/05/2017	12/04/2017	CBI	(S) Polyurethane which is cured and used in a sprocket for water treatment.	(G) Hexanedioic acid, polymer with trifuntional polyol, 1,1′-methylenebis [isocyanatobenzene], and 2,2′-oxybis [ethanol].
P–17–0353	09/27/2017	12/26/2017	CBI	(G) Additive in resin manufacture	(G) Heteromonocycle, 2-[(bicarbomonocycle-2-substituted) alkyl]-.
P–17–0355	09/08/2017	12/07/2017	CBI	(G) Site intermediate	(G) Benzoic acid, 2-hydroxy-, -alkyl derivs.
P–17–0359	09/08/2017	12/07/2017	CBI	(G) Lubricant additive	(G) Zinc, bis[2-hydroxy-ko)benzoate-ko]-alkyl derivs.
P–17–0385	09/19/2017	12/18/2017	Al-Fares Corporation	(S) Cleaning product for detailing vehicles	(S) Carbonic acid, bis(2-ethylhexyl) ester.
P–17–0387	09/08/2017	12/07/2017	CBI	(G) Paint	(G) Dicarboxylic acids, polymers with alkanoic acid, alkanediol, susbtituted-alkylalkanoic acid, substituted alkyl carbomonocyle, alkanedioic acid and alkanediol, alkanolamine blocked, compds with alkanolamine.
P–17–0388	09/08/2017	12/07/2017	CBI	(G) Paint	(G) Dicarboxylic acids, polymers with alkanoic acid, alkanediol, susbtituted-alkylalkanoic acid, substituted alkyl carbomonocyle, alkanedioic acid and alkanediol, alkanolamine blocked, compds with alkanolamine.
P–17–0389	09/11/2017	12/10/2017	CBI	(G) Polymer precursor	(G) Alkyl oil, polymer with 1,4-cyclohexanedimethanol, dehydrated alkyl oil, hydrogentated rosin, phthalic anhydride and trimethylolpropane.
P–17–0390	09/06/2017	12/05/2017	KAO Specialties Americas, LLC.	(G) Printing additive	(G) Carbomonocyclic dicarboxylic acid, polymer with alkenedioic acid, substituted heteropolycycle, substituted heteromonocycle, alkanediol, alkanedioic acid, alkoxylated substituted dicarbomonocycle, alkoxylated substituted dicarbomonocycle and alkanetriol, carbomonocyclic carboxylate alkanoate.
P–17–0391	09/08/2017	12/07/2017	Allnex USA, Inc	(G) UV Curable coating resin	(G) Heteropolycyclic diacrylate, polymer with alkyl substituted alkyldiamine and [oxybis(alkyl-alkanediyl)] dialkenoate.
P–17–0392	09/08/2017	12/07/2017	Allnex USA, Inc	(G) UV curable coating resin	(G) Alkenoic acid, [oxybis(alkyl-alkanediyl)] ester, polymer with dialkyl-alkanediamine.
P–17–0393	09/18/2017	12/17/2017	Allnex USA, Inc	(G) UV curable coating resin	(G) Alkanediamine, dialkyl-, polymer with a-hydro-w-[(1-oxo-2-propen-1-yl)oxy]poly(oxy-1,2-ethanediyl) ether with substituted alkyl-substituted-alkanediol, reaction products with alkyl-alkanamine.
P–17–0394	09/11/2017	12/10/2017	Allnex USA, Inc	(S) Coating to improve chemical resistance	(G) Substituted propanoic acid, polymer with alkylisocyanate-substituted carbomonocycle, dialkyl carbonate, hydroxyl alkyl substituted alkanediol, alkanediol, isocyanato substituted carbomonocycle, alkanol substituted amines-blocked, compds. with (alkylamino)alkanol.
P–17–0395	09/26/2017	12/25/2017	CBI	(G) Water treatment additive	(G) Alkyl tri dithiocarbmate tri salt.
P–17–0396	09/20/2017	12/19/2017	CBI	(S) Intermediate for a polyurethane catalyst	(G) Aminoalkylated imidazole.
P–17–0397	09/14/2017	12/13/2017	CBI	(S) Intermediate for use in the manufacture of polymers.	(G) Waste plastics, poly(ethylene terephthalate), depolymd. with diethylene glycol and polyol, polymers with alkanedioic acid and arylcarboxylic acid anhydride.
P–17–0398	09/20/2017	12/19/2017	CBI	(G) Wax-component of complex formulations for various uses. (G) Stock use	(G) Branched cyclic and linear hydrocarbons from plastic depolymerization.
P–17–0399	09/20/2017	12/19/2017	CBI	(G) Wax-component of complex formulations for various uses. (G) Stock use	(G) Alkane, alkene, styrenic compounds derived from plastic depolymerization.
P–17–0401	09/21/2017	12/20/2017	CBI	(S) Flow-back additive (S) Foaming agent for well deliquification (S) Surfactant for enhanced oil recovery	(S) Glycolipids, sophorose-contg., candida bombicola-fermented, from $C_{16–18}$ and C_{18}-unsatd. glycerides and d-glucose, hydrolyzed, sodium salts.
P–17–0402	09/21/2017	12/20/2017	CBI	(S) Flow-back additive (S) Foaming agent for well deliquification (S) Surfactant for enhanced oil reco	(S) Glycolipids, sophorose-contg., candida bombicola-fermented, from $C_{16–18}$ and C_{18}-unsatd. glycerides and d-glucose, hydrolyzed, potassium salts.
P–17–0403	09/22/2017	12/21/2017	CBI	(S) Used as a coalescent for latex paints	(G) Tributyl esters of polycarboxylic alkanes.
P–17–0404	09/25/2017	12/24/2017	Arlanxeo	(G) intermediate completely used on site	(G) Nitrile-butadiene-acrylate-terpolymers.
P–17–0407	09/26/2017	12/25/2017	CBI	(G) Well performance	(G) Halogenated benzoic acid ethyl ester.
P–17–0408	09/25/2017	12/24/2017	CBI	(G) Well performance	(G) Halogenated benzoic acid ethyl ester.
P–17–0409	09/26/2017	12/25/2017	CBI	(G) Monitor well performance	(G) Halogenated benzoic acid ethyl ester.
P–17–0410	09/26/2017	12/25/2017	CBI	(G) Monitor well performance	(G) Halogenated benzoic acid ethyl ester.

TABLE 1—PMNS RECEIVED FROM SEPTEMBER 1, 2017 TO SEPTEMBER 29, 2017—Continued

Case No.	Received date	Projected notice end date	Manufacturer /importer	Use	Chemical
P–17–0411	09/26/2017	12/25/2017	CBI	(G) Monitor well performance	(G) Halogenated benzoic acid ethyl ester.
P–17–0412	09/26/2017	12/25/2017	CBI	(G) Monitor well performance	(G) Halogenated benzoic acid ethyl ester.
P–17–0413	09/26/2017	12/25/2017	CBI	(G) Engineering thermoplastic	(G) Aromatic dicarboxylic acid, polymer with mixture of alkyl diamines.
P–17–0414	09/28/2017	12/27/2017	CBI	(G) Monitor well performance	(G) Halogenated benzoic acid.
P–17–0415	09/28/2017	12/27/2017	CBI	(G) Monitor well performance	(G) Halogenated benzoic acid.
P–17–0416	09/28/2017	12/27/2017	CBI	(G) Monitor well performance	(G) Halogenated benzoic acid.
P–17–0417	09/28/2017	12/27/2017	CBI	(G) Monitor well performance	(G) Halogenated benzoic acid.
P–17–0418	09/26/2017	12/25/2017	CBI	(G) Monitor well performance	(G) Halogenated benzoic acid.
P–17–0419	09/26/2017	12/25/2017	CBI	(S) Liquid thermoset resin formulation (S) Solid thermoset polymer	(G) Unsaturated polycyclic hydrocarbon.
P–17–0420	09/26/2017	12/25/2017	CBI	(G) Monitor well performance	(G) Halogenated benzoic acid.
P–17–0421	09/26/2017	12/25/2017	CBI	(G) Monitor well performance	(G) Halogenated benzoic acid.
P–17–0422	09/28/2017	12/27/2017	CBI	(G) Monitor well performance	(G) Halogenated benzoic acid.
P–17–0423	09/27/2017	12/26/2017	CBI	(G) Monitor well performance	(G) Halogenated benzoic acid ethyl ester.
P–17–0424	09/27/2017	12/26/2017	Johnson Matthey, Inc	(S) Tracer chemical in a solid proppant bead form used to measure flow in deep oil or gas bearing strata. (S) Tracer chemical used as a tracer in water solution to measure flow in deep oil or gas bearing strata. (S) Tracer chemical when in a solid blend with polymer to measure flow in deep oil or gas bearing strata.	(S) Benzoic acid, 2-chloro-3-methyl-, sodium salt (1:1).
P–17–0425	09/27/2017	12/26/2017	Johnson Matthey, Inc	(S) Tracer chemical in a solid proppant bead form used to measure flow in deep oil or gas bearing strata. (S) Tracer chemical used as a tracer in water solution to (S) Tracer chemical when in a solid blend with polymer to measure flow in deep oil or gas bearing strata measure flow in deep oil or gas bearing strata.	(S) Benzoic acid, 3-chloro-2-methyl-, sodium salt (1:1).
P–17–0426	09/27/2017	12/26/2017	Johnson Matthey, Inc	(S) Tracer chemical in a solid proppant bead form used to measure flow in deep oil or gas bearing strata. (S) Tracer chemical used as a tracer in water solution to measure flow in deep oil or gas bearing strata. (S) Tracer chemical when in a solid blend with polymer to measure flow in deep oil or gas bearing strata.	(S) Benzoic acid, 3-chloro-4-methyl-, sodium salt (1:1).
P–17–0427	09/27/2017	12/26/2017	Johnson Matthey, Inc	(S) Tracer chemical in a solid proppant bead form used to measure flow in deep oil or gas bearing strata. (S) Tracer chemical used as a tracer in water solution to measure flow in deep oil or gas bearing strata. (S) Tracer chemical when in a solid blend with polymer to measure flow in deep oil or gas bearing strata.	(S) Benzoic acid, 2-chloro-5-methyl-, sodium salt (1:1).
P–17–0428	09/27/2017	12/26/2017	Johnson Matthey, Inc	(S) Tracer chemical in a solid proppant bead form used to measure flow in deep oil or gas bearing strata. (S) Tracer chemical used as a tracer in water solution to measure flow in deep oil or gas bearing strata. (S) Tracer chemical when in a solid blend with polymer to measure flow in deep oil or gas bearing strata.	(S) Benzoic acid, 4-chloro-2-methyl-, sodium salt (1:1).
P–17–0429	09/27/2017	12/26/2017	Johnson Matthey, Inc	(S) Tracer chemical in a solid proppant bead form used to measure flow in deep oil or gas bearing strata. (S) Tracer chemical used as a tracer in water solution to measure flow in deep oil or gas bearing strata. (S) Tracer chemical when in a solid blend with polymer to measure flow in deep oil or gas bearing strata.	(S) Benzoic acid, 3-fluoro-2-methyl-, sodium salt (1:1).
P–17–0430	09/27/2017	12/26/2017	Johnson Matthey, Inc	(S) Tracer chemical in a solid proppant bead form used to measure flow in gas bearing deep oil or. (S) Tracer chemical used as a tracer in water solution to measure flow in deep oil or gas bearing strata. (S) Tracer chemical when in a solid blend with polymer to measure flow in deep oil or gas bearing strata.	(S) Benzoic acid, 3-fluoro-4-methyl-, sodium salt (1:1).

TABLE 1—PMNS RECEIVED FROM SEPTEMBER 1, 2017 TO SEPTEMBER 29, 2017—Continued

Case No.	Received date	Projected notice end date	Manufacturer /importer	Use	Chemical
P–17–0431	09/27/2017	12/26/2017	Johnson Matthey, Inc	(S) Tracer chemical in a solid proppant bead form used to measure flow in deep oil or gas bearing strata. (S) Tracer chemical used as a tracer in water solution to measure flow in deep oil or gas bearing strata. (S) Tracer chemical when in a solid blend with polymer to measure flow in deep oil or gas bearing strata.	(S) Benzoic acid, 4-fluoro-2-methyl-, sodium salt (1:1).
P–17–0432	09/27/2017	12/26/2017	Johnson Matthey, Inc	(S) Tracer chemical in a solid proppant bead form used to measure flow in deep oil or gas bearing strata. (S) Tracer chemical used as a tracer in water solution to measure flow in deep oil or gas bearing strata. (S) Tracer chemical when in a solid blend with polymer to measure flow in deep oil or gas bearing strata.	(S) Benzoic acid, 2-fluoro-4-methyl-, sodium salt (1:1).
P–17–0433	09/27/2017	12/26/2017	Johnson Matthey, Inc	(S) Tracer chemical in a solid proppant bead form used to measure flow in deep oil or gas bearing strata. (S) Tracer chemical used as a tracer in water solution to measure flow in deep oil or gas bearing strata. (S) Tracer chemical when in a solid blend with polymer to measure flow in deep oil or gas bearing strata.	(S) Benzoic acid, 2-fluoro-3-methyl-, sodium salt (1:1).
P–17–0434	09/27/2017	12/26/2017	Johnson Matthey, Inc	(S) Tracer chemical in a solid proppant bead form used to measure flow in deep oil or gas bearing strata. (S) Tracer chemical used as a tracer in water solution to measure flow in deep oil or gas bearing strata. (S) Tracer chemical when in a solid blend with polymer to measure flow in deep oil or gas bearing strata.	(S) Benzoic acid, 2,3,6-trifluoro-, sodium salt (1:1).
P–17–0435	09/27/2017	12/26/2017	Johnson Matthey, Inc	(S) Tracer chemical in a solid proppant bead form used to measure flow in deep oil or gas bearing strata. (S) Tracer chemical used as a tracer in water solution to measure flow in deep oil or gas bearing strata. (S) Tracer chemical when in a solid blend with polymer to measure flow in deep oil or gas bearing strata.	(S) Benzoic acid, 2-fluoro-3-(trifluoromethyl)-, sodium salt.
P–17–0436	09/27/2017	12/26/2017	Johnson Matthey, Inc	(S) Tracer chemical in a solid proppant bead form used to measure flow in deep oil or gas bearing strata. (S) Tracer chemical used as a tracer in water solution to measure flow in deep oil or gas bearing strata. (S) Tracer chemical when in a solid blend with polymer to measure flow in deep oil or gas bearing strata.	(S) Benzoic acid, 2-fluoro-4-(trifluoromethyl)-, sodium salt (1:1).
P–17–0437	09/27/2017	12/26/2017	Johnson Matthey, Inc	(S) Tracer chemical in a solid proppant bead form used to measure flow in deep oil or gas bearing strata. (S) Tracer chemical used as a tracer in water solution to measure flow in deep oil or gas bearing strata. (S) Tracer chemical when in a solid blend with polymer to measure flow in deep oil or gas bearing strata.	(S) Benzoic acid, 2-fluoro-6-(trifluoromethyl)-, sodium salt (1:1).
P–17–0438	09/27/2017	12/26/2017	Johnson Matthey, Inc	(S) Tracer chemical in a solid proppant bead form used to measure flow in deep oil or gas bearing strata. (S) Tracer chemical used as a tracer in water solution to measure flow in deep oil or gas bearing strata. (S) Tracer chemical when in a solid blend with polymer to measure flow in deep oil or gas bearing strata.	(S) Benzoic acid, 3-fluoro-5-(trifluoromethyl)-, sodium salt (1:1).
P–17–0439	09/27/2017	12/26/2017	Johnson Matthey, Inc	(S) Tracer chemical in a solid proppant bead form used to measure flow in deep oil or gas bearing strata. (S) Tracer chemical used as a tracer in water solution to measure flow in deep oil or gas bearing strata water.	(S) Benzoic acid, 4-fluoro-3-(trifluoromethyl)-, sodium salt (1:1).

TABLE 1—PMNS RECEIVED FROM SEPTEMBER 1, 2017 TO SEPTEMBER 29, 2017—Continued

Case No.	Received date	Projected notice end date	Manufacturer /importer	Use	Chemical
P–17–0440	09/27/2017	12/26/2017	Johnson Matthey, Inc	(S) Tracer chemical when in a solid blend with polymer to measure flow in deep oil or gas bearing strata. (S) Tracer chemical in a solid proppant bead form used to measure flow in deep oil or gas bearing strata. (S) Tracer chemical used as a tracer in water solution to measure flow in deep oil or gas bearing strata. (S) Tracer chemical when in a solid blend with polymer to measure flow in deep oil or gas bearing strata.	(S) Benzoic acid, 4-fluoro-2-(trifluoromethyl)-, sodium salt (1:1).
P–17–0441	09/27/2017	12/26/2017	CBI	(G) Monitor well performance	(G) Halogenated sodium benzoate.
P–17–0442	09/27/2017	12/26/2017	CBI	(G) Monitor well performance	(G) Halogenated sodium benzoate.
P–17–0443	09/27/2017	12/26/2017	CBI	(G) Monitor well performance	(G) Halogenated sodium benzoate.
P–17–0444	09/27/2017	12/26/2017	CBI	(G) Monitor well performance	(G) Halogenated sodium benzoate.
P–17–0446	09/27/2017	12/26/2017	CBI	(G) Monitor well performance	(G) Halogenated sodium benzoate.
P–17–0447	09/27/2017	12/26/2017	CBI	(G) Monitor well performance	(G) Halogenated sodium benzoate.
P–17–0448	09/27/2017	12/26/2017	CBI	(G) Monitor well performance	(G) Halogenated sodium benzoate.
P–17–0449	09/27/2017	12/26/2017	CBI	(G) Monitor well performance	(G) Halogenated sodium benzoate.
P–17–0450	09/28/2017	12/27/2017	CBI	(G) Monitor well performance	(G) Halogenated benzoic acid.

For the 21 NOCs received by EPA during this period, Table 2 provides the following information (to the extent that such information is not claimed as CBI): The EPA case number assigned to the NOC; the date the NOC was received by EPA; the projected date of commencement provided by the submitter in the NOC; and the chemical identity.

TABLE 2—NOCS RECEIVED FROM SEPTEMBER 1, 2017 TO SEPTEMBER 29, 2017

Case No.	Received date	Commencement notice end date	Chemical
J–16–0024	09/27/2017	09/18/2017	(G) Genetically modified trichoderma reesei.
J–17–0009	09/27/2017	09/27/2017	(G) Genetically modified microorganism.
P–12–0578	09/15/2017	11/07/2016	(G) Vegetable oil fatty acids, reaction products with substituted amine, compds. with substituted polyethylene glycol anhydride ester alkyl ethers.
P–14–0444	09/21/2017	08/21/2017	(G) Polyurethane, trimethoxysilyl terminated.
P–14–0580	09/15/2017	01/17/2017	(G) Alkenoic acid, polymer with alkyl alkenoate, alkylalkylalkenoate, alkenoic acid and tridecafluoro alkylalkenoate, compounds with alkylaminoalcanol.
P–15–0247	09/21/2017	09/16/2017	(G) Methylene diisocyanate polymer with diols and triols.
P–15–0247	09/28/2017	09/16/2017	(G) Methylene diisocyanate polymer with diols and triols.
P–15–0431	09/25/2017	06/02/2017	(G) Rapeseed oil, polymer with alkyl triol and acid anhydride.
P–16–0123	09/07/2017	08/15/2017	(G) Formaldehyde polymers with substituted-carbomonocycle, (tetraalkenyl) derivs.
P–16–0240	09/19/2017	09/29/2016	(G) Styrene(ated) copolymer with alkylmethacrylate, hydroxyalkylacrylate and acrylic acid.
P–16–0263	09/15/2017	08/11/2016	(G) Alkene polymer with anhydride and imides.
P–16–0281	09/15/2017	08/12/2016	(G) Fatty alcohols—dimers, trimmers, polymers.
P–16–0459	09/19/2017	10/28/2016	(G) Carbomonocyclic dicarboxylic acid, polymer with alkanedioic acid, substituted heteropolycycle, substituted carbomonocycle, alkyl alkenoate, alkanedioic acid, alkoxylated substituted dicarbomonocycle, alkoxylated substituted dicarbomonocycle, alkenoic acid, oxo alkyl initiated.
P–16–0570	09/07/2017	08/11/2017	(S) Carboxylic acids, $C_{6–18}$ and cb-15-di-, polymers with diethylene glycol, glycerol, oleic acid, phthalic acid and sorbitol.
P–16–0593	09/08/2017	08/22/2017	(S) Carboxylic acids, $C_{6–18}$ and c5–15-di-, polymers with diethylene glycol, glycerol, sorbitol and terephthalic acid.
P–16–0595	09/20/2017	09/13/2017	(G) Substituted-(hydroxyalkyl)-alkyl-alkanoic acid, hydroxy-(substitutedalkyl)-alkyl-, polymer with alpha-hydro-omega-hydroxypoly[oxy(alkyl-ethanediyl)] and isocyanato-(isocyanatoalkyl)-multialkylcycloalkane, salt, alkanol-blocked, compds.
P–17–0217	09/15/2017	09/15/2017	(S) Coke (coal), secondary pitch.
P–17–0264	09/28/2017	09/23/2017	(G) Alkanoic acid, 2-alkyl-, substituted alkyl ester, polymer with alkyl alkenoate, substituted carbomonocycle, substituted alkyl alkenoate and alkyl substituted alkenoate, substituted alkanenitrile-initiated.
P–17–0265	09/28/2017	09/23/2017	(G) Alkanoic acid, alkyl-, substituted alkyl ester, polymer with alkyl alkenoate, substituted carbomonocycle, substituted alkyl alkenoate and alkyl substituted alkenoate, substituted alkanenitrile-initiated, polymers with substituted alkanenitrile-initiated, alkanoic acid-alkane substituted acrylates-substituted carbomonocycle polymer, compds. with alkylamino alkanol.
P–17–0293	09/28/2017	09/28/2017	(G) Substituted carbomonocycle, polymer with substituted carbonomoncycles, alkyl substituted- alkanediols, alkanediol, alkanedioic acid, and dialkylene glycol.

Authority: 15 U.S.C. 2601 *et seq.*

Dated: November 14, 2017.

Pamela Myrick,

Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 2017–26088 Filed 12–1–17; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0320; OMB 3060–0489 and OMB 3060–0634]

Information Collections Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before February 2, 2018. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via Email: *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the PRA, 44 U.S.C. 3501–3520, the FCC invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control Number: 3060–0489.

Title: Section 73.37, Applications for Broadcast Facilities, Showing Required.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 365 respondents; 365 responses.

Estimated Hours per Response: 1 hour.

Frequency of Response: On occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 Section 154(i) of the Communications Act of 1934, as amended.

Total Annual Burden: 365 hours.

Total Annual Cost: $1,331,250.

Privacy Impact Assessment(s): No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality and respondents are not being asked to submit confidential information to the Commission.

Needs and Uses: The information collection requirements contained in this collection are found under 47 CFR 73.37(d) which require an applicant for a new AM broadcast station, or for a major change in an authorized AM broadcast station, to make a satisfactory showing that objectionable interference will not result to an authorized AM station as a condition for its acceptance if new or modified nighttime operation by a Class B station is proposed. The information collection requirements under 47 CFR 73.37(f) require applicants seeking facilities modification that would result in spacing that fail to meet any of the separation requirements to include a showing that an adjustment has been made to the radiated signal which effectively results in a site-to-site radiation that is equivalent to the radiation of a station with standard Model I facilities. FCC staff use the data to ensure that objectionable interference will not be caused to other authorized AM stations.

OMB Control Number: 3060–0320.

Title: Section 73.1350, Transmission System Operation.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; not-for-profit institutions.

Number of Respondents and Responses: 505 respondents; 505 responses.

Estimated Hours per Response: 0.5 hours.

Frequency of Response: On occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this information collection is contained in 154(i) of the Communications Act of 1934, as amended.

Total Annual Burden: 253 hours.

Total Annual Cost: None.

Privacy Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: The information collection requirements contained under 47 CFR 73.1350(g) require licensees to submit a ''letter of notification'' to the FCC in Washington, DC, Attention: Audio Division (radio) or Video Division (television), Media Bureau, whenever a transmission system control point is established at a location other than at the main studio or transmitter within three days of the initial use of that point. The letter should include a list of all control points in use for clarity. This notification is not required if responsible station personnel can be contacted at the transmitter or studio site during hours of operation.

OMB Control Number: 3060–0634.

Title: Section 73.691, Visual Modulation Monitoring.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; not-for-profit institutions.

Number of Respondents and Responses: 20 respondents; 46 responses.

Estimated Hours per Response: One hour.

Frequency of Response: Recordkeeping requirement; On occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this information collection is contained in Section 154(i) of the Communications Act of 1934, as amended.

Total Annual Burden: 46 hours.

Total Annual Cost: None.

Privacy Impact Assessment(s): No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: The information collection requirements contained under 47 CFR 73.691(b) require TV stations to enter into the station log the date and time of the initial technical problems that make it impossible to operate a TV station in accordance with the timing and carrier level tolerance requirements. If this operation at variance is expected to exceed 10 consecutive days, a notification must be sent to the FCC. The licensee must also notify the FCC upon restoration of normal operations. Furthermore, a licensee must send a written request to the FCC if causes beyond the control of the licensee prevent restoration of normal operations within 30 days. The FCC staff use the data to maintain accurate and complete technical information about a station's operation. In the event that a complaint is received from the public regarding a station's operation, this information is necessary to provide an accurate response.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2017–25952 Filed 12–1–17; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0249 and 3060–0568]

Information Collections Being Submitted for Review and Approval to the Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before January 3, 2018. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via email *Nicholas_A._Fraser@omb.eop.gov;* and to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418–2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the Web page *http://www.reginfo.gov/public/do/PRAMain*, (2) look for the section of the Web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control Number: 3060–0249.

Title: Sections 74.781, 74.1281 and 78.69, Station Records.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business and other for-profit entities; not-for-profit institutions; State, Federal or Tribal Governments.

Number of Respondents and Responses: 13,811 respondents; 20,724 responses.

Estimated Time per Response: .375 hour-1 hour.

Frequency of Response: Recordkeeping requirement.

Total Annual Burden: 11,726 hours.

Total Annual Cost: $8,295,600.

Obligation to Respond: Required to obtain or retain benefits. The statutory

authority for this collection of information is contained in Section 154(i) of the Communications Act of 1934, as amended.

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Privacy Impact Assessment(s): No impact(s).

Needs and Uses: The information collection requirements contained in this collection are as follows:

47 CFR 74.781 information collection requirements include the following: (a) The licensee of a low power TV, TV translator, or TV booster station shall maintain adequate station records, including the current instrument of authorization, official correspondence with the FCC, contracts, permission for rebroadcasts, and other pertinent documents.

(b) Entries required by § 17.49 of this Chapter concerning any observed or otherwise known extinguishment or improper functioning of a tower light: (1) The nature of such extinguishment or improper functioning. (2) The date and time the extinguishment or improper operation was observed or otherwise noted. (3) The date, time and nature of adjustments, repairs or replacements made.

(c) The station records shall be maintained for inspection at a residence, office, or public building, place of business, or other suitable place, in one of the communities of license of the translator or booster, except that the station records of a booster or translator licensed to the licensee of the primary station may be kept at the same place where the primary station records are kept. The name of the person keeping station records, together with the address of the place where the records are kept, shall be posted in accordance with § 74.765(c) of the rules. The station records shall be made available upon request to any authorized representative of the Commission.

(d) Station logs and records shall be retained for a period of two years.

47 CFR 74.1281 information collection requirements include the following: (a) The licensee of a station authorized under this Subpart shall maintain adequate station records, including the current instrument of authorization, official correspondence with the FCC, maintenance records, contracts, permission for rebroadcasts, and other pertinent documents.

(b) Entries required by § 17.49 of this chapter concerning any observed or otherwise known extinguishment or improper functioning of a tower light:

(1) The nature of such extinguishment or improper functioning.

(2) The date and time the extinguishment of improper operation was observed or otherwise noted.

(3) The date, time and nature of adjustments, repairs or replacements made.

(c) The station records shall be maintained for inspection at a residence, office, or public building, place of business, or other suitable place, in one of the communities of license of the translator or booster, except that the station records of a booster or translator licensed to the licensee of the primary station may be kept at the same place where the primary station records are kept. The name of the person keeping station records, together with the address of the place where the records are kept, shall be posted in accordance with § 74.1265(b) of the rules. The station records shall be made available upon request to any authorized representative of the Commission.

(d) Station logs and records shall be retained for a period of two years.

47 CFR 78.69 requires each licensee of a CARS station shall maintain records showing the following:

(a) For all attended or remotely controlled stations, the date and time of the beginning and end of each period of transmission of each channel;

(b) For all stations, the date and time of any unscheduled interruptions to the transmissions of the station, the duration of such interruptions, and the causes thereof;

(c) For all stations, the results and dates of the frequency measurements made pursuant to § 78.113 and the name of the person or persons making the measurements;

(d) For all stations, when service or maintenance duties are performed, which may affect a station's proper operation, the responsible operator shall sign and date an entry in the station's records, giving:

(1) Pertinent details of all transmitter adjustments performed by the operator or under the operator's supervision.

(e) When a station in this service has an antenna structure which is required to be illuminated, appropriate entries shall be made as follows:

(1) The time the tower lights are turned on and off each day, if manually controlled.

(2) The time the daily check of proper operation of the tower lights was made, if an automatic alarm system is not employed.

(3) In the event of any observed or otherwise known failure of a tower light:

(i) Nature of such failure.

(ii) Date and time the failure was observed or otherwise noted.

(iii) Date, time, and nature of the adjustments, repairs, or replacements made.

(iv) Identification of Flight Service Station (Federal Aviation Administration) notified of the failure of any code or rotating beacon light not corrected within 30 minutes, and the date and time such notice was given.

(v) Date and time notice was given to the Flight Service Station (Federal Aviation Administration) that the required illumination was resumed.

(4) Upon completion of the 3-month periodic inspection required by § 78.63(c):

(i) The date of the inspection and the condition of all tower lights and associated tower lighting control devices, indicators, and alarm systems.

(ii) Any adjustments, replacements, or repairs made to insure compliance with the lighting requirements and the date such adjustments, replacements, or repairs were made.

(f) For all stations, station record entries shall be made in an orderly and legible manner by the person or persons competent to do so, having actual knowledge of the facts required, who shall sign the station record when starting duty and again when going off duty.

(g) For all stations, no station record or portion thereof shall be erased, obliterated, or willfully destroyed within the period of retention required by rule. Any necessary correction may be made only by the person who made the original entry who shall strike out the erroneous portion, initial the correction made, and show the date the correction was made.

(h) For all stations, station records shall be retained for a period of not less than 2 years. The Commission reserves the right to order retention of station records for a longer period of time. In cases where the licensee or permittee has notice of any claim or complaint, the station record shall be retained until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for filing of suits upon such claims.

OMB Control Number: 3060–0568.

Title: Sections 76.970, 76.971 and 76.975, Commercial Leased Access Rates, Terms and Conditions.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Businesses or other for-profit, State, Local or Tribal Government.

Number of Respondents and Responses: 4,030 respondents; 11,970 responses.

Estimated Time per Response: 2 minutes–10 hours.

Frequency of Response: Recordkeeping requirement; On occasion reporting requirement; Third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in Sections 154(i) and 612 of the Communications Act of 1934, as amended.

Total Annual Burden: 59,671 hours.

Total Annual Cost: $74,000.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: The information collection requirements for this collection are contained in the following rule sections:

47 CFR 76.970(h) requires cable operators to provide the following information within 15 calendar days of a request regarding leased access (for systems subject to small system relief, cable operators are required to provide the following information within 30 days of a request regarding leased access):

(a) A complete schedule of the operator's full-time and part-time leased access rates;

(b) How much of the cable operator's leased access set-aside capacity is available;

(c) Rates associated with technical and studio costs;

(d) If specifically requested, a sample leased access contract; and

(e) Operators must maintain supporting documentation to justify scheduled rates in their files.

47 CFR 76.971 requires cable operators to provide billing and collection services to leased access programmers unless they can demonstrate the existence of third party billing and collection services which, in terms of cost and accessibility, offer leased access programmers an alternative substantially equivalent to that offered to comparable non-leased access programmers.

47 CFR 76.975(b) requires that persons alleging that a cable operator's leased access rate is unreasonable must receive a determination of the cable operator's maximum permitted rate from an independent accountant prior to filing a petition for relief with the Commission.

47 CFR 76.975(c) requires that petitioners attach a copy of the final accountant's report to their petition where the petition is based on allegations that a cable operator's leased access rates are unreasonable.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2017–25951 Filed 12–1–17; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0346]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before February 2, 2018. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via Email: *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the PRA, 44 U.S.C. 3501–3520, the FCC invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control Number: 3060–0346.

Title: Section 78.27, License Conditions.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business and other for-profit entities; not-for-profit institutions.

Frequency of Response: Annual reporting requirement; on occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 Section 154(i) of the Communications Act of 1934, as amended.

Number of Respondents and Responses: 16 respondents; 16 responses.

Estimated Time per Response: 10 mins. (0.166 hrs.).

Total Annual Burden: 3 hours.

Total Annual Cost: None.

Privacy Impact Assessment(s): No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality and respondents are not being asked to submit confidential information to the Commission.

Needs and Uses: The information collection requirements contained in 47

CFR 78.27(b)(1) require the licensee of a Cable Television Relay Service (CARS) station to notify the Commission in writing when the station commences operation. Such notification shall be submitted on or before the last day of the authorized one year construction period; otherwise, the station license shall be automatically forfeited. The information collection requirements contained in 47 CFR 78.27(b)(2) require CARS licensees needing additional time to complete construction of the station and commence operation shall request an extension of time 30 days before the expiration of the one year construction period. Exceptions to the 30-day advance filing requirement may be granted where unanticipated delays occur.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2017–25954 Filed 12–1–17; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL ELECTION COMMISSION

Notice of Agency Relocation

The Federal Election Commission will be moving to a new location in early 2018. Specific information, including move dates and delivery instructions during the transition period, will be forthcoming.

Contact Person for More Information: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Dayna C. Brown,

Secretary and Clerk of the Commission.

[FR Doc. 2017–25950 Filed 12–1–17; 8:45 am]

BILLING CODE 6715–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

TIME AND DATE: Thursday, December 7, 2017 at 10:00 a.m.

PLACE: 999 E Street NW., Washington, DC (ninth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Audit Division Recommendation Memorandum on the NY Republican Federal Campaign Committee (NYR) (A13–11)

Audit Division Recommendation Memorandum on the Hawaii Democratic Party (HDP) (A13–07)

Proposed Final Audit Report on the Freedom's Defense Fund (A13–14)

Proposed Final Audit Report on the Conservative Majority Fund (A13–17)

FY 2017 Annual FOIA Report

Management and Administrative Matters

CONTACT PERSON FOR MORE INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Individuals who plan to attend and require special assistance, such as sign language interpretation or other reasonable accommodations, should contact Dayna C. Brown, Secretary and Clerk, at (202) 694–1040, at least 72 hours prior to the meeting date.

Dayna C. Brown,

Secretary and Clerk of the Commission.

[FR Doc. 2017–26207 Filed 11–30–17; 4:15 pm]

BILLING CODE 6715–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than December 20, 2017.

A. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *Peter Chase, Eastborough, Kansas and members of the Chase Family control group, Cynthia Chase, Derby, Kansas; Kyler Chase, Minneapolis, Minnesota; Brayden Chase, Overland Park, Kansas; Jantzen Chase, Shawnee, Kansas; The Kevin Chase and Cindy Chase Living Trust dated December 31, 2016; The Alex J. Chase Irrevocable Trust dated December 13, 2016; The Addison S. Chase Irrevocable Trust dated December 31, 2016; The Kyler J. Chase Irrevocable Trust dated December 13, 2016; the Brayden J. Chase Irrevocable Trust dated December 13, 2016; and The Jantzen J. Chase Irrevocable Trust dated December 13, 2016;* to acquire/retain shares of First Team Resources Corporation, Derby, Kansas, and thereby retain/acquire shares of Verus Bank, Derby Kansas.

