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# Rules and Regulations

Federal Register

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

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2017-1097; Product Identifier 2013-NM-015-AD; Amendment 39-19117; AD 2017-25-03]

RIN 2120-AA64

#### Airworthiness Directives; Fokker Services B.V. Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule; request for comments.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for all Fokker Services B.V. Model F28 Mark 0070 and 0100 airplanes. This AD requires contacting the FAA to obtain instructions for addressing the unsafe condition on these products, and doing the actions specified in those instructions. This AD was prompted by a report of sparks and an electrical smell on the flight deck of a Model F28 Mark 0070 airplane. We are issuing this AD to address the unsafe condition on these products.

**DATES:** This AD becomes effective December 21, 2017.

We must receive comments on this AD by January 22, 2018.

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

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Fax:* 202-493-2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room

W12-140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

#### 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-2017-1097; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations 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:** Tom Rodriguez, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 1601 Lind Avenue SW., Renton, WA 98057-3356; telephone: 425-227-1137; fax: 425-227-1149.

#### SUPPLEMENTARY INFORMATION:

##### Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2013-0003, dated January 7, 2013 (referred to after this as the Mandatory Continuing Airworthiness Information, or “the MCAI”), to correct an unsafe condition for all Fokker Services B.V. Model F28 Mark 0070 and 0100. The MCAI states:

Following a report of sparks and an electrical smell on the flight deck of an F28 Mark 0070 aeroplane, the investigation results revealed heat damage on several contacts of connector J 4222A/P 4222B, most likely caused by a degraded contact. An imbalance of the resistance of two contacts, used in parallel in the left-hand (LH) windshield heating system, resulted in a too high current. This overheated the contacts and caused carbonising, thereby creating a conductive path between the contacts of the LH windshield heating system and the LH sliding window heating system. The conductive path resulted in a too high voltage on the LH sliding window, causing overheating of the LH sliding window heating element.

This condition, if not detected and corrected, could lead to further cases of electrical overload, possibly resulting in failure of sliding window heating element(s)

and consequent arcing, smoke and fire in the cockpit area.

Prompted by these findings, Fokker Services issued Service Bulletin (SB) SBF100-30-027 which introduces a modification of wiring distribution on the affected receptacles and plugs.

To correct this potential unsafe condition, [Civil Aviation Authority—The Netherlands] CAA-NL issued [Dutch] AD NL-2005-009 (EASA approval 2005-6043) [which corresponds to FAA AD 2006-15-17, Amendment 39-14698 (71 FR 43033, July 31, 2006)] to require modification of the wiring distribution of the AC Bus Transfer Power System and the Windshield Anti-Icing Systems, as specified in Fokker Services SBF100-30-027.

Since that [Dutch] AD was issued, Fokker Services found that, as the Accomplishment Instructions of SBF100-30-027 were divided in 5 blocks, an individual aeroplane (serial number) could be specified in one or more blocks. This led to confusion for operators and may have resulted in incomplete accomplishment of the modification as required by [Dutch] AD NL-2005-009.

Fokker Services SBF100-30-027 has now been revised to include a one-to-one relation between each aeroplane and the applicable blocks in the Accomplishment Instructions.

For the reasons described above, this [EASA] AD requires a one-time check of the work accomplished through Fokker Services SBF100-30-027, a visual inspection of the contacts of connectors and, depending on findings, rework of the wiring.

You may examine the MCAI on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2017-1097.

#### FAA's Determination and Requirements of This 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 the State of Design Authority, we have been notified of the unsafe condition described in the MCAI. We are issuing this AD because we evaluated all pertinent information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

#### FAA's Determination of the Effective Date

There are currently no domestic operators of this product. Therefore, we find that notice and opportunity for prior public comment are unnecessary and that good cause exists for making

this amendment effective in less than 30 days.

#### Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and opportunity for public comment. We invite you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2017-1097; Product Identifier 2013-NM-015-AD"

at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD based on those comments.

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

substantive verbal contact we receive about this AD.

#### Costs of Compliance

Currently, there are no affected U.S.-registered airplanes. This AD requires contacting the FAA to obtain instructions for addressing the unsafe condition, and doing the actions specified in those instructions. Based on the actions specified in the MCAI AD, we are providing the following cost estimates for an affected airplane that is placed on the U.S. Register in the future:

#### ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product
Maintenance record review .....	1 work-hour × \$85 per hour = \$85 .....	\$0	\$85
Inspection .....	Up to 76 work-hours × \$85 per hour = \$6,460 .....	\$0	Up to \$6,460

We estimate the following costs to do any necessary on-condition modification that would be required

based on the results of the required actions:

#### ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Modification .....	Up to 16 work-hours × \$85 per hour = \$1,360 .....	\$0	Up to \$1,360

#### Authority for This Rulemaking

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

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

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

airplanes to the Director of the System Oversight Division.

#### Regulatory Findings

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

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

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

#### List of Subjects in 14 CFR Part 39

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

#### Adoption of the Amendment

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

the FAA amends 14 CFR part 39 as follows:

#### PART 39—AIRWORTHINESS DIRECTIVES

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

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

#### § 39.13 [Amended]

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

**2017-25-03 Fokker Services B.V.:**  
Amendment 39-19117; Docket No. FAA-2017-1097; Product Identifier 2013-NM-015-AD.

#### (a) Effective Date

This AD becomes effective December 21, 2017.

#### (b) Affected ADs

None.

#### (c) Applicability

This AD applies to Fokker Services B.V. Model F28 Mark 0070 and 0100 airplanes, certificated in any category, all manufacturer serial numbers.

#### (d) Subject

Air Transport Association (ATA) of America Code 30, Ice and rain protection.



**(e) Reason**

This AD was prompted by a report of sparks and an electrical smell on the flight deck of a Model F28 Mark 0070 airplane. We are issuing this AD to prevent an electrical overload in the windshield heating system, which could result in failure of a sliding window heating element and consequent arcing, smoke, and fire in the flight deck.

**(f) Compliance**

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

**(g) Required Action(s)**

Within 30 days after the effective date of this AD, request instructions from the Manager, International Section, Transport Standards Branch, FAA, to address the unsafe condition specified in paragraph (e) of this AD; and accomplish the actions at the times specified in, and in accordance with, those instructions. Guidance can be found in Mandatory Continuing Airworthiness Information (MCAI) European Aviation Safety Agency (EASA) AD 2013-0003, dated January 7, 2013.

**(h) Alternative Methods of Compliance (AMOCs)**

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

**(i) Related Information**

(1) Refer to MCAI EASA AD 2013-0003, dated January 7, 2013, for related information. You may examine the MCAI on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2017-1097.

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

**(j) Material Incorporated by Reference**

None.

Issued in Renton, Washington, on November 21, 2017.

**Jeffrey E. Duven,**

*Director, System Oversight Division, Aircraft Certification Service.*

[FR Doc. 2017-26192 Filed 12-5-17; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA-2017-1098; Product Identifier 2012-NM-216-AD; Amendment 39-19116; AD 2017-25-02]

RIN 2120-AA64

**Airworthiness Directives; Fokker Services B.V. Airplanes**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule; request for comments.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for certain Fokker Services B.V. Model F28 Mark 1000, 2000, 3000, and 4000 airplanes. This AD requires contacting the FAA to obtain instructions for addressing the unsafe condition on these products, and doing the actions specified in those instructions. This AD was prompted by reports indicating that certain exit signs have a hydrogen isotope that decays over time, causing the signs to lose their brightness. We are issuing this AD to address the unsafe condition on these products.

**DATES:** This AD becomes effective December 21, 2017.

We must receive comments on this AD by January 22, 2018.

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

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

**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-2017-1098; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory

evaluation, any comments received, and other information. The street address for the Docket Operations 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:** Tom Rodriguez, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 1601 Lind Avenue SW., Renton, WA 98057-3356; telephone 425-227-1137; fax 425-227-1149.

**SUPPLEMENTARY INFORMATION:****Discussion**

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2012-0239, dated November 9, 2012 (referred to after this as the Mandatory Continuing Airworthiness Information, or “the MCAI”), to correct an unsafe condition for certain Fokker Services B.V. Model F28 Mark 1000, 2000, 3000, and 4000 airplanes. The MCAI states:

A number of Fokker F28 aeroplanes have exit signs installed to locate the emergency exits. A number of these signs are not electrically powered, but are self-illuminated by means of a hydrogen isotope known as Tritium. As this isotope decays over time, these signs will lose their brightness.

To remain compliant with regulations, Tritium exit signs should be replaced when their brightness has deteriorated below accepted levels. The established service life for the Tritium powered exit signs is 7 years. Currently, the Fokker F28 maintenance program does not include a replacement task for signs containing Tritium.

This condition, if not corrected, could result in insufficiently bright exit signs, possibly preventing safe evacuation during an emergency, which could result in injury to occupants.

For the reasons described above, this [EASA] AD requires replacement of all Tritium exit signs with photo-luminescent signs, which do not have an internal power source like the Tritium powered exit signs. In addition, this [EASA] AD requires repetitive maintenance tasks for the new photo-luminescent signs. [The EASA AD provides an option to revise the airplane maintenance program.]

You may examine the MCAI on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2017-1098.