Board of Governors of the Federal Reserve System, November 29, 2017.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2017–26054 Filed 12–1–17; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

[File No. 171 0207]

Alimentation Couche-Tard Inc. and CrossAmerica Partners LP; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the complaint and the terms of the consent orders—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before December 22, 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: ''In the Matter of ACT/Jet Pep, Inc., File No. 171 0207'' on your comment, and file your comment online at *https://ftcpublic.commentworks.com/ftc/actconsent* by following the instructions on the web-based form. If you prefer to file your comment on paper, write ''In the Matter of ACT/Jet Pep, Inc., File No. 171 0207'' 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 D), 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 D), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Kara Todd, (202–326–2015), Bureau of Competition, 600 Pennsylvania Avenue NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned

consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for November 22, 2017), on the World Wide Web, at *https://www.ftc.gov/news-events/commission-actions.*

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before December 22, 2017. Write ''In the Matter of ACT/Jet Pep, Inc., File No. 171 0207'' 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://ftcpublic.commentworks.com/ftc/actconsent* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you prefer to file your comment on paper, write ''In the Matter of ACT/Jet Pep, Inc., File No. 171 0207'' 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 D), 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 D), 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 FTC Web site at *http://www.ftc.gov* to read this Notice 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 22, 2017. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see *https://www.ftc.gov/site-information/privacy-policy.*

Analysis of Agreement Containing Consent Orders To Aid Public Comment

I. Introduction

The Federal Trade Commission (''Commission'') has accepted for public comment, subject to final approval, an Agreement Containing Consent Orders (''Consent Agreement'') from Alimentation Couche-Tard Inc. (''ACT'') and CrossAmerica Partners LP (''CAPL'') (collectively, the ''Respondents''). The Consent Agreement is designed to remedy the anticompetitive effects that likely would result from the proposed acquisition of Jet-Pep, Inc. (''Jet-Pep'') assets.

Under the terms of the proposed Consent Agreement, ACT and CAPL must divest to a Commission-approved buyer (or buyers) certain Jet-Pep retail fuel outlets and related assets in three local markets in Alabama. ACT must complete the divestiture no later than 120 days after the closing of ACT's acquisition of Jet-Pep. The Commission and Respondents have agreed to an Order to Maintain Assets that requires Respondents to operate and maintain each divestiture outlet in the normal course of business until a Commission-approved buyer acquires the outlet.

The Commission has placed the proposed Consent Agreement on the public record for 30 days to solicit comments from interested persons. Comments received during this period will become part of the public record. After 30 days, the Commission will again review the proposed Consent Agreement and the comments received, and will decide whether it should withdraw from the Consent Agreement, modify it, or make it final.

II. The Respondents

Respondent ACT, a publicly traded company headquartered in Laval, Quebec, Canada, operates convenience stores and retail fuel outlets throughout the United States and the world. ACT is the parent of wholly owned subsidiary, Circle K Stores Inc. (''Circle K''). ACT's current U.S. network consists of approximately 7,200 stores located in 42 states, making ACT the second-largest retail fuel chain in the country. ACT convenience store locations operate primarily under the Circle K and Kangaroo Express banners, while its retail fuel outlets provide a variety of company unbranded and third-party branded fuels. ACT owns 158 retail fuel outlets in Alabama.

Respondent CAPL, a publicly traded master limited partnership headquartered in Allentown, Pennsylvania, markets fuel at wholesale, and owns and operates convenience stores and retail fuel outlets. ACT, via Circle K, acquired CST Brands, Inc. (''CST'') in June 2017, which gave Circle K operational control and management of CAPL. CAPL supplies fuel to nearly 1,200 sites across 29 states, but it does not operate in Alabama.

III. The Proposed Acquisition

Through three separate agreements (collectively ''the Acquisition''), ACT will acquire ownership or operation of 120 Jet-Pep retail fuel outlets with attached convenience stores. Circle K intends to acquire 18 retail fuel outlets and Jet-Pep's terminal and related assets. CAPL will acquire the remaining 102 Jet-Pep retail fuel outlets. The Acquisition is not reportable under the Hart-Scott-Rodino Antitrust Improvements Act of 1976, 15 U.S.C. 18a (''HSR Act''). The Acquisition would extend ACT's position as one of the largest operators of retail fuel outlets in the United States.

The proposed Complaint alleges that the Acquisition, if consummated, would violate Section 7 of the Clayton Act, as amended, 15 U.S.C. 18, and Section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. 45, by substantially lessening competition for the retail sale of gasoline and diesel in three local markets in Alabama. The proposed Complaint further alleges that Acquisition agreements constitute a violation of Section 5 of the FTC Act, as amended, 15 U.S.C. 45.

IV. The Complaint

As alleged in the proposed Complaint, the relevant product markets in which to analyze the Acquisition are the retail sale of gasoline and the retail sale of diesel. The retail sale of gasoline and the retail sale of diesel constitute separate relevant markets because the two are not interchangeable. Consumers require gasoline for their gasoline-powered vehicles and can purchase gasoline only at retail fuel outlets. Likewise, consumers require diesel for their diesel-powered vehicles and can purchase diesel only at retail fuel outlets.

The proposed Complaint alleges the relevant geographic markets in which to assess the competitive effects of the Acquisition are three local areas in Brewton, Monroeville, and Valley, Alabama. Each particular geographic market is unique, with factors such as commuting patterns, traffic flows, and outlet characteristics playing important roles in determining the scope of the geographic market. Retail fuel markets are highly localized and can range in size up to a few miles.

According to the proposed Complaint, the Acquisition would reduce the number of independent market participants in each market to three or fewer. The Acquisition would thereby substantially lessen competition in these local markets by increasing the likelihood that ACT will unilaterally exercise market power and by increasing the likelihood of successful coordination among the remaining firms. Absent relief, the Acquisition would likely result in higher prices in each of the three local markets.

The proposed Complaint alleges that entry into each relevant market would not be timely, likely, or sufficient to deter or counteract the anticompetitive effects arising from the Acquisition. Barriers to entry include the availability of attractive real estate, the time and cost associated with constructing a new retail fuel outlet, and the time associated with obtaining necessary permits and approvals.

V. The Consent Agreement

The proposed Consent Agreement would remedy the Acquisition's likely anticompetitive effects by requiring ACT to divest certain Jet-Pep retail fuel outlets and related assets in three local markets.

The proposed Consent Agreement requires that the divestiture occur no later than 120 days after ACT consummates the Acquisition. This Agreement protects the Commission's ability to obtain complete and effective relief in light of the non-reportable nature of the Acquisition and the small number of outlets to be divested. Further, based on Commission staff's investigation, the Commission believes that ACT can identify an acceptable buyer (or buyers) within 120 days.

The proposed Consent Agreement further requires ACT to maintain the economic viability, marketability, and competitiveness of each divestiture asset until the Commission approves a buyer (or buyers) and the divestiture is complete. For up to twelve months following the divestiture, ACT must make available transitional services, as needed, to assist the buyer of each divestiture asset.

In addition to requiring outlet divestitures, the proposed Consent Agreement also requires ACT to provide the Commission notice before acquiring designated outlets in the three local areas for ten years. The prior notice provision is necessary because acquisitions of the designated outlets likely raise competitive concerns and may fall below the HSR Act premerger notification thresholds.

The proposed Consent Agreement contains additional provisions designed to ensure the effectiveness of the proposed relief. For example, Respondents have agreed to an Order to Maintain Assets that will issue at the time the proposed Consent Agreement is accepted for public comment. The Order to Maintain Assets requires Respondents to operate and maintain each divestiture outlet in the normal course of business, through the date the Respondents' complete divestiture of the outlet. During this period, and until such time as the buyer (or buyers) no longer requires transitional assistance, the Order to Maintain Assets authorizes the Commission to appoint an independent third party as a Monitor to oversee the Respondents' compliance with the requirements of the proposed Consent Agreement.

The purpose of this analysis is to facilitate public comment on the proposed Consent agreement, and the Commission does not intend this analysis to constitute an official interpretation of the proposed Consent Agreement or to modify its terms in any way.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2017–26012 Filed 12–1–17; 8:45 am]

BILLING CODE 6750–01–P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0293; Docket No. 2017–0001; Sequence 9]

Information Collection; Reporting and Use of Information Concerning Integrity and Performance of Recipients of Grants and Cooperative Agreements

AGENCY: Office of Technology Strategy/Office of Government-wide Policy, General Services Administration (GSA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division (MVCB) will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of the currently approved information collection requirement concerning the reporting and use of information concerning integrity and performance of recipients of grants and cooperative agreements.

DATES: Submit comments on or before February 2, 2018.

ADDRESSES: Submit comments identified by Information Collection 3090–0293, Reporting and Use of Information Concerning Integrity and Performance of Recipients of Grants and Cooperative Agreements by any of the following methods:

• *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching the OMB control number 3090–0293. Select the link ''Comment Now'' that corresponds with ''Information Collection 3090–0293, Reporting and Use of Information Concerning Integrity and Performance of Recipients of Grants and Cooperative Agreements. Follow the instructions provided on the screen. Please include your name, company name (if any), and ''Information Collection 3090–0293, Reporting and Use of Information Concerning Integrity and Performance of Recipients of Grants and Cooperative Agreements'' on your attached document.

• *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Ms. Mandell/IC 3090–0293.

Instructions: Please submit comments only and cite Information Collection 3090–0293, Reporting and Use of Information Concerning Integrity and Performance of Recipients of Grants and Cooperative Agreements, in all correspondence related to this collection. Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Ms. Vicky Niblett, Deputy Assistant Commissioner, Integrated Award Environment, GSA, 202–394–7572 or *vicky.niblett@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

This information collection requirement, OMB Control No. 3090–0293, currently titled ''Reporting and Use of Information Concerning Integrity and Performance of Recipients of Grants and Cooperative Agreements'' is necessary in order to comply with section 872 of the Duncan Hunter National Defense Authorization Act of 2009, Public Law 110–417, as amended by Public Law 111–212, hereafter referred to as ''the Act.'' The Duncan Hunter National Defense Authorization Act of 2009 (Pub. L. 110–417) was enacted on October 14, 2008. Section 872 of this Act required the development and maintenance of an information system that contains specific information on the integrity and performance of covered Federal agency contractors and grantees.

The Federal Awardee Performance and Integrity Information System (FAPIIS) was developed to address these requirements. FAPIIS provides users access to integrity and performance information from the FAPIIS reporting module in the Contractor Performance Assessment Reporting System (CPARS), proceedings information from the Entity Management section of the System for Award Management (SAM) database, and suspension/debarment information from the Performance Information section of SAM.

As stated in 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, the Federal awarding agency is required to review information available through any OMB-designated repositories of government-wide eligibility qualification or financial integrity information, as appropriate.

The Federal awarding agency is required to review the non-public segment of the OMB-designated integrity and performance system accessible through SAM (currently the FAPIIS), prior to making a Federal award where the Federal share is expected to exceed the simplified acquisition threshold (currently $150,000), defined in 41 U.S.C. 134, over the period of performance.

For non-federal entities (NFEs), if the total value of the NFEs currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds $10,000,000 for any period of time during the period of performance of the Federal award, then the NFE must disclose semiannually, and maintain the currency of information reported to the SAM that is made available in the designated integrity and performance system (currently the FAPIIS) about civil, criminal, or administrative proceedings, as described in the award terms and conditions, for the most recent five year period.

B. Annual Reporting Burden

Proceedings Screening Question #1

Respondents: 13,683.
Respnoses per Respondent: 1.
Total Annual Responses: 13,683.
Hours per Response: .1.
Total Response Burden Hours: 1,368.

Proceedings Screening Question #2

Respondents: 1,663.
Responsed per Respondent: 1.
Total Annual Responses: 1,663.
Hours per Response: .1.
Total Response Burden Hours: 166.

Proceedings Details

Respondents: 24.
Responses per Respondent: 2.
Total Annual Responses: 48.
Hours per Response: .5.
Total Response Burden Hours: 24.

C. Public Comments

Public comments are particularly invited on: Whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405. Please cite OMB Control No. 3090–0293, Reporting and Use of Information Concerning Integrity and Performance of Recipients of Grants and Cooperative Agreements, in all correspondence.

Dated: November 16, 2017.

David A. Shive,

Chief Information Officer.

[FR Doc. 2017–25957 Filed 12–1–17; 8:45 am]

BILLING CODE 6820–WY–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0180; Docket No. 2017–0053; Sequence 12]

Submission for OMB Review; Affirmative Procurement of Biobased Procurements Under Services and Construction Contracts

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division (MVCB) will be submitting to the Office of

Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement regarding Biobased Procurements. A notice was published in the **Federal Register** at 82 FR 40769, on August 28, 2017. No comments were received.

DATES: Submit comments on or before January 3, 2018.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for GSA, Room 10236, NEOB, Washington, DC 20503. Additionally submit a copy to GSA by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching the OMB control number 9000–0180. Select the link ''Comment Now'' that corresponds with ''Information Collection 9000–0180, Affirmative Procurement of Biobased Procurements Under Services and Construction Contracts. Follow the instructions provided on the screen. Please include your name, company name (if any), and ''Information Collection 9000–0180, ''Affirmative Procurement of Biobased Procurements Under Services and Construction Contracts.'' on your attached document.

- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Ms. Mandell/IC 9000–0180, Biobased Procurements.

Instructions: Please submit comments only and cite Information Collection 9000–0180, Affirmative Procurement of Biobased Procurements Under Services and Construction Contracts. Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Mr. Charles Gray, Procurement Analyst, Office of Governmentwide Acquisition Policy, at telephone 703–795–6328, or email *charles.gray@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

Federal Acquisition Regulation clause 52.223–2, Affirmative Procurement of Biobased Products Under Service and Construction Contracts, requires prime contractors to report annually the product types and dollar values of U.S. Department of Agriculture (USDA)-designated biobased products purchased to the System for Award Management (SAM) Web site. The information reported by prime contractors enables Federal agencies to report annually to the Office of Federal Procurement Policy (OFPP) concerning actions taken to implement and measure progress in carrying out the preference for biobased products required under section 9002 of the Farm Security and Rural Investment Act of 2002, codified at 7 U.S.C. 8102.

B. Annual Reporting Burden

To determine the number of contractors performing construction and service contracts that may involve the purchase of USDA-designated biobased products, fiscal year 2016 data in the Federal Procurement Data System (FPDS) was reviewed to calculate the number of entities with unique DUNS numbers that were awarded contracts for the following selected Product Services Codes: A—Research and Development; F—Natural Resources Management; J—Maintenance, Repair, and Rebuilding of Equipment; M—Operation of Government-Owned Facility; S—Utilities and Housekeeping Services; T—Photographic, Mapping, Printing, and Publication Services; Y—Construction of Structures and Facilities; and Z—Maintenance, Repair or Alteration of Real Property. The clause at FAR 52.223–2 will apply to the majority of the contract actions in the selected PSCs.

The estimated total burden is as follows:

Respondents: 51,457.
Responses per Respondent: 5.
Total Annual Responses: 257,285.
Hours per Response: 5.
Total Burden Hours: 1,286,425.
Affected Public: Businesses or other for-profit and not-for-profit institutions.
Frequency: Annually.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405, telephone 202–501–4755.

Please cite OMB Control No. 9000–0180, Affirmative Procurement of Biobased Procurements Under Services and Construction Contracts, in all correspondence.

Dated: November 29, 2017.

Lorin S. Curit,

Director, Federal Acquisition Policy Division, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2017–26046 Filed 12–1–17; 8:45 am]

BILLING CODE 6820–EP–P

GENERAL SERVICES ADMINISTRATION

[Notice—PBS–2017–04; Docket 2017–0002; Sequence 23

Notice of Availability of a Draft Environmental Assessment for the Otay Mesa USDA Plant Inspection Station

AGENCY: Public Building Service, (PBS), General Services Administration (GSA).

ACTION: Notice of intent; announcement of meeting.

SUMMARY: GSA is making available for public comment a Draft Environmental Assessment (EA) prepared for the construction of the proposed U.S. Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) Plant Inspection Station (PIS), adjacent to the existing Otay Mesa Land Port of Entry (LPOE) in Otay Mesa, San Diego County, California. The National Environmental Policy Act (NEPA) requires Federal agencies to evaluate the potential impacts that the proposed action may have on the human and natural environment. GSA serves as the lead agency for NEPA.

DATES: *Meeting Date:* A public meeting for the Draft EA will be held on Tuesday, December 5, 2017, from 4:00 p.m. Pacific Standard Time (PDT), to 6:00 p.m., PDT. We will consider all comments that we receive on or before Friday, December 29, 2017.

ADDRESSES: The meeting will be held at the Quality Suites Otay Mesa Conference Room, located at 2351 Otay Center Drive, San Diego, California 92154. Copies of the Draft EA will be available for public review at the Otay Mesa-Nestor Branch Library, located at 3003 Coronado Avenue, San Diego, CA 92154, or at *gsa.gov/NEPALibrary.* CD copies are available for review by request.

You may submit comments at the public meeting by either of the following methods:

- *Email: Osmahn.Kadri@gsa.gov.*
- *Postal Mail/Commercial Delivery:* c/o Osmahn Kadri, 50 United Nations Plaza, Room 3345, Mailbox 9, San Francisco, CA 94102.

FOR FURTHER INFORMATION CONTACT: Osmahn Kadri, NEPA Project Manager, Pacific Rim Region, GSA, 50 United Nations Plaza, Room 3345, Mailbox 9, San Francisco, CA 94102, by phone at 415–522–3617, or via email to *osmahn.kadri@gsa.gov.*

SUPPLEMENTARY INFORMATION: The EA is being prepared to comply with the NEPA of 1969, as amended (42 U.S.C. 4321), as implemented by Council on Environmental Quality (CEQ) regulations (40 Code of Federal Regulations [CFR] 1500–1508), and policies of GSA as the lead federal agency. The EA process provides steps and procedures to evaluate the potential social, economic, and environmental impacts for the construction of the proposed USDA APHIS PIS at Otay Mesa LPOE. It allows an opportunity for local, state, or federal agencies to provide input and/or comment through scoping, public information meetings, and/or a public hearing. The social, economic, and environmental considerations are evaluated and measured, as defined in the CEQ regulations, by their magnitude of impacts.

Plant Inspection Stations allow the USDA to inspect imported plants, other regulated plant material, and live organisms to determine admissibility into the country. The current APHIS PIS at Otay Mesa has limited capabilities due to space restraints within the LPOE, and has exceeded its operational capacity. Also, the U.S. Customs and Border Protection needs the existing APHIS PIS space for planned improvements to the border crossing.

Therefore, the USDA and GSA propose to construct a new APHIS PIS on the vacant land adjacent to the existing LPOE.

Dated: November 21, 2017.

Matthew Jear,

Director, Portfolio Management Division, Pacific Rim Region, Public Buildings Service.

[FR Doc. 2017–25956 Filed 12–1–17; 8:45 am]

BILLING CODE 6820–YF–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0142; Docket 2017–0053; Sequence 19]

Information Collection; Past Performance Information

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement concerning past performance information.

DATES: Submit comments on or before February 2, 2018.

ADDRESSES: Submit comments identified by Information Collection 9000–0142, Past Performance Information, by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.*

Submit comments via the Federal eRulemaking portal by searching the OMB control number 9000–0142. Select the link ''Comment Now'' that corresponds with ''Information Collection 9000–0142, Past Performance Information.'' Follow the instructions provided on the screen. Please include your name, company name (if any), and ''Information Collection 9000–0142, Past Performance Information,'' on your attached document.

- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Ms. Mandell/IC 9000–0142, Past Performance Information.

Instructions: Please submit comments only and cite ''Information Collection 9000–0142, Past Performance Information'', in all correspondence related to this collection. Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Mr. Curtis E. Glover, Sr., Procurement Analyst, Acquisition Policy Division, at GSA 202–501–1448 or email *curtis.glover@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

Past performance information regarding a contractor's actions under previously awarded contracts is relevant information for future source selection purposes. The information collection requirements at FAR 15.304 and 42.15 remains the same; however, the public burden has been adjusted downward, based on the total annual responses. The estimated responses used to calculate the burden is based on the availability of data on Fiscal Year (FY) 2017 awards from existing systems (the Federal Procurement Data System and the Contractor Performance Assessment Reporting System).

B. Annual Reporting Burden

Responses During Source Selection

Respondents: 7,055.
Responses per Respondent: 4.
Annual Responses: 28,220.
Hours per Response: 2.
Total Burden Hours: 56,440.

Responses in CPARS

Respondents: 63,444.
Responses per Respondent: 1.
Annual Responses: 63,444.
Hours per Response: 2.
Total Burden Hours: 126,888.
Total Annual Burden: 183,328.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to

respond, through the use of appropriate technological collection techniques or other forms of information technology.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the 1800 F Street NW., Washington, DC 20405, telephone 202–501–4755.

Please cite OMB Control No. 9000–0142, Past Performance Information, in all correspondence.

Dated: November 29, 2017.

Lorin S. Curit,

Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2017–26045 Filed 12–1–17; 8:45 am]

BILLING CODE 6820–EP–P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0290; Docket No. 2017–0001; Sequence No. 6]

Submission for OMB Review; System for Award Management Registration Requirements for Prime Grant Recipients

AGENCY: Office of the Integrated Award Environment, General Services Administration (GSA).

ACTION: Notice of request for comments regarding an extension to an existing OMB information collection.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995, the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve a renewal of the currently approved information collection requirement regarding the pre-award registration requirements for federal Prime Grant Recipients. The title of the approved information collection is Central Contractor Registration Requirements for Prime Grant Recipients. The updated information collection title, based on the migration of the Central Contractor Registration system to the System for Award Management in late July 2012, is System for Award Management Registration Requirements for Prime Grant Recipients.

A notice published in the **Federal Register** at 82 FR 31331 on July 6, 2017. No comments were received.

DATES: Submit comments on or before January 3, 2018.

ADDRESSES: Submit comments identified by ''Information Collection 3090–0290, System for Award Management Registration Requirements for Prime Grant Recipients'' by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching the OMB control number 3090–0290. Select the link ''Comment Now'' that corresponds with ''Information Collection 3090–0290, System for Award Management Registration Requirements for Prime Grant Recipients''. Follow the instructions provided on the screen. Please include your name, company name (if any), and ''Information Collection 3090–0290, System for Award Management Registration Requirements for Prime Grant Recipients'' on your attached document.
- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Ms. Mandell/IC 3090–0290.

Instructions: Please submit comments only and cite Information Collection 3090–0290, System for Award Management Registration Requirements for Prime Grant Recipients, in all correspondence related to this collection. Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Ms. Nancy Goode, Program Manager, IAE Business Operations Division, at telephone number 703–605–2175; or via email at *nancy.goode@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

This information collection requires information necessary for prime applicants and recipients, excepting individuals, of Federal grants to register in the System for Award Management (SAM) and maintain an active SAM registration with current information at all times during which they have an active Federal award or an application or plan under consideration by an agency pursuant to 2CFR Subtitle A, Chapter I, and Part 25 (75 FR 5672). This facilitates prime awardee reporting of sub-award and executive compensation data pursuant to the Federal Funding Accountability and Transparency Act (Pub. L. 109–282, as amended by section 6202(a) of Pub. L. 110–252). This information collection requires that all prime grant awardees, subject to reporting under the Transparency Act register and maintain their registration in SAM.

B. Annual Reporting Burden

Respondents: 177,960.
Responses per Respondent: 1.
Total Annual Responses: 177,960.
Hours per Response: 2.
Total Burden Hours: 355,920.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the System for Award Management Registration Requirements for Prime Grant Recipients, whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405, telephone 202–501–4755. Please cite OMB Control No. 3090–0290, System for Award Management Registration Requirements for Prime Grant Recipients, in all correspondence.

Dated: November 16, 2017.

David A. Shive,

Chief Information Officer.

[FR Doc. 2017–25948 Filed 12–1–17; 8:45 am]

BILLING CODE 6820–WY–P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0250; Docket No. 2017–0001; Sequence 7]

Submission for OMB Review; General Services Administration Acquisition Regulation; Zero Burden Information Collection Reports

AGENCY: Office of the Chief Acquisition Officer, General Services Administration (GSA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB information collection.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the

Regulatory Secretariat Division (MVCB) will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement regarding Zero Burden Information Collection Reports. A notice was published in the **Federal Register** at 82 FR 40002, on August 23, 2017. No comments were received.

DATES: Submit comments on or before: January 3, 2018.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for GSA, Room 10236, NEOB, Washington, DC 20503. Additionally submit a copy to GSA by any of the following methods:

• *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching the OMB control number 3090–0250. Select the link ''Comment Now'' that corresponds with ''Information Collection 3090–0250, Zero Burden Information Collection Reports''. Follow the instructions provided on the screen. Please include your name, company name (if any), and ''Information Collection 3090–0250, Zero Burden Information Collection Reports'' on your attached document.

• *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Ms. Mandell/IC 3090–0250, Zero Burden Information Collection Reports.

Instructions: Please submit comments only and cite Information Collection 3090–0250, Zero Burden Information Collection Reports, in all correspondence related to this collection. Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two-to-three business days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Ms. Dana Munson, Procurement Analyst, General Services Acquisition Policy, at telephone 202–357–9652 or via email to *dana.munson@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

This information requirement consists of reports that do not impose collection burdens upon the public. These collections require information which is already available to the public at large, or that is routinely exchanged by firms during the normal course of business. A general control number for these collections decreases the amount of paperwork generated by the approval process.

GSA has a published rule in the **Federal Register** that falls under information collection 3090–0250. The rule that prescribed clause 552.238–70 ''Identification of Electronic Office Equipment Providing Accessibility for the Handicapped'' was published at 56 FR 29442, June 27, 1991, titled ''Implementation of Public Law 99–506'', with an effective date of July 8, 1991.

B. Annual Reporting Burden

None.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate and based on valid assumptions and methodology; and ways to enhance the quality, utility, and clarity of the information to be collected.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405, telephone 202–501–4755. Please cite OMB Control No. 3090–0250, Zero Burden Information Collection Reports, in all correspondence.

Jeffrey A. Koses,

Director, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2017–26092 Filed 12–1–17; 8:45 am]

BILLING CODE 6820–61–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket No. CDC–2017–0115]

Availability of Draft Vessel Sanitation Program (VSP) Operations Manual and VSP Construction Guidelines

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of availability and request for comment.

SUMMARY: The Centers for Disease Control and Prevention (CDC), within the Department of Health and Human Services (HHS), announces the opening of a public docket to obtain comment on the draft Vessel Sanitation Program (VSP) Operations Manual and the VSP Construction Guidelines. Information about locating these documents can be found in the supporting materials section and on the VSP Web site. VSP established the public health standards found in the VSP Operations Manual and Construction Guidelines to target the control and prevention of gastrointestinal illnesses on cruise ships. The VSP Operations Manual and Construction Guidelines were last updated in 2011. New technology, advanced food science, and emerging pathogens require updates to these documents.

DATES: Comments must be submitted by February 2, 2018.

ADDRESSES: You may submit comments, identified by docket number CDC–2017–0115, by any of the following methods:

• *Internet:* Access the Federal eRulemaking Portal at *www.regulations.gov.* Follow the instructions for submitting comments.

• *Mail:* Vessel Sanitation Program, National Center for Environmental Health, Centers for Disease Control and Prevention, 4770 Buford Highway, MS F–59, Chamblee, Georgia 30341–3717.

Instructions: All submissions must include the agency name and docket number for this notice.

FOR FURTHER INFORMATION CONTACT: Commander Aimee Treffiletti, Chief, Vessel Sanitation Program, National Center for Environmental Health, Centers for Disease Control and Prevention, 4770 Buford Highway NE., MS F–59, Chamblee, Georgia 30341–3717; phone: 800–323–2132 or 954–356–6650; email: *vsp@cdc.gov.*

SUPPLEMENTARY INFORMATION: HHS/CDC established the Vessel Sanitation

Program (VSP) in the 1970s as a cooperative activity with the cruise ship industry. VSP helps the cruise ship industry prevent and control the introduction, transmission, and spread of gastrointestinal illnesses (GI) on cruise ships. VSP operates under the authority of the Public Health Service Act (Section 361 of the Public Health Service Act; *42 U.S.C. 264,* ''Control of Communicable Diseases''). Regulations found at *42 CFR 71.41* state that carriers arriving at U.S. ports from a foreign area are subject to sanitary inspections to determine whether rodent, insect, or other vermin infestations exist, or whether contaminated food or water or other sanitary conditions requiring measures for the prevention of the introduction, transmission, or spread of communicable diseases are present.

VSP established the public health standards found in the current version of the VSP Operations Manual and VSP Construction Guidelines. These standards target the control and prevention of GI illnesses on cruise ships.

VSP is updating the VSP Operations Manual to reflect new technologies, current food science, disease patterns and trends, and emerging pathogens. VSP also is updating the VSP Construction Guidelines as a framework of consistent construction and design guidelines related to public health, including vessel facilities related to food storage, preparation, and service and water bunkering, storage, disinfection, and distribution.

The draft VSP Operations Manual and the draft VSP Construction Guidelines are available online at *www.regulations.gov,* Docket No. CDC–2017–0115, under Supplemental Materials.

Dated: November 27, 2017.

Sandra Cashman,

Executive Secretary, Centers for Disease Control and Prevention.

[FR Doc. 2017–25955 Filed 12–1–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–6075–N]

Medicare, Medicaid, and Children's Health Insurance Programs; Provider Enrollment Application Fee Amount for Calendar Year 2018

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice.

SUMMARY: This notice announces a $569.00 calendar year (CY) 2018 application fee for institutional providers that are initially enrolling in the Medicare or Medicaid program or the Children's Health Insurance Program (CHIP); revalidating their Medicare, Medicaid, or CHIP enrollment; or adding a new Medicare practice location. This fee is required with any enrollment application submitted on or after January 1, 2018 and on or before December 31, 2018.

DATES: This notice takes effect on January 1, 2018.

FOR FURTHER INFORMATION CONTACT: Melissa Singer, (410) 786–0365.

SUPPLEMENTARY INFORMATION:

I. Background

In the February 2, 2011 **Federal Register** (76 FR 5862), we published a final rule with comment period titled ''Medicare, Medicaid, and Children's Health Insurance Programs; Additional Screening Requirements, Application Fees, Temporary Enrollment Moratoria, Payment Suspensions and Compliance Plans for Providers and Suppliers.'' This rule finalized, among other things, provisions related to the submission of application fees as part of the Medicare, Medicaid, and CHIP provider enrollment processes. As provided in section 1866(j)(2)(C)(i) of the Social Security Act (the Act) and in 42 CFR 424.514, ''institutional providers'' that are initially enrolling in the Medicare or Medicaid programs or CHIP, revalidating their enrollment, or adding a new Medicare practice location are required to submit a fee with their enrollment application. An ''institutional provider'' for purposes of Medicare is defined at § 424.502 as ''(a)ny provider or supplier that submits a paper Medicare enrollment application using the CMS–855A, CMS–855B (not including physician and non-physician practitioner organizations), CMS–855S, or associated Internet-based PECOS enrollment application.'' As we explained in the February 2, 2011 final rule (76 FR 5914), in addition to the providers and suppliers subject to the application fee under Medicare, Medicaid-only and CHIP-only institutional providers would include nursing facilities, intermediate care facilities for persons with intellectual disabilities (ICF/IID), psychiatric residential treatment facilities, and may include other institutional provider types designated by a state in accordance with their approved state plan.

As indicated in § 424.514 and § 455.460, the application fee is not required for either of the following:

- A Medicare physician or non-physician practitioner submitting a CMS–855I.
- A prospective or revalidating Medicaid or CHIP provider—

++ Who is an individual physician or non-physician practitioner; or

++ That is enrolled in Title XVIII of the Act or another state's Title XIX or XXI plan and has paid the application fee to a Medicare contractor or another state.

II. Provisions of the Notice

A. CY 2017 Fee Amount

In the November 7, 2016 **Federal Register** (81 FR 78159), we published a notice announcing a fee amount for the period of January 1, 2017 through December 31, 2017 of $560.00. This figure was calculated as follows:

- Section 1866(j)(2)(C)(i)(I) of the Act established a $500 application fee for institutional providers in CY 2010.
- Consistent with section 1866(j)(2)(C)(i)(II) of the Act, § 424.514(d)(2) states that for CY 2011 and subsequent years, the preceding year's fee will be adjusted by the percentage change in the consumer price index (CPI) for all urban consumers (all items; United States city average, CPI–U) for the 12-month period ending on June 30 of the previous year.
- The CPI–U increase for CY 2011 was 1.0 percent, based on data obtained from the Bureau of Labor Statistics (BLS). This resulted in an application fee amount for CY 2011 of $505 (or $500 × 1.01).
- The CPI–U increase for the period of July 1, 2010 through June 30, 2011 was 3.54 percent, based on BLS data. This resulted in an application fee amount for CY 2012 of $522.87 (or $505 × 1.0354). In the February 2, 2011 final rule, we stated that if the adjustment sets the fee at an uneven dollar amount, we would round the fee to the nearest whole dollar amount. Accordingly, the application fee amount for CY 2012 was rounded to the nearest whole dollar amount, or $523.00.
- The CPI–U increase for the period of July 1, 2011 through June 30, 2012 was 1.664 percent, based on BLS data. This resulted in an application fee amount for CY 2013 of $531.70 ($523 × 1.01664). Rounding this figure to the nearest whole dollar amount resulted in a CY 2013 application fee amount of $532.00.
- The CPI–U increase for the period of July 1, 2012 through June 30, 2013 was 1.8 percent, based on BLS data.

This resulted in an application fee amount for CY 2014 of $541.576 ($532 × 1.018). Rounding this figure to the nearest whole dollar amount resulted in a CY 2014 application fee amount of $542.00.

- The CPI–U increase for the period of July 1, 2013 through June 30, 2014 was 2.1 percent, based on BLS data. This resulted in an application fee amount for CY 2015 of $553.382 ($542 × 1.021). Rounding this figure to the nearest whole dollar amount resulted in a CY 2015 application fee amount of $553.00.
- The CPI–U increase for the period of July 1, 2014 through June 30, 2015 was 0.2 percent, based on BLS data. This resulted in an application fee amount for CY 2016 of $554.106 ($553 × 1.002). Rounding this figure to the nearest whole dollar amount resulted in a CY 2016 application fee amount of $554.00.
- The CPI–U increase for the period of July 1, 2015 through June 30, 2016 was 1.0 percent. This resulted in a CY 2017 application fee amount of $559.56 ($554 × 1.01). Rounding this figure to the nearest whole dollar amount resulted in a CY 2017 application fee amount of $560.00.

B. CY 2018 Fee Amount

Using BLS data, the CPI–U increase for the period of July 1, 2015 through June 30, 2016 was 1.6 percent. This results in a CY 2018 application fee amount of $568.96 ($560 × 1.016). As we must round this to the nearest whole dollar amount, the resultant application fee amount for CY 2018 is $569.00.

III. Collection of Information Requirements

This document does not impose information collection requirements, that is, reporting, recordkeeping, or third-party disclosure requirements. Consequently, there is no need for review by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995. However, it does reference previously approved information collections. The Forms CMS–855A, CMS–855B, and CMS–855I are approved under OMB control number 0938–0685; the Form CMS–855S is approved under OMB control number 0938–1056.

IV. Regulatory Impact Statement

A. Background

We have examined the impact of this notice as required by Executive Order 12866 on Regulatory Planning and Review (September 30, 1993), Executive Order 13563 on Improving Regulation and Regulatory Review (January 18, 2011), the Regulatory Flexibility Act (RFA) (September 19, 1980, Pub. L. 96–354), section 1102(b) of the Social Security Act, section 202 of the Unfunded Mandates Reform Act of 1995 (March 22, 1995; Pub. L. 104–4), Executive Order 13132 on Federalism (August 4, 1999), the Congressional Review Act (5 U.S.C. 804(2)), and Executive Order 13771 on Reducing Regulation and Controlling Regulatory Costs (January 30, 2017).

Executive Orders 12866 and 13563 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. A regulatory impact analysis (RIA) must be prepared for major rules with economically significant effects ($100 million or more in any 1 year). As explained in this section of the notice, we estimate that the total cost of the increase in the application fee will not exceed $100 million. Therefore, this notice does not reach the $100 million economic threshold and is not considered a major notice.

B. Costs

The costs associated with this notice involve the increase in the application fee amount that certain providers and suppliers must pay in CY 2018.

1. Estimates of Number of Affected Institutional Providers in November 7, 2016 Fee Notice

In the November 7, 2016 application fee notice, we estimated that based on CMS statistics—

- 10,000 newly enrolling Medicare institutional providers would be subject to and pay an application fee in CY 2017.
- 45,000 revalidating Medicare institutional providers would be subject to and pay an application fee in CY 2017.
- 9,000 newly enrolling Medicaid and CHIP providers would be subject to and pay an application fee in CY 2017.
- 21,000 revalidating Medicaid and CHIP providers would be subject to and pay an application fee in CY 2017.

2. CY 2018 Estimates

a. Medicare

Based on CMS data, we estimate that in CY 2018 approximately—

- 3,800 newly enrolling institutional providers will be subject to and pay an application fee; and
- 7.500 revalidating institutional providers will be subject to and pay an application fee.

Using a figure of 11,300 (3,800 newly enrolling + 7,500 revalidating) institutional providers, we estimate an increase in the cost of the Medicare application fee requirement in CY 2018 of $101,700 (or 11,300 × $9 (or $569 minus $560)) from our CY 2017 projections and as previously described.

b. Medicaid and CHIP

Based on CMS and state statistics, we estimate that approximately 30,000 (9,000 newly enrolling + 21,000 revalidating) Medicaid and CHIP institutional providers will be subject to an application fee in CY 2018. Using this figure, we project an increase in the cost of the Medicaid and CHIP application fee requirement in CY 2018 of $270,000 (or 30,000 × $9 (or $569 minus $560)) from our CY 2017 projections and as previously described.

c. Total

Based on the foregoing, we estimate the total increase in the cost of the application fee requirement for Medicare, Medicaid, and CHIP providers and suppliers in CY 2018 to be $371,700 ($270,000 + $101,700) from our CY 2017 projections.

The RFA requires agencies to analyze options for regulatory relief of small businesses. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and small governmental jurisdictions. Most hospitals and most other providers and suppliers are small entities, either by nonprofit status or by having revenues of less than $7.5 million to $38.5 million in any 1 year. Individuals and states are not included in the definition of a small entity. As we stated in the RIA for the February 2, 2011 final rule with comment period (76 FR 5952), we do not believe that the application fee will have a significant impact on small entities.

In addition, section 1102(b) of the Act requires us to prepare a regulatory impact analysis if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 604 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a Metropolitan Statistical Area for Medicare payment regulations and has fewer than 100 beds. We are not preparing an analysis for section 1102(b) of the Act because we have determined, and the Secretary certifies, that this notice would not have a significant

impact on the operations of a substantial number of small rural hospitals.

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) also requires that agencies assess anticipated costs and benefits before issuing any rule whose mandates require spending in any 1 year of $100 million in 1995 dollars, updated annually for inflation. In 2017, that threshold is approximately $148 million. The Agency has determined that there will be minimal impact from the costs of this notice, as the threshold is not met under the UMRA.

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a proposed rule (and subsequent final rule) that imposes substantial direct requirement costs on state and local governments, preempts state law, or otherwise has federalism implications. Since this notice does not impose substantial direct costs on state or local governments, the requirements of Executive Order 13132 are not applicable.

Executive Order 13771, titled ''Reducing Regulation and Controlling Regulatory Costs,'' was issued on January 30, 2017 (82 FR 9339, February 3, 2017). It has been determined that this notice is a transfer notice that does not impose more than de minimis costs and thus is not a regulatory action for the purposes of E.O. 13771.

In accordance with the provisions of Executive Order 12866, this notice was reviewed by the Office of Management and Budget.

Dated: November 28, 2017.

Seema Verma,

Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 2017–25972 Filed 12–1–17; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–1684–N]

Medicare Program; Town Hall Meeting on the FY 2019 Applications for New Medical Services and Technologies Add-On Payments

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice of meeting.

SUMMARY: This notice announces a Town Hall meeting in accordance with section 1886(d)(5)(K)(viii) of the Social Security Act (the Act) to discuss fiscal year (FY) 2019 applications for add-on payments for new medical services and technologies under the hospital inpatient prospective payment system (IPPS). Interested parties are invited to this meeting to present their comments, recommendations, and data regarding whether the FY 2019 new medical services and technologies applications meet the substantial clinical improvement criterion.

DATES:

Meeting Date: The Town Hall Meeting announced in this notice will be held on Tuesday, February 13, 2018. The Town Hall Meeting will begin at 9:00 a.m. Eastern Standard Time (e.s.t.) and check-in will begin at 8:30 a.m. e.s.t.

Deadline for Registration for Participants (not Presenting) at the Town Hall Meeting: The deadline to register to attend the Town Hall Meeting is 5:00 p.m., e.s.t. on Wednesday, February 7, 2018.

Deadline for Requesting Special Accommodations: The deadline to submit requests for special accommodations is 5:00 p.m., e.s.t. on Tuesday, January 16, 2018.

Deadline for Registration of Presenters at the Town Hall Meeting: The deadline to register to present at the Town Hall Meeting is 5:00 p.m., e.s.t. on Monday, January 29, 2018.

Deadline for Submission of Agenda Item(s) or Written Comments for the Town Hall Meeting: Written comments and agenda items for discussion at the Town Hall Meeting, including agenda items by presenters, must be received by 5:00 p.m. e.s.t. on Monday, January 29, 2018.

Deadline for Submission of Written Comments after the Town Hall Meeting for consideration in the FY 2019 IPPS proposed rule: Individuals may submit written comments after the Town Hall Meeting, as specified in the **ADDRESSES** section of this notice, on whether the service or technology represents a substantial clinical improvement. These comments must be received by 5:00 p.m. e.s.t. on Friday, February 23, 2018, for consideration in the FY 2019 IPPS proposed rule.

ADDRESSES:

Meeting Location: The Town Hall Meeting will be held in the main Auditorium in the central building of the Centers for Medicare & Medicaid Services located at 7500 Security Boulevard, Baltimore, MD 21244–1850.

In addition, we are providing two alternatives to attending the meeting in person—(1) there will be an open toll-free phone line to call into the Town Hall Meeting; or (2) participants may view and participate in the Town Hall Meeting via live stream technology or webinar. These options are discussed in section II.B. of this notice.

Registration and Special Accommodations: Individuals wishing to participate in the meeting must register by following the on-line registration instructions located in section III. of this notice or by contacting staff listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice. Individuals who need special accommodations should contact staff listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Submission of Agenda Item(s) or Written Comments for the Town Hall Meeting: Each presenter must submit an agenda item(s) regarding whether a FY 2019 application meets the substantial clinical improvement criterion. Agenda items, written comments, questions or other statements must not exceed three single-spaced typed pages and may be sent via email to *newtech@cms.hhs.gov*.

FOR FURTHER INFORMATION CONTACT:

Michelle Joshua, (410) 786–6050, *michelle.joshua@cms.hhs.gov;* or Michael Treitel, (410) 786–4552, *michael.treitel@cms.hhs.gov*.

Alternatively, you may forward your requests via email to *newtech@cms.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Background on the Add-On Payments for New Medical Services and Technologies Under the IPPS

Sections 1886(d)(5)(K) and (L) of the Social Security Act (the Act) require the Secretary to establish a process of identifying and ensuring adequate payments to acute care hospitals for new medical services and technologies under Medicare. Effective for discharges beginning on or after October 1, 2001, section 1886(d)(5)(K)(i) of the Act requires the Secretary to establish (after notice and opportunity for public comment) a mechanism to recognize the costs of new services and technologies under the hospital inpatient prospective payment system (IPPS). In addition, section 1886(d)(5)(K)(vi) of the Act specifies that a medical service or technology will be considered ''new'' if it meets criteria established by the Secretary (after notice and opportunity for public comment). (See the fiscal year (FY) 2002 IPPS proposed rule (66 FR 22693, May 4, 2001) and final rule (66 FR 46912, September 7, 2001) for a more detailed discussion.)

In the September 7, 2001 final rule (66 FR 46914), we noted that we evaluated a request for special payment for a new medical service or technology against

the following criteria in order to determine if the new technology meets the substantial clinical improvement requirement:

- The device offers a treatment option for a patient population unresponsive to, or ineligible for, currently available treatments.
- The device offers the ability to diagnose a medical condition in a patient population where that medical condition is currently undetectable or offers the ability to diagnose a medical condition earlier in a patient population than allowed by currently available methods. There must also be evidence that use of the device to make a diagnosis affects the management of the patient.
- Use of the device significantly improves clinical outcomes for a patient population as compared to currently available treatments. Some examples of outcomes that are frequently evaluated in studies of medical devices are the following:

++ Reduced mortality rate with use of the device.

++ Reduced rate of device-related complications.

++ Decreased rate of subsequent diagnostic or therapeutic interventions (for example, due to reduced rate of recurrence of the disease process).

++ Decreased number of future hospitalizations or physician visits.

++ More rapid beneficial resolution of the disease process treatment because of the use of the device.

++ Decreased pain, bleeding or other quantifiable symptoms.

++ Reduced recovery time.

In addition, we indicated that the requester is required to submit evidence that the technology meets one or more of these criteria.

Section 1886(d)(5)(K)(viii) of the Act, as added by section 503 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA), requires that as part of the process for evaluating new medical services and technology applications, the Secretary shall do the following:

- Provide for public input regarding whether a new service or technology represents an advance in medical technology that substantially improves the diagnosis or treatment of Medicare beneficiaries before publication of a proposed rule.
- Make public and periodically update a list of all the services and technologies for which an application is pending.
- Accept comments, recommendations, and data from the public regarding whether the service or technology represents a substantial improvement.
- Provide for a meeting at which organizations representing hospitals, physicians, manufacturers and any other interested party may present comments, recommendations, and data to the clinical staff of CMS as to whether the service or technology represents a substantial improvement before publication of a proposed rule.

The opinions and presentations provided during this meeting will assist us as we evaluate the new medical services and technology applications for FY 2019. In addition, they will help us to evaluate our policy on the IPPS new technology add-on payment process before the publication of the FY 2019 IPPS proposed rule.

II. Town Hall Meeting Format and Conference Call/Live Streaming Information

A. Format of the Town Hall Meeting

As noted in section I. of this notice, we are required to provide for a meeting at which organizations representing hospitals, physicians, manufacturers and any other interested party may present comments, recommendations, and data to the clinical staff of CMS concerning whether the service or technology represents a substantial clinical improvement. This meeting will allow for a discussion of the substantial clinical improvement criteria for each of the FY 2019 new medical services and technology add-on payment applications. Information regarding the applications can be found on our Web site at *http://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/AcuteInpatientPPS/newtech.html.*

The majority of the meeting will be reserved for presentations of comments, recommendations, and data from registered presenters. The time for each presenter's comments will be approximately 10 to 15 minutes and will be based on the number of registered presenters. Individuals who would like to present must register and submit their agenda item(s) via email to *newtech@cms.hhs.gov* by the date specified in the **DATES** section of this notice.

In addition, written comments will also be accepted and presented at the meeting if they are received via email to *newtech@cms.hhs.gov* by the date specified in the **DATES** section of this notice. Written comments may also be submitted after the meeting for our consideration. If the comments are to be considered before the publication of the FY 2019 IPPS proposed rule, the comments must be received via email to *newtech@cms.hhs.gov* by the date specified in the **DATES** section of this notice.

B. Conference Call, Live Streaming, and Webinar Information

For participants who cannot attend the Town Hall Meeting in person, an open toll-free phone line, (877) 267–1577, has been made available. The Meeting Place meeting ID is 995 504 800.

Also, there will be an option to view and participate in the Town Hall Meeting via live streaming technology or webinar. Information on the option to participate via live streaming technology or webinar will be provided through an upcoming listserv notice and posted on the New Technology Web site at *http://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/AcuteInpatientPPS/newtech.html.* Continue to check the Web site for updates.

C. Disclaimer

We cannot guarantee reliability for live streaming technology or a webinar.

III. Registration Instructions

The Division of Acute Care in CMS is coordinating the meeting registration for the Town Hall Meeting on substantial clinical improvement. While there is no registration fee, individuals planning to attend the Town Hall Meeting in person must register to attend.

Registration may be completed on-line at the following web address: *http://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/AcuteInpatientPPS/newtech.html.* Select the link at the bottom of the page ''Register to Attend the New Technology Town Hall Meeting''. After completing the registration, online registrants should print the confirmation page(s) and bring it with them to the meeting.

If you are unable to register on-line, you may register by sending an email to *newtech@cms.hhs.gov.* Please include your name, address, telephone number, email address and fax number. If seating capacity has been reached, you will be notified that the meeting has reached capacity.

IV. Security, Building, and Parking Guidelines

Because this meeting will be located on Federal property, for security reasons, any persons wishing to attend the meeting must register by the date specified in the **DATES** section of this notice. Please allow sufficient time to go through the security checkpoints. If you are attending the Town Hall Meeting in person, we suggest that you arrive at

7500 Security Boulevard no later than 8:30 a.m. e.s.t. so that you will be able to arrive promptly for the meeting.

Security measures include the following:

• Presentation of government-issued photographic identification to the Federal Protective Service or Guard Service personnel.

Note: The REAL ID Act established minimum security standards for license issuance and production and prohibits Federal agencies from accepting for certain purposes driver's licenses and identification cards from states not meeting the Act's minimum standards. The Department of Homeland Security (DHS) is currently reviewing extension requests from states with extensions that expired on October 10, 2017. DHS will update their Web page as these reviews are completed and new extensions are granted. We encourage the public to visit the DHS Web site at *https://www.dhs.gov/real-id* prior to the new technology town hall meeting for updated information.

• CMS policy requires that every foreign national (defined by the Department of Homeland Security as ''an individual who is a citizen of any country other than the United States'') is assigned a host (in accordance with the Department Foreign Visitor Management Policy, Appendix C, Guidelines for Hosts and Escorts). The host/hosting official is required to inform the Division of Physical Security and Strategic Information at least 12 business days in advance of any visit by a foreign national. Foreign nationals will be required to produce a valid passport at the time of entry.

Attendees that are foreign nationals need to identify themselves as such, and make a request for a special accommodation. Foreign national visitors are defined as non-U.S. citizens, and non-lawful permanent residents, non-residents aliens or non-green-card holders. Foreign nationals must provide the following information for security clearance to staff listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice by the date specified in the **DATES** section of this notice:

++ Visitor's full name (as it appears on passport).
++ Gender.
++ Country of origin and citizenship.
++ Biographical data and related information.
++ Date of birth.
++ Place of birth.
++ Passport number.
++ Passport issue date.
++ Passport expiration date.
++ Visa Type.
— Dates of visits
— Company Name
— Position/Title

• Inspection of vehicle's interior and exterior (this includes engine and trunk inspection) at the entrance to the grounds. Parking permits and instructions will be issued after the vehicle inspection.

• Inspection, via metal detector or other applicable means of all persons entering the building. We note that all items brought to CMS, whether personal or for the purpose of presentation or to support a presentation, are subject to inspection. We cannot assume responsibility for coordinating the receipt, transfer, transport, storage, set-up, safety, or timely arrival of any personal belongings or items used for presentation or to support a presentation.

Note: Individuals who are not registered in advance will not be permitted to enter the building and will be unable to attend the meeting in person. The public may not enter the building earlier than 45 minutes prior to the convening of the meeting.

All visitors must be escorted in all areas other than the lower level lobby and cafeteria area and first floor auditorium and conference areas in the Central Building. Seating capacity is limited to the first 250 registrants.

Authority: Section 503 of Pub. L. 108–173.

Dated: November 28, 2017.

Seema Verma,

Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 2017–25971 Filed 12–1–17; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: Grant Reviewer Recruitment Form.

OMB: 0970–0455.

Description: The Administration for Children and Families' Children's Bureau (CB) is responsible for administering the review of eligible grant applications submitted in response to funding opportunity announcements issued by CB. CB ensures that the objective review process is independent, efficient, effective, economical, and complies with the applicable statutes, regulations, and policies. Applications are reviewed by subject experts knowledgeable in child welfare and related fields. Review findings are advisory to CB; CB is responsible for making award decisions.

This announcement is a request for continued approval of the information collection system, the Reviewer Recruitment Module (RRM). CB uses a Web-based data collection form and database to gather critical reviewer information in drop down menu format for data such as: Degree, occupation, affiliations with organizations and institutions that serve special populations, and demographic information that may be voluntarily provided by a potential reviewer.

These data elements help CB find and select expert grant reviewers for objective review committees. The Web-based system permits reviewers to access and update their information at will and as needed. The RRM is accessible by the general public via *https://rrm.grantsolutions.gov/AgencyPortal/cb.aspx.*

Respondents: Generally, our reviewers are current or retired professionals with backgrounds in child welfare and related fields and in some instances current or former foster care parents or clients.

Annual Burden Estimates

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Reviewer Recruitment Module	500	1	.25	125

Estimated Total Annual Burden Hours: 125.

Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 330 C Street SW., Washington, DC 20201. Attention Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *infocollection@acf.hhs.gov.*

OMB Comment

OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, email: *OIRA_SUBMISSION@OMB.EOP.GOV,* Attn: Desk Officer for the Administration for Children and Families.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2017–26061 Filed 12–1–17; 8:45 am]

BILLING CODE 4184–29–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

Agency Information Collection Activities; Proposed Collection; Public Comment Request; Revision of a Currently Approved Information Collection (OMB Approval Number 0985–0048); State Grants for Assistive Technology Program State Plan for Assistive Technology

AGENCY: Administration for Community Living, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: The Administration for Community Living (ACL) is announcing that the proposed collection of information listed above has been submitted to the Office of Management and Budget (OMB) for review and clearance as required under the Paperwork Reduction Act of 1995 (the PRA). This 30-day notice requests comments on the information collection requirements related to a proposed Revision of a Currently Approved Information Collection (ICR-Rev). The revision will allow ACL to continue to collect information necessary to determine grantee compliance with Section 4 of the Assistive Technology Act of 1998, as Amended (AT Act).

DATES: Submit written or electronic comments on the collection of information by January 3, 2018.

ADDRESSES: Submit written comments on the collection of information: by fax at (202) 395–5806 or by email to *OIRA_submission@omb.eop.gov,* Attn: OMB Desk Officer for ACL.

FOR FURTHER INFORMATION CONTACT: Robert Groenendaal at (202) 795–7356 or *Robert.Groenendaal@acl.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 or update of an existing collection of information, before submitting the collection to OMB for approval. The proposed data collection represents a revision of a currently approved collection (ICR-Rev). In order to comply with the above requirement, ACL is requesting approval of a revision of a previously approved collection, the State Grants for Assistive Technology Program State Plan for AT, formerly known as the 664 report (0985–0048).

The State Plan for AT is submitted every three years and updated annually by all State Grants for AT programs receiving formula funds under Section 4 of the Assistive Technology Act of 1998, as Amended (AT Act). The State Plan for AT is used by ACL to assess grantees' compliance with Section 4 of the AT Act and enables ACL to analyze qualitative and quantitative information to track performance outcomes and efficiency measures of the State Grants for AT programs; support budget requests; comply with the GPRA Modernization Act of 2010 (GPRAMA) reporting requirements; provide national benchmark information; and inform program development and management activities. The burden table below identifies the data collection activities for the instrument as well as the estimates for record keeping and entry of aggregate data. In addition to submitting a State Plan every three years, states and outlying areas are required to submit annual progress reports on their activities. The data required for these progress reports is specified in Section 4(f) of the AT Act. The State Grants for AT program conduct the following state-level and state leadership activities: device demonstration, device loans, device reutilization, state financing, training and technical assistance, public awareness, and information and referral.

Comments in Response to the 60-Day Federal Register Notice

A 60-day notice was published in the **Federal Register** in Vol. 82, No. 178, pg. 43379 on September 15th, 2017. ACL received one comment from the Association of Assistive Technology Act Programs (ATAP), which represents 54 State Grant for AT programs. The comment noted that the proposed changes to the currently approved information collection were developed with extensive input of those it directly impacts, the State AT Program grantees. The revision process began almost two years ago and grantees had multiple opportunities to discuss and make recommendations on the proposed changes, which were reviewed during numerous meetings with ATAP membership at national conferences and during online events. There is uniform support within the ATAP membership for the revisions.

Burden Estimates

The proposed State Plan for Assistive Technology Information Collection Program may be found on the ACL Web site at: *https://www.acl.gov/about-acl/public-input.*

The total estimated hour burden per respondent for the proposed State Plan for AT will decrease from the 74 hours per respondent estimated in FY 2015 to 73 hours estimated for FY 2018, an estimated reduction of one hour per respondent or 56 hours in total. The proposed State Plan for AT changes focus on a streamline of drop down choice lists in the current instrument. Actual expenditure data elements for state-level and state leadership tracking replaces the budget projections to provide more accurate fiscal data to ACL and to ensure compliance with AT Act requirements for expenditures. The proposed instrument simplifies the coordination and collaboration items to focus on activities conducted through a formal written agreement to ensure consistency and usefulness of data reported. The revised instrument aligns demographic data elements with the AT Annual Performance Report (APR), so

that the data will be: Entered once, then only updated from that point on; used for both the State Plan and APR; updated quarterly with reminders; and used to populate the online State AT Program listing to ensure currency and accuracy. The reduction in burden is a result of a data collection workgroup composed of State AT program staff that met to suggest revisions to the current instrument. The workgroup solicited feedback from all of the grantees through face-to-face meetings and webinar presentations. The number of hours is multiplied by 56 AT State Grants programs, resulting in a total estimated hour burden of 4,088 hours.

Respondent/data collection activity	Number of respondents	Responses per respondent	Hours per response	Annual burden hours
State Plan for AT Annual Progress Report (AT APR)	56	1	73.0	4,088

Dated: November 24, 2017.

Mary Lazare,

Principal Deputy Administrator.

[FR Doc. 2017–26018 Filed 12–1–17; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–4853]

Receipt of Notice That a Patent Infringement Complaint Was Filed Against a Biosimilar Applicant

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is publishing notice that an applicant for a proposed biosimilar product notified FDA that a patent infringement action was filed in connection with the applicant's biologics license application (BLA). Under the Public Health Service Act (PHS Act), an applicant for a proposed biosimilar product or interchangeable product must notify FDA within 30 days after the applicant was served with a complaint in a patent infringement action described under the PHS Act. FDA is required to publish notice of the complaint in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Daniel Orr, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6246, Silver Spring, MD 20993–0002, 240–402–0979, *daniel.orr@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: The Biologics Price Competition and Innovation Act of 2009 (BPCI Act) was enacted as part of the Patient Protection and Affordable Care Act (Pub. L. 111–148) on March 23, 2010. The BPCI Act amended the PHS Act and created an abbreviated licensure pathway for biological products shown to be biosimilar to, or interchangeable with, an FDA-licensed biological reference product. Section 351(k) of the PHS Act (42 U.S.C. 262(k)), added by the BPCI Act, describes the requirements for a BLA for a proposed biosimilar product or a proposed interchangeable product (351(k) BLA). Section 351(l) of the PHS Act, also added by the BPCI Act, describes certain procedures for exchanging patent information and resolving patent disputes between a 351(k) BLA applicant and the holder of the BLA reference product. If a 351(k) applicant is served with a complaint for a patent infringement described in section 351(l)(6) of the PHS Act, the applicant is required to provide FDA with notice and a copy of the complaint within 30 days of service. FDA is required to publish notice of a complaint received under section 351(l)(6)(C) of the PHS Act in the **Federal Register**.

FDA received notice of the following complaint under section 351(l)(6)(C) of the PHS Act:

AbbVie, Inc., et al. v. *Boehringer Ingelheim Intl. GMBH., et al.,* 17–cv–01065 (D. Del., filed August 2, 2017).

This complaint involves the product Humira.

FDA has only a ministerial role in publishing notice of a complaint received under section 351(l)(6)(C) of the PHS Act, and does not perform a substantive review of the complaint.

Dated: November 28, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017–26013 Filed 12–1–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–6475]

Food and Drug Administration Fiscal Year 2017 Performance Review Board Members

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the names of the members who will serve on its Performance Review Board (PRB). The purpose of the PRB is to provide fair and impartial review of senior executive service (SES), senior professional and Title 42(f) SES Equivalents performance appraisals, bonus recommendations, and pay adjustments.

DATES: Effective October 30, 2017.

FOR FURTHER INFORMATION CONTACT: Abu Sesay, Office of Human Resources Executive and Resources Management Staff, Food and Drug Administration, Three White Flint North, 05C68, 11601 Landsdown St., North Bethesda, MD 20852, 240–402–0440 (not a toll free number).

SUPPLEMENTARY INFORMATION: This action is being taken pursuant to 5 U.S.C. 4314(c)(4), which requires that members of performance review boards be appointed in a manner to ensure consistency, stability, and objectivity in performance appraisals and requires that notice of the appointment of an individual to serve as a member be published in the **Federal Register**.

The following persons will serve on the FDA Performance Review Board, which oversees the evaluation of performance appraisals of FDA's senior executives:

James Sigg, PRB Chair
Tania Tse, PRB Officiator
Glenda Barfell
Janelle Barth
Vincent Bunning
Mary Beth Clarke
Tracey Forfa
Leslie Kux
Diane Maloney
Edward Margerrison
Lynne Rice
William Tootle

Dated: November 28, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017–26015 Filed 12–1–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–6286]

Site Visit Training Program for Office of Pharmaceutical Quality Staff; Information Available to Industry

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Center for Drug Evaluation and Research (CDER) in the Food and Drug Administration (FDA) is announcing the 2018 CDER Office of Pharmaceutical Quality (OPQ) Staff Experiential Learning Site Visit Program. The purpose of this document is to invite pharmaceutical companies interested in participating in this program to submit a site visit proposal to CDER's OPQ.

DATES: Submit either an electronic or written proposal to participate in this program by February 2, 2018. See section IV of this document for information on what to include in such proposals.

FOR FURTHER INFORMATION CONTACT: Janet Wilson, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 75, Rm. 4642, Silver Spring, MD 20993–0002, 240–402–3969, email: *CDEROPQSiteVisits@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

A critical part of the commitment by CDER to make safe and effective high-quality drugs available to the American public is gaining an understanding of all aspects of drug development and the drug's commercial life cycle, including the variety of drug manufacturing operations. To support this commitment, CDER has initiated various training and development programs including the 2018 Experiential Learning Site Visit Program. This site visit program is designed to offer experiential and firsthand learning opportunities that will provide OPQ staff with a better understanding of the pharmaceutical industry and its operations, as well as the challenges that impact a drug's developmental program and commercial life cycle. The goal of these visits is to provide OPQ staff exposure to the drug development and manufacturing processes in industry; therefore, a tour of pharmaceutical company facilities in operational status is an integral part of the experience.

II. The Site Visit Program

In this site visit program, groups on average of 15 to 20 OPQ staff—who have experience in a variety of backgrounds, including science, medical, statistics, manufacturing, engineering, and testing—will observe operations of commercial manufacturing, pilot plants, and testing operations over a 1- to 2-day period. To facilitate the learning process for OPQ staff, overview presentations by industry related to drug development and manufacturing may be provided, which may allow the participating sites to benefit by having an opportunity to showcase their technologies and manufacturing processes.

OPQ encourages companies engaging in the development and manufacturing of both active pharmaceutical ingredients (small and large molecules) and drug products to respond. However, please note that this site visit program is not intended to supplement or replace a regulatory inspection, *e.g.,* a preapproval inspection, pre-license inspection, or a surveillance inspection. OPQ staff participating in this program will benefit by gaining a better understanding of current industry practices, processes, and procedures.

Although observation of all aspects of drug development and production would be beneficial to OPQ staff, OPQ has identified a number of areas of particular interest to its staff. The following list identifies some examples of these areas but is not intended to be exhaustive, mutually exclusive, or to limit industry response:

- Drug products:
  - Solutions, suspensions, emulsions, and semisolids;
  - modified- and immediate-release formulations; and
  - drug-device combination products (*e.g.,* inhalation products, transdermal products,implants intended for drug delivery, and pre-filled syringes).
- Active pharmaceutical ingredients manufactured by:
  - Chemical synthesis;
  - fermentation; and
  - biotechnology
- Design, development, manufacturing, and controls:
  - Engineering controls for aseptic processes;
  - novel delivery technologies;
  - hot melt extrusion;
  - soft-gel encapsulation;
  - lyophilization;
  - blow-fill-seal and isolators;
  - spray-drying; and
  - process analytical technology, measurement systems, and real time release testing.
- Emerging technologies:
  - Continuous manufacturing;
  - 3-dimensional printing; and
  - nanotechnology.

III. Site Selection

Selection of potential facilities will be based on the priorities developed for OPQ staff training, the facility's current compliance status with FDA, and consultation with the appropriate FDA district office. All travel expenses associated with this program will be the responsibility of OPQ; therefore, selection will be based on the availability of funds and resources for the fiscal year. OPQ will not provide financial compensation to the pharmaceutical site as part of this program.

IV. Proposals for Participation

Companies interested in offering a site visit or learning more about this site visit program should respond by submitting a proposal directly to Janet Wilson (see **FOR FURTHER INFORMATION CONTACT**). To aid in OPQ's site selection and planning, your proposal should include the following information:

- A contact person;
- site visit location(s);
- Facility Establishment Identifier and Data Universal Numbering System numbers, as applicable;
- maximum number of FDA staff that can be accommodated during a site visit (maximum of 20);
- a sample agenda outlining the proposed learning objectives and associated activities for the site visit;
- number of visits (no more than two) your site would be willing to host by the close of the government fiscal year, September 30, 2018; and
- months the site is operational that would be ideal for a site visit.

Proposals submitted without this minimum information will not be considered. Based on response rate and type of responses, OPQ may or may not consider alternative pathways to meeting our training goals.

Dated: November 29, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017–26055 Filed 12–1–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2004–N–0451]

Food and Drug Administration Modernization Act of 1997: Modifications to the List of Recognized Standards, Recognition List Number: 048

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing a publication containing modifications the Agency is making to the list of standards FDA recognizes for use in premarket reviews (FDA Recognized Consensus Standards). This publication, entitled ''Modifications to the List of Recognized Standards, Recognition List Number: 048'' (Recognition List Number: 048), will assist manufacturers who elect to declare conformity with consensus standards to meet certain requirements for medical devices.

DATES: These modifications to the list of recognized standards are applicable December 4, 2017.

ADDRESSES: You may submit electronic or written comments concerning this document 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–2004–N–0451 for ''Food and Drug Administration Modernization Act of 1997: Modifications to the List of Recognized Standards, Recognition List Number: 048.'' 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. FDA will consider any comments received in determining whether to amend the current listing of modifications to the list of recognized standards, Recognition List Number: 048.

- 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.

An electronic copy of Recognition List Number: 048 is available on the internet at *https://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/Standards/ucm123792.htm.* See section IV for electronic access to the searchable database for the current list of FDA recognized consensus standards, including Recognition List Number: 048 modifications and other standards related information. Submit written requests for a single hard copy of the document entitled ''Modifications to the List of Recognized Standards, Recognition List Number: 048'' to Scott Colburn, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5514, Silver Spring, MD 20993, 301–796–6287. Send one self-addressed adhesive label to assist that office in processing your request, or fax your request to 301–847–8144.

FOR FURTHER INFORMATION CONTACT: Scott Colburn, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5514, Silver Spring, MD 20993, 301–796–6287, *CDRHStandardsStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Section 204 of the Food and Drug Administration Modernization Act of 1997 (FDAMA) (Pub. L. 105–115) amended section 514 of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 360d). Amended section 514 allows FDA to recognize consensus standards developed by international and national organizations for use in satisfying portions of device premarket review submissions or other requirements.

In the **Federal Register** notice of February 25, 1998 (63 FR 9561), FDA announced the availability of a guidance entitled ''Recognition and Use of Consensus Standards.'' The notice described how FDA would implement its standard recognition program and provided the initial list of recognized standards. The guidance was updated in September 2007 and is available at

https://www.fda.gov/downloads/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/ucm077295.pdf.

Modifications to the initial list of recognized standards, as published in the **Federal Register**, can be accessed at *https://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/Standards/ucm123792.htm.*

These notices describe the addition, withdrawal, and revision of certain standards recognized by FDA. The Agency maintains hypertext markup language (HTML) and portable document format (PDF) versions of the list of FDA Recognized Consensus Standards. Additional information on the Agency's standards program is available at *https://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/Standards/default.htm.*

II. Listing of New Entries, Recognition List Number: 048

In table 1, FDA provides the listing of new entries and consensus standards added as modifications to the list of recognized standards under Recognition List Number: 048. FDA lists modifications the Agency is making that involve the initial addition of standards not previously recognized by FDA.

TABLE 1—NEW ENTRIES TO THE LIST OF RECOGNIZED STANDARDS

Recognition No.	Title of standard [1]	Reference No. and date
	A. Radiology	
12–307	Radiation therapy readiness check	AAMI RT2:2017.
	B. Software/Informatics	
13–98	Information technology—IS0 7-bit coded character set for information interchange.	ISO/IEC 646 Third edition 1991–12–15.
13–99	Information technology—Automatic identification and data capture techniques—Unique identification—Part 2: Registration procedures.	ISO/IEC 15459–2 Third edition 2015–03–01.
13–100	Information technology—Automatic identification and data capture techniques—Unique identification—Part 4: Individual products and product packages.	ISO/IEC 15459–4 Third edition 2014–11–15 Corrected version 2016–09–01.
13–101	Information technology—Automatic identification and data capture techniques—Unique identification—Part 6: Groupings.	ISO/IEC 15459–6 Second edition 2014–11–15 Corrected version 2016–09–01.
13–102	Application of risk management for IT-networks incorporating medical devices—Part 2–8: Application guidance—Guidance on standards for establishing the security capabilities identified in IEC TR 80001–2–2.	IEC TR 80001–2–8 Edition 1.0 2016–05.
13–103	Application of risk management for IT-networks incorporating medical devices—Part 2–9: Application guidance—Guidance for use of security assurance cases to demonstrate confidence in IEC TR 80001–2–2 security capabilities.	IEC TR 80001–2–9 Edition 1.0 2017–01.

[1] All standard titles in this table conform to the style requirements of the respective organizations.

III. List of Recognized Standards

FDA maintains the current list of FDA Recognized Consensus Standards in a searchable database that may be accessed at *https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfStandards/search.cfm.* FDA will be incorporating the modifications described in this notice into the database and, upon publication in the **Federal Register**, this recognition of consensus standards will be effective. FDA will be announcing additional modifications and revisions to the list of recognized consensus standards, as needed, in the **Federal Register** once a year, or more often if necessary.

IV. Recommendation of Standards for Recognition by FDA

Any person may recommend consensus standards as candidates for recognition under section 514 of the FD&C Act by submitting such recommendations, with reasons for the recommendation, to *CDRHStandardsStaff@fda.hhs.gov.* To be considered, such recommendations should contain, at a minimum, the following information: (1) Title of the standard, (2) any reference number and date, (3) name and electronic or mailing address of the requestor, (4) a proposed list of devices for which a declaration of conformity to this standard should routinely apply, and (5) a brief identification of the testing or performance or other characteristics of the device(s) that would be addressed by a declaration of conformity.

Dated: November 29, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017–26043 Filed 12–1–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–0192]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Establishing and Maintaining Lists of United States Manufacturers/Processors With Interest in Exporting Center for Food Safety and Applied Nutrition-Regulated Products to China

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by January 3, 2018.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, Fax: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0839. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–5733, *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.

Establishing and Maintaining Lists of U.S. Manufacturers/Processors With Interest in Exporting CFSAN-Regulated Products to China—21 U.S.C. 371 OMB Control Number 0910–0839—Extension

The United States exports a large volume and variety of foods in international trade. For certain food products, foreign governments may require assurances from the responsible authority of the country of origin of an imported food product that the manufacturer/processor of the food product is in compliance with applicable country of origin regulatory requirements. Some foreign governments establish additional requirements with which exporters are required to comply.

In August 2011, China's State General Administration of the People's Republic of China for Quality Supervision and Inspection and Quarantine (AQSIQ) published the Administrative Measures for Registration of Overseas Manufacturers, known as AQSIQ Decree 145 (*https://gain.fas.usda.gov/Recent%20GAIN%20Publications/Registration%20of%20Overseas%20Food%20Manufacturing%20Facilities%20_Beijing_China%20-%20Peoples%20Republic%20of_6-27-2012.pdf*), which became effective May 1, 2012. AQSIQ Decree 145, among other requirements, mandates that foreign competent authorities provide the Certification and Accreditation Administration of China (CNCA) with a ''name list of overseas manufacturers of imported food applying for registration'' with CNCA for each commodity that CNCA has deemed to require registration. As of June 2017, milk and milk products, seafood, infant formula, and formula for young children are among the commodities for which CNCA requires registration of overseas manufacturers under AQSIQ Decree 145. CNCA has recognized FDA/CFSAN (Center for Food Safety and Applied Nutrition) as the competent food safety authority in the United States to establish and maintain lists of U.S. establishments that intend to export U.S. milk and milk products, seafood, infant formula, and/or formula for young children to China, including the corresponding products manufactured by each establishment and intended for export to China. To implement AQSIQ Decree 145, FDA and CNCA entered into a Memorandum of Understanding (China MOU) on June 15, 2017, which sets out the two Agencies' intent to facilitate the conditions under which U.S. manufacturers/processors can export to China milk and milk products, seafood, infant formula, and/or formula for young children.