**FAA's Determination and Requirements of This 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 the State of Design Authority, we have been notified of the unsafe condition described in the

MCAI. We are issuing this AD because we evaluated all pertinent information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

FAA’s Determination of the Effective Date

Since there are currently no domestic operators of this product, we find good cause that notice and opportunity for prior public comment are unnecessary. In addition, for the reason(s) stated above, we find that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and opportunity for public comment. We invite you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the ADDRESSES section. Include “Docket No. FAA–2017–1098; Product Identifier 2012–NM–216–AD” at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD based on those comments.

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

Costs of Compliance

Currently, there are no affected U.S.-registered airplanes. This AD requires contacting the FAA to obtain instructions for addressing the unsafe condition, and doing the actions specified in those instructions. Based on the actions specified in the MCAI AD, we are providing the following cost estimates for an affected airplane that is placed on the U.S. Register in the future:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement .....	1 work-hour × \$85 per hour = \$85 .....	Unavailable	\$85
Inspection .....	1 work-hour × \$85 per hour = \$85 .....	0	85
Maintenance program revision .....	1 work-hour × \$85 per hour = \$85 .....	0	85

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

**2017–25–02 Fokker Services B.V.:**  
Amendment 39–19116; Docket No. FAA–2017–1098; Product Identifier 2012–NM–216–AD.

(a) Effective Date

This AD becomes effective December 21, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Fokker Services B.V. Model F28 Mark 1000, 2000, 3000, and 4000 airplanes, certificated in any category, as specified in paragraphs (c)(1) and (c)(2) of this AD.

- (1) Serial numbers 11029, 11030, and 11042 in pre-SBF28/33–13 Appendix V configuration.
- (2) Serial numbers 11006, 11012, 11016, 11018, 11020, 11024, 11027, 11028, 11032 through 11038, 11043 through 11049, 11053, 11054, 11061 thru 11087, 11089 through 11113, 11115 through 11124, 11126 through 11132, 11134, 11136 through 11202, 11204 through 11224, 11226 through 11235, 11237, 11238, 11240, 11991, and 11992.

**(d) Subject**

Air Transport Association (ATA) of America Code 11, Placards and markings.

**(e) Reason**

This AD was prompted by reports indicating that certain exit signs have a hydrogen isotope that decays over time, causing the signs to lose their brightness. We are issuing this AD to prevent insufficiently illuminated exit signs, which could possibly prevent safe evacuation during an emergency and cause injury to occupants.

**(f) Compliance**

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

**(g) Required Actions**

Within 30 days after the effective date of this AD, request instructions from the Manager, International Section, Transport Standards Branch, FAA, to address the unsafe condition specified in paragraph (e) of this AD; and accomplish the actions at the times specified in, and in accordance with, those instructions. Guidance can be found in Mandatory Continuing Airworthiness Information (MCAI) European Aviation Safety Agency (EASA) AD 2012-0239, dated November 9, 2012.

**(h) Alternative Methods of Compliance (AMOCs)**

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

**(i) Related Information**

(1) Refer to MCAI EASA AD 2012-0239, dated November 9, 2012, for related information. You may examine the MCAI on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2017-1098.

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

**(j) Material Incorporated by Reference**

None.

Issued in Renton, Washington, on November 22, 2017.

**Jeffrey E. Duven,**

*Director, System Oversight Division, Aircraft Certification Service.*

[FR Doc. 2017-26191 Filed 12-5-17; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 71**

**[Docket No. FAA-2017-0295; Airspace Docket No. 16-AWP-2]**

**Establishment of Class E Airspace; Kaunakakai, HI**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule, correction.

**SUMMARY:** This action corrects a final rule published in the **Federal Register** of October 11, 2017, that establishes Class E airspace and amends Class D and E airspace at Molokai Airport, Kaunakakai, HI. The airspace description for the airport in Class E airspace extending upward from 700 feet above the surface contained the following wording in error: "That airspace extending upward from the surface . . ." It is removed and replaced by "That airspace extending upward from 700 feet above the surface . . . ."

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

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

**SUPPLEMENTARY INFORMATION:****History**

The FAA published a final rule in the **Federal Register** (82 FR 47104, October 11, 2017) Docket No. FAA-2017-0295 establishing Class E airspace and amending Class D and Class E airspace at Molokai Airport, Kaunakakai, HI. Subsequent to publication, the FAA identified a clerical error in the legal description of the Class E airspace extending upward from 700 feet or more above the surface at Molokai Airport. This correction changes the words ". . . from the surface . . ." to read ". . . from 700 feet above the surface . . . .".

**Correction to Final Rule**

Accordingly, pursuant to the authority delegated to me, in the **Federal Register** of October 11, 2017 (82 FR 47104) FR Doc. FR Doc. 2017-21785, Establishment of Class E Airspace and Amendment of Class D and Class E Airspace; Kaunakakai, HI, is corrected as follows:

**§ 71.1 [Amended]****AWP HI E5 Kaunakakai, HI [Corrected]**

■ On page 47105, column 3, lines 10 and 11, the words "That airspace extending upward from the surface" are corrected to read "That airspace extending upward from 700 feet above the surface".

Issued in Seattle, Washington, on November 21, 2017.

**Brian J. Johnson,**

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

[FR Doc. 2017-26203 Filed 12-5-17; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 71**

**[Docket No. FAA-2017-0737; Airspace Docket No. 16-ANM-12]**

**Establishment of Class E Airspace, Twin Bridges, MT**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action establishes Class E airspace extending upward from 700 and 1,200 feet above the surface at Twin Bridges Airport, Twin Bridges, MT, to accommodate the development of instrument flight rules (IFR) operations under standard instrument approach and departure procedures at the airport, for the safety and management of aircraft within the National Airspace System. This action also makes a minor correction to one geographic coordinate of the airport reference point.

**DATES:** Effective 0901 UTC, February 1, 2018. The Director of the Federal Register approves this incorporation by reference action under Title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

**ADDRESSES:** FAA Order 7400.11B, Airspace Designations and Reporting Points, and subsequent amendments can

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

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

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

#### SUPPLEMENTARY INFORMATION:

##### Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes Class E airspace extending upward from 700 feet above the earth at Twin Bridges Airport, Twin Bridges, MT, for the safety of aircraft and management of airspace within the National Airspace System.

##### History

On August 28, 2017, the FAA published a notice of proposed rulemaking (NPRM) in the **Federal Register** (82 FR 40740) Docket No. FAA-2017-0737 to establish Class E airspace extending upward from 700 feet above the surface at Twin Bridges Airport, Twin Bridges, MT. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Subsequent to publication, the FAA discovered a rounding error equal to one second of latitude in the geographic coordinates of the airport listed in the

NPRM. The coordinates are corrected (from lat. 45°32'07" N., to lat. 45°32'08" N.) in this action.

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

##### Availability and Summary of Documents for Incorporation by Reference

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

##### The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 establishes Class E airspace extending upward from 700 feet above the surface within a 4.1-mile radius of Twin Bridges Airport, Twin Bridges, MT, and within 4.1 miles each side of the 011° bearing from the airport extending to 12 miles north of the airport, and within 4.1 miles each side of the 195° bearing from the airport extending to 13.5 miles south of the airport.

Additionally, this action establishes Class E airspace extending upward from 1,200 feet above the surface within a 20-mile radius of Twin Bridges Airport. This airspace is necessary to support the new standard instrument approach procedures for runways 17 and 35 for the safety and management of IFR operations at the airport.

Also, the airport reference point latitude coordinate is corrected to "lat. 45°32'08" N.," from "lat. 45°32'07" N.," Except for this correction, this rule is the same as published in the NPRM.

##### Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a

Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

##### Environmental Review

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

##### Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

##### Adoption of the Amendment

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

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

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

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

##### **§ 71.1 [Amended]**

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

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

\* \* \* \* \*

##### **ANM MT E5 Twin Bridges, MT [New]**

Twin Bridges Airport, MT  
(Lat. 45°32'08" N., long. 112°18'08" W.)

That airspace extending upward from 700 feet above the surface within a 4.1-mile radius of Twin Bridges Airport, and within 4.1 miles each side of the 011° bearing from the airport extending to 12 miles north of the airport, and within 4.1 miles each side of the 195° bearing from the airport extending to 13.5 miles south of the airport; and that airspace upward from 1,200 feet above the surface within a 20-mile radius of Twin Bridges Airport.

Issued in Seattle, Washington, on November 21, 2017.

**Brian J. Johnson,**

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

[FR Doc. 2017-26202 Filed 12-5-17; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 635

[Docket No. 170901859-7999-02]

RIN 0648-BH19

#### Atlantic Highly Migratory Species; Charter/Headboat Permit Commercial Sale Provision

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

**ACTION:** Final rule.

**SUMMARY:** This final rule creates a separate permit endorsement provision for the commercial sale of Atlantic highly migratory species (HMS) by HMS Charter/Headboat permit holders. Prior to implementation of this final rule, all vessels issued an HMS Charter/Headboat permit could be categorized as commercial fishing vessels and could be subject to United States Coast Guard (USCG) commercial fishing vessel safety requirements regardless of whether the permit holder engages or intends to engage in commercial fishing. Under this final rule, HMS Charter/Headboat permit holders will be prohibited from selling Atlantic tunas, swordfish, or sharks unless they obtain a commercial sale endorsement for their permit. This final rule will clarify which HMS Charter/Headboat permitted vessels are properly categorized as commercial fishing vessels for purposes of USCG safety requirements. This action is administrative in nature and will not affect fishing practices or result in any significant environmental effects or economic impacts.