Under the China MOU, FDA intends to establish and maintain lists that identify U.S. manufacturers/processors that have expressed interest to FDA in exporting milk and milk products, seafood, infant formula, and/or formula for young children to China; are subject to our jurisdiction; and have been found by FDA to be in good regulatory standing with FDA, including a finding by FDA that, during the most recent facility inspection, the manufacturers/processors have been found to be in substantial compliance with all applicable FDA regulations, including, but not limited to, current good manufacturing practice requirements for the identified products for export to China. Further, the China MOU provides for FDA to receive evidence that the manufacturer/processor has been certified by a third-party certification body—as acknowledged by CNCA—to meet the relevant standards, laws, and regulations of China for the identified food products for export to China. On June 28, 2017, FDA issued a guidance document entitled ''Establishing and Maintaining a List of U.S. Milk and Milk Product, Seafood, Infant Formula, and Formula for Young Children Manufacturers/Processors with Interest in Exporting to China'' which can be found at *https://www.fda.gov/Food/GuidanceRegulation/default.htm.* The guidance informs industry of information that FDA and CNCA will collect to manage the listing of these manufacturers/processors and foods for export to China pursuant to AQSIQ Decree 145 and the China MOU.

In accordance with 5 CFR 1320.13, FDA requested emergency review and approval of the collections of information found in the guidance document. The routine course of approval would have delayed our ability to collect the information from firms and, thus, would have been disruptive in our efforts to facilitate exports of food in compliance with requirements established by China in AQSIQ Decree 145. OMB granted the approval under emergency clearance procedures on June 27, 2017.

FDA uses the information submitted by manufacturers/processors to consider them for inclusion on FDA's lists of eligible manufacturers/processors who may ship food products to China, which we maintain. Updates to the FDA lists are sent to CNCA, which publishes its version of the information in the FDA lists on China's Web site (*http://english.cnca.gov.cn/*) on a quarterly basis. The purpose of the lists is to assist China in its determination of which U.S. milk and milk product, seafood, infant formula, or formula for young children manufacturers/processors are eligible to import these products into China under applicable Chinese law. Currently FDA maintains lists for milk and milk product, seafood, infant formula, and formula for young children but FDA wants to be prepared if CNCA requires listing of manufacturers/processors of other CFSAN-regulated products in the future. As such, the information collection request is not limited to milk and milk product, seafood, infant formula, and formula for young children but also may include other CFSAN-regulated products.

In the **Federal Register** of September 19, 2017 (82 FR 43761), we published a 60-day notice requesting public comment on the proposed extension of this collection of information. One comment was received but was not responsive to the four information collection topics solicited in the notice and therefore is not addressed.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Guidance recommendations	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
New written requests to be placed on the lists	370	1	370	1	370
Third-party certification	370	1	370	21	7,770
Biennial update	555	1	555	1	555
Third-party certification biennial update	555	1	555	21	11,655
Occasional updates	100	1	100	0.5	50
Total					20,400

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

This is a newly established information collection. Based on our experience maintaining other export lists, we estimate that, annually, an average of 370 new manufacturers/processors will submit written requests to be placed on the China lists. The estimate of the number of hours that it will take a manufacturer/processor to gather the information needed to be placed on a list or update its information is based on FDA's experience with manufacturers/processors submitting similar requests. FDA believes that the information to be submitted will be readily available to manufacturers/processors. We estimate that a firm will require 1 hour to read the guidance, to gather the information needed, and to prepare a communication to FDA that contains the information needed to request that the manufacturer/processor be placed on a list.

To be placed on a list, manufacturers/processors should provide FDA with evidence that they have obtained third-party certification from a CNCA-acknowledged certifier that the manufacturer/processor complies with the standards, laws and regulations of China according to relevant requirements specified in AQSIQ Decree 145. Based on our experience with other certification programs, FDA estimates that it will take each new manufacturer/processor about 21 hours to complete the third-party certification process for a total of 7,770 burden hours (370 manufacturers/processors × 21 hours).

Under the guidance, every 2 years each manufacturer/processor on the lists must provide updated information to remain on the lists. FDA estimates that each year approximately half of the manufacturers/processors on the lists, or 555 manufacturers/processors (1110 manufacturers/processors × 0.5 = 555), will resubmit the information to remain on the lists. We estimate that a manufacturer/processor already on the lists will require 1 hour to biennially update and resubmit the information to FDA, including time reviewing the information and corresponding with FDA, for a total of 555 hours.

During the biennial update, manufacturers/processors also need to be recertified by a third-party certifier to remain on the lists. FDA estimates that each year approximately half of the manufacturers/processors on the lists, 555 manufacturers/processors (1110 manufacturers/processors × 0.5 = 555), will get recertified. We estimate that it will take each manufacturer/processor about 21 hours to complete the certification process for a total of 11,655 burden hours (555 manufacturers/processors × 21 hours).

FDA expects that, each year, approximately 100 manufacturers/processors will need to submit an occasional update and each manufacturer/processor will require 0.5 hours to prepare a communication to FDA reporting the change, for a total of 50 hours.

Dated: November 29, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017–26042 Filed 12–1–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Advancing Translational Sciences; 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 Center for Advancing Translational Sciences Special Emphasis Panel; CTSA.

Date: February 21, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Suites, Independence Ballrooms 1 & 2, 6711 Democracy Blvd., Bethesda, MD 20817.

Contact Person: Carol Lambert, Ph.D., Acting Director, Office of Scientific Review, National Center for Advancing Translational Sciences (NCATS), National Institutes of Health, 6701 Democracy Blvd., Democracy 1, Room 1076, Bethesda, MD 20892, 301–435–0814, *lambert@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.350, B—Cooperative Agreements; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: November 28, 2017.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–25982 Filed 12–1–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial

property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Pragmatic Research and Natural Experiments.

Date: February 23, 2018.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

Contact Person: Michele L. Barnard, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes Of Health, Room 7353, 6707 Democracy Boulevard, Bethesda, MD 20892–2542, (301) 594–8898, *barnardm@extra.niddk.nih.gov*.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; PAR–13–266: NIDDK Program Projects (P01) in Digestive Sciences.

Date: March 14, 2018.

Time: 11:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Najma S. Begum, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7349, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–8894, *begumn@niddk.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: November 28, 2017.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–25985 Filed 12–1–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed 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: Center for Scientific Review Special Emphasis Panel; Fellowship: Infectious Diseases and Microbiology.

Date: December 18, 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: Tamara Lyn McNealy, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3188, Bethesda, MD 20747, *tamara.mcnealy@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 28, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–25981 Filed 12–1–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Time-Sensitive Obesity PAR.

Date: December 18, 2017.

Time: 2:30 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Michele L. Barnard, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7353, 6707 Democracy Boulevard, Bethesda, MD 20892–2542, (301) 594–8898, *barnardm@extra.niddk.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; PAR–17–270: NIDDK Central Repositories Sample Access (X01): Diabetes, Liver and Kidney Diseases.

Date: January 29, 2018.

Time: 12:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Najma S. Begum, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7349, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–8894, *begumn@niddk.nih.gov*.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Biomarker for Diabetes, Liver and Kidney Diseases using NIDDK Repository Samples–R01 (PAR–17–123).

Date: February 5, 2018.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Najma S. Begum, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7349, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–8894, *begumn@niddk.nih.gov*.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; PAR–16–126: High Impact, Interdisciplinary Science in NIDDK Research Areas (RC2)—Diabetes, Endocrinology and Metabolic Diseases.

Date: February 16, 2018.

Time: 3:00 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Dianne Camp, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7013, 6707 Democracy Boulevard, Bethesda, MD 20892–2542, 301–594–7682, *campd@extra.niddk.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: November 28, 2017.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–25984 Filed 12–1–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; Alzheimer's Disease Drug Development.

Date: December 13, 2017.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Suite 2W200, 7201 Wisconsin Ave., Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Alexander Parsadanian, Ph.D., Scientific Review Officer, National Institute on Aging, Gateway Building 2C/212, 7201 Wisconsin Avenue, Bethesda, MD 20892, 301–496–9666, *parsadaniana@nia.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: November 28, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–25983 Filed 12–1–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Nursing Research; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Advisory Council for Nursing Research.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public 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 Advisory Council for Nursing Research January 23–24, 2018.

Open: January 23, 2018, 12:30 p.m. to 4:05 p.m.

Agenda: Discussion of Program Policies and Issues.

Place: National Institutes of Health Building 31, 6th Floor, C Wing, Room 6, 31 Center Drive, Bethesda, MD 20892.

Closed: January 24, 2018, 9:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health Building 31, 6th Floor, C Wing, Room 6, 31 Center Drive, Bethesda, MD 20892.

Contact Person: Marguerite Littleton Kearney, Director Division of Extramural Science Programs, National Institute of Nursing Research National Institutes of Health, 6701 Democracy Boulevard, Room 708, Bethesda, MD 20892–4870, 301–402–7932, *marguerite.kearnet@nih.gov*.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: https://www.National Advisory Council for Nursing Research|National Institute of Nursing Research, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.361, Nursing Research, National Institutes of Health, HHS)

Dated: November 28, 2017.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–25986 Filed 12–1–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Current List of HHS-Certified Laboratories and Instrumented Initial Testing Facilities Which Meet Minimum Standards To Engage in Urine Drug Testing for Federal Agencies

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice.

SUMMARY: The Department of Health and Human Services (HHS) notifies federal agencies of the laboratories and Instrumented Initial Testing Facilities (IITF) currently certified to meet the standards of the Mandatory Guidelines for Federal Workplace Drug Testing Programs (Mandatory Guidelines).

A notice listing all currently HHS-certified laboratories and IITFs is published in the **Federal Register** during the first week of each month. If any laboratory or IITF certification is suspended or revoked, the laboratory or IITF will be omitted from subsequent lists until such time as it is restored to full certification under the Mandatory Guidelines.

If any laboratory or IITF has withdrawn from the HHS National Laboratory Certification Program (NLCP) during the past month, it will be listed at the end and will be omitted from the monthly listing thereafter.

This notice is also available on the Internet at *http://www.samhsa.gov/workplace.*

FOR FURTHER INFORMATION CONTACT: Giselle Hersh, Division of Workplace Programs, SAMHSA/CSAP, 5600 Fishers Lane, Room 16N03A, Rockville, Maryland 20857; 240–276–2600 (voice).

SUPPLEMENTARY INFORMATION: The Department of Health and Human Services (HHS) notifies federal agencies of the laboratories and Instrumented Initial Testing Facilities (IITF) currently certified to meet the standards of the Mandatory Guidelines for Federal Workplace Drug Testing Programs (Mandatory Guidelines). The Mandatory Guidelines were first published in the **Federal Register** on April 11, 1988 (53 FR 11970), and subsequently revised in the **Federal Register** on June 9, 1994 (59 FR 29908); September 30, 1997 (62 FR 51118); April 13, 2004 (69 FR 19644); November 25, 2008 (73 FR 71858); December 10, 2008 (73 FR 75122); April 30, 2010 (75 FR 22809); and on January 23, 2017 (82 FR 7920).

The Mandatory Guidelines were initially developed in accordance with Executive Order 12564 and section 503 of Public Law 100–71. The ''Mandatory Guidelines for Federal Workplace Drug Testing Programs,'' as amended in the revisions listed above, requires strict standards that laboratories and IITFs must meet in order to conduct drug and specimen validity tests on urine specimens for federal agencies.

To become certified, an applicant laboratory or IITF must undergo three rounds of performance testing plus an on-site inspection. To maintain that certification, a laboratory or IITF must participate in a quarterly performance testing program plus undergo periodic, on-site inspections.

Laboratories and IITFs in the applicant stage of certification are not to be considered as meeting the minimum requirements described in the HHS Mandatory Guidelines. A HHS-certified laboratory or IITF must have its letter of certification from HHS/SAMHSA (formerly: HHS/NIDA), which attests that it has met minimum standards.

In accordance with the Mandatory Guidelines dated January 23, 2017 (82 FR 7920), the following HHS-certified laboratories and IITFs meet the minimum standards to conduct drug and specimen validity tests on urine specimens:

HHS-Certified Instrumented Initial Testing Facilities

Dynacare, 6628 50th Street NW, Edmonton, AB Canada T6B 2N7, 780–784–1190 (Formerly: Gamma-Dynacare Medical Laboratories)

HHS-Certified Laboratories

ACM Medical Laboratory, Inc., 160 Elmgrove Park, Rochester, NY 14624, 844–486–9226

Alere Toxicology Services, 1111 Newton St., Gretna, LA 70053, 504–361–8989/800–433–3823 (Formerly: Kroll Laboratory Specialists, Inc., Laboratory Specialists, Inc.)

Alere Toxicology Services, 450 Southlake Blvd., Richmond, VA 23236, 804–378–9130 (Formerly: Kroll Laboratory Specialists, Inc., Scientific Testing Laboratories, Inc.; Kroll Scientific Testing Laboratories, Inc.)

Baptist Medical Center-Toxicology Laboratory, 11401 I–30, Little Rock, AR 72209–7056, 501–202–2783 (Formerly: Forensic Toxicology Laboratory Baptist Medical Center)

Clinical Reference Laboratory, Inc., 8433 Quivira Road, Lenexa, KS 66215–2802, 800–445–6917

DrugScan, Inc., 200 Precision Road, Suite 200, Horsham, PA 19044, 800–235–4890

Dynacare,* 245 Pall Mall Street, London, ONT, Canada N6A 1P4, 519–679–1630 (Formerly: Gamma-Dynacare Medical Laboratories)

ElSohly Laboratories, Inc., 5 Industrial Park Drive, Oxford, MS 38655, 662–236–2609

Laboratory Corporation of America Holdings, 7207 N. Gessner Road, Houston, TX 77040, 713–856–8288/800–800–2387

Laboratory Corporation of America Holdings, 69 First Ave., Raritan, NJ 08869, 908–526–2400/800–437–4986 (Formerly: Roche Biomedical Laboratories, Inc.)

Laboratory Corporation of America Holdings, 1904 TW Alexander Drive, Research Triangle Park, NC 27709, 919–572–6900/800–833–3984 (Formerly: LabCorp Occupational Testing Services, Inc., CompuChem Laboratories, Inc.; CompuChem Laboratories, Inc., A Subsidiary of Roche Biomedical Laboratory; Roche CompuChem Laboratories, Inc., A Member of the Roche Group)

Laboratory Corporation of America Holdings, 1120 Main Street, Southaven, MS 38671, 866–827–8042/800–233–6339 (Formerly: LabCorp Occupational Testing Services, Inc.; MedExpress/National Laboratory Center)

LabOne, Inc. d/b/a Quest Diagnostics, 10101 Renner Blvd., Lenexa, KS 66219, 913–888–3927/800–873–8845 (Formerly: Quest Diagnostics Incorporated; LabOne, Inc.; Center for Laboratory Services, a Division of LabOne, Inc.)

MedTox Laboratories, Inc., 402 W. County Road D, St. Paul, MN 55112, 651–636–7466/800–832–3244

Legacy Laboratory Services—MetroLab, 1225 NE 2nd Ave., Portland, OR 97232, 503–413–5295/800–950–5295

Minneapolis Veterans Affairs Medical Center, Forensic Toxicology Laboratory, 1 Veterans Drive, Minneapolis, MN 55417, 612–725–2088, Testing for Veterans Affairs (VA) Employees Only

National Toxicology Laboratories, Inc., 1100 California Ave., Bakersfield, CA 93304, 661–322–4250/800–350–3515

One Source Toxicology Laboratory, Inc., 1213 Genoa-Red Bluff, Pasadena, TX 77504, 888–747–3774 (Formerly: University of Texas Medical Branch, Clinical Chemistry Division; UTMB Pathology-Toxicology Laboratory)

Pacific Toxicology Laboratories, 9348 DeSoto Ave., Chatsworth, CA 91311, 800–328–6942 (Formerly: Centinela Hospital Airport Toxicology Laboratory)

Pathology Associates Medical Laboratories, 110 West Cliff Dr., Spokane, WA 99204, 509–755–8991/800–541–7891x7

Phamatech, Inc., 15175 Innovation Drive, San Diego, CA 92128, 888–635–5840

Quest Diagnostics Incorporated, 1777 Montreal Circle, Tucker, GA 30084, 800–729–6432 (Formerly: SmithKline Beecham Clinical Laboratories; SmithKline Bio-Science Laboratories)

Quest Diagnostics Incorporated, 400 Egypt Road, Norristown, PA 19403, 610–631–4600/877–642–2216 (Formerly: SmithKline Beecham Clinical Laboratories; SmithKline Bio-Science Laboratories)

Quest Diagnostics Incorporated, 8401 Fallbrook Ave., West Hills, CA 91304, 818–737–6370 (Formerly: SmithKline Beecham Clinical Laboratories)

Redwood Toxicology Laboratory, 3700 Westwind Blvd., Santa Rosa, CA 95403, 800–255–2159

STERLING Reference Laboratories, 2617 East L Street, Tacoma, Washington 98421, 800–442–0438

U.S. Army Forensic Toxicology Drug Testing Laboratory, 2490 Wilson St., Fort George G. Meade, MD 20755–5235, 301–677–7085, Testing for Department of Defense (DoD) Employees Only

* The Standards Council of Canada (SCC) voted to end its Laboratory Accreditation Program for Substance Abuse (LAPSA) effective May 12, 1998. Laboratories certified through that program were accredited to conduct forensic urine drug testing as required by U.S. Department of Transportation (DOT) regulations. As of that date, the certification of those accredited Canadian laboratories will continue under DOT authority. The responsibility for conducting quarterly performance testing plus periodic on-site inspections of those LAPSA-accredited laboratories was transferred to the U.S. HHS, with

the HHS' NLCP contractor continuing to have an active role in the performance testing and laboratory inspection processes. Other Canadian laboratories wishing to be considered for the NLCP may apply directly to the NLCP contractor just as U.S. laboratories do.

Upon finding a Canadian laboratory to be qualified, HHS will recommend that DOT certify the laboratory (**Federal Register**, July 16, 1996) as meeting the minimum standards of the Mandatory Guidelines published in the **Federal Register** on January 23, 2017 (82 FR 7920). After receiving DOT certification, the laboratory will be included in the monthly list of HHS-certified laboratories and participate in the NLCP certification maintenance program.

Brian Makela,

Chemist.

[FR Doc. 2017–26016 Filed 12–1–17; 8:45 am]

BILLING CODE 4160–20–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5997–N–75]

30-Day Notice of Proposed Information Collection: Reporting for HUD Research, Evaluation, and Demonstration Cooperative Agreements

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for an additional 30 days of public comment.

DATES: *Comments Due Date:* January 3, 2018.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806. Email: *OIRA_Submission@omb.eop.gov*

FOR FURTHER INFORMATION CONTACT: Anna P. Guido, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410; email Anna P. Guido at *Anna.P.Guido@hud.gov* or telephone 202–402–5535. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Guido.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on May 16, 2017.

A. Overview of Information Collection

Title of Information Collection: Reporting for HUD Research, Evaluation, and Demonstration Cooperative Agreements.

OMB Approval Number: 2528–0299.

Type of Request: Revision.

Form Number: No forms.

Description of the need for the information and proposed use: PD&R intends to establish cooperative agreements with qualified for-profit and nonprofit research organizations and universities to conduct research, demonstrations, and data analysis. PD&R will issue a Notice of Funding Availability (NOFA) describing the cooperative research program. Management of PD&R cooperative agreements for research and demonstrations will require periodic reporting of progress. This information collection will be limited to recipients of cooperative agreements.

Respondents: HUD anticipates that approximately 8–10 organizations will be selected for cooperative agreement award. Recipients of the cooperative agreements will be the sole members of the affected public for the reporting requirement.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including using appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: November 14, 2017.

Anna P. Guido,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2017–25973 Filed 12–1–17; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–R2–ES–2017–0036; FXES11130200000–189–FF02ENEH00]

Endangered and Threatened Wildlife and Plants; Final Mexican Wolf Recovery Plan, First Revision

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the availability of our *Mexican Wolf Recovery Plan, First Revision* (Recovery Plan). The Mexican wolf (*Canis lupus baileyi*) is listed as endangered under the Endangered Species Act of 1973, as amended (ESA), and is currently found in the U.S. States of Arizona and New Mexico, and in Chihuahua, Mexico. The recovery plan includes specific recovery criteria to be met to enable us to remove this species from the List of Endangered and Threatened Wildlife. The first Mexican wolf recovery plan was completed in 1982.

ADDRESSES: You may obtain a copy of the recovery plan from our Web site at *http://www.fws.gov/endangered/species/recovery-plans.html* or the Mexican Wolf Recovery Program Web site at *https://www.fws.gov/southwest/es/mexicanwolf/.* The recovery plan and related materials, including comments received on the draft recovery plan, are also available for public review online at *http://www.regulations.gov* in Docket No. FWS–R2–ES–2017–0036. You may also request a copy of the recovery plan by contacting Sherry Barrett, Mexican Wolf Recovery Coordinator, U.S. Fish and Wildlife Service, 2105 Osuna Road NE., Albuquerque, NM 87113 (telephone 505–761–4748).

FOR FURTHER INFORMATION CONTACT: Sherry Barrett (see **ADDRESSES**).

SUPPLEMENTARY INFORMATION:

Background

A primary goal of our endangered species program and the Endangered Species Act (ESA) (16 U.S.C. 1531 *et seq.*) is recovering endangered or threatened animals and plants to the point they are again secure, viable ecosystem members. Recovery means improving listed species' status to the point at which they no longer meet the definition of threatened or endangered and listing is no longer appropriate under the criteria set out in in section 4(a)(1) of the ESA. The ESA requires developing recovery plans for listed species, unless such a plan would not promote a particular species' conservation.

The Service has revised its approach to recovery planning; the revised process is called Recovery Planning and Implementation (RPI). The RPI process is intended to reduce the time needed to develop and implement recovery plans, increase recovery plan relevancy over a longer timeframe, and add flexibility to recovery plans so they can be adjusted to new information or circumstances. Under RPI, a recovery plan will include statutorily required elements (measurable criteria, site-specific management actions, and estimates of time and costs), along with a concise introduction and our strategy for how we plan to achieve species recovery. The RPI recovery plan is supported by a separate Species Status Assessment, or in some cases, a species biological report that provides the background information and threat assessment, which are key to recovery plan development. The essential component to flexible implementation under RPI is producing a separate working document called the Recovery Implementation Strategy (implementation strategy). The implementation strategy steps down from the more general description of actions described in the recovery plan to detail the specific, near-term activities needed to implement the recovery plan. The implementation strategy will be adaptable by being able to incorporate new information without having to concurrently revise the recovery plan, unless changes to statutory elements are required.

The Mexican Wolf Recovery Plan, First Revision, represents one of the first products the Service has developed using RPI. On June 30, 2017, the Service made the draft Recovery Plan available for a 60-day public comment period during which we received more than 100,000 comments (82 FR 29918). The public comments and additional materials related to the Recovery Plan are available for public review online at *http://www.regulations.gov* in Docket No. FWS–R2–ES–2017–0036.

In addition to the recovery plan and implementation strategy, we completed a Biological Report describing the Mexican wolf's current status. The Biological Report supports the recovery plan by providing the background, life-history, and threat assessment information. The Biological Report and Recovery Plan were independently peer-reviewed by scientists outside of the Service. As with the implementation strategy, we will update the Biological Report as new species status information becomes available.

Recovery Plan Strategy

The overall strategy for recovering the Mexican wolf focuses on improving the two populations' resilience (*i.e.,* population size) and genetic representation, one focused south of Interstate 40 in Arizona and New Mexico in the United States, and one focused in the northern portion of the Sierra Madre Occidental in Mexico, across an adequate ecological and geographic range of representation within each population. The strategy involves carefully managing the captive-breeding program, releasing Mexican wolves from the captive-breeding program into the wild, and translocating Mexican wolves from the Mexican Wolf Experimental Population Area in portions of New Mexico and Arizona to Mexico, to ensure two genetically and demographically viable populations are extant in the wild for redundancy.

Another key component of the strategy includes working with Federal, State, Tribal, local partners, and the public, to improve Mexican wolf tolerance on the landscape.

Authority: We developed our recovery plan and publish this notice under the authority of the Endangered Species Act, section 4(f), 16 U.S.C. 1533(f).

Dated: October 24, 2017.

Amy Lueders,

Regional Director, Southwest Region, U.S. Fish and Wildlife Service.

[FR Doc. 2017–26041 Filed 12–1–17; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Safety and Environmental Enforcement

[Docket ID BSEE–2017–0004; 189E1700D2 ET1SF0000.PSB000 EEEE500000; OMB Control Number 1014–0015]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Unitization

AGENCY: Bureau of Safety and Environmental Enforcement, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Bureau of Safety and Environmental Enforcement (BSEE) proposes to renew an information collection with revisions.

DATES: Interested persons are invited to submit comments on or before January 3, 2018.

ADDRESSES: Send written comments on this information collection request (ICR) to the Office of Management and Budget's Desk Officer for the Department of the Interior by email at *OIRA_Submission@omb.eop.gov;* or via facsimile to (202) 395–5806. Please provide a copy of your comments to the Bureau of Safety and Environmental Enforcement; Regulations and Standards Branch; ATTN: Nicole Mason; 45600 Woodland Road, Sterling, VA 20166; or by email to *kye.mason@bsee.gov.* Please reference OMB Control Number 1014–0015 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Nicole Mason by email at *kye.mason@bsee.gov,* or by telephone at (703) 787–1607. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on August

29, 2017 (82 FR 41051). No comments were received.

We are again soliciting comments on the proposed ICR that is described below. We are especially interested in public comments addressing the following issues: (1) Is the collection necessary to the proper functions of BSEE; (2) Will this information be processed and used in a timely manner; (3) Is the estimate of burden accurate; (4) How might BSEE enhance the quality, utility, and clarity of the information to be collected; and (5) How might BSEE minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The regulations at 30 CFR part 250, subpart M, concern Unitization and are the subject of this collection. This request also covers any related Notices to Lessees and Operators (NTLs) that BSEE issues to clarify, supplement, or provide additional guidance on some aspects of our regulations.

BSEE must approve any lessee's proposal to enter an agreement to unitize operations under two or more leases and for modifications when warranted. We use the information to ensure that operations under the proposed unit agreement will result in preventing waste, conserving natural resources, and protecting correlative rights including the government's interests.

Title of Collection: 30 CFR part 250, subpart M, *Unitization.*

OMB Control Number: 1014–0015.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Potential respondents comprise Federal OCS oil, gas, and sulfur lessees/operators.

Total Estimated Number of Annual Respondents: Not all of the potential respondents will submit information in any given year and some may submit multiple times.

Total Estimated Number of Annual Responses: 93.

Estimated Completion Time per Response: Varies from 1 hour to 520 hours, depending on activity.

Total Estimated Number of Annual Burden Hours: 7,800.

Respondent's Obligation: Voluntary.

Frequency of Collection: On occasion.

Total Estimated Annual Non Hour Burden Cost: We have identified three non-hour cost burdens associated with this information collection. Section 250.1303 requires respondents to pay filing fees when (1) applying for a voluntary unitization proposal or unit expansion ($12,619), as well as a (2) unitization revision ($896). The filing fees are required to recover the Federal Government's processing costs. Section 250.1304(d) provides an opportunity for parties notified of compulsory unitization to request a hearing; therefore § 250.1304(e) requires the party seeking the compulsory unitization to (3) pay for the court reporter and three copies of the verbatim transcript of the hearing (approximately $500).

It should be noted there have been no such hearings in the recent past, and none are expected in the near future. We have not identified any other non-hour cost burdens associated with this collection of information. We estimate a total reporting non-hour cost burden of $195,757.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq*).

Dated: November 6, 2017.

Doug Morris,

Chief, Office of Offshore Regulatory Programs.

[FR Doc. 2017–26049 Filed 12–1–17; 8:45 am]

BILLING CODE 4310–VH–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1089]

Certain Memory Modules and Components Thereof Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on October 31, 2017, under section 337 of the Tariff Act of 1930, as amended, on behalf of Netlist, Inc. of Irvine, California. A supplement to the complaint was filed on November 21, 2017. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain memory modules and components thereof by reason of infringement of certain claims of U.S. Patent No. 9,606,907 (''the '907 patent'') and U.S. Patent No. 9,535,623 (''the '623 patent''). The complaint further alleges that an industry in the United States exists or is in the process of being established as required by the applicable Federal Statute.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and a cease and desist order.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Room 112, Washington, DC 20436, telephone (202) 205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: Pathenia M. Proctor, The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2560.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2017).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on November 28, 2017, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted

to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain memory modules and components thereof by reason of infringement of one or more of claims 1–8, 10, 12, 14–22, 24–25, 27, 29–35, 38, 43–45, 47, 48, 50, 52, and 58 of the '907 patent and claims 1–5, 7–15, 17–25, 27, and 29 of the '623 patent; and whether an industry in the United States exists or is in the process of being established, as required by subsection (a)(2) of section 337;

(2) Pursuant to Commission Rule 210.50(b)(l), 19 CFR 210.50(b)(l), the presiding administrative law judge shall take evidence or other information and hear arguments from the parties or other interested persons with respect to the public interest in this investigation, as appropriate, and provide the Commission with findings of fact and a recommended determination on this issue, which shall be limited to the statutory public interest factors set forth in 19 U.S.C. 1337(d)(l), (f)(1), (g)(1);

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants is: Netlist, Inc., Technology Drive, Suite 150, Irvine, CA 92618.

(b) The respondent is the following entity alleged to be in violation of section 337, and is the party upon which the complaint is to be served:

SK hynix, Inc., 2091, Gyeongchung-daero, Bubal-eub, Icheon-si, Gyeonggi-do, Republic of Korea

SK hynix America, Inc.. 3101 N. First Street, San Jose, CA 95134

SK hynix memory solutions, Inc., 3103 N. First Street, San Jose, CA 95134

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW., Suite 401, Washington, DC 20436; and

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: November 28, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–26008 Filed 12–1–17; 8:45 am]

BILLING CODE 7020–02–P

JUDICIAL CONFERENCE OF THE UNITED STATES

Meeting of the Judicial Conference; Committee on Rules of Practice and Procedure

AGENCY: Judicial Conference of the United States, Committee on Rules of Practice and Procedure.

ACTION: Notice of open meeting.

SUMMARY: The Committee on Rules of Practice and Procedure will hold a meeting on January 4, 2018. The meeting will be open to public observation but not participation. An agenda and supporting materials will be posted at least 7 days in advance of the meeting at: *http://www.uscourts.gov/rules-policies/records-and-archives-rules-committees/agenda-books.*

DATES: January 4, 2018.

Time: 9:00 a.m. to 5:00 p.m.

ADDRESSES: Arizona Ballroom Salon F, JW Marriott Camelback Inn, 5402 E. Lincoln Drive, Scottsdale, AZ 85253.

FOR FURTHER INFORMATION CONTACT: Rebecca A. Womeldorf, Rules Committee Secretary, Rules Committee Staff, Administrative Office of the United States Courts, Washington, DC 20544, telephone (202) 502–1820.

Dated: November 28, 2017.

Rebecca A. Womeldorf,

Rules Committee Secretary.

[FR Doc. 2017–26007 Filed 12–1–17; 8:45 am]

BILLING CODE 2210–55–P

DEPARTMENT OF JUSTICE

[CPCLO Order No. 010–2017]

Privacy Act of 1974; System of Records

AGENCY: United States Department of Justice, Federal Bureau of Investigation.

ACTION: Notice of a new System of Records.

SUMMARY: Pursuant to the Privacy Act of 1974, and Office of Management and Budget (OMB) Circular No. A–108, notice is hereby given that the Federal Bureau of Investigation (FBI), a component within the United States Department of Justice (Department or DOJ), proposes to establish a new system of records titled, ''FBI Online Collaboration Systems,'' JUSTICE/FBI–004. This system of records will cover all FBI online collaboration systems that facilitate online collaboration between the FBI and its criminal justice, intelligence, national security, emergency management, public safety, and private sector partners, as well as to support internal collaboration for and external collaboration among such partners in the United States and approved countries worldwide. Expanding available collaboration tools of the FBI and its partners enables the FBI to carry out its national security and criminal justice missions. Elsewhere in this **Federal Register**, DOJ is concurrently issuing a Notice of Proposed Rulemaking to exempt JUSITCE/DOJ–004 from certain provisions of the Privacy Act.

DATES: In accordance with 5 U.S.C. 552a(e)(4) and (11), this notice is effective upon publication, subject to a 30-day period in which to comment on the routine uses, described below. Please submit any comments by January 3, 2018.

ADDRESSES: The public, OMB, and Congress are invited to submit any comments: By mail to the Department of Justice, Office of Privacy and Civil Liberties, Attn: Privacy Analyst, National Place Building, 1331 Pennsylvania Avenue NW., Suite 1000, Washington, DC 20530–0001; by facsimile at 202–307–0693; or by email at *privacy.compliance@usdoj.gov.* To ensure proper handling, please reference the above CPCLO Order No. on your correspondence.

FOR FURTHER INFORMATION CONTACT: Katherine M. Bond, Assistant General Counsel, Privacy and Civil Liberties Unit, Office of the General Counsel, FBI, 935 Pennsylvania Avenue NW., Washington, DC 20535–0001; telephone (202) 324–3000.

SUPPLEMENTARY INFORMATION: In an effort to carry out its national security and criminal law enforcement responsibilities, and to more robustly collaborate with its partners in the criminal justice system, intelligence communities, emergency management personnel and first responders, military personnel, governmental agencies associated with critical infrastructure protection of the United States, and private sector entities that provide critical information regarding criminal justice and national security matters to the FBI and law enforcement, the FBI has created online collaboration systems to provide user-driven, real-time, collaboration and communication tools designed to facilitate the exchange of information within, between, and among partners more expeditiously. The FBI's online collaboration systems will promote communication and information sharing for federal, state, local, tribal, territorial, foreign, and international criminal justice agencies; emergency management personnel and first responders; as well as military and other government personnel involved in criminal justice and national security matters, by allowing the FBI and its partners to communicate with experts, create and join communities of common interest, create blogs to present ideas and receive feedback, share files with colleagues, exchange ideas through online forums, enhance situational awareness, and facilitate incident management. The online collaboration systems will also allow individuals and private sector entities to easily and quickly submit information to and collaborate with the FBI and other law enforcement and intelligence agencies regarding criminal justice and national security matters. By providing online communication platforms such as JusticeConnect and collaboration tools such as Special Interest Groups and Virtual Command Centers, and providing and maintaining a secure communications network, the FBI will increase collaboration and cooperation between and among its partners.

In accordance with 5 U.S.C. 552a(r), the Department has provided a report to OMB and the Congress on this new system of records.

Dated: November 28, 2017.

Peter A. Winn,

Acting Chief Privacy and Civil Liberties Officer, United States Department of Justice.

SYSTEM NAME AND NUMBER:

FBI Online Collaboration Systems, JUSTICE/FBI–004.

SECURITY CLASSIFICATION:

This system contains Unclassified information.

SYSTEM LOCATION:

Records may be maintained at all locations at which the FBI operates or at which FBI operations are supported, including: J. Edgar Hoover Building, 935 Pennsylvania Avenue NW., Washington, DC 20535–0001; FBI Academy and FBI Laboratory, Quantico, VA 22135; FBI Criminal Justice Information Services (CJIS) Division, 1000 Custer Hollow Road, Clarksburg, WV 26306; FBI Records Management Division, 170 Marcel Drive, Winchester, VA 22602–4843; and FBI field offices, legal attaches, information technology centers, and other components listed on the FBI's Internet Web site, *https://www.fbi.gov.* Some or all system information may also be duplicated at other locations where the FBI has granted direct access for support of FBI missions, for purposes of system backup, emergency preparedness, and/or continuity of operations.

SYSTEMS MANAGER(S):

Director, Federal Bureau of Investigation, J. Edgar Hoover FBI Building, 935 Pennsylvania Avenue NW., Washington, DC 20535–0001.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

28 U.S.C. Chapter 33; 42 U.S.C. 3771; 28 U.S.C. 534; 44 U.S.C. 3101, 3301; 5 U.S.C. 301; Federal Information Security Modernization Act of 2014, 44 U.S.C. 3551–3558 *et seq.;* 28 CFR 0.85; and 28 CFR part 20.