**DATES:** Effective January 5, 2018.

**ADDRESSES:** Copies of the supporting documents—including the 2006 Consolidated HMS Fishery Management Plan (FMP) and its amendments and associated documents—are available from the HMS Management Division Web site at <http://www.nmfs.noaa.gov/sfa/hms/> or by contacting Dianne Stephan by phone at 978-281-9260. Written comments regarding the burden-hour estimates or other aspects

of the collection-of-information requirements contained in this final rule may be submitted to the HMS Management Division and by email to [OIRA\\_Submission@omb.eop.gov](mailto:OIRA_Submission@omb.eop.gov), or fax to (202) 395-7285.

**FOR FURTHER INFORMATION CONTACT:**

Dianne Stephan or Tobey Curtis by phone at 978-281-9260, or Steve Durkee by phone at 202-670-6637.

**SUPPLEMENTARY INFORMATION:** Atlantic HMS are managed under the dual authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and the Atlantic Tunas Convention Act (ATCA). Under the Magnuson-Stevens Act, NMFS must ensure consistency with 10 National Standards and manage fisheries to maintain optimum yield, rebuild overfished fisheries, and prevent overfishing. Under ATCA, the Secretary of Commerce is required to promulgate regulations, as necessary and appropriate, to implement measures adopted by the International Commission for the Conservation of Atlantic Tunas. The implementing regulations for Atlantic HMS are at 50 CFR part 635.

#### Background

Atlantic HMS regulations at 50 CFR 635.4(b) require that charter/headboat vessels (*i.e.*, vessels taking fee-paying passengers) used to fish for, take, retain, or possess Atlantic HMS must obtain an HMS Charter/Headboat permit. In addition to carrying paying passengers, the permit also allows charter/headboat fishermen to diversify their operations by fishing commercially for Atlantic tunas and swordfish. They may sell sharks if they also have a commercial shark permit in addition to the Charter/Headboat permit. Relatively few permit holders use the commercial sale provision. From 2012-2016, an annual average of only seven percent of HMS Charter/Headboat permit holders sold any tuna or swordfish. USCG commercial vessel safety requirement therefore may result in an unnecessary “commercial vessel” compliance burden for HMS Charter/Headboat permitted vessels.

Commercial fishing vessel safety provisions contained in the Coast Guard Authorization Act of 2010 (CGAA) and the Coast Guard and Maritime Transportation Act of 2012 were the subject of a Marine Safety Information Bulletin (MSIB 12-15) issued by the USCG on October 20, 2015. MSIB 12-15 clarified that the law would require mandatory dockside safety exams for a broader population of commercial fishing vessels. As clarified in the

notice, that broader community included HMS Charter/Headboat vessels that were authorized by the permit to sell fish commercially (*i.e.*, all Charter/Headboat vessels). The mandatory safety exam includes a check for required commercial fishing vessel safety equipment such as life rafts, emergency beacons, and survival suits, and other requirements found in 46 CFR part 28. Outfitting a vessel with these items comes at a substantial cost. Mandatory dockside safety exams for vessels operating beyond three nautical miles from shore began October 15, 2015 under this program.

These mandatory commercial vessel safety requirements had overly broad application to all Charter/Headboat permit holders, whether they engaged in commercial sales or not, absent a more effective way to identify which HMS Charter/Headboat permit holders engage in commercial fishing. After questions about applicability from NMFS and the regulated community, on July 10, 2017, the USCG issued Marine Safety Information Bulletin (MSIB 008-17) in an attempt to clarify the applicability of commercial fishing vessel safety requirements for vessels with HMS permits, including HMS Charter/Headboat permits. USCG regulations at 46 CFR 28.50 define a commercial fishing vessel as a vessel that commercially engages in the catching, taking, or harvesting of fish, or an activity that can reasonably be expected to result in the catching, taking, or harvesting of fish. According to the MSIB 008-17, if an individual has an HMS Charter/Headboat permit (which allows commercial sale) and a state permit to sell catch, the vessel is considered subject to commercial fishing vessel safety regulations.

Many HMS Charter/Headboat operators that neither sell, nor intend to sell, their catch but hold a permit to sell have thus found that the USCG policy identifies their operations as a “commercial fishing vessel,” and requires them to adhere to USCG commercial fishing vessel safety requirements. For example, even small charter vessels (*i.e.*, less than 20 feet in length) operating in the warm waters of the Gulf of Mexico and with no intent to sell HMS, may be required under the USCG regulations to carry an inflatable life raft that can cost approximately \$1,750. In addition to the cost burden, a vessel of this size has minimal space to store such gear. These smaller HMS Charter/Headboat permitted vessels were previously subject to the USCG safety regulations for uninspected passenger vessels of less than 100 gross

tons and carrying six or less passengers, which are less extensive and less costly.

In late 2016 and early 2017, NMFS and the USCG staff informally discussed how to more effectively categorize HMS charter/headboat vessels under USCG regulations. The HMS Advisory Panel discussed this issue at length at its May and September 2017 meetings. Many HMS Advisory Panel members, including commercial, recreational, and council/state representatives, supported creating a separate regulatory provision for charter/headboat vessels that intend to sell HMS and to thus specify that other such vessels were not engaged in commercial sale and not subject to expensive USCG commercial vessel compliance obligations. Panel members stated that creating a separate sale provision would support more appropriate application and enforcement of USCG commercial fishing vessel safety requirements in the Atlantic HMS Charter/Headboat fishery, and would better clarify for permit holders the specific USCG regulations that apply to their vessels and fishing operations. On October 6, 2017, the USCG formally reviewed the proposed rule of this action and concurred with the approach to provide clarity on the applicability on their requirements.

#### *HMS Charter/Headboat Permit Commercial Sale Endorsement*

This final rule creates a “commercial sale” endorsement that can be placed on the existing HMS Charter/Headboat permit. Under this action, HMS Charter/Headboat permit holders will be prohibited from selling any catch of HMS unless they first obtain a “commercial sale” endorsement on their permit. Only those HMS Charter/Headboat permit holders with the endorsement will be permitted to sell Atlantic tunas, swordfish, or sharks if they also have the additionally required commercial shark permit.

This final rule clarifies that any HMS Charter/Headboat vessel issued a Charter/Headboat permit with a commercial sale endorsement will be categorized as a commercial fishing vessel under USCG criteria, and therefore could be subject to USCG commercial fishing vessel safety requirements. A vessel issued an HMS Charter/Headboat permit without a “commercial sale” endorsement will not be categorized as a commercial fishing vessel and should not be subject to the USCG commercial fishing vessel safety requirements. HMS Charter/Headboat permit holders with the commercial sale endorsement allowing the sale of tunas or swordfish must adhere to the applicable Atlantic Tunas General

Category or General Commercial Swordfish permit possession limits and restrictions; any landings will be applied against the appropriate commercial quota. HMS Charter/Headboat permit holders that sell or intend to sell sharks must obtain the commercial sale endorsement on their permit as well as a commercial shark permit. This final rule would only change the permit category under which certain vessels are fishing. It will not affect quotas, gear types, or time/area restrictions, and neither increase or decrease fishing effort or affect fishing timing nor implement other measures that will potentially have any environmental effects.

#### *Response to Comments*

During the public comment period, NMFS held a public hearing via webinar. Two members of the public provided comments during the hearing. Additionally, NMFS received 14 written comments. All written comments can be found at <http://www.regulations.gov/>. The summarized comments and NMFS’ response to those comments can be found below.

*Comment 1:* NMFS received comments, including from the South Atlantic Fishery Management Council, in support of the HMS Charter/Headboat permit commercial sales endorsement considered in the proposed rule. We also received a comment stating a commercial sale endorsement would not be useful since a lot of charter/headboat fishing occurs in state waters. Another commenter requested clarification on the cost of the commercial sales endorsement.

*Response:* NMFS believes that the commercial sales endorsement will effectively delineate between HMS Charter/Headboat permit holders that intend to sell HMS catch and those that do not. This clarification should facilitate USCG’s application of commercial fishing vessel safety requirements. Regarding the comment that charter/headboat fishing occurs primarily in state waters, and the apparent concern that USCG requirements therefore would not apply nor be “useful,” we note that as a condition of the HMS Charter/Headboat permit, permit holders are required to abide by federal HMS regulations regardless of where fishing occurs, including in state waters, unless state regulations are stricter. With respect to Atlantic tunas, NMFS manages the tuna fisheries to the shore even if a vessel holds no Federal permit, except in the States of Maine, Connecticut, and Mississippi. Regarding the cost, the cost of the HMS Charter/Headboat permit

with and without the commercial sale endorsement will be the same; there will be no additional cost to obtain the commercial sales endorsement.

*Comment 2:* The Atlantic States Marine Fisheries Commission (ASMFC) submitted a comment stating the HMS Charter/Headboat permit commercial sale endorsement could make it more difficult to differentiate between recreational and commercial fishing activities, particularly in the coastal shark fishery. ASMFC also stated that State commercial fishing permits already identify those individuals that are able to sell sharks.

*Response:* NMFS disagrees that the HMS Charter/Headboat permit commercial sale endorsement would make it more difficult to differentiate between recreational and commercial fishing activities. Instead, the commercial sale endorsement will effectively identify HMS Charter/Headboat permit holders that intend to sell HMS catch. HMS Charter/Headboat permit holders that do not obtain the commercial sale endorsement will clearly not be engaging in commercial fishing. As detailed in the background information section above, approximately 93 percent of HMS Charter/Headboat permit holders do not sell HMS catch. These permit holders are unlikely to obtain the commercial sale endorsement; thus, the vast majority of HMS charter/headboat activity would be easily categorized as recreational. Furthermore, State commercial fishing permits do not authorize HMS Charter/Headboat permit holders to sell sharks. HMS Charter/Headboat permit holders that intend to sell sharks must obtain a Federal Atlantic commercial shark permit in addition to the commercial sale endorsement created in this action. Furthermore, the action is specifically taken with regard to categorization for USCG regulatory purposes.

*Comment 3:* NMFS received comments expressing concern that defining a charter/headboat as a commercial vessel for the entire year is overly burdensome on the owner and captain. Instead, commenters stated that commercial fishing vessel safety requirements should be enforced on a trip-by-trip basis and that when an HMS Charter/Headboat permit holder intends to sell HMS catch, that trip should be categorized as a commercial trip, subject to the USCG commercial fishing vessel safety requirements. Commenters stated that if an HMS Charter/Headboat permit holder is on a for-hire trip, that trip should be categorized as a non-commercial trip and not be subject to the USCG commercial fishing vessel

safety requirements. Commenters included examples of hardships, such as requiring safety drills with clients and requesting customers' clothing sizes to ensure immersion suits are properly sized. One commenter stated that NMFS should require proof of a USCG commercial fishing vessel safety sticker when applying for the HMS Charter/Headboat permit commercial sales endorsement and should conduct a review of compliance of HMS Charter/Headboat vessels with commercial fishing vessel safety exam requirements. Another commenter stated that all commercial vessels should be subject to the same commercial fishing vessel safety requirements regardless of vessel size or where fishing occurs.

*Response:* The purpose of this action is to clarify which HMS Charter/Headboat permitted vessels are authorized to sell Atlantic HMS and thus are appropriately categorized as commercial fishing vessels for purposes of the USCG commercial safety requirements. Doing so will facilitate USCG's appropriate application of commercial fishing vessel safety requirements. The mandatory USCG safety requirements arguably may have been overly broad as currently applied because it is difficult to identify which HMS Charter/Headboat permit holders engage in commercial fishing and, therefore, should appropriately be subject to the requirements. This action is not intended to address, nor otherwise consider, the effectiveness of USCG commercial fishing vessel safety requirements. Regarding the comment that NMFS should require compliance with USCG regulations before issuing an HMS Charter/Headboat permit and should conduct a review of compliance with commercial fishing vessel safety exam requirements, NMFS may consider requiring proof of compliance (e.g., submission of sticker number) as a condition of obtaining the endorsement in the future, after additional consultation with USCG. NMFS will coordinate with USCG Commercial Safety Exam program staff to conduct a review of compliance of HMS permitted vessels with CFVS exam requirements. The proper application of USCG commercial fishing vessel safety requirements based on trip type, vessel size, or fishing location is outside the purview of NMFS. NMFS will share these comments and concerns with USCG Commercial Fishing Vessel Safety program staff.

*Comment 4:* NMFS also received a comment suggesting increased reporting requirements for vessels landing and selling bigeye, albacore, and yellowfin tunas and to prohibit the sale of HMS

caught on charter/headboats while engaged in a for-hire trip.

*Response:* This comment is outside the scope of this rulemaking, which focuses on overly burdensome and unnecessary application of USCG commercial vessel requirements to HMS vessels that do not sell or intend to sell their catch. However, NMFS will consider these suggestions regarding increased reporting requirements and whether to propose further regulations modifying HMS charter/headboat commercial sale provisions in the future, as appropriate. Any such new management measures and regulations would be presented in a proposed rule, and the public would have an opportunity to provide comment.

#### *Changes From the Proposed Rule*

The final rule contains no changes from the proposed rule.

#### **Classification**

The Assistant Administrator for Fisheries (AA) has determined that the final rule is consistent with the 2006 Consolidated HMS FMP and its amendments, other provisions of the Magnuson-Stevens Act, ATCA, and other applicable law.

This final rule has been determined to be not significant for purposes of Executive Order 12866.

For the reasons described in the preamble, this final rule is expected to be deregulatory under Executive Order 13771.

#### *Paperwork Reduction Act (PRA)*

This final rule contains a collection-of-information requirement subject to the Paperwork Reduction Act (PRA) that has been approved by OMB under control number 0648–0327. Public reporting burden for Atlantic HMS Permit Family of Forms is estimated to average 34 minutes per respondent for initial permit applicants, and 10 minutes for permit renewals, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding these burden estimates or any other aspect of this data collection, including suggestions for reducing the burden, to NMFS (see **ADDRESSES**) and by email to [OIRA\\_Submission@omb.eop.gov](mailto:OIRA_Submission@omb.eop.gov), or fax to 202–395–7285.

Notwithstanding any other provision of the law, no person is required to respond to, and no person shall be subject to penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless

that collection of information displays a currently valid OMB control number.

#### *Regulatory Flexibility Act*

A final regulatory flexibility analysis (FRFA) was prepared for this rule. The FRFA incorporates the initial regulatory flexibility analysis (IRFA) and a summary of the analyses completed to support the action. NMFS did not receive any public comment on the IRFA. The full FRFA is available from NMFS (see **ADDRESSES**). A summary is provided below.

#### *Statement of the Need for and Objectives of This Final Rule*

A description of the action and the legal basis for this action are contained in the Background section of the preamble and in the **SUMMARY** of this final rule.

#### *Description and Estimate of the Number of Small Entities to Which the Final Rule Will Apply*

Section 604(a)(4) of the RFA requires agencies to provide an estimate of the number of small entities to which the rule will apply. The Small Business Administration (SBA) has established size criteria for all major industry sectors in the United States, including for-hire charter/headboat businesses. For-hire charter/headboat business fit into the "Scenic and Sightseeing Transportation, Water" industry under NAICS code 487210. SBA has established that the small entity size standard for that industry is \$7.5 million in average annual receipts.

Provision is made under SBA's regulations for an agency to develop its own industry-specific size standards after consultation with Advocacy and an opportunity for public comment (see 13 CFR 121.903(c)). Under this provision, NMFS may establish size standards that differ from those established by the SBA Office of Size Standards, but only for use by NMFS and only for the purpose of conducting an analysis of economic effects in fulfillment of the agency's obligations under the RFA. To utilize this provision, NMFS must publish such size standards in the **Federal Register** (FR), which NMFS did on December 29, 2015 (80 FR 81194, December 29, 2015). In this final rule effective on July 1, 2016, NMFS established a small business size standard of \$11 million in annual gross receipts for all businesses in the commercial fishing industry (NAICS 11411) for RFA compliance purposes.

NMFS considers all HMS Charter/Headboat permit holders (3,594 as of October 2016) to be small entities because these vessels have reported



annual gross receipts of less than \$11 million for commercial fishing or earn less than \$7.5 million from for-hire fishing trips.

NMFS has determined that this rule will apply to the small businesses associated with the approximately seven percent of HMS Charter/Headboat permit holders that also commercially fish for swordfish and tuna. Based on the most recent number of permit holders, NMFS estimates that this rule will apply to approximately 252 HMS charter/headboat vessel owners. NMFS has determined that this action would not likely directly affect any small organizations or small government jurisdictions defined under the RFA.

Description of the Projected Reporting, Record-Keeping, and Other Compliance Requirements of the Final Rule, Including an Estimate of the Classes of Small Entities Which Would Be Subject to the Requirements of the Report or Record

Section 604(a)(5) of the RFA requires Agencies to describe any new reporting, record-keeping and other compliance requirements. This rule will create a commercial sale endorsement for the HMS Charter/Headboat permit. Under the rule, HMS Charter/Headboat permit holders will be prohibited from selling any catch of HMS unless they obtain a commercial sale endorsement on their permit. The commercial sale endorsement could be added to the Charter/Headboat permit at the time of the permit application or renewal, or anytime thereafter. Only Charter/Headboat permit holders with the endorsement will be allowed to sell HMS although they would not be obligated to sell any HMS. There will be no additional charge for the commercial sale endorsement above the cost of the HMS Charter/Headboat permit; the endorsement will add less than a minute more of labor effort to the normal HMS Charter/Headboat permit process. Those vessels issued an HMS Charter/Headboat permit with a commercial sale endorsement will be categorized as a commercial vessel for the purposes of USCG commercial fishing vessel safety requirements.

Description of the Steps the Agency Has Taken To Minimize the Significant Economic Impact on Small Entities Consistent With the Stated Objectives of Applicable Statutes, Including a Statement of the Factual, Policy, and Legal Reasons for Selecting the Alternative Adopted in the Final Rule and the Reason That Each One of the Other Significant Alternatives to the Rule Considered by the Agency Which Affect Small Entities Was Rejected

One of the requirements of an FRFA is to describe any significant alternatives to the rule which accomplish the stated objectives of applicable statutes and which minimize any significant economic impact of the rule on small entities. The analysis shall discuss significant alternatives such as: (1) Establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) use of performance rather than design standards; and (4) exemptions from coverage of the rule, or any part thereof, for small entities.