PURPOSE(S) OF THE SYSTEM:

The purpose of the FBI's Online Collaboration Systems is to facilitate and support internal and external collaboration for and among the FBI, federal, state, local, tribal, territorial, foreign, and international criminal justice agencies, emergency management personnel and first responders, private sector entities, and United States military and other government personnel involved in criminal justice and national security matters in the United States and approved countries worldwide. Expanding the available collaboration tools of the FBI and its partners enables the FBI to carry out its national security and criminal justice missions by providing a real-time online environment for criminal justice agencies, the FBI, and its partners to exchange information internally and externally.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The following categories of individuals are covered by this system:

A. Individuals who are employees, contractors, detailees, assignees, or interns of the FBI, criminal justice agencies, intelligence agencies, the military, other governmental agencies associated with infrastructure protection of the United States, emergency management agencies or first responders organizations, foreign or international law enforcement agencies, and private sector entities, who are authorized to communicate with or on behalf of the FBI via an FBI online collaboration system;

B. Individuals identified in data maintained in FBI or criminal justice or intelligence agencies' files; or whose information is obtained by the FBI or its partners by authority of law or agreement from other federal, state, local, tribal, territorial, or foreign government, or international agencies to further authorized information sharing purposes carrying out criminal justice, national security, emergency management, or public safety purposes, including the FBI's mission to protect and defend the United States against terrorist and foreign intelligence threats. These individuals may consist of the following: Convicted offenders, subjects, suspects, wanted persons, victims, witnesses, missing persons, complainants, informants, sources, bystanders, law enforcement personnel, intelligence personnel, other responders, private sector liaison contacts, administrative personnel, consultants, relatives, and associates who may be relevant to investigation or intelligence operations;

C. Individuals who are identified in publicly available information, commercial databases, or private entity records and who are associated, related, or have a nexus to the criminal justice system or the FBI's missions; and

D. System users or other individuals accessing this system whose information is collected and maintained for this system's user auditing and security purposes.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records may include biographical information about individuals who are employees, contractors, detailees, assignees, or interns of the FBI, criminal

justice agencies, or other FBI partners as outlined above who are authorized to access an FBI online collaboration system. Biographical information may include name, phone number, email address, organization, photographs, citizenship, designation as a law enforcement officer with arresting powers, user login identification, and other information users choose to share within the collaboration system.

Records are unclassified and may contain information collected by the FBI, criminal justice or intelligence agencies, or other FBI partners for the performance of their legally authorized, required functions; investigative and/or intelligence information provided by the FBI or criminal justice agencies; or publicly available information or information from commercial databases about individuals who are associated, related, or have a nexus to the criminal justice system or the FBI's missions. These records may include biographical information (such as name, alias, race, sex, date of birth, place of birth, social security number, passport number, driver's license number, other unique personal identifier, addresses, telephone numbers, physical descriptions, and photographs); biometric information (such as fingerprints); financial information (such as bank account numbers); locations, actions, and activities; associates and affiliations; employment and business information; citizenship; visa and immigration information; travel information; and criminal and investigative history, and other data that may assist the FBI, criminal justice agencies, and other FBI partners in fulfilling their criminal justice, national security, emergency management, or public safety objectives.

Records may also contain information collected and compiled to maintain an audit trail of the activity of authorized users of the system, such as user name and user login identification.

RECORD SOURCE CATEGORIES:

Information is provided by Federal, state, local, tribal, territorial, and foreign government agencies; international agencies; agencies of the U.S. foreign intelligence community and military community; publicly available information, such as broadcast and print media; commercial databases; and individuals, corporations, and organizations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b), the records or information in this system may be disclosed as a routine use, under 5 U.S.C. 552a(b)(3), in accordance with the blanket routine uses established for FBI record systems. See Blanket Routine Uses (BRU) Applicable to More Than One FBI Privacy Act System of Records, Justice/FBI–BRU, published at 66 FR 33558 (June 22, 2001) and amended at 70 FR 7513 (February 14, 2005) and 82 FR 24147 (May 25, 2017) or as may be updated in the future. In addition, as routine uses specific to this system, the FBI may disclose relevant records to the following persons or entities and under the circumstances or for the purposes described below, to the extent such disclosures are compatible with the purpose for which the information was collected:

A. To authorized users of an FBI online collaboration system, as necessary, to facilitate and support internal and external collaboration for and among the FBI and its partners for the performance of their legally authorized, required functions.

B. To any person, organization, or governmental entity in order to notify them of a potential terrorist threat for the purpose of guarding against or responding to such threat.

C. To a governmental entity lawfully engaged in collecting law enforcement, emergency management, public safety, or national security information, or intelligence for such purposes when determined to be relevant by the FBI/DOJ.

D. To any agency of a foreign government or international agency or entity where the FBI determines that the information is relevant to the recipient's responsibilities, dissemination serves the best interests of the U.S. Government, and where the purpose in making the disclosure is compatible with the purpose for which the information was collected.

E. To any non-governmental entity, including commercial entities, or nonprofit organizations, that are joint participants with or provide support to the FBI and disclosure is consistent with the FBI's law enforcement, national security, or intelligence missions.

F. To any criminal, civil, or regulatory law enforcement authority (whether federal, state, local, territorial, tribal, foreign, or international) where the FBI determines that the information is relevant to the recipient entity's law enforcement responsibilities.

G. Where a record, either alone or in conjunction with other information, indicates a violation or potential violation of law—civil, criminal, or regulatory in nature—the relevant records may be referred to the appropriate federal, state, local, territorial, tribal, or foreign law enforcement authority or other appropriate entity, that is charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing such law.

H. To any entity or individual where there is reason to believe the recipient is or could become the target of a particular criminal activity, conspiracy, or other threat, to the extent the information is relevant to the protection of life, health, or property. Information may similarly be disclosed to other recipients who have interests to which the threat may also be relevant, or who may be able to assist in protecting against or responding to the threat.

I. To persons or entities where there is a need for assistance in locating missing persons, and where there are reasonable grounds to conclude from available information that disclosure would further the best interests of the individual being sought.

J. To a former employee of the Department for purposes of: Responding to an official inquiry by a federal, state, local, tribal, or territorial government entity or professional licensing authority, in accordance with applicable Department regulations; or facilitating communications with a former employee that may be necessary for personnel-related or other official purposes where the Department requires information and/or consultation assistance from the former employee regarding a matter within that person's former area of responsibility.

K. To appropriate agencies, entities, and persons when (1) the Department suspects or has confirmed that there has been a breach of the system of records; (2) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Department (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

L. To another Federal agency or Federal entity, when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the

recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

M. To such recipients and under such circumstances and procedures as are mandated by federal statute or treaty.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Computerized records are stored electronically on hard disk, removable storage devices, or other digital media in areas safe from access by unauthorized persons or exposure to environmental hazards. Some information may also be maintained in hard copy or other form.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records may be retrieved by personal identifiers or key word searches.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records in this system are maintained and disposed of in accordance with appropriate authority of the National Archives and Records Administration (NARA). Different types of information may be subject to different FBI and NARA-approved records' schedules, which are available at *https://www.archives.gov/records-mgmt/rcs/schedules/index.html?dir=/departments/department-of-justice/rg-0065.*

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

System records are maintained in limited access space in FBI controlled facilities and offices. Computerized data is password protected and requires two-factor authentication for access. Remote access through the Internet is provided via the encrypted communications protocol Hypertext Transfer Protocol with Transport Layer Security (HTTPS). All FBI personnel are required to pass an extensive background investigation. The information is accessed only by authorized DOJ personnel or by non-DOJ personnel properly authorized to access the system. The system employs role-based access and authentication controls and enforcement mechanisms so that each user can access only the information and system locations appropriate for their role. Authorized system users will be subject to adequate physical security controls and built-in system controls to protect against unauthorized personnel gaining access to the equipment and/or the information stored in it. All authorized users are required to agree to Rules of Behavior and Terms of Use limiting use of the information in the system to official purposes. System audit logs are created and monitored to detect any misuse of the system.

RECORD ACCESS PROCEDURES:

The Attorney General has exempted this system of records from the notification, access, amendment, and contest procedures of the Privacy Act. These exemptions apply only to the extent that the information in this system is subject to exemption pursuant to 5 U.S.C. 552a(j) or (k). Where compliance would not appear to interfere with or adversely affect the purposes of the system, or the overall law enforcement/intelligence process, the applicable exemption (in whole or in part) may be waived by the FBI in its sole discretion.

All requests for access should follow the guidance provided on the FBI's Web site at *https://www.fbi.gov/services/records-management/foipa.* A request for access to a record from this system of records must be submitted in writing and comply with 28 CFR part 16. Individuals may mail, fax, or electronically submit a request, clearly marked ''Privacy Act Access Request,'' to the FBI, ATTN: FOI/PA Request, Record/Information Dissemination Section, 170 Marcel Drive, Winchester, VA 22602–4843; facsimile: 540–868–4995/6/7; electronically: *https://www.fbi.gov/services/records-management/foipa/requesting-fbi-records.* The request should include a general description of the records sought, and must include the requester's full name, current address, and date and place of birth. The request must be signed and dated and either notarized or submitted under penalty of perjury. While no specific form is required, requesters may obtain a form (Form DOJ–361) for use in certification of identity, which can be located at the above link. In the initial request, the requester may also include any other identifying data that the requester may wish to furnish to assist the FBI in making a reasonable search. The request should include a return address for use by the FBI in responding; requesters are also encouraged to include a telephone number to facilitate FBI contacts related to processing the request. A determination of whether a record may be accessed will be made after a request is received.

CONTESTING RECORD PROCEDURES:

The Attorney General has exempted this system of records from the notification, access, amendment, and contest procedures of the Privacy Act. These exemptions apply only to the extent that the information in this system is subject to exemption pursuant to 5 U.S.C. 552a(j) or (k). Where compliance would not appear to interfere with or adversely affect the purposes of the system, or the overall law enforcement/intelligence process, the applicable exemption (in whole or in part) may be waived by the DOJ in its sole discretion.

Individuals desiring to contest or amend information maintained in the system should direct their requests according to the Record Access Procedures paragraph above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought. The envelope and letter should be clearly marked ''Privacy Act Amendment Request'' and comply with 28 CFR 16.46 (Request for Amendment or Correction of Records). Some information may be exempt from contesting record procedures as described in the Exemptions Promulgated for the System paragraph, below. An individual who is the subject of a record in this system may amend those records that are not exempt. A determination whether a record may be amended will be made at the time a request is received.

NOTIFICATION PROCEDURES:

Same as Record Access Procedures paragraph, above.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

The Attorney General has exempted this system from subsections (c)(3) and (4); (d)(1), (2), (3), and (4); (e)(1), (2), (3), (4)(G), (H), and (I), (5) and (8); (f); and (g) of the Privacy Act. The exemptions will be applied only to the extent that information in a record is subject to exemption pursuant to 5 U.S.C. 552a(j) or (k). Rules are being promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c), and (e) and are published in this **Federal Register**. In addition, the FBI will continue in effect and assert all exemptions claimed under 5 U.S.C. 552a(j) or (k) (or other applicable authority) by an originating agency from which the FBI obtains records, where one or more reasons underlying an original exemption remain valid. Where compliance with an exempted provision does not appear to interfere with or adversely affect interests of the United States or other system stakeholders, the FBI in its sole discretion may waive an exemption in whole or in part; exercise of this discretionary waiver prerogative in a particular matter shall not create any entitlement to or expectation of waiver in that matter or any other matter. As a

condition of discretionary waiver, the FBI in its sole discretion may impose any restrictions deemed advisable by the FBI (including, but not limited to, restrictions on the location, manner, or scope of notice, access, or amendment).

HISTORY:

None.

[FR Doc. 2017–25994 Filed 12–1–17; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1121–0111]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Currently Approved Collection; Comments Requested: National Crime Victimization Survey (NCVS)

AGENCY: Bureau of Justice Statistics, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Office of Justice Programs, Bureau of Justice Statistics, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until February 2, 2018.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Jennifer Truman, Statistician, Bureau of Justice Statistics, 810 Seventh Street NW., Washington, DC 20531 (email: *Jennifer.Truman@ojp.usdoj.gov*; telephone: 202–514–5083).

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *The Title of the Form/Collection:* National Crime Victimization Survey.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form numbers for the questionnaire are NCVS–1 and NCVS–2. The applicable component within the Department of Justice is the Bureau of Justice Statistics, in the Office of Justice Programs.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* The National Crime Victimization Survey (NCVS) is administered to persons 12 years or older living in sampled households located throughout the United States. The NCVS collects, analyzes, publishes, and disseminates statistics on the criminal victimization in the U.S. BJS plans to publish information from the NCVS in reports and reference it when responding to queries from the U.S. Congress, Executive Office of the President, the U.S. Supreme Court, state officials, international organizations, researchers, students, the media, and others interested in criminal justice statistics.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated annual number of respondents is 130,707. It will take the average interviewed respondent an estimated 25 minutes to respond; the average non-interviewed respondent an estimated 7 minutes to respond; the average follow-up interview is estimated at 15 minutes, and the average follow-up for a non-interview is estimated at 1 minute.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 120,810 annual burden hours associated with this collection.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405A, Washington, DC 20530.

Dated: November 29, 2017.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2017–26029 Filed 12–1–17; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

National Institute of Justice

[OMB Number XXXX—New]

Agency Information Collection Activities; Proposed eCollection eComments Requested; New Collection; National Survey on Correctional Contraband (NCSS)

AGENCY: Office of Justice Programs, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice, National Institute of Justice, is submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: The Department of Justice encourages public comment and will accept input until February 2, 2018.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Jack: Harne, Physical Scientist, National Institute of Justice, 810 Seventh Street NW., Washington, DC 20531 (phone 202–598–9412). Written comments and/or suggestions can also be sent to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the

functions of the National Institute of Justice, 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:* New collection.

2. *The Title of the Form/Collection:* National Survey on Correctional Contraband (NSCC).

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* ''There is no agency form number for this collection.'' The applicable component within the Department of Justice is the Office of Justice Programs, National Institute of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* The current project aims to develop national statistics on correctional contraband and interdiction modalities to fill these significant knowledge gaps in the field. NIJ, in collaboration with the Urban Institute, will collect the data from the department of corrections in all 50 states and a nationally representative sample of jails (n=408).

In correctional facilities, contraband items such as drugs, alcohol, cell phones, tobacco products, and makeshift weapons can be used by inmates to spread violence, engage in criminal activity, create underground economies, and perpetuate existing addictions. Contraband in correctional facilities is therefore a cause of serious concern for the safety and security of inmates and correctional staff. However, little is known about what types of contraband interdiction modalities are exercised across jurisdictions and have proven successful, let alone how much and what type of contraband is found in correctional facilities in the U.S. and how it is brought in.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated range of burden for respondents completing the survey is 60 minutes. The department of corrections in all 50 states, responding for 1,821 prison facilities, and a nationally representative sample of jails (n=408) will be recruited to complete the survey.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated public burden associated with this collection is 2,221 hours. It is estimated that 1,821 state participants and 408 jail participants will take one hour to complete the survey.

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 29, 2017.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2017–26074 Filed 12–1–17; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Disaster Unemployment Assistance Activities Report

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting the Employment and Training Administration (ETA) sponsored information collection request (ICR) titled, ''Disaster Unemployment Assistance Activities Report,'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before January 3, 2018.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201710-1205-001* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–ETA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor—OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the Disaster Unemployment Assistance Activities Report information collection. Robert T. Stafford Disaster Relief and Emergency Assistance Act sections 410 and 423 provide for assistance to eligible individuals who are unemployed due to a major disaster. State Workforce Agencies, through individual agreements with the Secretary of Labor, act as agents of the Federal government in providing Disaster Unemployment Assistance (DUA) to eligible applicants who are unemployed as a direct result of a major disaster. Form ETA–902 is a monthly report submitted by a State on DUA program activities once the President declares a disaster. Social Security Act section 303(a)(6) authorizes this information collection. *See* 42 U.S.C. 503(a)(6).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject

to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1205–0051.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on November 30, 2017. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on May 23, 2017 (82 FR 23602).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1205–0051.

The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–ETA.

Title of Collection: Disaster Unemployment Assistance Activities Report.

OMB Control Number: 1205–0051.

Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Respondents: 30.

Total Estimated Number of Responses: 210.

Total Estimated Annual Time Burden: 210 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: November 28, 2017.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2017–26090 Filed 12–1–17; 8:45 am]

BILLING CODE 4510–FW–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Request for Comments; Nondisplacement of Qualified Workers Under Service Contracts, Executive Order 13495

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting the Wage and Hour Division (WHD) sponsored information collection request (ICR) titled, ''Nondisplacement of Qualified Workers Under Service Contracts, Executive Order 13495,'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before January 3, 2018.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201704-1235-001* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–WHD, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Contact Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the information collection requirements codified in regulations 29 CFR 9.12 and 9.21 related to the nondisplacement of qualified workers under service contracts, pursuant to E.O. 13495, Nondisplacement of Qualified Workers Under Service Contracts. More specifically, the information collections relate to the employment offer, certified list of employees, and complaint filing provisions of the rule. E.O. 13495 sections 5 and 6 authorizes this information collection. *See* E.O. 13495.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1235–0025.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on January 31, 2018. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on April 24, 2017 (82 FR 18935).

Interested parties are encouraged to send comments to the OMB, Office of

Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1235–0025. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–WHD.

Title of Collection: Nondisplacement of Qualified Workers Under Service Contracts, Executive Order 13495.

OMB Control Number: 1235–0025.

Affected Public: Individuals or Households and Private Sector—businesses or other for-profits and not-for-profit institutions.

Total Estimated Number of Respondents: 60,010.

Total Estimated Number of Responses: 2,070,010.

Total Estimated Annual Time Burden: 57,503 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: November 29, 2017.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2017–26073 Filed 12–1–17; 8:45 am]

BILLING CODE 4510–27–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Federal Contractor Veterans' Employment Report

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting the Veterans' Employment and Training Service (VETS) sponsored information collection request (ICR) revision titled, ''Federal Contractor Veterans' Employment Report,'' to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before January 3, 2018.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201710-1293-001* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–VETS, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor—OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: This ICR seeks PRA approval for revisions to the Federal Contractor Veterans' Employment Report information collection. VEVRAA generally requires a covered Federal contractor or subcontractor to report annually on the total number of its employees who belong to the categories of VEVRAA protected veterans and the total number of those employees who hired during the period covered by the report. This ICR has been characterized as a revision, because the agency has now fully phased out the VETS–100A Report. All reporting will now be done using the VETS–4212 Report, which has fewer reporting elements that its predecessor. The Vietnam Era Veterans Readjustment Assistance Act of 1974 authorizes this information collection. *See* 38 U.S.C. 4212.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

The DOL obtains OMB approval for this information collection under Control Number 1293–0005. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on July 18, 2017 (82 FR 32875).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1293–0005. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–VETS.

Title of Collection: Federal Contractor Veterans' Employment Report.

OMB Control Number: 1293–0005.

Affected Public: Private Sector—businesses or other for-profits and not-for-profit institutions.

Total Estimated Number of Respondents: 21,000.

Total Estimated Number of Responses: 378,000.

Total Estimated Annual Time Burden: 129,200 hours.

Total Estimated Annual Other Costs Burden: $1,298.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: November 28, 2017.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2017–26091 Filed 12–1–17; 8:45 am]

BILLING CODE 4510–79–P

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

Institute of Museum and Library Services

Notice of Proposed Information Collection Requests: 2019–2021 IMLS Grant Application Forms

AGENCY: Institute of Museum and Library Services, National Foundation for the Arts and the Humanities.

ACTION: Notice, request for comments, collection of information.

SUMMARY: The Institute of Museum and Library Services (IMLS), as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance 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. This pre-clearance consultation program helps to ensure that requested data can be 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 can be properly assessed. By this notice, IMLS is soliciting comments concerning the three year approval of the forms necessary to submit an application for all IMLS grant programs.

A copy of the proposed information collection request can be obtained by contacting the individual listed below in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before January 30, 2018.

IMLS is particularly interested in comments that help the agency to:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques, or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

ADDRESSES: Send comments to: Dr. Sandra Webb, Senior Advisor, Office of the Director, Institute of Museum and Library Services, 955 L'Enfant Plaza North SW., Suite 4000, Washington, DC 20024–2135. Dr. Webb can be reached by Telephone: 202–653–4718 Fax: 202–653–4608, or by email at *swebb@imls.gov,* or by teletype (TTY/TDD) for persons with hearing difficulty at 202–653–4614.

FOR FURTHER INFORMATION CONTACT: Dr. Sandra Webb, Senior Advisor, Office of the Director, Institute of Museum and Library Services, 955 L'Enfant Plaza North SW., Suite 4000, Washington, DC 20024–2135. Dr. Webb can be reached by Telephone: 202–653–4718 Fax: 202–653–4608, or by email at *swebb@imls.gov,* or by teletype (TTY/TDD) for persons with hearing difficulty at 202–653–4614.

SUPPLEMENTARY INFORMATION:

I. Background

The Institute of Museum and Library Services is the primary source of federal support for the nation's approximately 120,000 libraries and 35,000 museums and related organizations. Our mission is to inspire libraries and museums to advance innovation, lifelong learning, and cultural and civic engagement. Our grant making, policy development, and research help libraries and museums deliver valuable services that make it possible for communities and individuals to thrive. To learn more, visit *www.imls.gov.*

II. Current Actions

To administer the IMLS processes of grants and cooperative agreements, IMLS uses standardized application forms, guidelines and reporting forms for eligible libraries, museums, and other organizations to apply for its funding. These forms submitted for public review in this Notice are the Program Information Sheet, the Budget Form spreadsheet, and the Digital Product Form. This collection of information from these forms are a part of the IMLS grant application process.

Agency: Institute of Museum and Library Services.

Title: Grant Application Forms.

OMB Number: 3137–0092.

Frequency: Twenty times per year.

Affected Public: Library and Museum grant applicants.

Number of Respondents: 4,186.

Estimated Average Burden per Response: 4.25 hours.

Estimated Total Annual Burden: 5484.50 hours.

Total Annualized Capital/Startup Costs: n/a.

Total Annual Costs: $138,319.09.

Public Comments Invited: Comments submitted in response to this notice will be summarized and/or included in the request for OMB's clearance of this information collection.

Dated: November 28, 2017.

Kim Miller,

Grants Management Specialist, Office of Chief Information Officer.

[FR Doc. 2017–25959 Filed 12–1–17; 8:45 am]

BILLING CODE 7036–01–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities; Extension of Current Information Collection

AGENCY: National Center for Science and Engineering Statistics, National Science Foundation.

ACTION: Submission for OMB review; comment request.

SUMMARY: The National Science Foundation (NSF) has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1995. This is the second notice for public comment; the first was published in the **Federal Register** at 82 FR 20921 and one comment was received. NSF/NCSES is forwarding the proposed renewal submission to the Office of Management and Budget (OMB) for clearance simultaneously with the publication of this second notice. The full submission may be found at: *http://www.reginfo.gov/public/do/PRAMain.*

ADDRESSES: Comments should be addressed to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for National Science Foundation, 725 7th Street NW., Room 10235, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 2415 Eisenhower Avenue, Room W18000, Alexandria, Virginia 22314, or send email to *splimpto@nsf.gov.* Copies of the submission may be obtained by calling Ms. Plimpton at (703) 292–7556. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including federal holidays).

NSF may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

SUPPLEMENTARY INFORMATION: Comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the NSF, including whether the information shall have practical utility; (b) the accuracy of the NSF's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information on respondents, including through the use of automated collection techniques or other forms of information technology; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

As required by 5 CFR 1320.8(d), comments on the information collection activities as part of this study were solicited through publication of a 60-Day Notice in the **Federal Register** on May 4, 2017, at 82 FR 20921. One comment came from Andrew Reamer, Research Professor in the George Washington Institute of Public Policy at George Washington University via email on May 4, 2017, who requested a copy of the questionnaire and the OMB supporting statement.

Response: The questionnaire was provided to Mr. Reamer on August 18, 2017, and the supporting statement will be provided upon submission to OMB.

Title of Collection: Nonprofit Research Activities Survey.

OMB Approval Number: 3145–0240.

Expiration Date of Current Approval: July 31, 2019.

Type of Request: Revision of a currently approved collection.

Abstract: Established within NSF by the America COMPETES Reauthorization Act of 2010 § 505, codified in the National Science Foundation Act of 1950, as amended, the National Center for Science and Engineering Statistics (NCSES) serves as a central Federal clearinghouse for the collection, interpretation, analysis, and dissemination of objective data on science, engineering, technology, and research and development for use by practitioners, researchers, policymakers, and the public.

The primary objective of the new survey is to fill data gaps in the NCSES publication *National Patterns of R&D Resources* in such a way that it is (a) compatible with data collected on the business, government, and higher education sectors of the U.S. economy and (b) appropriate for international comparisons. Since the last survey of research activity in the nonprofit sector occurred in 1996 and 1997, interest from the community has grown significantly in recent years. Thus, it is important that a full survey be fielded again to update current national estimates for the nonprofit sector.

NCSES recently concluded a pilot test of the Nonprofit Research Activities Survey (NPRA) with 3,640 nonprofit organizations. Using the lessons learned from the pilot, NCSES now plans to conduct a full survey. The full NPRA survey will collect R&D and other related data from U.S. nonprofit organizations. This survey will collect the following:

- Total amount spent on R&D activities within nonprofit organizations;
- Number of employees and R&D employees;
- Sources of funds for R&D expenditures;
- Expenditures by field of R&D (biological and health sciences, engineering, physical sciences, social sciences, etc.);
- Expenditures by type of R&D (basic research, applied research, or experimental development);
- Total amount of R&D funding provided to entities outside the nonprofit organization;
- Types of recipients receiving R&D funding; and
- Funding by field of R&D (biological and health sciences, engineering, physical sciences, social sciences, etc.).

Use of the information: The primary purpose of this survey is to collect nationally representative data on nonprofit research spending and funding. The nonprofit sector is one of four major sectors that perform and/or fund research and development (R&D) in the U.S. Historically, the National Science Foundation (NSF) has combined this sector's data with the business, government, and higher education sectors' data to estimate total national R&D expenditures via the annual *National Patterns of R&D Resources* report. These data will help federal agencies develop longrange plans and policies for R&D funding opportunities and the nonprofit sector as a whole. We also expect the Organization for Economic Cooperation and Development (OECD) will request that NSF provide NPRA Survey data for use in its periodic publications and for international comparisons of R&D efforts. The data will be made available in public data tables as well as public use microdata files.

Expected respondents: The sample will be approximately 6,500 nonprofit organizations. The target population for the NPRA Survey includes all NPOs categorized by the Internal Revenue Service (IRS) as 501(c)(3) public charities, 501(c)(3) private foundations, and other exempt organizations [*e.g.,* 501(c)(1), 501(c)(2)]. To increase the efficiency of sampling organizations that perform or fund research—and to reduce burden among organizations that do not perform or fund research—organizations that are highly unlikely to be conducting research activities or already included in the other NCSES R&D surveys will be removed from the frame. In addition, organizations that do not meet a minimum size threshold, based on assets for private foundations and expenses for public charities, will be excluded from the frame. The sample will be allocated to obtain a minimum of 1,600 completed surveys from R&D active organizations (800 from performers and 800 from funders).

Estimate of burden: The survey will include approximately 6,500 organizations and will be conducted in two phases. Phase 1 will be a screening phase for all organizations in the sample that have not been identified as research performers or funders (approximately 4,100 organizations). This will include a postage paid response card to be completed by the organization, with an estimated burden of 10 minutes. NCSES estimates a 70% response rate for this

screening phase, yielding a burden of 478 hours.

Phase 2 of the survey will be the questionnaire, which will be sent to (a) all of the known research performers and funders, (b) those screened in from Phase 1, and (c) those who did not respond to the Phase 1 contacts. NCSES expects a response rate of 60% to Phase 2. Based on the responses to the pilot survey, if the organization both funds and performs research, it will take an estimated 4 hours to complete the survey. If the organization neither funds nor performs research, the response time should be less than 20 minutes. There will also be 40 debriefings held as the surveys are submitted, 20 for respondents and 20 for nonrespondents. The debriefings are estimated to take 1 hour for respondents and 30 minutes for nonrespondents, resulting in a total burden of 30 hours. The estimate of burden for Phase 2 of the survey is 4,888 hours for the 1,222 estimated performers and funders that complete the survey and debriefings and 317 hours for the remaining 951 organizations estimated to complete the survey that do not perform or fund research. The total combined burden for Phases 1 and 2 is 5,713 hours.

Dated: November 29, 2017.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2017–26028 Filed 12–1–17; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permit applications received.

SUMMARY: The National Science Foundation (NSF) is required to publish a notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act in the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to this permit application by January 3, 2018. This application may be inspected by interested parties at the Permit Office, address below.

ADDRESSES: Comments should be addressed to Permit Office, Office of Polar Programs, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, Virginia 22314.

FOR FURTHER INFORMATION CONTACT: Nature McGinn, ACA Permit Officer, at the above address, 703–292–8030, or *ACApermits@nsf.gov.*

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95–541, 45 CFR 670), as amended by the Antarctic Science, Tourism and Conservation Act of 1996, has developed regulations for the establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas a requiring special protection. The regulations establish such a permit system to designate Antarctic Specially Protected Areas.

Application Details

Permit Application: 2018–016

1. *Applicant:* Daniel Costa, Ecology and Evolutionary Biology Department, University of California Santa Cruz, 115 McAllister Way, Santa Cruz, CA 95062.

Activity for Which Permit is Requested: Take, Harmful Interference, Enter Antarctic Specially Protected Areas, Import into USA. The applicant proposes to study the foraging behavior, habitat utilization, and physiology of leopard seals, and potentially additional Antarctic seal species, near Cape Shirreff in the Antarctic Peninsula. Additional seal species could include: Crabeater seals, Weddell seals, Antarctic fur seals, Ross seals, and southern elephant seals. The applicant would capture and tag 10–15 seals of each species, in each of three field seasons. Seals would be sedated and anesthetized during tagging and biological sample collection procedures. The tags to be attached to the seals with marine epoxy include a combined time-depth recorder and GPS receiver and a separate VHF radio tag. Other procedures would include: Flipper tagging, dye marking, collecting blood samples, measuring blood volume, measuring girth and length, and determining body composition by morphometric measurements. These procedures are currently authorized under National Marine Fisheries Service Marine Mammal Protection Act Permit No. 19439.

Location: ASPA 149, Cape Shirreff, Livingston Island, South Shetland Islands, Antarctic Peninsula.

Dates of Permitted Activities: January 1, 2018–June 1, 2020.

Permit Application: 2018–028

2. *Applicant:* Alexander Simms, University of California Santa Barbara, 1006 Webb Hall, Santa Barbara, CA 93106.

Activity for Which Permit is Requested: Enter Antarctic Specially Protected Area (ASPA). The applicant proposes to enter ASPA 126, Byers Peninsula, Livingston Island, to survey beach ridges using GPS and ground-penetrating radar as well as collecting small sediment samples. The applicant would camp on-site for approximately two weeks while conducting the proposed research. The applicant and agents would adhere to the ASPA management plan.

Location: ASPA 126, Byers Peninsula, Livingston Island, South Shetland Islands, Antarctica.

Dates of Permitted Activities: February 15, 2018–April 1, 2020.

Nadene G. Kennedy,

Polar Coordination Specialist, Office of Polar Programs.

[FR Doc. 2017–26030 Filed 12–1–17; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 72–11; NRC–2017–0110]

Sacramento Municipal Utility District; Rancho Seco Independent Spent Fuel Storage Installation

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment application; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) reviewed an application by Sacramento Municipal Utility District (SMUD or the licensee) for amendment of Materials License No. SNM–2510, which authorizes the storage of spent nuclear fuel and greater than Class C waste at the Rancho Seco Independent Spent Fuel Storage Installation, located in Herald, California. The licensee requested authorization to allow the continued storage of byproduct nuclear material to check the functionality of radiation detection instruments.

DATES: December 4, 2017.

ADDRESSES: Please refer to Docket ID NRC–2017–0110 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available

information related to this document using any of the following methods:

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0110. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: William Allen, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6877, email: *William.Allen@nrc.gov.*

SUPPLEMENTARY INFORMATION: By letter dated January 17, 2017 (ADAMS Accession No. ML15259A590), as supplemented August 27, 2017 (ADAMS Accession No. ML17236A170), SMUD submitted a license amendment request (LAR) to the NRC in accordance with section 72.56 of title 10 of the *Code of Federal Regulations* (10 CFR), to allow the storage of byproduct nuclear material in the form of a check source which is used to check the functionality of radiation detection instruments. Currently, the source is licensed under 10 CFR part 30 which is incorporated under the Rancho Seco Nuclear Generating Station (RSNGS) 10 CFR part 50 license. Prior to terminating the 10 CFR part 50 license, SMUD requested the NRC amend the 10 CFR part 72 ISFSI license to incorporate the 10 CFR part 30 source. The NRC staff (staff) docketed the application, and in accordance with 10 CFR 72.46(b)(1), a Notice of Proposed Action and a Notice of Opportunity for Hearing was published in the **Federal Register** on May 5, 2017 (82 FR 21270). No requests for a hearing or leave to intervene were submitted.

The NRC staff has completed its review of the January 17, 2017 LAR, and has determined that it complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), as well as the NRC's rules and regulations. As required by the Act and the NRC's rules and regulations in 10 CFR chapter 1, the NRC staff made the appropriate findings which are contained in a safety evaluation report (ADAMS Accession No. ML17290A010). The NRC has thus granted the LAR and has accordingly issued Amendment No. 4 to Materials License No. SNM–2510.

The NRC prepared a safety evaluation report (SER) (ADAMS Accession No. ML17290A010) to document its review and evaluation of the amendment request. As further explained in the SER, the NRC has also determined that the license amendment is administrative in nature, and therefore satisfies the 10 CFR 51.22(c)(11) criteria for a categorical exclusion from the requirement to prepare an environmental assessment. Under 10 CFR 51.22(c)(11), this action is eligible for categorical exclusion, because it is an amendment to a materials licenses which is administrative, organizational, or procedural in nature, or which results in a change in process operations or equipment, provided that (i) there is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite, (ii) there is no significant increase in individual or cumulative occupational radiation exposure, (iii) there is no significant construction impact, and (iv) there is no significant increase in the potential for or consequences from radiological accidents. Consequently, an environmental assessment and finding of no significant impact are not required. This amendment was effective upon issuance.

Dated at Rockville, Maryland, this 9th day of November 2017.

For the Nuclear Regulatory Commission.

Meraj Rahimi,

Acting Chief, Spent Fuel Licensing Branch, Division of Spent Fuel Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2017–25975 Filed 12–1–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 52–025 and 52–026; NRC–2008–0252]

Southern Nuclear Operating Company, Inc., Vogtle Electric Generating Plant, Units 3 and 4; Clarification of Raceway and Raceway System Designations

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption and combined license amendment; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is granting an exemption to allow a departure from the certification information of Tier 1 of the generic design control document (DCD) and is issuing License Amendment Nos. 97 and 96 to Combined Licenses (COL), NPF–91 and NPF–92, respectively. The COLs were issued to Southern Nuclear Operating Company, Inc., and Georgia Power Company, Oglethorpe Power Corporation, MEAG Power SPVM, LLC, MEAG Power SPVJ, LLC, MEAG Power SPVP, LLC, Authority of Georgia, and the City of Dalton, Georgia (the licensee); for construction and operation of the Vogtle Electric Generating Plant (VEGP) Units 3 and 4, located in Burke County, Georgia.

The granting of the exemption allows the changes to Tier 1 information asked for in the amendment. Because the acceptability of the exemption was determined in part by the acceptability of the amendment, the exemption and amendment are being issued concurrently.

DATES: The exemption and amendment were issued on November 8, 2017.

ADDRESSES: Please refer to Docket ID NRC–2008–0252 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2008–0252. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; *Email: Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select

''ADAMS Public Documents'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document. The request for the amendment and exemption was submitted by letter dated March 15, 2017 (ADAMS Accession No. ML17074A597).

- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Chandu Patel, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3025; email: *Chandu.Patel@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is granting an exemption from paragraph B of section III, ''Scope and Contents,'' of appendix D, ''Design Certification Rule for the AP1000,'' to part 52 of title 10 of the *Code of Federal Regulations* (10 CFR), and issuing License Amendment Nos. 92 and 91 to COLs, NPF–91 and NPF–92, respectively, to the licensee. The exemption is required by paragraph A.4 of section VIII, ''Processes for Changes and Departures,'' appendix D, to 10 CFR part 52 to allow the licensee to depart from Tier 1 information. With the requested amendment, the licensee sought proposed changes to the Updated Final Safety Analysis Report in the form of departures from the incorporated plant-specific Design Control Document Tier 2 information and involves changes to COL Appendix C. The proposed changes clarify that raceways or raceway systems designated with an electrical classification (*i.e.,* Class 1E/non-Class 1E) is instead referring to raceways or raceway systems that route Class 1E or non-Class 1E circuits.