These categories of alternatives are described at 5 U.S.C. 603(c)(1)–(4). NMFS examined each of these categories of alternatives. Regarding the first and fourth categories, NMFS cannot establish differing compliance or reporting requirements for small entities or exempt small entities from coverage of the rule or parts of it because all of the businesses impacted by this rule are considered small entities and thus the requirements are already designed for small entities. NMFS examined alternatives that fall under the second category, which requires agencies to consider whether they can clarify, consolidate, or simplify compliance and reporting requirements under the rule for small entities. NMFS does examine alternatives that fall under the second category described above that clarify which HMS charter/headboat vessels should be considered commercial fishing vessels for USCG safety requirements. The use of a performance standard, the third category, to determine whether the USCG commercial fishing safety gear requirements would apply would be too difficult to effectively monitor for enforcement, so they were not considered by NMFS. Thus, NMFS has considered the significant alternatives to the rule and focused on simplifying compliance and reporting requirements associated with the charter/headboat

commercial sale provision and USCG commercial fishing safety gear requirements in order to minimize any significant economic impact of the rule on small entities.

NMFS considered four different alternatives to separate the commercial sale provision from the HMS Charter/Headboat permit, and thus relieve some HMS Charter/Headboat permit holders from the changes in USCG commercial fishing vessel safety requirements. Alternative 1, the status quo/no action alternative, would make no changes to current HMS regulations. Alternative 2, the preferred alternative, would create an endorsement for the HMS Charter/Headboat permit that allows commercial sale of Atlantic tunas and swordfish. Alternative 3 would remove the commercial sale provision of the HMS Charter/Headboat permit. Alternative 4 would create two separate HMS Charter/Headboat permits; one that allows commercial sale of Atlantic tunas and swordfish, and one that does not.

Under the “no action” Alternative 1, NMFS would maintain the current regulations regarding the Atlantic HMS Charter/Headboat permit. Under current regulations at 635.4(b), permit holders taking fee-paying passengers to fish for HMS (*i.e.* charter boats or headboats) must obtain the HMS Charter/Headboat permit. Since HMS Charter/Headboat permits allow the commercial sale of Atlantic tunas and swordfish, the vessels would now be subject to USCG commercial fishing vessel safety requirements, regardless of whether the permit holder intends to sell HMS. However, without a change to the HMS Charter/Headboat permit regulations, USCG will consider all HMS charter/headboat vessels as commercial fishing vessels that must adhere to the USCG commercial fishing vessel safety requirements. HMS Charter/Headboat permitted vessels were previously subject to the USCG safety regulations for uninspected passenger vessels of less than 100 gross tons and carrying six or less passengers, which are less extensive and less costly.

Under the USCG commercial fishing vessel safety requirements, many Atlantic HMS charter/headboats would have to comply with four rule requirements for survival craft, records keeping, examinations and certificates of compliance, and classing of vessels.

The survival craft requirement establishes that all fishing industry vessels operating beyond 3 nautical miles must carry survival craft that will meet a new performance standard for primary lifesaving equipment. The use of “lifeboats or liferafts” are required for commercial vessels, whereas strictly for-



hire vessels are only required to have “a survival craft that ensures that no part of an individual is immersed in water.” This means that lifeboats and buoyant apparatus will no longer be accepted as survival craft on any commercial fishing vessel operating beyond 3 nautical miles once the most recent USCG guidance is fully enforced. Some HMS Charter/Headboat permitted vessels would incorrectly be identified as commercial vessels, subject to the more stringent lifeboat/liferaft requirements. USCG estimates that the maximum initial cost of this requirement per vessel would be \$1,740 and have a recurring annual cost of \$300. The records provision requires the individual in charge of a vessel operating beyond 3 nautical miles to maintain a record of lifesaving and fire equipment maintenance. It would be incumbent upon the master/individual in charge of the vessel to maintain these records onboard. The USCG estimates this record keeping requirement would cost \$18 annually per vessel.

The examinations and certificates of compliance provision requires a dockside safety examination at least once every 5 years for vessels, such as HMS charter/headboats that engage in commercial fishing, operating beyond 3 nautical miles with the first exam statutorily required by October 15, 2015. A “certificate of compliance” will be issued to a vessel successfully completing the exam. Voluntary exams will continue to be promoted for vessel operating inside 3 nautical miles. USCG estimates that the maximum initial cost of this requirement per vessel will be \$600 and have a recurring cost of \$600.

The classing of vessels provision requires the survey and classification of a fishing vessel that is at least 50 feet overall in length, was built after July 1, 2013, and operates beyond 3 nautical miles. It is unlikely that this requirement will impact many Atlantic HMS charter/headboat vessels because the vessels are typically less than 50 feet overall in length.

In sum, all 3,594 Atlantic HMS Charter/Headboat permit holders would face an initial per vessel cost of \$2,358. The annual cost savings per vessel in subsequent years would be approximately \$300 for the survival craft, \$18 for record keeping, and \$120 (\$600/5 yrs) for examinations and certificates of completion. The total annual recurring cost saving per vessel would be \$438 for these three requirements. These costs could be higher for some individual vessels that are too small or have too little storage space for the survival craft requirement because those vessels might require

extensive modifications to accommodate the storage space for the gear.

Under Alternative 2, the preferred alternative, NMFS would modify the regulations so that the HMS Charter/Headboat permit alone does not allow commercial sale and also create an endorsement for the HMS Charter/Headboat permit that allows commercial sale of Atlantic tunas and swordfish. Currently, charter/headboat vessels are able, though not obligated, to sell swordfish and tunas with an HMS Charter/Headboat permit. Consequently, vessels that hold an HMS Charter/Headboat permit are categorized as commercial fishing vessels subject to USCG commercial vessel fishing safety requirements if they also possess a state commercial sale permit, regardless of whether the permit holder sells or intends to sell HMS. Under Alternative 2, NMFS would create a “commercial sale” endorsement for the HMS Charter/Headboat permit. Under this action, HMS Charter/Headboat permit holders would be prohibited from selling any catch of HMS unless they apply for a commercial sale endorsement to be added to their permit. The commercial sale endorsement could be added to the Charter/Headboat permit at the time of the permit application or renewal. Only charter/headboat vessels with the endorsement would be permitted to sell HMS although they would not be obligated to sell any HMS. Those vessels holding an HMS Charter/Headboat permit without a commercial sale endorsement would not be categorized as a commercial fishing vessel and would not be subject to the USCG commercial safety gear requirements. Those vessels that hold an HMS Charter/Headboat permit with a “commercial sale” endorsement would be categorized as commercial vessels for the purposes of USCG commercial fishing safety requirements.

The cost savings associated with implementing a commercial endorsement option for Atlantic HMS Charter/Headboat permits would be that approximately 93 percent of the permit holders would not have to comply with the USCG commercial fishing vessel safety requirements, because Atlantic HMS Charter/Headboat permit holders would not be considered commercial fishing vessels unless they were issued the commercial endorsement. These vessels would have no costs associated with the USCG commercial fishing vessel safety requirements. This would result in a reduction in costs per vessel initially of approximately \$1,740 for the survival craft, \$18 for record keeping, and \$600 for examinations and

certificates of completion. The total initial costs saved per vessel would be \$2,358. The annual cost savings per vessel in subsequent years would be approximately \$300 for the survival craft, \$18 for record keeping, and \$120 (\$600/5 yrs) for examinations and certificates of completion. The total annual recurring cost savings per vessel would be \$438 for these three requirements. In addition to the reduced costs associated with complying with the USCG commercial fishing vessel safety requirements for those HMS Charter/Headboat permit holders that do not intend to obtain the endorsement to fish commercially, most Atlantic HMS Charter/Headboat permit holders would have to do nothing different when obtaining their permits unless they want to commercially sell tunas or swordfish.

The approximately 7 percent of Atlantic Charter/Headboat permit holders that want to continue selling tunas and swordfish in addition to complying with the USCG commercial fishing vessel safety requirements, would need to obtain an endorsement for the commercial sale of Atlantic tunas and swordfish. This would likely add less than a minute to the time it takes to obtain the Atlantic HMS Charter/Headboat permit and it would not add to the cost of obtaining the permit. HMS charter/headboat permit holders who sell sharks must obtain a commercial shark permit in addition to an endorsement on an HMS Charter/Headboat permit. NMFS would incur some costs associated with altering the online permit application to accommodate the endorsement, along with some customer service changes.

Under Alternative 3, NMFS would remove the commercial sale provision of the HMS Charter/Headboat permit. Currently, charter/headboat vessels are able, though not obligated, to sell swordfish and tunas as a condition of the HMS Charter/Headboat permit, and may sell sharks if they also have a commercial shark permit. Consequently, vessels that hold an HMS Charter/Headboat permit are currently being categorized by USCG as commercial fishing vessels and subject to USCG commercial fishing vessel safety requirements if they also hold a state commercial sale permit, regardless of whether the permit holder sells or intends to sell HMS. Under Alternative 3, NMFS would remove the provision that allows commercial sales under the HMS Charter/Headboat permit. Thus, holding an HMS Charter/Headboat permit would no longer categorize a vessel as a commercial fishing vessel for the purposes of USCG regulations. Charter/headboat vessel owners or

operators that wish to engage in commercial sale of tunas and swordfish would instead need to obtain an Atlantic tunas General category and/or Swordfish General Commercial permit. The Atlantic Tunas General category and Swordfish General Commercial permits could be held in conjunction with the HMS Charter/Headboat permit. Those vessels with an HMS Charter/Headboat permit that do not intend to sell HMS and do not possess an Atlantic Tunas General category, Swordfish General Commercial, or commercial shark permit (which permit commercial sale) would not be subject to USCG commercial fishing vessel safety requirements.

The benefits of Alternative 3 versus the No Action alternative would be identical to those of Alternative 2. Approximately 93 percent of the permit holders would not have to face the costs associated with the USCG commercial fishing safety requirements, because Atlantic HMS Charter/Headboat permit holders would not be considered to commercially fish. The costs for the fleet would be approximately \$594,216 initially, and then \$231,336 annually thereafter, which are significantly lower than the costs for the fleet under No Action. The 7 percent that wish to engage in commercial sale of tunas and swordfish would instead need to obtain an Atlantic tunas General category and/or Swordfish General Commercial permit. This would cost them \$20 to obtain either the Atlantic Tunas General category permit or the Swordfish General Commercial permit. For the approximately 252 vessel owners that might obtain these \$20 permits, the total cost would be \$5,040 to \$10,080 annually depending on whether they obtain one or both permits. In addition, vessel owners may need to expend a bit more time to complete the application for these additional permits. NMFS would incur costs associated with the substantial permits site and customer service changes that would be required for this change. NMFS prefers Alternative 2 over Alternative 3 because a commercial sale endorsement requirement more closely matches current fishing practices and would minimize disruptions. Currently, HMS Charter/Headboat permit holders can sell some HMS and Alternative 2 would allow them to continue by simply obtaining an endorsement on their Charter/Headboat permit. Alternative 3 would be more disruptive since it would require fishermen to obtain additional permits. NMFS would need to develop new regulatory text to describe these new requirements and

fishery participants would have to learn and adapt to these changes.

Under Alternative 4, NMFS would create two separate Atlantic HMS Charter/Headboat permits; one that allows commercial sale of Atlantic tunas and swordfish, and one that does not. Currently, charter/headboat vessels are able, though not obligated, to sell swordfish and tunas as a condition of the HMS Charter/Headboat permit. Consequently, vessels that hold an HMS Charter/Headboat permit could be categorized as commercial fishing vessels and subject to USCG commercial fishing vessel safety requirements, regardless of whether the permit holder sells or intends to sell HMS. Under Alternative 4, NMFS would create two separate HMS Charter/Headboat permits; one that would allow commercial sale of HMS, and one that would not. Those vessels holding an HMS Charter/Headboat permit that does not allow commercial sale would not be categorized as a commercial fishing vessel and would not be subject to the USCG commercial fishing vessel safety requirements. Those vessels that hold an HMS Charter/Headboat permit that allows commercial sale would be categorized as commercial vessels for the purposes of USCG commercial fishing vessel safety requirements.

The benefits of Alternative 4 versus the No Action alternative would be identical to those of Alternative 2. Approximately 93 percent of the permit holders would not have to face the costs associated with the USCG commercial fishing safety requirements, since Atlantic HMS Charter/Headboat permit holders would not be considered commercial fishing. The costs for the fleet would be approximately \$594,216 initially, and then \$231,336 annually thereafter, which is significantly lower than the costs for the fleet under No Action. Under this alternative, each of the 3,594 Atlantic HMS Charter/Headboat permit holders would have to determine which type of Charter/Headboat permit they wish to obtain for the year, and all of charter/headboat vessel owners would have to learn the new permit process. Unlike Alternative 3, there would be no additional costs associated with obtaining a commercial permit, because under this alternative, each would pick either the no-sale HMS Charter/Headboat permit or the commercial sale Charter/Headboat permit. NMFS would incur costs associated with the substantial permits site and customer service changes that would be required for this change. NMFS would need to develop new regulatory text to describe these two new permits and fishery participants

would have to learn of and adapt to these changes.

#### List of Subjects in 50 CFR Part 635

Fisheries, Fishing, Fishing vessels, Foreign relations, Imports, Penalties, Reporting and recordkeeping requirements, Treaties.

Dated: December 1, 2017.

Alan D. Risenhoover,

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

For reasons set out in the preamble, 50 CFR part 635 is amended as follows:

#### PART 635—ATLANTIC HIGHLY MIGRATORY SPECIES

■ 1. The authority citation for part 635 continues to read as follows:

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

■ 2. In § 635.2, add a new definition for “Charter/headboat commercial sale endorsement” in alphabetical order to read as follows:

##### § 635.2 Definitions.

\* \* \* \* \*

*Charter/headboat commercial sale endorsement* means an authorization added to an HMS Charter/Headboat permit that is required for vessels that sell or intend to sell Atlantic tunas, sharks, and swordfish, provided that all other requirements in this part are also met.

\* \* \* \* \*

■ 3. In § 635.4:

■ a. Revise paragraph (a)(5);

■ b. Add paragraph (b)(3);

■ c. Revise paragraphs (d)(1) and (2);

■ d. Remove the introductory text of paragraph (f); and

■ e. Revise paragraphs (f)(1), (f)(2), and (m)(2).

The addition and revisions read as follows:

##### § 635.4 Permits and fees.

\* \* \* \* \*

(a) \* \* \*

(5) *Display upon offloading.* Upon offloading of Atlantic HMS for sale, the owner or operator of the harvesting vessel must present for inspection the vessel's HMS Charter/Headboat permit with a commercial sale endorsement; Atlantic tunas, shark, or swordfish permit; Incidental HMS squid trawl; HMS Commercial Caribbean Small Boat permit; and/or the shark research permit to the first receiver. The permit(s) must be presented prior to completing any applicable landing report specified at § 635.5(a)(1), (a)(2), and (b)(2)(i).

\* \* \* \* \*

(b) \* \* \*

(3) The owner of a charter boat or headboat that intends to sell Atlantic tunas or swordfish must obtain a commercial sale endorsement for the vessel's HMS Charter/Headboat permit. The owner of a charter boat or headboat that intends to sell Atlantic sharks must obtain a commercial sale endorsement for the vessel's HMS Charter/Headboat permit at the time of permit renewal or when the permit is obtained and must also obtain any applicable Atlantic commercial shark permits. A vessel owner that has obtained an HMS Charter/Headboat permit without a commercial sale endorsement is prohibited from selling any Atlantic HMS.

\* \* \* \* \*

(d) \* \* \*

(1) The owner of each vessel used to fish for or take Atlantic tunas commercially or on which Atlantic tunas are retained or possessed with the intention of sale must obtain an HMS Charter/Headboat permit with a commercial sale endorsement issued under paragraph (b) of this section, an HMS Commercial Caribbean Small Boat permit issued under paragraph (o) of this section, or an Atlantic tunas permit in one, and only one, of the following categories: General, Harpoon, Longline, Purse Seine, or Trap.

(2) Persons aboard a vessel with a valid Atlantic Tunas, HMS Angling, HMS Charter/Headboat, or an HMS Commercial Caribbean Small Boat permit may fish for, take, retain, or possess Atlantic tunas, but only in compliance with the quotas, catch limits, size classes, and gear applicable to the permit or permit category of the vessel from which he or she is fishing. Persons may sell Atlantic tunas only if the harvesting vessel has a valid permit in the General, Harpoon, Longline, Purse Seine, or Trap category of the Atlantic Tunas permit, a valid HMS Charter/Headboat permit with a commercial sale endorsement, or an HMS Commercial Caribbean Small Boat permit.

\* \* \* \* \*

(f) *Swordfish vessel permits.* (1) Except as specified in paragraphs (n) and (o) of this section, the owner of a vessel of the United States used to fish for or take swordfish commercially from the management unit, or on which swordfish from the management unit are retained or possessed with an intention to sell, or from which swordfish are sold, must obtain an HMS Charter/Headboat permit with a commercial sale endorsement issued under paragraph (b) of this section, or one of the following

swordfish permits: A swordfish directed limited access permit, swordfish incidental limited access permit, swordfish handgear limited access permit, or a Swordfish General Commercial permit. These permits cannot be held in combination with each other on the same vessel, except that an HMS Charter/Headboat permit with a commercial sale endorsement may be held in combination with a swordfish handgear limited access permit on the same vessel. It is a rebuttable presumption that the owner or operator of a vessel on which swordfish are possessed in excess of the recreational retention limits intends to sell the swordfish.

(2) The only valid commercial Federal vessel permits for swordfish are the HMS Charter/Headboat permit with a commercial sale endorsement issued under paragraph (b) of this section (and only when on a non for-hire trip), the Swordfish General Commercial permit issued under paragraph (f) of this section, a swordfish limited access permit issued consistent with paragraphs (l) and (m) of this section, or permits issued under paragraphs (n) and (o) of this section.