Part of the justification for granting the exemption was provided by the review of the amendment. Because the exemption is necessary in order to issue the requested license amendment, the NRC granted the exemption and issued the amendment concurrently, rather than in sequence. This included issuing a combined safety evaluation containing the NRC staff's review of both the exemption request and the license amendment. The exemption met all applicable regulatory criteria set forth in §§ 50.12, 52.7, and section VIII.A.4 of appendix D to 10 CFR part 52. The license amendment was found to be acceptable as well. The combined safety evaluation is available in ADAMS under Accession No. ML17272A131.

Identical exemption documents (except for referenced unit numbers and license numbers) were issued to the licensee for VEGP Units 3 and 4 (COLs NPF–91 and NPF–92). The exemption documents for VEGP Units 3 and 4 can be found in ADAMS under Accession Nos. ML17272A125 and ML17272A126, respectively. The exemption is reproduced (with the exception of abbreviated titles and additional citations) in Section II of this document. The amendment documents for COLs NPF–91 and NPF–92 are available in ADAMS under Accession Nos. ML17272A127 and ML17272A129, respectively. A summary of the amendment documents is provided in Section III of this document.

II. Exemption

Reproduced below is the exemption document issued to VEGP Units 3 and Unit 4. It makes reference to the combined safety evaluation that provides the reasoning for the findings made by the NRC (and listed under Item 1) in order to grant the exemption:

1. In a letter dated March 15, 2017, the licensee requested from the Commission an exemption to allow departures from Tier 1 information in the certified DCD incorporated by reference in 10 CFR part 52, Appendix D, as part of license amendment request 17–008, ''Clarification of Raceway and Raceway System Designations.''

For the reasons set forth in Section 3.1 of the NRC staff's Safety Evaluation, which can be found in ADAMS under Accession No. ML17272A131, the Commission finds that:

A. the exemption is authorized by law;

B. the exemption presents no undue risk to public health and safety;

C. the exemption is consistent with the common defense and security;

D. special circumstances are present in that the application of the rule in this circumstance is not necessary to serve the underlying purpose of the rule;

E. the special circumstances outweigh any decrease in safety that may result from the reduction in standardization caused by the exemption; and

F. the exemption will not result in a significant decrease in the level of safety otherwise provided by the design.

2. Accordingly, the licensee is granted an exemption from the certified DCD Tier 1 information, with corresponding changes to Appendix C of the Facility Combined License as described in the request dated March 15, 2017. This exemption is related to, and necessary for the granting of License Amendment No. 97 (Unit 3) and 96 (Unit 4), which is being issued concurrently with this exemption.

3. As explained in Section 5.0 of the NRC staff's Safety Evaluation (ADAMS Accession No. ML17272A131), this exemption meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment needs to be prepared in connection with the issuance of the exemption.

4. This exemption is effective as of the date of its issuance.

III. License Amendment Request

By letter dated March 15, 2017 (ADAMS Accession No. ML17074A597), the licensee requested that the NRC amend the COLs for VEGP, Units 3 and 4, COLs NPF–91 and NPF–92. The proposed amendment is described in Section I of this **Federal Register** notice.

The Commission has determined for these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or COL, as applicable, proposed no significant hazards consideration determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** on April 25, 2017 (82 FR 19104). No comments were received during the 30-day comment period.

The Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments.

IV. Conclusion

Using the reasons set forth in the combined safety evaluation, the staff granted the exemption and issued the amendment that the licensee requested on March 15, 2017.

The exemption and amendment were issued on November 8, 2017, as part of

a combined package to the licensee (ADAMS Accession No. ML17272A123).

Dated at Rockville, Maryland, this 28th day of November 2017.

For the Nuclear Regulatory Commission.

Jennifer L. Dixon-Herrity,

Chief, Licensing Branch 4, Division of New Reactor Licensing, Office of New Reactors.

[FR Doc. 2017–25966 Filed 12–1–17; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2018–34 and CP2018–64; MC2018–35 and CP2018–65]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing recent Postal Service filings 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:* December 6, 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).:* MC2018–34 and CP2018–64; *Filing Title:* USPS Request to Add Priority Mail Contract 378 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* November 28, 2017; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Jennaca D. Upperman; *Comments Due:* December 6, 2017.

2. *Docket No(s).:* MC2018–35 and CP2018–65; *Filing Title:* USPS Request to Add Parcel Select Contract 25 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* November 28, 2017; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Christopher C. Mohr; *Comments Due:* December 6, 2017.

This notice will be published in the **Federal Register**.

Ruth Ann Abrams,

Acting Secretary.

[FR Doc. 2017–26075 Filed 12–1–17; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

Product Change—Parcel Select Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of notice required under 39 U.S.C. 3642(d)(1):* December 4, 2017.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on November 28, 2017, it filed with the Postal Regulatory Commission a *Request of the United States Postal Service to Add Parcel Select Contract 25 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2018–35, CP2018–65.

Elizabeth A. Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2017–26048 Filed 12–1–17; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of notice required under 39 U.S.C. 3642(d)(1):* December 4, 2017.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on November 28, 2017, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 378 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2018–34, CP2018–64.

Elizabeth A. Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2017–26047 Filed 12–1–17; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82160; File No. SR-CboeBZX–2017–002]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Rule 19.6, Series of Options Contracts Open for Trading

November 28, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on November 15, 2017, Cboe BZX Exchange, Inc. (''BZX'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange has designated this proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A) of the Act [3] and Rule 19b–4(f)(6)(iii) thereunder,[4] which renders it effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend Rule 19.6, Series of Options Contracts Open for Trading.

The text of the proposed rule change is available at the Exchange's Web site at *www.markets.cboe.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to amend Rule 19.6 to modify the strike setting regime for IVV, SPY, and DIA options. Specifically, for IVV, SPY, and DIA options the Exchange proposes to explicitly allow $1 strike price intervals. The Exchange believes that the proposed rule change would make IVV, SPY, and DIA options easier for investors and traders to use and more tailored to their investment needs, as well as to better align BZX's strike regime with other options exchange. The Exchange notes that this proposal is based on the rules of BOX Options Exchange LLC (''Box'') and the Cboe Exchange, Inc. (f/k/a Chicago Board Options Exchange, Inc.) (''Cboe'').[5]

Rule 19.6(d)(4) provides that:

> The interval between strike prices of series of options on Fund Shares approved for options trading pursuant to Rule 19.3(i) shall be fixed at a price per share which is reasonably close to the price per share at which the underlying security is traded in the primary market at or about the same time such series of options is first open for trading on BZX Options, or at such intervals as may have been established on another options exchange prior to the initiation of trading on BZX Options.[6]

Rule 19.6.02(a) provides:

> BZX Options may list $1 Strike Prices on any other option classes if those classes are specifically designated by other national securities exchanges that employ a similar $1 Strike Price Program under their respective rules.[7]

Pursuant to Rule 19.6.02(a) and the last clause in Rule 19.6(d)(4), IVV, SPY, and DIA options may be listed in $1 strike price intervals when another options exchange lists $1 strikes. The Exchange seeks to amend Rule 19.6(d)(4) to explicitly allow $1 strike price intervals regardless of whether another exchange has already listed series of IVV, SPY, and DIA options.

The SPY and IVV exchange-traded funds (''ETFs'') are designed to roughly track the performance of the S&P 500 Index. The DIA ETF is designed to roughly track the performance of the Dow Jones Industrial Average (''DJIA'') with the price of SPY and IVV designed to roughly approximate 1/10th of the price of the S&P 500 Index and the price of DIA designed to roughly approximate 1/100th of the price of the DJIA. Accordingly, SPY and IVV strike prices reflect a value roughly equal to 1/10th of the value of the S&P 500 Index and DIA strike prices reflect a value roughly equal to 1/100th of the value of the DJIA with each having a multiplier of $100. For example, if the S&P 500 Index is at 1972.56, SPY options might have a value of approximately 197.26 with a notional value of $19,726. If the DJIA is at 16,569.98, DIA options may have a value of 165.70 with a notional value of $16,570. In general, SPY, IVV, and DIA options provide retail investors and traders with the benefit of trading the broad market in a manageably sized contract. As options with an ETP underlying, SPY, IVV, and DIA options are listed in the same manner as equity options under the Rules.

Unlike other options exchanges, BZX rules do not specifically identify the strike price interval for IVV, SPY, and DIA options. This proposed rule change seeks to match the strike setting regime for IVV, SPY, and DIA options available on other options exchanges.[8]

Due to the Exchange's current ability to list $1 strikes in IVV, SPY, and DIA options when another options exchange lists such strikes, this proposed rule change is unlikely to augment the potential total number of options series available on the Exchange. However, the Exchange believes it and the Options Price Reporting Authority (''OPRA'') have the necessary systems capacity to handle any potential additional traffic associated with this proposed rule change. The Exchange also believes that Trading Permit Holders will not have a capacity issue due to the proposed rule change. In addition, the Exchange represents that it does not believe that this expansion will cause fragmentation of liquidity.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act. Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6)(iii).

[5] *See* Box Rule IM–5050–1 and Cboe Rule 5.5.08(b).

[6] *See* Rule 19.6(d)(4).

[7] See Rule 19.6.02(a).

[8] *See* Box Rule IM–5050–1 and Cboe Rule 5.5.08(b).

securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the proposed rule change will allow investors to more easily use SPY, IVV, DIA options, which protects investors and the public interest. The Exchange also believes the proposed rule change is consistent with Section 6(b)(1) of the Act, which provides that the Exchange be organized and have the capacity to be able to carry out the purposes of the Act and the rules and regulations thereunder, and the rules of the Exchange. The Exchange does not believe that the proposed rule would create additional capacity issues or affect market functionality. The Exchange believes that the proposed rule change, like other strike price programs currently offered by the Exchange, will benefit investors by giving them increased flexibility to more closely tailor their investment and hedging decisions. Moreover, the proposed rule change is consistent with the rules of other exchanges.[9]

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Rather, the Exchange believes that the proposed rule change will result in additional investment options and opportunities to achieve the investment and trading objectives of market participants seeking efficient trading and hedging vehicles, to the benefit of investors, market participants, and the marketplace in general. Additionally, this proposed rule change seeks to match the strike setting regime for IVV, SPY, and DIA options available on other options exchanges; thus, the proposed rule change may alleviate any potential burden on competition.[10]

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (A) Significantly affect the protection of investors or the public interest; (B) impose any significant burden on competition; and (C) by its terms, become operative for 30 days from the date on which it was filed or such shorter time as the Commission may designate it has become effective pursuant to Section 19(b)(3)(A) of the Act[11] and paragraph (f)(6) of Rule 19b–4 thereunder,[12] the Exchange has designated this rule filing as non-controversial. The Exchange has given the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (1) Necessary or appropriate in the public interest; (2) for the protection of investors; or (3) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR-CboeBZX–2017–002 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–CboeBZX–2017–002. 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-CboeBZX–2017–002 and should be submitted on or before December 26, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–25988 Filed 12–1–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82161; File No. SR–OCC–2017–022]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing of Proposed Rule Change Related to The Options Clearing Corporation's Margin Methodology

November 28, 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 13, 2017, The Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule

[9] *See* Box Rule IM–5050–1 and Cboe Rule 5.5.08(b).

[10] *Id.*

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4.

[13] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

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 OCC would modify OCC's margin methodology to move away from the existing monthly data source provided by its current vendor and towards obtaining and incorporating daily price and returns (adjusted for any corporate actions) data of securities to estimate accurate margins.[3] This would be further supported by enhancing OCC's econometric model applied to different risk factors;[4] improving the sensitivity and stability of correlation estimates between them; and enhancing OCC's methodology around the treatment of securities with limited historical data. OCC also proposes to make a few clarifying and clean-up changes to its margin methodology unrelated to the proposed changes described above.

The proposed changes to OCC's Margins Methodology document are contained in confidential Exhibit 5 of the filing. The proposed changes are described in detail in Item II below. 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.[5]

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.

[3] OCC also has filed an advance notice with the Commission in connection with the proposed changes. *See* SR–OCC–2017–811.

[4] The use of risk factors in OCC's margin methodology is discussed in more detail in the Background section of Item II below.

[5] OCC's By-Laws and Rules can be found on OCC's public Web site: *http://optionsclearing.com/about/publications/bylaws.jsp.*

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) Purpose

Background

OCC's margin methodology, the System for Theoretical Analysis and Numerical Simulations (''STANS''), is OCC's proprietary risk management system that calculates Clearing Member margin requirements.[6] STANS utilizes large-scale Monte Carlo simulations to forecast price and volatility movements in determining a Clearing Member's margin requirement.[7] The STANS margin requirement is calculated at the portfolio level of Clearing Member accounts with positions in marginable securities and consists of an estimate of a 99% expected shortfall [8] over a two-day time horizon and an add-on margin charge for model risk (the concentration/dependence stress test charge).[9] The STANS methodology is used to measure the exposure of portfolios of options and futures cleared by OCC and cash instruments in margin collateral.

A ''risk factor'' within OCC's margin system may be defined as a product or attribute whose historical data is used to estimate and simulate the risk for an associated product. The majority of risk factors utilized in the STANS methodology are total returns on individual equity securities. Other risk factors considered include: Returns on equity indexes; returns on implied volatility [10] risk factors that are a set of nine chosen volatility pivots per product; [11] changes in foreign exchange rates; and changes in model parameters that sufficiently capture the model dynamics from a larger set of data.

Under OCC's current margin methodology, OCC obtains monthly price data for most of its equity-based products [12] from a widely used industry vendor. This data arrives around the second week of every month in arrears and requires a maximum of about four weeks for OCC to process the data after any clean up and reruns as may be required prior to installing into OCC's margin system. As a result, correlations and statistical parameters for risk factors at any point in time represent back-dated data and therefore may not be representative of the most recent market data. In the absence of daily updates, OCC employs an approach where one or many identified market proxies (or ''scale-factors'') are used to incorporate day-to-day market volatility across all associated asset classes throughout.[13] The scale factor approach, however, assumes a perfect correlation of the volatilities between the security and its scale factor, which gives little room to capture the idiosyncratic risk of a given security and which may be different from the broad market risk represented by the scale factor.

In risk management, it is a common practice to establish a floor for volatility at a certain level in order to protect against procyclicality [14] in the model.

[6] *See* Securities Exchange Act Release No. 53322 (February 15, 2006), 71 FR 9403 (February 23, 2006) (SR–OCC–2004–20).

[7] *See* OCC Rule 601.

[8] The expected shortfall component is established as the estimated average of potential losses higher than the 99% value at risk threshold. The term ''value at risk'' or ''VaR'' refers to a statistical technique that, generally speaking, is used in risk management to measure the potential risk of loss for a given set of assets over a particular time horizon.

[9] A detailed description of the STANS methodology is available at *http://optionsclearing.com/risk-management/margins/.*

[10] Generally speaking, the implied volatility of an option is a measure of the expected future volatility of the value of the option's annualized standard deviation of the price of the underlying security, index, or future at exercise, which is reflected in the current option premium in the market. Using the Black-Scholes options pricing model, the implied volatility is the standard deviation of the underlying asset price necessary to arrive at the market price of an option of a given strike, time to maturity, underlying asset price and given the current risk-free rate. In effect, the implied volatility is responsible for that portion of the premium that cannot be explained by the then-current intrinsic value (*i.e.,* the difference between the price of the underlying and the exercise price of the option) of the option, discounted to reflect its time value.

[11] In December 2015, the Commission approved a proposed rule change, and issued a Notice of No Objection to an advance notice filing, by OCC to its modify margin methodology by more broadly incorporating variations in implied volatility within STANS. *See* Securities Exchange Act Release No. 34–76781 (December 28, 2015), 81 FR 135 (January 4, 2016) (SR–OCC–2015–016) and Securities Exchange Act Release No. 34–76548 (December 3, 2015), 80 FR 76602 (December 9, 2015) (SR–OCC–2015–804).

[12] The securities underlying these products are also known as risk factors within OCC's margin system.

[13] Earlier this year, the Commission approved a proposed rule change and issued a Notice of No Objection to an advance notice filing by OCC which, among other things: (1) Expanded the number of scale factors used for equity-based products to more accurately measure the relationship between current and long-run market volatility with proxies that correlate more closely to certain products carried within the equity asset class, and (2) applied relevant scale factors to the greater of (i) the estimated variance of 1-day return scenarios or (ii) the historical variance of the daily return scenarios of a particular instrument, as a floor to mitigate procyclicality. *See* Securities Exchange Act Release No. 80147 (March 3, 2017), 82 FR 13163 (March 9, 2017) (SR–OCC–2017–001) and Securities Exchange Act Release No. 80143 (March 2, 2017), 82 FR 13036 (March 8, 2017) (SR–OCC–2017–801).

[14] A quality that is positively correlated with the overall state of the market is deemed to be ''procyclical.'' For example, procyclicality may be evidenced by increasing margin or Clearing Fund

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OCC imposes a floor on volatility estimates for its equity-based products using a 500-day look back period. These monthly updates coupled with the dependency of margins on scale factors and the volatility floor can result in imprecise changes in margins charged to Clearing Members, specifically across periods of heavy volatility when the correlation between the risk factor and a scale factor fluctuate.

OCC's current methodology for estimating covariance and correlations between risk factors relies on the same monthly data described above, resulting in a similar lag time between updates. In addition, correlation estimates are based off historical returns series, with estimates between a pair of risk factors being highly sensitive to the volatility of either risk factor in the chosen pair. The current approach therefore results in potentially less stable correlation estimates that may not be representative of current market conditions.

Finally, under OCC's existing margin methodology, theoretical price scenarios for ''defaulting securities'' [15] are simulated using uncorrelated return scenarios with an average zero return and a pre-specified volatility called ''default variance.'' The default variance is estimated as the average of the top 25 percent quantile of the conditional variances of all securities. As a result, these default estimates may be impacted by extremely illiquid securities with discontinuous data. In addition, the default variance (and the associated scale factors used to scale up volatility) is also subject to sudden jumps with the monthly simulation installations across successive months because it is derived from monthly data updates, as opposed to daily updates, which are prone to wider fluctuations and are subject to adjustments using scale factors.

Proposed Changes

OCC proposes to modify its margin methodology by: (1) Obtaining daily price data for equity products (including daily corporate action-adjusted returns of equities where price and thus returns of securities are adjusted for any dividends issued, stock splits, etc.) for use in the daily estimation of econometric model parameters; (2) enhancing its econometric model for updating statistical parameters (*e.g.,* parameters concerning correlations or volatility) for all risk factors that reflect the most recent data obtained; (3) improving the sensitivity and stability of correlation estimates across risk factors by using de-volatized [16] returns (but using a 500 day look back period); and (4) improving OCC's methodology related to the treatment of defaulting securities that would result in stable and realistic risk estimates for such securities.[17]

The purpose of the proposed changes is to enhance OCC's margin methodology to mitigate the issues described above that arise from the current monthly update and scale factor approach. Specifically, by introducing daily (as opposed to monthly) updates for price data (and thereby allowing for daily updates of statistical parameters in the model) and making other proposed model enhancements described herein, the proposed changes are designed to result in more accurate and responsive margin requirements and a model that is more stable and proactive during times of market volatility, with margins that are based off of the most recent market data. In addition, the proposed changes are intended to improve OCC's approach to estimating covariance and correlations between risk factors in an effort to achieve more stable and sensitive correlation estimations and improve OCC's methodology related to the treatment of defaulting securities by reducing the impact that illiquid securities with discontinuous data have on default variance estimates.

The proposed changes are described in further detail below.

1. Daily Updates of Price Data

OCC proposes to introduce daily updates for price data for equity products, including daily corporate action-adjusted returns of equities, Exchange Traded Funds (''ETFs''), Exchange Traded Notes (''ETNs'') and certain indexes. The daily price data would be obtained from a widely used external vendor, as is the case with the current monthly updates. The purpose of the proposed change is to ensure that OCC's margin methodology is reliant on data that is more representative of current market conditions, thereby resulting in more accurate and responsive margin requirements.

As described above, OCC currently obtains price data for all securities on a monthly basis from a third party vendor. After obtaining the monthly price data, additional time is required for OCC to process the data prior to installing into OCC's margin system. As a result, correlations and statistical parameters for risk factors at any point in time represent back-dated data and therefore may not be representative of the most recent market data. To mitigate pro-cyclicality within its margin methodology in the absence of daily updates, OCC employs the use of scale-factors to incorporate day-to-day market volatility across all associated asset classes. While the scale factors help to reduce procyclicality in the model, the scale factors do not necessarily capture the idiosyncratic risks of a given security, which may be different from the broad market risk represented by the scale factor.

OCC proposes to address these issues associated with its current margin methodology by eliminating its dependency on monthly price data, which arrives in arrears and requires additional time for OCC to process the data prior to installing into OCC's margin system through the introduction of daily updates for price data for equity products. The introduction of daily price updates would enable OCC's margin methodology to better capture both market as well idiosyncratic risk by allowing for daily updates to the parameters associated with the econometric model (discussed below) that capture the risk associated with a particular product, and therefore ensure that OCC's margin requirements are based on more current market conditions. As a result, OCC would also reduce its reliance on the use of scale factors to incorporate day-to-day market volatility, which, as noted above, give little room to capture the idiosyncratic risk of a given security and which may be different from the broad market risk represented by the scale factor. In addition, the processing time between receipt of the data and installation into the margin system would be reduced as the data review and processing for daily prices would be incorporated into OCC's daily price editing process.

2. Proposed Enhancements to the Econometric Model

In addition to introducing daily updates for price and corporate action-adjusted returns data, OCC is proposing enhancements to its econometric model

requirements in times of stressed market conditions and low margin or Clearing Fund requirements when markets are calm. Hence, anti-procyclical features in a model are measures intended to prevent risk-based models from fluctuating too drastically in response to changing market conditions.

[15] Within the context of OCC's margin system, securities that do not have enough historical data for calibration are classified as ''defaulting securities.''

[16] De-volatization is a process of normalizing historical data with the associated volatility thus enabling any comparison between different sets of data.

[17] In addition to the proposed methodology changes described herein, OCC also would make some clarifying and clean-up changes, unrelated to the proposed changes described above, to update its margin methodology to reflect existing practices for the daily calibration of seasonal and non-seasonal energy models and the removal of methodology language for certain products that are no longer cleared by OCC.

for calculating statistical parameters for all qualifying risk factors that reflect the most recent data obtained (*e.g.,* OCC would be able to calculate parameters such as volatility and correlations on a daily basis using the new daily price data discussed above). Specifically, OCC proposes to enhance its econometric model by: (i) Introducing daily updates for statistical parameters; (ii) introducing features in its econometric model that are designed to take into account asymmetry in the model used to forecast volatility associated with a risk factor; (iii) modifying the statistical distribution used to model the returns of equity prices; (iv) introducing a second-day forecast for volatility into the model to estimate the two-day scenario distributions for risk factors; and (v) imposing a floor on volatility estimates using a 10-year look back period.

These proposed model enhancements are described in detail below.

i. Daily Updates for Statistical Parameters

Under the proposal, the statistical parameters for the model would be updated on a daily basis using the new daily price data obtained by OCC (as described in section 1 above).[18] As a result, OCC would no longer need to rely on scale factors to approximate day-to-day market volatility for equity-based products. Statistical parameters would be calibrated on daily basis, allowing OCC to calculate more accurate margin requirements that are representative of the most recent market data.

ii. Proposed Enhancements To Capture Asymmetry in Conditional Variance

In addition to the daily update of statistical parameters, OCC proposes to include new features in its econometric model that are designed to take into account asymmetry in the conditional variance process. The econometric model currently used in STANS for all risk factors is a GARCH(1,1) with Student's *t*-distributed innovations of logarithmic returns,[19] which is a relatively straightforward and widely used model to forecast volatility.[20] The current approach for forecasting the conditional variance for a given risk factor does not, however, consider the asymmetric volatility phenomenon observed in financial markets (also called the ''leverage effect'') where volatility is more sensitive and reactive to market downturns. As a result, OCC proposes to enhance its model by adding new features (*i.e.,* incorporating asymmetry into its forecast volatility) designed to allow the conditional volatility forecast to be more sensitive to market downturns and thereby capture the most significant dynamics of the relationship between price and volatility observed in financial markets. OCC believes the proposed enhancement would result in more accurate and responsive margin requirements, particularly in market downturns.

iii. Proposed Change in Statistical Distribution

OCC further proposes to change the statistical distribution used to model the returns of equity prices. OCC's current methodology uses a fat tailed distribution [21] (the Student's *t*-distribution) to model returns; however, price scenarios generated using very large log-return scenarios (positive) that follow this distribution can approach infinity and could potentially result in excessively large price jumps, a known limitation of this distribution. OCC proposes to move to a more defined distribution (Standardized Normal Reciprocal Inverse Gaussian or NRIG) for modeling returns, which OCC believes would more appropriately simulate future returns based on the historical price data for the products in question (*i.e.,* it has a better ''goodness of fit'' [22] to the historical data) and allows for more appropriate modeling of fat tails. As a result, OCC believes that the proposed change would lead to more consistent treatment of log returns both on the upside as well as downside of the distribution.

iv. Second Day Volatility Forecast

OCC also proposes to introduce a second-day forecast for volatility into the model to estimate the two-day scenario distributions for risk factors.[23] Under the current methodology, OCC typically uses a two-day horizon to determine its risk exposure to a given portfolio. This is done by simulating 10,000 theoretical price scenarios for the two-day horizon using a one-day forecast conditional variance, and the value at risk and expected shortfall components of the margin requirement are then determined from the simulated profit/loss distributions. These one-day and two-day returns scenarios are both simulated using the one-day forecast conditional variance estimate. This could lead to a risk factor's coverage differing substantially on volatile trading days. As a result, OCC proposes to introduce a second-day forecast variance for all equity-based risk factors. The second-day conditional variance forecast would be estimated for each of the 10,000 Monte Carlo returns scenarios, resulting in more accurately estimated two-day scenario distributions, and therefore more accurate and responsive margin requirements.

v. Anti-Procyclical Floor for Volatility Estimates

Additionally, OCC proposes to modify its floor for volatility estimates. OCC currently imposes a floor on volatility estimates for its equity-based products using a 500-day look back period. OCC proposes to extend this look back period to 10-years (2520 days) in the enhanced model and to apply this floor to volatility estimates for other products (excluding implied volatility risk factor scenarios). The proposed model described herein is calibrated from historical data, and as a result, the level of the volatilities generated by the model will vary from time to time. OCC is therefore proposing to establish a volatility floor for the model using a 10-year look back period to reduce the risk of procyclicality in its margin model. OCC believes that using a longer 10-year look back period will ensure that OCC captures sufficient historical events/market shocks in the calculation of its anti-procyclical floor. The 10-year look back period also is in line with requirements of the European Market Infrastructure Regulation (including regulations thereunder) [24] concerning the calibration of risk factors.

[18] OCC notes that this change would apply to most risk factors with the exception of certain equity indexes, Treasury securities, and energy futures products, which are already updated on a daily basis.

[19] The Student's *t* distribution is a widely used statistical distribution to model the historical logarithmic price returns data of a security that allows for the presence of fat tails (aka kurtosis) or a non-zero conditional fourth moment.

[20] *See generally* Tim Bollerslev, ''Generalized Autoregressive Conditional Heteroskedasticity,'' *Journal of Econometrics,* 31(3), 307–327 (1986). The acronym ''GARCH'' refers to an econometric model that can be used to estimate volatility based on historical data. The general distinction between the ''GARCH variance'' and the ''sample variance'' for a given time series is that the GARCH variance uses the underlying time series data to forecast volatility.

[21] A data set with a ''fat tail'' is one in which extreme price returns have a higher probability of occurrence than would be the case in a normal distribution.

[22] The goodness of fit of a statistical model describes the extent to which observed data match the values generated by the model.

[23] This proposed change would not apply to STANS implied volatility scenario risk factors. For those risk factors, OCC's existing methodology would continue to apply. *See supra* note 11.

[24] Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories. Specifically, the proposed floor would be compliant with Article 28 of Commission Delegated Regulation (EU) No. 153/2013 of 19 December 2012 Supplementing Regulation (EU) No. 648/2012 of the European Parliament and of the

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3. Proposed Enhancements to Correlation Estimates

As described above, OCC's current methodology for estimating covariance and correlations between risk factors relies on the same monthly price data feeding the econometric model, resulting in a similar lag time between updates. In addition, correlation estimates are based off historical returns series, with estimates between a pair of risk factors being highly sensitive to the volatility of either risk factors in the chosen pair. The current approach therefore results in correlation estimates being sensitive to volatile historical data.

In order to address these limitations, OCC proposes to enhance its methodology for calculating correlation estimates by moving to a daily process for updating correlations (with a minimum of one week's lag) to ensure Clearing Member account margins are more current and thus more accurate. Moreover, OCC proposes to enhance its approach to modeling correlation estimates by de-volatizing [25] the returns series to estimate the correlations. Under the proposed approach, OCC would first consider the returns excess of the mean (*i.e.,* the average estimated from historical data sample) and then further scale them by the corresponding estimated conditional variances. OCC believes that by using de-volatized returns, which is a widely suggested approach in relevant literature, it would lead to normalizing returns across a variety of asset classes and make the correlation estimator less sensitive to sudden market jumps and therefore more stable.

4. Defaulting Securities Methodology

Finally, OCC proposes to enhance its methodology for estimating the defaulting variance in its model. OCC's margin system is dependent on market data to determine Clearing Member margin requirements. Securities that do not have enough historical data are classified as to be a ''defaulting security'' within OCC systems (*e.g.,* IPO securities). As noted above, within current STANs systems, the theoretical price scenarios for defaulting securities are simulated using uncorrelated return scenarios with a zero mean and a default variance, with the default variance being estimated as the average of the top 25 percent quantile of the conditional variances of all securities. As a result, these default estimates may be impacted by extremely illiquid securities with discontinuous data. In addition, the default variance (and the associated scale factors used to scale up volatility) is also subject to sudden jumps with the monthly simulation installations across volatile months. To mitigate these concerns, OCC proposes to: (i) Use only optionable equity securities to estimate the defaulting variance; (ii) use a shorter time series to enable calibration of the model for all securities; and (iii) simulating default correlations with the driver Russell 2000 index (''RUT'').

i. Proposed Modifications to Securities and Quantile Used in Estimation

OCC proposes that only optionable equity securities, which are typically more liquid, be considered while estimating the default variance. This limitation would eliminate from the estimation almost all illiquid securities with discontinuous data that could contribute to high conditional variance estimates and thus a high default variance. In addition, OCC proposes to estimate the default variance as the lowest estimate of the top 10% of the floored conditional variance across the risk factors. This change in methodology is designed to ensure that while the estimate is aggressive it is also robust to the presence of outliers caused by a few extremely volatile securities that influence the location parameter of a distribution. Moreover, as a consequence of the daily updates described above, the default variances would change daily and there would be no scale factor to amplify the effect of the variance on risk factor coverage.

ii. Proposed Change in Time Series

In addition, OCC proposes to use a shorter time series to enable calibration of the model for all securities. Currently, OCC does not calibrate parameters for defaulting securities that have historical data of less than two years. OCC is proposing to shorten this time period to around 6 months (180 days) to enable calibration of the model for all securities within OCC systems. OCC believes that this shorter time series is sufficient to produce stable calibrated parameters.

iii. Proposed Default Correlation

Finally, OCC proposes that returns scenarios for defaulting securities, securities with insufficient historical data, be simulated using a default correlation with the driver RUT.[26] The RUT Index is a small cap index and is hence a natural choice to represent most new issues that are small cap and deemed to be a ''defaulting security.'' The default correlation is roughly equal to the median of all positively correlated securities with the index. Since 90% of the risk factors in OCC systems correlate positively to the RUT index, OCC would only consider those risk factors to determine the median. OCC believes that the median of the correlation distribution has been steady over a number of simulations and is therefore proposing that it replace the current methodology of simulating uncorrelated scenarios, which OCC believes is not a realistic approach.

Clearing Member Outreach

OCC has discussed the proposed changes with its Financial Risk Advisory Council [27] at a meeting held on October 25, 2016. OCC also provided general updates to members at OCC Roundtable [28] meetings on June 20, 2017, and November 9, 2017. Clearing Members expressed interest in seeing how reactive margin changes would be under the proposal; however, there were no objections or significant concerns expressed regarding the proposed changes. OCC will provide at least 30-days of parallel reporting prior to implementation so that Clearing Members can see the impact of the proposed changes. In addition, OCC would publish an Information Memorandum to all Clearing Members describing the proposed change and will provide additional periodic Information Memoranda updates prior to the implementation date. Additionally, OCC would perform targeted and direct outreach with Clearing Members that would be most impacted by the proposed changes to the margin methodology and OCC would work closely with such Clearing Members to coordinate the implementation and associated funding for such Clearing

Council with regard to Regulatory Technical Standards on Requirements for Central Counterparties (the ''Regulatory Technical Standards'').

[25] *See* supra note 16.

[26] OCC notes that, in certain limited circumstances where there are reasonable grounds backed by the existing return history to support an alternative approach in which the returns are strongly correlated with those of an existing risk factor (a ''proxy'') with a full price history, the Margins Methodology allows OCC's Financial Risk Management staff to construct a ''conditional'' simulation to override any default treatment that would have otherwise been applied to the defaulting security.

[27] The Financial Risk Advisory Council is a working group consisting of representatives of Clearing Members and exchanges formed by OCC to review and comment on various risk management proposals.

[28] The OCC Roundtable was established to bring Clearing Members, exchanges and OCC together to discuss industry and operational issues. It is comprised of representatives of the senior OCC staff, participant exchanges and Clearing Members, representing the diversity of OCC's membership in industry segments, OCC-cleared volume, business type, operational structure and geography.

Members resulting from the proposed change.[29]

(2) Statutory Basis

OCC believes that the proposed rule change is consistent with Section 17A of the Securities Exchange Act of 1934, as amended (the ''Act''),[30] and the rules thereunder applicable to OCC. Section 17A(b)(3)(F) of Act [31] requires that the rules of a clearing agency be designed to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible. OCC believes the propose rule change would enhance its margin methodology in a manner designed to safeguard the securities and funds in its custody or control for the reasons set forth below.

As noted above, OCC's current margin methodology relies on monthly price data being obtained from a third party vendor. This data arrives monthly in arrears and requires additional time for OCC to process the data prior to installing into OCC's margin system. As a result, correlations and statistical parameters for risk factors at any point in time represent back-dated data and therefore may not be representative of the most recent market data. To mitigate procyclicality within its margin methodology in the absence of daily updates, OCC employs a scale factor approach to incorporate day-to-day market volatility across all associated asset classes throughout.[32] For the reasons noted above, these monthly updates coupled with the dependency of margins on scale factors can result in imprecise changes in margins charged to Clearing Members, specifically across periods of heavy volatility.

OCC proposes to enhance its margin methodology to introduce daily updates for equity price data, thereby allowing for daily updates of statistical parameters in its margin model for most risk factors. In addition, the proposed changes would introduce features to the model to better account for the asymmetric volatility phenomenon observed in financial markets and allow for conditional volatility forecast to be more sensitive to market downturns. The proposed changes would also introduce a new statistical distribution for modeling equity price returns that OCC believes would have a better goodness of fit and would more appropriately account for fait tails. Moreover, the proposed changes would introduce a second-day volatility forecast into the model to provide for more accurate and timely estimations of its two-day scenario distributions. OCC also proposes to enhance its econometric model by establishing a volatility floor using a 10-year look back period to reduce procyclicality in the margin model. OCC believes the proposed changes would result in more accurate and responsive margin requirements and a model that is more stable and proactive during times of market volatility, with risk charges that are based off of most recent market data.

In addition, the proposed rule change is intended to improve OCC's approach to estimating covariance and correlations between risk factors in an effort to achieve more stable and sensitive correlation estimations and improve OCC's methodology related to the treatment of defaulting securities by reducing the impact that illiquid securities with discontinuous data have on default variance estimates.