\* \* \* \* \*

(m) \* \* \*

(2) *Shark and swordfish permits.* A vessel owner must obtain the applicable limited access permit(s) issued pursuant to the requirements in paragraphs (e) and (f) of this section and/or a Federal commercial smoothhound permit issued under paragraph (e) of this section; or an HMS Commercial Caribbean Small Boat permit issued under paragraph (o) of this section, if: The vessel is used to fish for or take sharks commercially from the management unit; sharks from the management unit are retained or possessed on the vessel with an intention to sell; or sharks from the management unit are sold from the vessel. A vessel owner must obtain the applicable limited access permit(s) issued pursuant to the requirements in paragraphs (e) and (f) of this section, a Swordfish General Commercial permit issued under paragraph (f) of this section, an Incidental HMS Squid Trawl permit issued under paragraph (n) of this section, an HMS Commercial Caribbean Small Boat permit issued under paragraph (o) of this section, or an HMS Charter/Headboat permit with a commercial sale endorsement issued under paragraph (b) of this section, which authorizes a Charter/Headboat to fish commercially for swordfish on a non for-hire trip subject to the retention limits at § 635.24(b)(4) if: The vessel is used to fish for or take swordfish

commercially from the management unit; swordfish from the management unit are retained or possessed on the vessel with an intention to sell; or swordfish from the management unit are sold from the vessel. The commercial retention and sale of swordfish from vessels issued an HMS Charter/Headboat permit with a commercial sale endorsement is permissible only when the vessel is on a non for-hire trip. Only persons holding non-expired shark and swordfish limited access permit(s) in the preceding year are eligible to renew those limited access permit(s). Transferors may not renew limited access permits that have been transferred according to the procedures in paragraph (l) of this section.

\* \* \* \* \*

■ 4. In § 635.19, revise paragraph (d)(4) to read as follows:

**§ 635.19 Authorized gears.**

\* \* \* \* \*

(d) \* \* \*

(4) Persons on a vessel issued a permit with a shark endorsement under § 635.4 may possess a shark only if the shark was taken by rod and reel or handline, except that persons on a vessel issued both an HMS Charter/Headboat permit with a commercial sale endorsement (with or without a shark endorsement) and a Federal Atlantic commercial shark permit may possess sharks taken by rod and reel, handline, bandit gear, longline, or gillnet if the vessel is engaged in a non for-hire fishing trip and the commercial shark fishery is open pursuant to § 635.28(b).

\* \* \* \* \*

■ 5. In § 635.22, revise the introductory text of paragraph (f), and paragraphs (f)(1) and (2) to read as follows:

**§ 635.22 Recreational retention limits.**

\* \* \* \* \*

(f) *North Atlantic swordfish.* The recreational retention limits for North Atlantic swordfish apply to persons who fish in any manner, except to persons aboard a vessel that has been issued an HMS Charter/Headboat permit with a commercial sale endorsement under § 635.4(b) and only when on a non for-hire trip; a directed, incidental or handgear limited access swordfish permit under § 635.4(e) and (f); a Swordfish General Commercial permit under § 635.4(f); an Incidental HMS Squid Trawl permit under § 635.4(n); or an HMS Commercial Caribbean Small boat permit under § 635.4(o).

(1) When on a for-hire trip as defined at § 635.2, vessels issued an HMS Charter/Headboat permit under § 635.4(b), that are charter boats as

defined under § 600.10 of this chapter, may retain, possess, or land no more than one North Atlantic swordfish per paying passenger and up to six North Atlantic swordfish per vessel per trip. When such vessels have been issued a commercial sale endorsement and are on a non for-hire trip, they must comply with the commercial retention limits for swordfish specified at § 635.24(b)(4).

(2) When on a for-hire trip as defined at § 635.2, vessels issued an HMS Charter/Headboat permit under § 635.4(b), that are headboats as defined under § 600.10 of this chapter, may retain, possess, or land no more than one North Atlantic swordfish per paying passenger and up to 15 North Atlantic swordfish per vessel per trip. When such vessels have been issued a commercial sale endorsement and are on a non for-hire trip, they may land no more than the commercial retention limits for swordfish specified at § 635.24(b)(4).

\* \* \* \* \*

■ 6. In § 635.23, revise paragraph (c)(3) to read as follows:

**§ 635.23 Retention limits for bluefin tuna.**

\* \* \* \* \*

(c) \* \* \*

(3) When fishing other than in the Gulf of Mexico and when the fishery under the General category has not been closed under § 635.28, a person aboard a vessel that has been issued an HMS Charter/Headboat permit with a commercial sale endorsement may fish under either the retention limits applicable to the General category specified in paragraphs (a)(2) and (3) of this section or the retention limits applicable to the Angling category specified in paragraphs (b)(2) and (3) of this section. The size category of the first BFT retained will determine the fishing category applicable to the vessel that day. A person aboard a vessel that has been issued an HMS Charter/Headboat without a commercial sale endorsement permit may fish only under the retention limits applicable to the Angling category.

\* \* \* \* \*

■ 7. In § 635.24, add introductory text to paragraph (b)(4), and revise paragraph (b)(4)(ii) to read as follows:

**§ 635.24 Commercial retention limits for sharks, swordfish, and BAYS tunas.**

\* \* \* \* \*

(b) \* \* \*

(4) Persons aboard a vessel that has been issued a Swordfish General Commercial permit or an HMS Charter/Headboat permit with a commercial sale endorsement (and only when on a non

for-hire trip) are subject to the regional swordfish retention limits specified at paragraph (b)(4)(iii) of this section, which may be adjusted during the fishing year based upon the inseason regional retention limit adjustment criteria identified in paragraph (b)(4)(iv) of this section.

\* \* \* \* \*

(ii) Vessels that have been issued a Swordfish General Commercial permit or an HMS Charter/Headboat permit with a commercial sale endorsement (and only when on a non for-hire trip), as a condition of these permits, may not possess, retain, or land any more swordfish than is specified for the region in which the vessel is located.

\* \* \* \* \*

■ 8. In § 635.27, revise paragraph (a)(1)(i) introductory text, and paragraphs (c)(1)(i)(A) and (B) to read as follows:

**§ 635.27 Quotas.**

(a) \* \* \*

(1) \* \* \*

(i) Catches from vessels for which General category Atlantic Tunas permits have been issued and certain catches from vessels for which an HMS Charter/Headboat permit with a commercial sale endorsement has been issued are counted against the General category quota in accordance with § 635.23(c)(3). Pursuant to paragraph (a) of this section, the amount of large medium and giant bluefin tuna that may be caught, retained, possessed, landed, or sold under the General category quota is 466.7 mt, and is apportioned as follows, unless modified as described under paragraph (a)(1)(ii) of this section:

\* \* \* \* \*

(c) \* \* \*

(1) \* \* \*

(i) \* \* \*

(A) A swordfish from the North Atlantic stock caught prior to the directed fishery closure by a vessel for which a directed swordfish limited access permit, a swordfish handgear limited access permit, a HMS Commercial Caribbean Small Boat permit, a Swordfish General Commercial open access permit, or an HMS Charter/Headboat permit with a commercial sale endorsement (and only when on a non for-hire trip) has been issued or is required to have been issued is counted against the directed fishery quota. The total baseline annual fishery quota, before any adjustments, is 2,937.6 mt dw for each fishing year. Consistent with applicable ICCAT recommendations, a portion of the total baseline annual fishery quota may be used for transfers to another ICCAT

contracting party. The annual directed category quota is calculated by adjusting for over- or under harvests, dead discards, any applicable transfers, the incidental category quota, the reserve quota and other adjustments as needed, and is subdivided into two equal semi-annual periods: One for January 1 through June 30, and the other for July 1 through December 31.

(B) A swordfish from the North Atlantic swordfish stock landed by a vessel for which an incidental swordfish limited access permit, an incidental HMS Squid Trawl permit, an HMS Angling permit, or an HMS Charter/Headboat permit (and only when on a for-hire trip) has been issued, or a swordfish from the North Atlantic stock caught after the effective date of a closure of the directed fishery from a vessel for which a swordfish directed limited access permit, a swordfish handgear limited access permit, a HMS Commercial Caribbean Small Boat permit, a Swordfish General Commercial open access permit, or an HMS Charter/Headboat permit with a commercial sale endorsement (when on a non for-hire trip) has been issued, is counted against the incidental category quota. The annual incidental category quota is 300 mt dw for each fishing year.

\* \* \* \* \*

■ 9. In § 635.31, revise paragraphs (a)(1) and (c)(6) to read as follows:

**§ 635.31 Restrictions on sale and purchase.**

(a) \* \* \*

(1) A person that owns or operates a vessel from which an Atlantic tuna is landed or offloaded may sell such Atlantic tuna only if that vessel has a valid HMS Charter/Headboat permit with a commercial sale endorsement; a valid General, Harpoon, Longline, Purse Seine, or Trap category permit for Atlantic tunas; or a valid HMS Commercial Caribbean Small Boat permit issued under this part, and the appropriate category has not been closed, as specified at § 635.28(a). However, no person may sell a bluefin tuna smaller than the large medium size class. Also, no large medium or giant bluefin tuna taken by a person aboard a vessel with an Atlantic HMS Charter/Headboat permit fishing in the Gulf of Mexico at any time, or fishing outside the Gulf of Mexico when the fishery under the General category has been closed, may be sold (see § 635.23(c)). A person may sell Atlantic bluefin tuna only to a dealer that has a valid permit for purchasing Atlantic bluefin tuna issued under this part. A person may

not sell or purchase Atlantic tunas harvested with speargun fishing gear.

\* \* \* \*

(c) \* \* \*

(6) A dealer issued a permit under this part may not first receive silky sharks, oceanic whitetip sharks or scalloped, smooth, or great hammerhead sharks from an owner or operator of a fishing vessel with pelagic longline gear on board, or from the owner of a fishing vessel issued both a HMS Charter/Headboat permit with a commercial sale endorsement and a commercial shark permit when tuna, swordfish or billfish are on board the vessel, offloaded from the vessel, or being offloaded from the vessel.