The proposed methodology changes would be used by OCC to calculate margin requirements designed to limit its credit exposures to participants, and OCC uses the margin it collects from a defaulting Clearing Member to protect other Clearing Members from losses that may result from such a default. As a result, OCC believes the proposed rule changed is designed to assure the safeguarding of securities and funds in its custody or control in accordance with Section 17A(b)(3)(F) of the Act.[33]

Rules 17Ad–22(b)(1) and (2) [34] require that a registered clearing agency that performs central counterparty services establish, implement, maintain and enforce written policies and procedures reasonably designed to, in part: (1) Measure its credit exposures to its participants at least once a day and limit its exposures to potential losses from defaults by its participants under normal market conditions so that the operations of the clearing agency would not be disrupted and non-defaulting participants would not be exposed to losses that they cannot anticipate or control and (2) use margin requirements to limit its credit exposures to participants under normal market conditions and use risk-based models and parameters to set margin requirements.

As noted above, the proposed changes would introduce the use of daily price updates into OCC's margin methodology, which allows for daily updates to the statistical parameters in the model (*e.g.,* parameters concerning volatility and correlation). These changes would be supported by a number of other risk-based enhancements to OCC's econometric model designed to: (i) More appropriately account for asymmetry in conditional variance; (ii) more appropriately model the statistical distribution of price returns; (iii) provide for an anti-procyclical floor for volatility estimates based on a 10-year look back period; and (iv) more accurately model second-day volatility forecasts. Moreover, the proposed changes would improve OCC's approach to estimating covariance and correlations between risk factors in an effort to achieve more stable and sensitive correlation estimations and improve OCC's methodology related to the treatment of defaulting securities by reducing the impact that illiquid securities with discontinuous data have on default variance estimates.

OCC would use the risk-based model enhancements described herein to measure its credit exposures to its participants on a daily basis and determine margin requirements based on such calculations. The proposed enhancements concerning daily price updates, daily updates of statistical parameters, and to more appropriately account for asymmetry in conditional variance would result in more accurate and responsive margin requirements and a model that is more stable and proactive during times of market volatility, with margin charges that are based off of the most recent market data. In addition, the proposed modifications to extend the look back period for determining volatility estimates for equity-based products from 500 days to 10 years will help to ensure that OCC captures sufficient historical events/market shocks in the calculation of its anti-procyclical floor. Additionally, the proposed changes would enhance OCC's margin methodology for calculating correlation estimates by moving to a daily process for updating correlations (with a minimum of one week's lag) so that Clearing Member account margins are more current and thus more accurate and using de-volatized returns to normalize returns across a variety of asset classes and make the correlation estimator less sensitive to sudden market jumps and therefore more stable. Finally, the proposed changes to OCC's methodology for the treatment of defaulting securities is designed to result in stable and realistic risk estimates for such securities The proposed changes are therefore designed to ensure that OCC sets margin

[29] Specifically, OCC will discuss with those Clearing Members how they plan to satisfy any increase in their margin requirements associated with the proposed change.

[30] 15 U.S.C. 78q–1.

[31] 15 U.S.C. 78q–1(b)(3)(F).

[32] *See supra* note 13 and accompanying text.

[33] *Id.*

[34] 17 CFR 240.17Ad–22(b)(1) and (2).

requirements, using risk-based models and parameters, that would serve to limit OCC's exposures to potential losses from defaults by its participants under normal market conditions so that the operations of OCC would not be disrupted and non-defaulting participants would not be exposed to losses that they cannot anticipate or control. Accordingly, OCC believes the proposed changes are consistent with Rules 17Ad–22(b)(1) and (2).[35]

Rule 17Ad–22(e)(6)[36] further requires OCC to establish, implement, maintain and enforce written policies and procedures reasonably designed to cover its credit exposures to its participants by establishing a risk-based margin system that, among other things: (i) Considers, and produces margin levels commensurate with, the risks and particular attributes of each relevant product, portfolio, and market; (ii) calculates margin sufficient to cover its potential future exposure to participants in the interval between the last margin collection and the close out of positions following a participant default; and (iii) uses reliable sources of timely price data and uses procedures and sound valuation models for addressing circumstances in which pricing data are not readily available or reliable.

As described in detail above, the proposed changes are designed to ensure that, among other things, OCC's margin methodology: (i) More appropriately accounts for asymmetry in conditional variance; (ii) more appropriately models the statistical distribution of price returns, (iii) more accurately models second-day volatility forecasts; (iv) improves OCC's approach to estimating covariance and correlations between risk factors to provide for stable and sensitive correlation estimations; and (v) improves OCC's methodology related to the treatment of defaulting securities by reducing the impact that illiquid securities with discontinuous data have on default variance estimates. These methodology enhancements would be used to calculate daily margin requirements for OCC's Clearing Members. In this way, the proposed changes are designed to consider, and produce margin levels commensurate with, the risks and particular attributes of each relevant product, portfolio, and market and to calculate margin sufficient to cover its potential future exposure to participants in the interval between the last margin collection and the close out of positions following a participant default.

Moreover, the proposed changes would introduce daily updates for price data for equity products, including daily corporate action-adjusted returns of equities, ETFs, ETNs, and certain indexes. This daily price data would be obtained from a widely used and reliable industry vendor. In this way, the proposed changes would ensure that OCC uses reliable sources of timely price data in its margin methodology, which better reflect current market conditions than the current monthly updates, thereby resulting in more accurate and responsive margin requirements.

For these reasons, OCC believes that the proposed changes are consistent with Rule 17Ad–22(e)(6).[37]

The proposed rule changes are 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) requires that the rules of a clearing agency do not impose any burden on competition not necessary or appropriate in furtherance of the purposes of Act.[38] OCC does not believe that the proposed rule change would impose any burden on competition. The proposed risk model enhancements would apply to all Clearing Members equally. While OCC expects that margin requirements may see slight reductions in the aggregate, the individual impact of the proposed changes will be mixed and depend on market conditions and the composition of the portfolio in question. The proposed rule change is primarily designed to allow OCC to determine margin requirements that more accurately represent the risk presented by its cleared products and that are more responsive to changes in volatility or overall market conditions. OCC does not believe that the proposed rule change would unfairly inhibit access to OCC's services or disadvantage or favor any particular user in relationship to another user. Accordingly, OCC believes that any competitive impact would be necessary and appropriate in furtherance of the safeguarding of securities and funds which are in the custody or control of OCC or for which it is responsible, and in general, the protection of investors and the public interest.

(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. OCC will notify the Commission of any written comments received by OCC.

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–2017–022 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–2017–022. 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

[35] *Id.*

[36] 17 CFR 240.17Ad–2(e)(6).

[37] *Id.*

[38] 15 U.S.C. 78q–1(b)(3)(I).

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 *https://www.theocc.com/about/publications/bylaws.jsp.*

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–2017–022 and should be submitted on or before December 26, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated Authority.[39]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–25989 Filed 12–1–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82164; File No. SR–CBOE–2017–074]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Clarifying How the Options Regulatory Fee is Assessed and Collected

November 28, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on November 17, 2017, Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Fees Schedule relating to the Options Regulator Fee (''ORF'').

The text of the proposed rule change is also available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fees Schedule to clarify how the ORF is assessed and collected.[3]

Background

The ORF was established in October 2008 as a replacement of Registered Representative fees.[4] The ORF is assessed by the Exchange to each Trading Permit Holder for options transactions executed or cleared by the Trading Permit Holder that are cleared by The Options Clearing Corporation (''OCC'') in the customer range (*i.e.,* transactions that clear in a customer account at OCC) regardless of the exchange on which the transaction occurs.[5]

The ORF is designed to recover a material portion of the costs to the Exchange of the supervision and regulation of Trading Permit Holder (''TPH'') customer options business, including performing routine surveillances, investigations, examinations, financial monitoring, as well as policy, rulemaking, interpretive and enforcement activities.[6] The Exchange believes that revenue generated from the ORF, when combined with all of the Exchange's other regulatory fees and fines, will cover a material portion, but not all, of the Exchange's regulatory costs.

The Exchange monitors the amount of revenue collected from the ORF to ensure that it, in combination with its other regulatory fees and fines, does not exceed the Exchange's total regulatory costs. The Exchange monitors its regulatory costs and revenues at a minimum on a semi-annual basis. If the Exchange determines regulatory revenues exceed or are insufficient to cover a material portion of its regulatory costs, the Exchange will adjust the ORF by submitting a fee change filing to the Commission. The Exchange notifies TPHs of adjustments to the ORF via regulatory circular. The Exchange endeavors to provide TPHs with such notice at least 30 calendar days prior to the effective date of the change.

Under the Exchange's current process, the ORF is assessed to TPHs and collected indirectly from TPHs through their clearing firms by OCC on behalf of the Exchange. The following scenarios reflect how the ORF is currently assessed and collected (these apply regardless if the transaction is executed on the Exchange or on an away exchange):

1. If a TPH is the executing clearing firm on a transaction (''Executing Clearing Firm''), the ORF is assessed to and collected from that TPH by OCC on behalf of the Exchange.

2. If a TPH is the Executing Clearing Firm and the transaction is ''given up'' to a different TPH that clears the transaction (''Clearing Give-up''), the ORF is assessed to the Executing Clearing Firm (the ORF is the obligation of the Executing Clearing Firm). The ORF is collected from the Clearing Give-up.

3. If the Executing Clearing Firm is a non-TPH and the Clearing Give-up is a TPH, the ORF is assessed to and collected from the Clearing Give-up.

[39] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Exchange initially filed the proposed rule changes on November 16, 2017 (SR–CBOE–2017–073). On November 17, 2017 the Exchange withdrew SR–CBOE–2017–073 and then subsequently submitted this filing (SR–CBOE–2017–074).

[4] *See* Securities Exchange Act Release No. 58817 (October 20, 2008), 73 FR 63744 (October 27, 2008) (the ''Original ORF Filing'').

[5] The ORF also applies to customer-range transactions executed during Extended Trading Hours as defined in Cboe Options Rule 1.1(rrr).

[6] The Exchange notes that its regulatory responsibilities with respect to TPH compliance with options sales practice rules have largely been allocated to FINRA under a 17d–2 agreement. The ORF is not designed to cover the cost of that options sales practice regulation. *See* Securities Exchange Act Release No. 76309 (October 29, 2015), 80 FR 68361 (November 4, 2015).

4. If a TPH is the Executing Clearing Firm and a non-TPH is the Clearing Give-up, the ORF is assessed to the Executing Clearing Firm. The ORF is the obligation of the Executing Clearing Firm but is collected from the non-TPH Clearing Give-up (for the reasons described below).

5. No ORF is assessed if a TPH is neither the Executing Clearing Firm nor the Clearing Give-up.

The Exchange uses an OCC cleared trades file to determine the Executing Clearing Firm and the Clearing Give-up.[7]

In each of scenarios 1 through 4 above, if the transaction is transferred pursuant to a Clearing Member Trade Assignment (''CMTA'') arrangement to another clearing firm who ultimately clears the transaction, the ORF is collected from the clearing firm that ultimately clears the transaction (which firm may be a non-TPH) by OCC on behalf of the Exchange. Using CMTA transfer information provided by the OCC, the Exchange subtracts the ORF charge from the monthly ORF bill of the clearing firm that transfers the position and adds the charge to the monthly ORF bill of the clearing firm that receives the CMTA transfer (*i.e.,* the ultimate clearing firm).[8] This process is performed at the end of each month on each transfer in the OCC CMTA transfer file for that month.[9]

Proposed Amendments to the Fees Schedule

The Exchange proposes to amend its Fees Schedule in the following four respects to clarify how the ORF is assessed and collected.

First, the Exchange proposes to amend its Fees Schedule to clarify that the ORF is collected by OCC on behalf of the Exchange from the Clearing Trading Permit Holder (''CTPH'') or non-CTPH that ultimately clears the transaction. While the ORF is an obligation of TPHs, due to industry request the ORF is collected from the clearing firm that ultimately clears the eligible trade, even if such firm is a not a TPH. The Exchange, OCC and the industry agreed to this collection method in response to comments that by collecting the ORF in this manner TPHs and non-TPHs could more easily pass-through the ORF to their customers.[10] In the Original ORF Filing, the Exchange stated that it expects TPHs will pass-through the ORF to their customers in the same manner that firms pass-through to their customers the fees charged by self-regulatory organizations (''SROs'') to help the SROs meet their obligations under Section 31 of the Exchange Act.[11]

Accordingly, in scenario 4 above the ORF is collected from the non-CTPH that clears the transaction in order to facilitate the pass-through of the ORF to the end-customer. Likewise, collection of the ORF from the ultimate (CMTA) clearing firm facilitates the passing of the fee to the end-customer. In those cases where the ORF is collected from a non-CTPH, the Exchange (through OCC) collects the ORF as a convenience for the TPH whose obligation it is to pay the fee to the Exchange.

As described above, under the Exchange's current process the Exchange subtracts the ORF from a CMTA transferor's ORF bill and adds it to the CMTA transferee's ORF bill for every transfer in the monthly OCC CMTA transfer file. Going forward, in order to avoid potentially collecting the ORF on any transactions that are not subject to the ORF, the Exchange will perform a check to determine whether the CMTA transferor or transferee is a TPH. If either the CMTA transferor or transferee is a TPH, the Exchange will collect the ORF from the transferee through the process described above. If neither the transferor nor transferee is a TPH, the Exchange will not include that transfer as part of such process (*i.e.,* the Exchange will not debit the ORF from the transferor or collect the ORF from the transferee). The consequence of this change is that there may be a very small number of instances each month in which a position that was assessed the ORF would not be passed to the ultimate clearing firm and the charge would remain with (and be collected from) the original clearing firm. The Exchange expects to implement this change for December 2017 ORF billing after a necessary system enhancement has been completed.

Second, the Exchange proposes to amend its Fees Schedule to clarify that the ORF is assessed by the Exchange to each TPH for options transactions cleared by the TPH (as opposed to ''executed or cleared'' by the TPH) that are cleared by OCC in the customer range regardless of the exchange on which the transaction occurs. As described above, whether a transaction is subject to the ORF is determined by whether a TPH is the Executing Clearing Firm or the Clearing Give-up as reflected in the OCC cleared trades file. Only the Executing Clearing Firm and the Clearing Give-up on the transaction are identified on the OCC file. Accordingly, because the ORF is always assessed to a CTPH, the Exchange proposes to remove the words ''executed or'' from the Fee Schedule description of the ORF to clarify that the ORF is assessed for options transactions cleared by a TPH.

Third, the Exchange proposes to clarify its process for assessing the ORF on linkage transactions. An options order entered on the Exchange may be routed to and executed on another exchange pursuant to the Options Order Protection and Locked/Crossed Market Plan. The Exchange may engage a routing broker to provide routing services to the Exchange as described in Cboe Options Rule 6.14B (''Routing Services'') to facilitate linkage transactions. A customer order routed by a routing broker for execution at another exchange results in a transaction on that exchange and an obligation of the routing broker to pay the options regulatory fee, if any, of that exchange. After receiving a fill on the away exchange, the routing broker trades against the original order entered on the Exchange and incurs the Cboe Options ORF. Pursuant to its agreement with the routing broker, the Exchange reimburses the routing broker for any options regulatory fee assessed by the Exchange and by the away market on which the customer order was executed. As a result, only the original customer order executed on the Exchange is assessed the ORF. The Exchange proposes to amend its Fees Schedule to clarify that, with respect to linkage transactions, the Exchange reimburses its routing broker providing Routing Services pursuant to Cboe Options Rule 6.14B for options regulatory fees it incurs in connection with the Routing Services it provides.

Fourth, the Exchange proposes to change the method it uses to assess the ORF to better align with the Exchange's Fees Schedule. Currently, the Exchange assesses the ORF to a TPH based on the OCC clearing number(s) that the TPH registers with the Exchange. A TPH may have additional OCC clearing numbers

[7] The Exchange notes that in the case where a non-self-clearing TPH executes a transaction on the Exchange, the TPH's guaranteeing Clearing Trading Permit Holder is reflected as the Executing Clearing Firm in the OCC cleared trades file and the ORF is assessed to and collected from the Executing Clearing Firm.

[8] *See* Cboe Options Regulatory Circular RG09–030 (''ORF FAQ''), Question 15.

[9] The Exchange notes that OCC provides the Exchange and other exchanges with information to assist in excluding CMTA transfers done to correct bona fide errors from the ORF calculation. Specifically, if a clearing firm gives up or CMTA transfers a position to the wrong clearing firm, the firm that caused the error will send an offsetting CMTA transfer to that firm and send a new CMTA transfer to the correct firm. The offsetting CMTA transfer is marked with a CMTA Transfer ORF Indicator which results in the original erroneous transfer being excluded from the ORF calculation.

[10] *See* ORF FAQ, Question 9.

[11] *See* ORF FAQ, Question 10.

that are not registered with the Exchange because they are used by the TPH to clear activity on other exchanges. If a TPH uses a non-CBOE Options registered OCC clearing number on a transaction and that clearing number is denoted as the Executing Clearing Firm or the Clearing Give-up, the ORF is not assessed to that transaction because the clearing number is not known to the Exchange. Such transactions are subject to the ORF under the Exchange's Fees Schedule because the Executing Clearing Firm or the Clearing Give-up was a TPH. The ORF is assessed at the TPH entity level, not at the OCC clearing number level.

In order to conform its ORF billing practice to its Fees Schedule, the Exchange proposes to amend the Fees Schedule to require TPHs, pursuant to Cboe Options Rule 15.1,[12] to provide the Exchange with a complete list of its OCC clearing numbers. The Exchange would use the list provided solely for ORF billing purposes. TPHs would be required to keep such information up to date with the Exchange. The Exchange will issue a Regulatory Circular to provide TPHs with notice of this change and a deadline for initial submission of its OCC clearing numbers list. The Exchange expects to implement this change for December 2017 ORF billing in order for the Exchange to provide TPHs with notice of this new requirement and time to comply.[13]

The Exchange also proposes a couple of minor clean up changes to the Fees Schedule. The ORF is listed as being $0.0064 per contract through January 31, 2016 and $0.0081 per contract effective February 1, 2016. As these dates have passed and the ORF is now simply $0.0081 per contract, the Exchange proposes to delete the reference to the ORF being $0.0064 per contract through January 31, 2016 and the February 1, 2016 effective date of the $0.0081 per contract ORF.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[14] Specifically, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[15] which provides that Exchange rules may provide for the equitable allocation of reasonable dues, fees, and other charges among its Trading Permit Holders and other persons using its facilities. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [16] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes the proposal to collect the ORF from non-TPHs that ultimately clear the transaction is an equitable allocation of reasonable dues, fees, and other charges among its Trading Permit Holders and other persons using its facilities. The Exchange notes that there is a material distinction between ''assessing'' the ORF and ''collecting'' the ORF. The Exchange does not assess the ORF to non-TPHs. The ORF is an obligation of TPHs. Once, however, the ORF is assessed to a TPH for a particular transaction, the ORF may be collected from a TPH or a non-TPH, depending on how the transaction is cleared at OCC. If there was no change to the clearing number of the original transaction, the ORF would be collected from the TPH. If there was a change to the clearing number of the original transaction and a non-TPH becomes the ultimate clearing firm for that transaction, then the ORF will be collected from that non-TPH. The Exchange believes that this collection practice is reasonable and appropriate, and was originally instituted at the request of the industry for the ORF be collected from the clearing firm that ultimately clears the transaction in order to facilitate the passing of the fee to the end-customer.

The Exchange believes it is reasonable, equitable and nondiscriminatory not to pass the ORF to a CMTA transferee when neither the CMTA transferor nor the transferee is a TPH because this would help ensure the ORF is not collected on any transactions that may not be subject to the ORF.

The Exchange believes the proposal to clarify that the ORF is assessed to TPHs for options transactions cleared by the TPH (as opposed to executed or cleared) is reasonable because it adds clarity to the Fees Schedule by better and more accurately describing the application of the ORF. The Exchange believes it is appropriate to charge the ORF only to transactions that clear as customer at the OCC. The Exchange believes that its broad regulatory responsibilities with respect to its TPH's activities supports applying the ORF to transactions cleared by a TPH. The Exchange's regulatory responsibilities are the same regardless of whether a TPH executes a transaction or clears a transaction executed on its behalf. The Exchange regularly reviews all such activity, including performing surveillance for position limit violations, manipulation, insider trading, front-running and contrary exercise advice violations. The Exchange believes the proposal is equitable and not unfairly discriminatory because it would apply in the same manner to TPHs subject to the ORF. The ORF is only assessed to a TPH with respect to a particular transaction in which it is either the Executing Clearing Firm or the Clearing Give-up.

The Exchange believes it is reasonable, equitable and nondiscriminatory to reimburse its routing broker for any options regulatory fees the broker incurs in connection with Routing Services because this helps ensure the Exchange does not charge the ORF more than once to a single customer order.

The Exchange believes the proposal to require TPHs to provide the Exchange with a complete list of its OCC clearing numbers is reasonable because it would enable the Exchange to conform its ORF billing practice to its Fees Schedule by capturing transactions executed or cleared by TPHs. The Exchange believes the proposal is equitable and not unfairly discriminatory because it would apply in the same manner to TPHs subject to the ORF.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not intended to address any competitive issues but rather to provide more clarity and transparency regarding how the Exchange assesses and collects the ORF. The Exchange believes any burden on competition imposed by the proposed rule change is outweighed by the need to help the Exchange adequately fund its regulatory activities to ensure compliance with the Exchange Act.

[12] Cboe Options Rule 15.1 provides that no Trading Permit Holder shall refuse to make available to the Exchange such books, records or other information as may be called for under the Rules or as may be requested in connection with an investigation by the Exchange.

[13] The Exchange notes that its Fees Schedule includes other requirements for TPHs to provide certain information to the Exchange related to Exchange fees. For example, footnote 13 of the Fees Schedule requires TPHs to submit a rebate request form with supporting documentation in order to receive a rebate of transaction fees for certain options transactions.

[14] 15 U.S.C. 78f(b).

[15] 15 U.S.C. 78f(b)(4).

[16] 15 U.S.C. 78f(b)(5).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [17] and paragraph (f) of Rule 19b–4 [18] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

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 No. SR–CBOE–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–CBOE–2017–074. 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 No. SR–CBOE–2017–074, and should be submitted on or before December 26, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–25987 Filed 12–1–17; 8:45 am]

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[17] 15 U.S.C. 78s(b)(3)(A).

[18] 17 CFR 240.19b–4(f).

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–86; OMB Control No. 3235–0080]

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736

Extension:
Rule 12d2–2 and Form 25.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collections of information summarized below. The Commission plans to submit these existing collections of information to the Office of Management and Budget for extension and approval for Rule 12d2–2 (17 CFR 240.12d2–2) and Form 25 (17 CFR 249.25) Removal and Notification of Removal from Listing and/or Registration.

On February 12, 1935, the Commission adopted Rule 12d2–2,[1] and Form 25 under the Securities Exchange Act of 1934 (15 U.S.C. 78b *et seq.*) (''Act''), to establish the conditions and procedures under which a security may be delisted from an exchange and withdrawn from registration under Section 12(b) of the Act.[2] The Commission adopted amendments to Rule 12d2–2 and Form 25 in 2005.[3] Under the amended Rule 12d2–2, all issuers and national securities exchanges seeking to delist and deregister a security in accordance with the rules of an exchange must file the adopted version of Form 25 with the Commission. The Commission also adopted amendments to Rule 19d–1 under the Act to require exchanges to file the adopted version of Form 25 as notice to the Commission under Section 19(d) of the Act. Finally, the Commission adopted amendments to exempt standardized options and security futures products from Section 12(d) of the Act. These amendments are intended to simplify the paperwork and procedure associated with a delisting and to unify general rules and procedures relating to the delisting process.

The Form 25 is useful because it informs the Commission that a security previously traded on an exchange is no longer traded. In addition, the Form 25 enables the Commission to verify that the delisting and/or deregistration has occurred in accordance with the rules of the exchange. Further, the Form 25 helps to focus the attention of delisting issuers to make sure that they abide by the proper procedural and notice requirements associated with a delisting and/or a deregistration. Without Rule 12d2–2 and the Form 25, as applicable, the Commission would be unable to fulfill its statutory responsibilities.

There are 21 national securities exchanges that could possibly be respondents complying with the requirements of the Rule and Form 25.[4]

[1] *See* Securities Exchange Act Release No. 98 (February 12, 1935).

[2] *See* Securities Exchange Act Release No. 7011 (February 5, 1963), 28 FR 1506 (February 16, 1963).

[3] *See* Securities Exchange Act Release No. 52029 (July 14, 2005), 70 FR 42456 (July 22, 2005).

[4] The staff notes that a few of these 21 registered national securities exchanges only have rules to permit the listing of standardized options, which are exempt from Rule 12d2–2 under the Act. Nevertheless, the staff counted national securities exchanges that can only list options as potential respondents because these exchanges could potentially adopt new rules, subject to Commission approval under Section 19(b) of the Act, to list and trade equity and other securities that have to comply with Rule 12d2–2 under the Act. Notice registrants that are registered as national securities exchanges solely for the purposes of trading

The burden of complying with Rule 12d2–2 and Form 25 is not evenly distributed among the exchanges, however, since there are many more securities listed on the New York Stock Exchange, the NASDAQ Stock Market, and NYSE American than on the other exchanges. However, for purposes of this filing, the Commission staff has assumed that the number of responses is evenly divided among the exchanges. Since approximately 800 responses under Rule 12d2–2 and Form 25 for the purpose of delisting and/or deregistration of equity securities are received annually by the Commission from the national securities exchanges, the resultant aggregate annual reporting hour burden would be, assuming on average one hour per response, 800 annual burden hours for all exchanges (21 exchanges × an average of 38.1 responses per exchange × 1 hour per response). In addition, since approximately 100 responses are received by the Commission annually from issuers wishing to remove their securities from listing and registration on exchanges, the Commission staff estimates that the aggregate annual reporting hour burden on issuers would be, assuming on average one reporting hour per response, 100 annual burden hours for all issuers (100 issuers × 1 response per issuer × 1 hour per response). Accordingly, the total annual hour burden for all respondents to comply with Rule 12d2–2 is 900 hours (800 hours for exchanges + 100 hours for issuers). The related internal cost of compliance associated with these burden hours is $188,400 ($157,000 for exchanges ($196.25 per response × 800 responses) and $31,400 for issuers ($314 per response × 100 responses)).

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information 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 in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549, or send an email to: *PRA_Mailbox@sec.gov.*

Dated: November 28, 2017.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–25976 Filed 12–1–17; 8:45 am]

BILLING CODE 8011–01–P

securities futures products have not been counted since, as noted above, securities futures products are exempt from complying with Rule 12d–2–2 under the Act and therefore do not have to file Form 25.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82163; File No. SR–C2–2017–031]

Self-Regulatory Organizations; Cboe C2 Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Clarify How the Options Regulatory Fee is Assessed and Collected

November 28, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on November 16, 2017, Cboe C2 Exchange, Inc. (the ''Exchange'' or ''C2'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Fees Schedule relating to the Options Regulatory Fee (''ORF'').

The text of the proposed rule change is also available on the Exchange's Web site (*http://www.c2exchange.com/Legal/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

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 the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fees Schedule to clarify how the ORF is assessed and collected.

Background

The ORF was established in August 2012.[3] The ORF is assessed by the Exchange to each Permit Holder for options transactions executed or cleared by the Permit Holder that are cleared by The Options Clearing Corporation (''OCC'') in the customer range (*i.e.,* transactions that clear in a customer account at OCC) regardless of the exchange on which the transaction occurs.

The ORF is designed to recover a material portion of the costs to the Exchange of the supervision and regulation of Permit Holder customer options business, including performing routine surveillances, investigations, examinations, financial monitoring, as well as policy, rulemaking, interpretive and enforcement activities.[4] The Exchange believes that revenue generated from the ORF, when combined with all of the Exchange's other regulatory fees and fines, will cover a material portion, but not all, of the Exchange's regulatory costs.

The Exchange monitors the amount of revenue collected from the ORF to ensure that it, in combination with its other regulatory fees and fines, does not exceed the Exchange's total regulatory

[3] *See* Securities Exchange Act Release No. 67596 (August 6, 2012), 77 FR 47902 (August 10, 2012) (the ''Original ORF Filing'').

[4] The Exchange notes that its regulatory responsibilities with respect to TPH compliance with options sales practice rules have largely been allocated to FINRA under a 17d–2 agreement. The ORF is not designed to cover the cost of that options sales practice regulation. *See* Securities Exchange Act Release No. 76309 (October 29, 2015), 80 FR 68361 (November 4, 2015).

costs. The Exchange monitors its regulatory costs and revenues at a minimum on a semi-annual basis. If the Exchange determines regulatory revenues exceed or are insufficient to cover a material portion of its regulatory costs, the Exchange will adjust the ORF by submitting a fee change filing to the Commission. The Exchange notifies Permit Holders of adjustments to the ORF via regulatory circular. The Exchange endeavors to provide Permit Holders with such notice at least 30 calendar days prior to the effective date of the change.

Under the Exchange's current process, the ORF is assessed to Permit Holders and collected indirectly from Permit Holders through their clearing firms by OCC on behalf of the Exchange. The following scenarios reflect how the ORF is currently assessed and collected (these apply regardless if the transaction is executed on the Exchange or on an away exchange):

1. If a Permit Holder is the executing clearing firm on a transaction (''Executing Clearing Firm''), the ORF is assessed to and collected from that Permit Holder by OCC on behalf of the Exchange.

2. If a Permit Holder is the Executing Clearing Firm and the transaction is ''given up'' to a different Permit Holder that clears the transaction (''Clearing Give-up''), the ORF is assessed to the Executing Clearing Firm (the ORF is the obligation of the Executing Clearing Firm). The ORF is collected from the Clearing Give-up.

3. If the Executing Clearing Firm is a non-Permit Holder and the Clearing Give-up is a Permit Holder, the ORF is assessed to and collected from the Clearing Give-up.

4. If a Permit Holder is the Executing Clearing Firm and a non-Permit Holder is the Clearing Give-up, the ORF is assessed to the Executing Clearing Firm. The ORF is the obligation of the Executing Clearing Firm but is collected from the non-Permit Holder Clearing Give-up (for the reasons described below).

5. No ORF is assessed if a Permit Holder is neither the Executing Clearing Firm nor the Clearing Give-up.

The Exchange uses an OCC cleared trades file to determine the Executing Clearing Firm and the Clearing Give-up.[5]

In each of scenarios 1 through 4 above, if the transaction is transferred pursuant to a Clearing Member Trade Assignment (''CMTA'') arrangement to another clearing firm who ultimately clears the transaction, the ORF is collected from the clearing firm that ultimately clears the transaction (which firm may be a non-Permit Holder) by OCC on behalf of the Exchange. Using CMTA transfer information provided by the OCC, the Exchange subtracts the ORF charge from the monthly ORF bill of the clearing firm that transfers the position and adds the charge to the monthly ORF bill of the clearing firm that receives the CMTA transfer (*i.e.,* the ultimate clearing firm). This process is performed at the end of each month on each transfer in the OCC CMTA transfer file for that month.[6]

Proposed Amendments to the Fees Schedule

The Exchange proposes to amend its Fees Schedule in the following four respects to clarify how the ORF is assessed and collected.

First, the Exchange proposes to amend its Fees Schedule to clarify that the ORF is collected by OCC on behalf of the Exchange from the Clearing Participant or non-Clearing Participant that ultimately clears the transaction. While the ORF is an obligation of Permit Holders, due to industry request the ORF is collected from the clearing firm that ultimately clears the eligible trade, even if such firm is a not a Permit Holder. The Exchange, OCC and the industry agreed to this collection method in response to comments that by collecting the ORF in this manner Permit Holders and non-Permit Holders could more easily pass-through the ORF to their customers. In the Original ORF Filing, the Exchange stated that it expects Permit Holders will pass-through the ORF to their customers in the same manner that firms pass-through to their customers the fees charged by self-regulatory organizations (''SROs'') to help the SROs meet their obligations under Section 31 of the Exchange Act.

Accordingly, in scenario 4 above the ORF is collected from the non-Clearing Participant that clears the transaction in order to facilitate the pass-through of the ORF to the end-customer. Likewise, collection of the ORF from the ultimate (CMTA) clearing firm facilitates the passing of the fee to the end-customer. In those cases where the ORF is collected from a non-Clearing Participant, the Exchange (through OCC) collects the ORF as a convenience for the Permit Holder whose obligation it is to pay the fee to the Exchange.

As described above, under the Exchange's current process the Exchange subtracts the ORF from a CMTA transferor's ORF bill and adds it to the CMTA transferee's ORF bill for every transfer in the monthly OCC CMTA transfer file. Going forward, in order to avoid potentially collecting the ORF on any transactions that are not subject to the ORF, the Exchange will perform a check to determine whether the CMTA transferor or transferee is a Permit Holder. If either the CMTA transferor or transferee is a Permit Holder, the Exchange will collect the ORF from the transferee through the process described above. If neither the transferor nor transferee is a Permit Holder, the Exchange will not include that transfer as part of such process (*i.e.,* the Exchange will not debit the ORF from the transferor or collect the ORF from the transferee). The consequence of this change is that there may be a very small number of instances each month in which a position that was assessed the ORF would not be passed to the ultimate clearing firm and the charge would remain with (and be collected from) the original clearing firm. The Exchange expects to implement this change for December 2017 ORF billing after a necessary system enhancement has been completed.

Second, the Exchange proposes to amend its Fees Schedule to clarify that the ORF is assessed by the Exchange to each Permit Holder for options transactions cleared by the Permit Holder (as opposed to ''executed or cleared'' by the Permit Holder) that are cleared by OCC in the customer range regardless of the exchange on which the transaction occurs. As described above, whether a transaction is subject to the ORF is determined by whether a Permit Holder is the Executing Clearing Firm or the Clearing Give-up as reflected in the OCC cleared trades file. Only the Executing Clearing Firm and the Clearing Give-up on the transaction are identified on the OCC file. Accordingly, because the ORF is always assessed to a Clearing Participant, the Exchange proposes to remove the words ''executed or'' from the Fee Schedule description of the ORF to clarify that the

[5] The Exchange notes that in the case where a non-self-clearing Permit Holder executes a transaction on the Exchange, the Permit Holder's guaranteeing Clearing Participant is reflected as the Executing Clearing Firm in the OCC cleared trades file and the ORF is assessed to and collected from the Executing Clearing Firm.

[6] The Exchange notes that OCC provides the Exchange and other exchanges with information to assist in excluding CMTA transfers done to correct bona fide errors from the ORF calculation. Specifically, if a clearing firm gives up or CMTA transfers a position to the wrong clearing firm, the firm that caused the error will send an offsetting CMTA transfer to that firm and send a new CMTA transfer to the correct firm. The offsetting CMTA transfer is marked with a CMTA Transfer ORF Indicator which results in the original erroneous transfer being excluded from the ORF calculation.

ORF is assessed for options transactions cleared by a Permit Holder.

Third, the Exchange proposes to clarify its process for assessing the ORF on linkage transactions. An options order entered on the Exchange may be routed to and executed on another exchange pursuant to the Options Order Protection and Locked/Crossed Market Plan. The Exchange may engage a routing broker to provide routing services to the Exchange as described in C2 Options Rule 6.36 (''Routing Services'') to facilitate linkage transactions. A customer order routed by a routing broker for execution at another exchange results in a transaction on that exchange and an obligation of the routing broker to pay the options regulatory fee, if any, of that exchange. After receiving a fill on the away exchange, the routing broker trades against the original order entered on the Exchange and incurs the C2 Options ORF. Pursuant to its agreement with the routing broker, the Exchange reimburses the routing broker for any options regulatory fee assessed by the Exchange and by the away market on which the customer order was executed. As a result, only the original customer order executed on the Exchange is assessed the ORF. The Exchange proposes to amend its Fees Schedule to clarify that, with respect to linkage transactions, the Exchange reimburses its routing broker providing Routing Services pursuant to C2 Options Rule 6.36 for options regulatory fees it incurs in connection with the Routing Services it provides.

Fourth, the Exchange proposes to change the method it uses to assess the ORF to better align with the Exchange's Fees Schedule. Currently, the Exchange assesses the ORF to a Permit Holder based on the OCC clearing number(s) that the Permit Holder registers with the Exchange. A Permit Holder may have additional OCC clearing numbers that are not registered with the Exchange because they are used by the Permit Holder to clear activity on other exchanges. If a Permit Holder uses a non-C2 Options registered OCC clearing number on a transaction and that clearing number is denoted as the Executing Clearing Firm or the Clearing Give-up, the ORF is not assessed to that transaction because the clearing number is not known to the Exchange. Such transactions are subject to the ORF under the Exchange's Fees Schedule because the Executing Clearing Firm or the Clearing Give-up was a Permit Holder. The ORF is assessed at the Permit Holder entity level, not at the OCC clearing number level.

In order to conform its ORF billing practice to its Fees Schedule, the Exchange proposes to amend the Fees Schedule to require Permit Holders, pursuant to Cboe Exchange, Inc. (''Cboe Options'') Rule 15.1,[7] to provide the Exchange with a complete list of its OCC clearing numbers. The Exchange would use the list provided solely for ORF billing purposes. Permit Holders would be required to keep such information up to date with the Exchange. The Exchange will issue a Regulatory Circular to provide Permit Holders with notice of this change and a deadline for initial submission of its OCC clearing numbers list. The Exchange expects to implement this change for December 2017 ORF billing in order for the Exchange to provide Permit Holders with notice of this new requirement and time to comply.[8]

The Exchange also proposes a couple of minor clean up changes to the Fees Schedule. The ORF is listed as being $0.0051 per contract through January 31, 2016 and $0.0015 per contract effective February 1, 2016. As these dates have passed and the ORF is now simply $0.0015 per contract, the Exchange proposes to delete the reference to the ORF being $0.0051 per contract through January 31, 2016 and the February 1, 2016 effective date of the $0.0015 per contract ORF.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[9] Specifically, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[10] which provides that Exchange rules may provide for the equitable allocation of reasonable dues, fees, and other charges among its Permit Holders and other persons using its facilities. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[11] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes the proposal to collect the ORF from non-Permit Holders that ultimately clear the transaction is an equitable allocation of reasonable dues, fees, and other charges among its Permit Holders and other persons using its facilities. The Exchange notes that there is a material distinction between ''assessing'' the ORF and ''collecting'' the ORF. The Exchange does not assess the ORF to non-Permit Holders. The ORF is an obligation of Permit Holders. Once, however, the ORF is assessed to a Permit Holder for a particular transaction, the ORF may be collected from a Permit Holder or a non-Permit Holder, depending on how the transaction is cleared at OCC. If there was no change to the clearing number of the original transaction, the ORF would be collected from the Permit Holder. If there was a change to the clearing number of the original transaction and a non-Permit Holder becomes the ultimate clearing firm for that transaction, then the ORF will be collected from that non-Permit Holder. The Exchange believes that this collection practice is reasonable and appropriate, and was originally instituted at the request of the industry for the ORF be collected from the clearing firm that ultimately clears the transaction in order to facilitate the passing of the fee to the end-customer.

The Exchange believes it is reasonable, equitable and nondiscriminatory not to pass the ORF to a CMTA transferee when neither the CMTA transferor nor the transferee is a Permit Holder because this would help ensure the ORF is not collected on any transactions that may not be subject to the ORF.

The Exchange believes the proposal to clarify that the ORF is assessed to Permit Holders for options transactions cleared by the Permit Holder (as opposed to executed or cleared) is reasonable because it adds clarity to the Fees Schedule by better and more accurately describing the application of the ORF. The Exchange believes it is appropriate to charge the ORF only to transactions that clear as customer at the OCC. The Exchange believes that its broad regulatory responsibilities with respect to its Permit Holder's activities supports applying the ORF to transactions cleared by a Permit Holder.

[7] Cboe Options Rule 15.1 (which applies to C2 Options Permit Holders) provides that no Trading Permit Holder shall refuse to make available to the Exchange such books, records or other information as may be called for under the Rules or as may be requested in connection with an investigation by the Exchange.

[8] The Exchange notes that the Cboe Options Fees Schedule includes certain requirements for Cboe Trading Permit Holders to provide certain information to Cboe Options related to Cboe Options fees. For example, footnote 13 of the Cboe Options Fees Schedule requires Trading Permit Holders to submit a rebate request form with supporting documentation in order to receive a rebate of transaction fees for certain options transactions.

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(4).

[11] 15 U.S.C. 78f(b)(5).

The Exchange's regulatory responsibilities are the same regardless of whether a Permit Holder executes a transaction or clears a transaction executed on its behalf. The Exchange regularly reviews all such activity, including performing surveillance for position limit violations, manipulation, insider trading, front-running and contrary exercise advice violations. The Exchange believes the proposal is equitable and not unfairly discriminatory because it would apply in the same manner to Permit Holders subject to the ORF. The ORF is only assessed to a Permit Holder with respect to a particular transaction in which it is either the Executing Clearing Firm or the Clearing Give-up.

The Exchange believes it is reasonable, equitable and nondiscriminatory to reimburse its routing broker for any options regulatory fees the broker incurs in connection with Routing Services because this helps ensure the Exchange does not charge the ORF more than once to a single customer order.

The Exchange believes the proposal to require Permit Holders to provide the Exchange with a complete list of its OCC clearing numbers is reasonable because it would enable the Exchange to conform its ORF billing practice to its Fees Schedule by capturing transactions executed or cleared by Permit Holders. The Exchange believes the proposal is equitable and not unfairly discriminatory because it would apply in the same manner to Permit Holders subject to the ORF.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not intended to address any competitive issues but rather to provide more clarity and transparency regarding how the Exchange assesses and collects the ORF. The Exchange believes any burden on competition imposed by the proposed rule change is outweighed by the need to help the Exchange adequately fund its regulatory activities to ensure compliance with the Exchange Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [12] and paragraph (f) of Rule 19b–4 [13] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

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 No. SR–C2–2017–031 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File No. SR–C2–2017–031. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 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 No. SR–C2–2017–031, and should be submitted on or before December 26, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–25991 Filed 12–1–17; 8:45 am]

BILLING CODE 8011–01–P

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f).

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–423, OMB Control No. 3235–0472]

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: U.S. Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736

Extension:
Rule 15c1–6.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the existing collection of information provided for in Rule 15c1–6 (17 CFR 240.15c1–6) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) (Exchange Act).

Rule 15c1–6 states that any broker-dealer trying to sell to or buy from a customer a security in a primary or secondary distribution in which the broker-dealer is participating or is otherwise financially interested must give the customer written notification of the broker-dealer's participation or interest at or before completion of the transaction. The Commission estimates that 394 respondents collect information annually under Rule 15c1–6 and that

each respondent would spend approximately 10 hours annually complying with the collection of information requirement (approximately 3,940 hours in aggregate).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following Web site: *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: November 28, 2017.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–25977 Filed 12–1–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82159; File No. SR–GEMX–2017–53]

Self-Regulatory Organizations; Nasdaq GEMX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Extend the Implementation Delay of Qualified Contingent Cross Order Functionalities

November 28, 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 16, 2017, Nasdaq GEMX, LLC (''GEMX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The 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 extend the implementation delay of Qualified Contingent Cross Order [3] functionalities on GEMX.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqgemx.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 Exchange proposes to extend the implementation delay of Qualified Contingent Cross Order [4] functionalities on GEMX. During the replatform to INET, the Exchange initially delayed the implementation of Qualified Contingent Cross Order functionality.[5] At that time, the Exchange noted the Exchange would introduce the Qualified Contingent Cross on GEMX within one year from the date of filing SR–ISEGemini–2016–17, otherwise the Exchange would file a rule proposal with the Commission to remove this rule. The Exchange filed the initial rule change on December 16, 2016.[6] The proposed extended delay will permit the Exchange additional time to test and implement this functionality on INET. The Exchange proposes to amend the rule text in GEMX Rule 721 (Crossing Orders) to note that this QCC functionality will be available on or before March 31, 2018, to be announced to Members in an Options Trader Alert.[7]

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[8] in general, and furthers the objectives of Section 6(b)(5) of the Act,[9] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest because the Exchange desires additional time to test and implement this functionality on INET.

The Exchange believes that further delaying the implementation of the Qualified Contingent Cross Order functionality on GEMX is consistent with the Act and protects investors and public interest because the Exchange is allowing additional time to test this technology before implementing it on INET. The Exchange believes that additional testing will ensure a successful roll-out. Members are already aware that this functionality is delayed. The Exchange will provide Members notice of the date when the functionality will be available. This functionality will be available on or before March 31, 2018. This proposed delay was announced to Members recently in an Options Traders Alert.[10]

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intra-market competition because all Members uniformly will not be able to submit Qualified Contingent Cross Orders during the extended implementation delay.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] A Qualified Contingent Cross Order is comprised of an originating 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 Supplementary Material .01 below [sic], coupled with a contra-side order or orders totaling an equal number of contracts. *See* GEMX Rules 715(j).

[4] *Id.*

[5] *See* Securities Exchange Act Release No. 80011 (February 10, 2017), 82 FR 10927 (February 16, 2017) (SR–ISEGemini–2016–17).

[6] *Id.*

[7] The Exchange issued on Options Trader Alert on November 15, 2017. *See* Options Trader Alert 2017–17 [sic].

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] *See* note 7 above.

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 Act [11] and subparagraph (f)(6) of Rule 19b–4 thereunder.[12]

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–GEMX–2017–53 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–GEMX–2017–53. 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–GEMX–2017–53 and should be submitted on or before December 26, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–25992 Filed 12–1–17; 8:45 am]

BILLING CODE 8011–01–P

[11] 15 U.S.C. 78s(b)(3)(A)(iii).

[12] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82162; File No. SR–NYSEAMER–2017–26]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing of Proposed Rule Change To Amend Rule 971.1NY To Amend the Duration of a Customer Best Execution Auction

November 28, 2017.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that on November 17, 2017, NYSE American LLC (the ''Exchange'' or ''NYSE American'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 971.1NY (Electronic Cross Transactions) to amend the duration of a Customer Best Execution (''CUBE'') Auction. The proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 971.1NY to modify the parameters for the duration of a CUBE Auction. The CUBE Auction is an electronic crossing mechanism for single-leg orders with a price improvement auction on the Exchange.

An ATP Holder (''Initiating Participant'') may initiate a CUBE Auction by electronically submitting for execution a limit order it represents as agent on behalf of a public customer, broker dealer, or any other entity (''CUBE Order'') against principal interest or against any other order it represents as agent, provided the Initiating Participant complies with Rule 971.1NY. When the Exchange receives a valid CUBE Order for auction processing, a Request for Responses (''RFR'') detailing the series, the side of

[1] 15 U.S.C.78s (b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

the market, the size of the CUBE Order, and the limit price of the CUBE Order is sent to all ATP Holders that subscribe to receive RFR messages. Currently, the Auction lasts for a random period of time between 500–750 milliseconds, unless it is concluded early.[4] The Exchange proposes to amend Rule 971.1NY(c)(2)(B) to provide that the duration of a CUBE Auction shall be a random period of time within parameters designated by the Exchange, which random time period [sic] shall be no less than 100 milliseconds and no more than 1 second. This proposed change is consistent with the recently amended rules of other exchanges, such as the NASDAQ International Securities Exchange (''ISE''), NASDAQ BX (''BX''), NASDAQ PHLX (''PHLX''), Miami International Securities Exchange, LLC (''MIAX''), and Chicago Board Options Exchange (''CBOE'').[5] When approving the change to exposure periods in these mechanisms, the Securities and Exchange Commission (''Commission'') concluded that reducing the time periods was consistent with the Act.[6]

The Exchange believes that moving to the proposed range structure provides the Exchange with greater flexibility in establishing the optimal duration for the CUBE Auction. The Exchange believes that permitting a minimum duration as low as 100 milliseconds would reduce market risk for all ATP Holders executing trades on the Exchange via the CUBE Auction. Initiating Participants are required to guarantee an execution at the National Best Bid or Offer (''NBBO'') or at a better price, and are subject to market risk during the time the CUBE Order is exposed to other ATP Holders.[7] While other participants are also subject to market risk, those providing RFR Responses may cancel their responses.[8] The Exchange believes that the Initiating Participant plays a critical role in the CUBE Auction process. Their willingness to guarantee that CUBE Orders receive an execution at the NBBO or, in some cases, a better price, is the catalyst for an order gaining the opportunity for price improvement. The Exchange believes that allowing a CUBE Auction period of no less than 100 milliseconds and no more than 1 second (when the CUBE does not conclude early) [9] would benefit ATP Holders utilizing the CUBE Auction. The Exchange believes it could be in the best interest of Initiating Participants to minimize the CUBE Auction duration while continuing to allow other ATP Holders adequate time to respond with their best priced responses.

The Exchange notes the Commission previously approved other exchanges' rules that provide for a specified auction response time as low as 100 milliseconds and that the Exchange is not proposing to go lower than the lowest previously approved timer range.[10] Further, consistent with this proposal, the Commission has likewise allowed other exchanges to retain the flexibility to choose a response period of up to 1 second.[11]

Accordingly, the Exchange proposes to amend Rule 971.1NY(c)(2)(B) to remove the reference to the duration of the current timer setting and replace it with language providing that ''[t] he Response Time Interval will last for a random period of time within parameters determined by the Exchange and announced by Trader Update. The minimum/maximum parameters for the Response Time Interval will be no less than 100 milliseconds and no more than one (1) second.'' [12] The Exchange will continue to utilize a random timer for each CUBE Auction, because it believes (as it articulated when adopting the CUBE), that the use of a random time period for RFR Responses provides the CUBE with a functional difference to distinguish it from similar price improvement mechanisms offered by other exchanges.[13]

The Exchange does not believe that requiring the CUBE Auction to run for a random time of at least 500 milliseconds (absent an early end) is necessary in today's market where, generally, ATP Holders' systems have the capability to respond within 100 milliseconds or less. As such, reducing the minimum potential Response Time Interval in the CUBE is appropriate as ATP Holders no longer need 500 milliseconds to respond to an Auction. Further, reducing the potential minimum Response Time Interval would allow ATP Holders the opportunity to seek out liquidity in an expedient manner that is consistent with today's system capabilities.

The Exchange believes that ATP Holders operate electronic systems that enable them to react and respond to orders in a meaningful way in fractions of a second. The Exchange anticipates that its ATP Holders would continue to compete within the proposed Response Time Interval designated by the Exchange. In particular, the Exchange believes that the proposed Response Time Interval—which would be a random period of time no less than 100 milliseconds and no more than 1 second—would continue to provide ATP Holders with sufficient time to respond to, compete for, and provide price improvement for CUBE Orders. As such, the Exchange believes this proposed change would continue to provide the investing public with more timely executions, and reduce their market risk.

To substantiate that ATP Holders are able to receive, process and communicate a response to an auction broadcast within 100 milliseconds, the Exchange surveyed all responders to a CUBE Auction over the last three months. Each of these ATP Holders confirmed that they can receive, process and communicate a response back to the Exchange within 100 milliseconds.

With regard to the impact of this proposal on system capacity, the Exchange has analyzed its capacity and represents that it has the necessary systems capacity to handle the potential additional traffic associated with the additional transactions that may occur with the implementation of the proposed modification to the Response Time Interval to no less than 100 milliseconds. Additionally, the Exchange represents that its System will be able to sufficiently maintain an audit trail for order and trade information with the reduction in the Response Time Interval.

Implementation

Pursuant to the modified rule, the Exchange will announce by Trader Update any changes to the current random time period applicable to CUBE Auctions in advance.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b)

[4] *See* Rule 971.1NY(c)(2)(B) (providing that the Response Time Interval is ''the period of time during which responses to the RFR may be entered, which will last for a random period of time between 500 and 750 milliseconds''). *See* Rule 971.1NY(c)(4)(A)–(F) (providing the scenarios that would result in the early end of a CUBE Auction).

[5] *See* Securities Exchange Act Release Nos. 79733 (January 4, 2017), 82 FR 3055 (January 10, 2017) (SR–ISE–2016–26); 76301 (October 29, 2015), 80 FR 68347 (November 4, 2015) (SR–BX–2015–032); 77557 (April 7, 2016), 81 FR 21935 (April 13, 2016) (SR–PHLX–2016–40); 80570 (May 1, 2017), 82 FR 21288 (May 5, 2017) (SR–MIAX–2017–16); and 80421 (April 10, 2017), 82 FR 18048 (April 14, 2017) (SR–CBOE–2017–029).

[6] *Id.*

[7] *See* Rule 971.1NY(a).

[8] *See* Rule 971.1NY(c)(2)(C)(i)(d).

[9] *See supra* note 4.

[10] *See supra* note 5.

[11] *See, e.g.,* ISE Rule 723(c)(1) (providing ISE ''will designate via circular a time of no less than 100 milliseconds and no more than 1 second'' during which its members can submit responses to the ISE price improvement mechanism).

[12] *See* proposed Rule 971.1NY(c)(2)(B).

[13] *See* Securities Exchange Act Release No. 72025 (April 25, 2014), 79 FR 24779, 24782 and 24787 (May 1, 2017) (SR–NYSEMKT–2014–17) (the ''CUBE Approval Order'') (describing the operation of the random timer for the duration of the Response Timer Interval).

of the Act,[14] in general, and furthers the objectives of Section 6(b)(5) of the Act,[15] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

In particular, the proposed rule change would provide investors with more timely execution of their option orders, while ensuring that there is an adequate exposure of orders in the mechanisms. Additionally, the proposed change could provide more CUBE Orders an opportunity for price improvement because it would reduce market risk for ATP Holders that participate in CUBE Auctions. Finally, as mentioned above, other exchanges such as ISE, BX, PHLX, MIAX, and CBOE, have already amended their rules to permit response times consistent with the instant proposal—*i.e.,* no less than 100 milliseconds and no more than 1 second.[16] As such, the Exchange believes the proposed rule change would help perfect the mechanism for a free and open national market system, and generally help protect investors and the public's interest.[17]

The Exchange believes the proposed rule change is not unfairly discriminatory because the Response Time Interval for each CUBE Auction would be the same for all participating ATP Holders. As is the case today, all ATP Holders would continue to have an equal opportunity to receive the broadcast and respond with their best prices during the auction. Additionally, the Exchange believes the proposed modification to the Response Time Interval to be as low as 100 milliseconds would reduce the market risk for all ATP Holders, inclusive of Initiating Participants and those ATP Holders responding to a CUBE Action.[18]

Finally, the proposal would promote just and equitable principles of trade because it would allow the Exchange to continue to use a random timer for each CUBE Auction (within the outside parameters announced by the Exchange), which timer provides the CUBE with a functional difference to distinguish it from similar price improvement mechanisms offered by other exchanges.[19] The Exchange believes this flexibility would allow the Exchange to modify the outside parameters of uninterrupted CUBE Auctions to provide ATP Holders with sufficient time to submit RFR Responses and would encourage competition among participants, thereby enhancing the potential for price improvement for the CUBE Order.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposal to provide the Exchange flexibility in determining potentially shorter durations for CUBE Auctions does not impose an undue burden on intra-market competition as the Exchange believes that allowing for a Response Time Interval of no less than 100 milliseconds and no more than 1 second (absent an early end) would benefit all ATP Holders utilizing the CUBE Auctions. Specifically, it is in Initiating Participants' best interest to minimize the Response Time Interval while continuing to allow other ATP Holders adequate time to electronically respond.

The proposed rule would allow ATP Holders to respond quickly at the most favorable price while reducing the risk that the market will move against that response. The Exchange believes that its ATP Holders would be able to compete within a Response Time Interval of no less than 100 milliseconds and no more than 1 second, and that any random duration within this range is a sufficient amount of time to respond to, compete for, and provide price improvement for CUBE Orders, which would, in turn, provide investors and other market participants more timely executions, and reduce their market risk.

The Exchange does not believe its proposed rule change would impose an undue burden on inter-market competition as the Exchange notes other exchanges offer similar functionality with similar auction duration lengths.[20]

For all the reasons stated, the Exchange does not believe that the proposed rule change would impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act, and believes the proposed change would enhance competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or 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–NYSEAMER–2017–26 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–NYSEAMER–2017–26. 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

[14] 15 U.S.C. 78f(b).

[15] 15 U.S.C. 78f(b)(5).

[16] *See supra* note 5.

[17] 15 U.S.C. 78f(b)(5).

[18] The Exchange notes that, as proposed, the duration of a CUBE Auction could be a maximum of 1 second, as determined and announced by the Exchange.

[19] *See* CUBE Approval Order, *supra* note 13.

[20] *See supra* note 5. *See also* ISE Rule 723(c)(1); BX Rules, Chapter VI, Section 9(ii)(A)(3); PHLX Rule 1080(n)(ii)(A)(4); MIAX Rule 515A; and CBOE Rule 6.74A and 6.74B.

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–NYSEAMER–2017–26 and should be submitted on or before December 26, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–25990 Filed 12–1–17; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF STATE

[Public Notice 10159]

Guidance on Specified Persons Under Section 231 of the Countering Russian Influence in Europe and Eurasia Act of 2017

ACTION: Guidance to specify persons that are part of, or operate for or on behalf of, the defense and intelligence sectors of the Government of the Russian Federation; notice.

SUMMARY: The Department of State is issuing this guidance to specify the persons that are part of, or operate for or on behalf of, the defense and intelligence sectors of the Government of the Russian Federation. This guidance, including the list specifying persons, was developed through a robust interagency process and may be updated or amended as circumstances warrant.

Applicable Dates: The specification of persons identified in this notice pursuant to the Act is applicable on December 4, 2017.

FOR FURTHER INFORMATION CONTACT: Philip A. Foley, Director, Office of Counterproliferation Initiatives, Bureau of International Security and Nonproliferation, Department of State, Washington, DC 20520, tel.: 202–647–5193, *FOLEYPH@STATE.GOV.*

Background

Pursuant to the authority in Section 231(d) of the Countering Russian Influence in Europe and Eurasia Act of 2017 (Pub. L. 115–44), (''the Act''), the Secretary of State is issuing this guidance to specify the following as persons that are part of, or operate for or on behalf of, the defense and intelligence sectors of the Government of the Russian Federation:

Section 231(d) List regarding the Russian Defense Sector of the Government of the Russian Federation

Admiralty Shipyard JSC

Almaz-Antey Air and Space Defense Corporation JSC

Dolgoprudny Research Production JSC

Federal Research and Production Center Titan Barrikady JSC (Titan Design Bureau)

Izhevsk Mechanical Plant (Baikal)

Izhmash Concern JSC

Kalashnikov Concern JSC

Kalinin Machine Building Plant JSC (KMZ)

KBP Instrument Design Bureau

MIC NPO Mashinostroyenia

Molot Oruzhie

Mytishchinski Mashinostroitelny Zavod

Novator Experimental Design Bureau

NPO High Precision Systems JSC

NPO Splav JSC

Oboronprom OJSC

Radio-Electronic Technologies (KRET)

Radiotechnical and Information Systems (RTI) Concern

Research and Production Corporation Uralvagonzavod JSC

Rosoboronexport OJSC (ROE)

Rostec (Russian Technologies State Corporation)

Russian Aircraft Corporation MiG

Russian Helicopters JSC

Sozvezdie Concern JSC

State Research and Production Enterprise Bazalt JSC

Sukhoi Aviation JSC

Tactical Missiles Corporation JSC

Tikhomirov Scientific Research Institute JSC

Tupolev JSC

United Aircraft Corporation

United Engine Corporation

United Instrument Manufacturing Corporation

United Shipbuilding Corporation

Section 231(d) List regarding the Russian Intelligence Sector of the Government of the Russian Federation

Autonomous Noncommercial Professional Organization/ Professional Association of Designers of Data Processing (ANO PO KSI)

Federal Security Service (FSB)

Foreign Intelligence Service (SVR)

Main Intelligence Directorate of the General Staff of the Russian Armed Forces (GRU)

Special Technology Center

Zorsecurity

Dated: October 26, 2017.

Rex W. Tillerson,

Secretary of State.

[FR Doc. 2017–26087 Filed 12–1–17; 8:45 am]

BILLING CODE 4710–27–P

DEPARTMENT OF STATE

[Public Notice: 10210]

Notice of Determinations; Culturally Significant Objects Imported for Exhibition Determinations: ''Palmyra: Loss and Remembrance'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects to be included in the exhibition ''Palmyra: Loss and Remembrance,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit objects at The J. Paul Getty Museum at the Getty Villa, Malibu, California, from on or about April 18, 2018, until on or about May 27, 2019, and at possible additional exhibitions or venues yet to be determined, is in the national interest.

FOR FURTHER INFORMATION CONTACT: Elliot Chiu in the Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257–1 of December 11, 2015). I have ordered that Public Notice

[21] 17 CFR 200.30–3(a)(12).

of these determinations be published in the **Federal Register**.

Alyson Grunder,

Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2017–25947 Filed 12–1–17; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Department of the Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, tel.: 202–622–2420; 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 General Counsel: Office of the Chief Counsel (Foreign Assets Control), tel.: 202–622–2410.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The list of Specially Designated Nationals and Blocked Persons (SDN List) and additional information concerning OFAC sanctions programs are available on OFAC's Web site (*http://www.treasury.gov/ofac*).

Notice of OFAC Actions

On September 23, 2016, OFAC determined that the property and interests in property of the following persons are blocked under the relevant sanctions authority listed below.

Individuals

1. IMPERIAL CASTRO, Eliseo (a.k.a. ''CHEYO ANTRAX''), Mexico; DOB 17 Jan 1984; POB Culiacan, Sinaloa, Mexico; citizen Mexico; Gender Male; R.F.C. IECE840117RCA (Mexico); C.U.R.P. IECE840117HSLMSL04 (Mexico) (individual) [SDNTK]. Designated pursuant to section 805(b)(2) of the Kingpin Act, 21 U.S.C. 1904(b)(2), for materially assisting in, or providing financial or technological support for or to, or providing goods or services in support of, the international narcotics trafficking activities of the SINALOA CARTEL and/or Ismael ZAMBADA GARCIA; and/or designated pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3), for being directed by, or acting for or on behalf of, the SINALOA CARTEL and/or Ismael ZAMBADA GARCIA.

2. LIRA SOTELO, Alfonso (a.k.a. BAHENA MARTINEZ, Rogelio; a.k.a. ''EL ATLANTE''), Mexico; DOB 24 May 1970; alt. DOB 02 Dec 1970; POB Mexico City, D.F., Mexico; alt. POB Ixtlahuatenco Pedro Ascencio Alquisiras, Guerrero, Mexico; citizen Mexico; Gender Male; Passport G02447186 (Mexico) issued 01 Apr 2010 expires 01 Apr 2016; R.F.C. LISA7005242Y8 (Mexico); National ID No. 25887069638 (Mexico); C.U.R.P. LISA700524HDFRTL03 (Mexico) (individual) [SDNTK]. Designated pursuant to section 805(b)(2) of the Kingpin Act, 21 U.S.C. 1904(b)(2), for materially assisting in, or providing financial or technological support for or to, or providing goods or services in support of, the international narcotics trafficking activities of the SINALOA CARTEL, and/or Ismael ZAMBADA GARCIA, and/or Eliseo IMPERIAL CASTRO; and/or designated pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3), for being directed by, or acting for or on behalf of, the SINALOA CARTEL, and/or Ismael ZAMBADA GARCIA, and/or Eliseo IMPERIAL CASTRO.

3. LIRA SOTELO, Javier (a.k.a. ''EL CARNICERO''; a.k.a. ''EL HANNIBAL''), Mexico; DOB 16 Jul 1965; POB Mexico City, D.F., Mexico; citizen Mexico; Gender Male; C.U.R.P. LISJ650716HDFRTV04 (Mexico); R.F.C. LISJ650716SD0 (Mexico) (individual) [SDNTK]. Designated pursuant to section 805(b)(2) of the Kingpin Act, 21 U.S.C. 1904(b)(2), for materially assisting in, or providing financial or technological support for or to, or providing goods or services in support of, the international narcotics trafficking activities of Ismael ZAMBADA GARCIA, and/or Eliseo IMPERIAL CASTRO, and/or Alfonso LIRA SOTELO; and/or designated pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3), for being directed by, or acting for or on behalf of, Ismael ZAMBADA GARCIA, and/or Eliseo IMPERIAL CASTRO, and/or Alfonso LIRA SOTELO.

4. LIRA SOTELO, Alma Delia, Mexico; DOB 14 Apr 1972; POB Mexico City, D.F., Mexico; citizen Mexico; Gender Female; C.U.R.P. LISA720414MDFRTL08 (Mexico) (individual) [SDNTK]. Designated pursuant to section 805(b)(2) of the Kingpin Act, 21 U.S.C. 1904(b)(2), for materially assisting in, or providing financial or technological support for or to, or providing goods or services in support of, the international narcotics trafficking activities of Alfonso LIRA SOTELO; and/or designated pursuant to section 805(b)(3) of the Kingpin Act, 21 U.S.C. 1904(b)(3), for being directed by, or acting for or on behalf of Alfonso LIRA SOTELO and/or the SINALOA CARTEL.

Dated: November 29, 2017.

John E. Smith,

Director, Office of Foreign Assets Control.

[FR Doc. 2017–26022 Filed 12–1–17; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Department of the Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, tel.: 202–622–2420; 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 General Counsel: Office of the Chief Counsel (Foreign Assets Control), tel.: 202–622–2410.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The list of Specially Designated Nationals and Blocked Persons (SDN List) and additional information concerning OFAC sanctions programs are available on OFAC's Web site (*http://www.treasury.gov/ofac*).

Notice of OFAC Actions

On November 29, 2017, OFAC determined that the property and interests in property of the following persons are blocked under the relevant sanctions authority listed below.

Individuals

1. AGUINO ARBOLEDA, Junior Onofre (Latin: AGUIÑO ARBOLEDA, Junior Onofre) (a.k.a. ''DIOS Y CIEGO''), Colombia; DOB 16 Sep 1989; POB Tumaco, Narino, Colombia; Gender

Male; Cedula No. 1087132209 (Colombia) (individual) [SDNTK]. Designated pursuant to section 805(b)(2) of the Kingpin Act, 21 U.S.C. 1904(b)(2), for materially assisting in, or providing financial or technological support for or to, or providing goods or services in support of, the international narcotics trafficking activities of RUANO YANDUN.

2. RUANO YANDUN, Tito Aldemar (a.k.a. ''DON T''; a.k.a. ''DON TI''; a.k.a. ''DON TITO''), Colombia; DOB 18 Oct 1975; POB Ipiales, Narino, Colombia; nationality Colombia; citizen Colombia; Gender Male; Cedula No. 98337819 (Colombia) (individual) [SDNTK]. Designated pursuant to section 805(b)(4) of the Kingpin Act, 21 U.S.C. 1904(b)(4), for playing a significant role in international narcotics trafficking.

Entity

1. RUANO YANDUN DRUG TRAFFICKING ORGANIZATION (a.k.a. ''RUANO YANDUN DTO''), Narino, Colombia; Ecuador [SDNTK]. Designated pursuant to section 805(b)(4) of the Kingpin Act, 21 U.S.C. 1904(b)(4), for playing a significant role in international narcotics trafficking.

Dated: November 29, 2017.

John E. Smith,

Director, Office of Foreign Assets Control.

[FR Doc. 2017–26019 Filed 12–1–17; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Forms 5498–QA and 1099–QA

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service (IRS), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning Form 5498–QA, ABLE Account Contribution Information, and Form 1099–QA, Distributions from ABLE Accounts.

DATES: Written comments should be received on or before February 2, 2018 to be assured of consideration.

ADDRESSES: Direct all written comments to L. Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Martha R. Brinson, at (202) 317–5753 or at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at *Martha.R.Brinson@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: ABLE Account Contribution Information; Distributions from ABLE Accounts.

OMB Number: 1545–2262.

Form Numbers: 5498–QA; 1099–QA.

Abstract: Public Law 113–295, ABLE Act of 2014, granted States, agencies and/or their instrumentalities the authority to allow for the establishment of special accounts that allow individuals and families to set aside money for the purpose of supporting individuals with disabilities to maintain health, independence, and quality of life, without impacting eligibility for other social service financial assistance programs such as Medicaid. Form 5498–QA is used to report to the beneficiaries the contributions, rollovers, and program to program transfers associated with these accounts. Form 1099–QA allows these individuals and families to draw from the special account.

Current Actions: There are no changes being made to the forms at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Form 5498–QA

Estimated Number of Responses: 10,000.

Estimated Time per Respondent: 11 min.

Estimated Total Annual Burden Hours: 1,900

Form 1099–QA

Estimated Number of Responses: 10,000.

Estimated Time per Respondent: 10 min.

Estimated Total Annual Burden Hours: 1,700

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: November 28, 2017.

L. Brimmer,

Senior Tax Analyst.

[FR Doc. 2017–26005 Filed 12–1–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on continuing information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning limitations on corporate net operating loss carryforwards.

DATES: Written comments should be received on or before February 2, 2018 to be assured of consideration.

ADDRESSES: Direct all written comments to L. Brimmer, Internal Revenue Service, Room 6529, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form should be directed to

Kerry Dennis, at (202) 317–5751 or Internal Revenue Service, Room 6529, 1111 Constitution Avenue NW., Washington DC 20224, or through the internet, at *Kerry.Dennis@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Limitations on Corporate Net Operating Loss Carryforwards.

OMB Number: 1545–1275.

Regulation Project Number: T.D. 8529.

Abstract: Sections 1.382–9(d)(2)(iii) and (d)(4)(iv) of the regulation allow a loss corporation to rely on a statement by beneficial owners of indebtedness in determining whether the loss corporation qualifies for the benefits of Internal Revenue Code section 382(1)(5). Regulation section 1.382–9(d)(6)(ii) requires a loss corporation to file an election if it wants to apply the regulation retroactively, or revoke a prior Code section 382(1)(6) election.

Current Actions: There are no changes to the paperwork burden previously approved by OMB.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 650.

Estimated Time per Respondent: The estimated annual time per respondent with respect to the §§ 1.382–9(d)(2)(iii) and (d)(4)(iv) statements is 15 minutes. The estimated annual time per respondent with respect to the § 1.382–9(d)(6)(ii) election is 1 hour.

Estimated Total Annual Burden Hours: 200.

The following paragraph applies to all of the collections of information covered by this notice.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: November 28, 2017.

L. Brimmer,

Senior Tax Analyst.

[FR Doc. 2017–26004 Filed 12–1–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Advisory Group to the Commissioner of Internal Revenue; Renewal of Charter

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of Charter renewal.

SUMMARY: The Charter for the Internal Revenue Service Advisory Council (IRSAC) has been renewed for one year beginning November 24, 2017.

FOR FURTHER INFORMATION CONTACT: Ms. Anna Millikan, National Public Liaison, at *publicliaison@irs.gov.*

SUPPLEMENTARY INFORMATION: Notice is hereby given under section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988), and with the approval of the Secretary of the Treasury to announce the renewal of the Internal Revenue Service Advisory Council (IRSAC) for a period of one year. The primary purpose of the advisory council is to provide an organized public forum for Internal Revenue Service officials and representatives of the public to discuss relevant tax administration issues. As an advisory body designed to focus on broad policy matters, the IRSAC reviews existing tax policy and/or makes recommendations with respect to emerging federal tax administration issues. The IRSAC suggests operational improvements, offers constructive observations regarding current or proposed IRS policies, programs, and procedures, and suggest improvements with respect to issues having substantive effect on federal tax administration. Conveying the public's perception of IRS activities to Internal Revenue Service officials, the IRSAC is comprised of individuals who bring substantial, disparate experience and diverse backgrounds. Membership is balanced to include representation from the taxpaying public, the tax professional community, small and large business, international, wage and investment taxpayers, digital services, academia, and the applicant's knowledge of Treasury Circular 230.

Dated: November 28, 2017.

John Lipold,

Designated Federal Official.

[FR Doc. 2017–26003 Filed 12–1–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service (IRS), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning New Markets Tax Credit.

DATES: Written comments should be received on or before February 2, 2018 to be assured of consideration.

ADDRESSES: Direct all written comments to L. Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Martha R. Brinson, at (202) 317–5753 or at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at *Martha.R.Brinson@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: New Markets Tax Credit.

OMB Number: 1545–1765.

Regulation Project Number: T.D. 9171.

Abstract: The regulations provide guidance for taxpayers claiming the new markets tax credit under section 45D of the Internal Revenue Code. The reporting requirements in the regulations require a qualified community development entity (CDE) to provide written notice to: (1) Any taxpayer who acquires an equity investment in the CDE at its original issue that the equity investment is a qualified equity investment entitling the

taxpayer to claim the new markets tax credits; and (2) each holder of a qualified equity investment, including all prior holders of that investment that a recapture event has occurred. CDE's must comply with such reporting requirements to the Secretary as the Secretary may prescribe.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Private sector: Business or other for-profit organizations.

Estimated Number of Respondents: 816.

Estimated Time per Response: 15 mins.

Estimated Total Burden Hours: 210.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: November 28, 2017.

L. Brimmer,

Senior Tax Analyst.

[FR Doc. 2017–26002 Filed 12–1–17; 8:45 am]

BILLING CODE 4830–01–P

Reader Aids

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CFR Checklist. Effective January 1, 2009, the CFR Checklist no longer appears in the Federal Register. This information can be found online at **http://bookstore.gpo.gov/.**

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LIST OF PUBLIC LAWS

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