\* \* \* \*

■ 10. In § 635.71, revise paragraph (a)(2) and add paragraph (a)(62) to read as follows:

**§ 635.71 Prohibitions.**

\* \* \* \*

(a) \* \* \*

(2) Fish for, catch, possess, retain, land, or sell Atlantic HMS without the appropriate valid vessel permit with the appropriate endorsements, LAP, EFP, scientific research permit, display permit, chartering permit, or shark research permit on board the vessel, as specified in §§ 635.4 and 635.32.

\* \* \* \*

(62) A vessel owner or operator that has an HMS Charter/Headboat permit without a commercial sale endorsement is prohibited from selling any Atlantic HMS.

\* \* \* \*

[FR Doc. 2017-26275 Filed 12-5-17; 8:45 am]

**BILLING CODE 3510-22-P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 665**

**RIN 0648-XF156**

**Pacific Island Pelagic Fisheries; 2017 U.S. Territorial Longline Bigeye Tuna Catch Limits for the Territory of American Samoa**

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

**ACTION:** Announcement of a valid specified fishing agreement.

**SUMMARY:** NMFS announces a valid specified fishing agreement that allocates up to 1,000 metric tons (t) of the 2017 bigeye tuna limit for the Territory of American Samoa to identified U.S. longline fishing vessels. The agreement supports the long-term sustainability of fishery resources of the U.S. Pacific Islands, and fisheries development in the CNMI.

**DATES:** The specified fishing agreement is valid on December 1, 2017.

**ADDRESSES:** NMFS prepared environmental analyses that describe the potential impacts on the human environment that would result from the action. Copies of those analyses, identified by NOAA-NMFS-2017-0004, are available from [www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2017-0004](http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2017-0004), or from Michael D. Tosatto, Regional Administrator, NMFS Pacific Islands Region (PIR), 1845 Wasp Blvd., Bldg. 176, Honolulu, HI 96818.

Copies of the Fishery Ecosystem Plan for Pelagic Fisheries of the Western Pacific Region (Pelagic FEP) are available from the Western Pacific Fishery Management Council (Council), 1164 Bishop St., Suite 1400, Honolulu, HI 96813, tel 808-522-8220, fax 808-522-8226, or [www.wpcouncil.org](http://www.wpcouncil.org).

**FOR FURTHER INFORMATION CONTACT:** Jarad Makaiau, NMFS PIRO Sustainable Fisheries, 808-725-5176.

**SUPPLEMENTARY INFORMATION:** In a final rule published on October 13, 2017, NMFS specified a 2017 limit of 2,000 t of longline-caught bigeye tuna for the U.S. Pacific Island territories of American Samoa, Guam and the Commonwealth of the Northern Mariana Islands (CNMI) (82 FR 47642). Of the 2,000 t limit, NMFS allows each territory to allocate up to 1,000 t to U.S. longline fishing vessels identified in a valid specified fishing agreement.

On November 17, 2017, NMFS received from the Council a specified fishing agreement between the Government of American Samoa and Quota Management, Inc. In the transmittal memorandum, the Council's Executive Director advised that the specified fishing agreement was consistent with the criteria set forth in 50 CFR 665.819(c)(1). NMFS reviewed the agreement and determined that it is consistent with the Pelagic FEP, the Magnuson-Stevens Fishery Conservation and Management Act, implementing regulations, and other applicable laws.

In accordance with 50 CFR 300.224(d) and 50 CFR 665.819(c)(9), vessels identified in the agreement may retain and land bigeye tuna in the western and central Pacific Ocean under the American Samoa limit. NMFS will begin attributing bigeye tuna caught by vessels identified in the agreement with American Samoa starting on November 30, 2017. This date is seven days before December 6, 2017, which is the date NMFS forecasted the fishery would reach the CNMI bigeye tuna allocation. If NMFS determines that the fishery will reach American Samoa 1,000-mt allocation limit, we would restrict the retention of bigeye tuna caught by vessels identified in the agreement, and publish a notice to that effect in the **Federal Register**.

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

Dated: November 30, 2017.

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

[FR Doc. 2017-26227 Filed 12-1-17; 4:15 pm]

**BILLING CODE 3510-22-P**

# Proposed Rules

Federal Register

Vol. 82, No. 233

Wednesday, December 6, 2017

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

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2017-1099; Product Identifier 2017-NM-093-AD]

RIN 2120-AA64

#### Airworthiness Directives; The Boeing Company Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for certain The Boeing Company Model 767-200 and -300 series airplanes. This proposed AD was prompted by a report of two cracks at a certain frame inner chord. This proposed AD would require a detailed inspection for any material review board (MRB) filler installed in the area from the frame web to the stub-beam fitting at certain stations to determine if the filler extends above the frame-to-stub-beam joint, and applicable on-condition actions. We are proposing this AD to address the unsafe condition on these products.

**DATES:** We must receive comments on this proposed AD by January 22, 2018.

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

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

Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminister Blvd., MC 110-SK57, Seal Beach, CA 90740-5600; telephone 562-797-1717; Internet <https://www.myboeingfleet.com>. You may view this referenced service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425-227-1221. It is also available on the Internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2017-1099.

#### 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-2017-1099; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800-647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

#### FOR FURTHER INFORMATION CONTACT:

Wayne Lockett, Aerospace Engineer, Airframe Section, FAA, Seattle ACO Branch, 1601 Lind Avenue SW., Renton, WA 98057-3356; phone: 425-917-6447; fax: 425-917-6590; email: [wayne.lockett@faa.gov](mailto:wayne.lockett@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2017-1099; Product Identifier 2017-NM-093-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM because of those comments.

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

substantive verbal contact we receive about this proposed AD.

#### Discussion

We have received a report of a crack on the transition radius of the station (STA) 883.5 frame inner chord and an additional crack indication at a fastener hole in the frame inner chord common to a MRB filler that extended above the frame-to-stub-beam joint. Extending the MRB filler above the frame-to-stub-beam joint changes the critical fastener location. For this configuration of the overwing frame-to-stub-beam joint, the upper-lobe-interior-structural and internal zonal (general visual) inspections in the existing baseline maintenance program together with supplemental structural inspections of the overwing stub frames are not adequate to reliably detect a crack in the frame inner chord before the crack grows to a critical length. This condition, if not corrected, could result in the inability of one or more overwing stub frames between STA 808 and STA 933, each a principal structural element, to sustain limit load, which could adversely affect the structural integrity of the airplane.

#### Related Service Information Under 14 CFR Part 51

We reviewed Boeing Alert Requirements Bulletin 767-53A0278 RB, dated June 30, 2017. The service information describes procedures for a detailed inspection for any MRB filler installed in the area from the frame web to the stub-beam fitting on the left and right side at STA 859.5, 883.5, and 903.5 to determine if the filler extends above the frame-to-stub-beam joint, and applicable on-condition actions. The applicable on-condition actions include repetitive surface high frequency eddy current inspections and repair for cracking in the frame inner chord around the end fastener common to each affected MRB filler. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

#### FAA's Determination

We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or

develop in other products of the same type design.

### Proposed AD Requirements

This proposed AD would require accomplishment of the actions identified in the Boeing Alert Requirements Bulletin 767–53A0278 RB, dated June 30, 2017, described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

For information on the procedures and compliance times, see this service information at <http://www.regulations.gov> by searching for and locating Docket No. FAA–2017–1099.

### Explanation of Requirements Bulletin

The FAA worked in conjunction with industry, under the Airworthiness Directive Implementation Aviation Rulemaking Committee (AD ARC), to enhance the AD system. One

enhancement is a process for annotating which steps in the service information are “required for compliance” (RC) with an AD. Boeing has implemented this RC concept into Boeing service bulletins.

In an effort to further improve the quality of ADs and AD-related Boeing service information, a joint process improvement initiative was worked between the FAA and Boeing. The initiative resulted in the development of a new process in which the service information more clearly identifies the actions needed to address the unsafe condition in the “Accomplishment Instructions.” The new process results in a Boeing Requirements Bulletin, which contains only the actions needed to address the unsafe condition (*i.e.*, only the RC actions).

### Differences Between This Proposed AD and the Service Information

Airplanes in Group 1, Configuration 1, and Group 2, Configuration 1, as

identified in Boeing Alert Requirements Bulletin 767–53A0278 RB, dated June 30, 2017, may be modified to a freighter configuration per certain supplemental type certificates. For the modified airplanes, in lieu of accomplishing the actions specified in Boeing Alert Requirements Bulletin 767–53A0278 RB, dated June 30, 2017, for Group 1, Configuration 1, and Group 2, Configuration 1, the actions specified in Boeing Alert Requirements Bulletin 767–53A0278 RB, dated June 30, 2017, for Group 1, Configuration 2, and Group 2, Configuration 2, as applicable, must be done. We have coordinated this difference with Boeing.

### Costs of Compliance

We estimate that this proposed AD affects 51 airplanes of U.S. registry. We estimate the following costs to comply with this proposed AD:

#### ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Detailed Inspection .....	20 work-hours × \$85 per hour = \$1,700 .....	\$0	\$1,700	\$86,700

We estimate the following costs to do any necessary on-condition actions that would be required. We have no way of

determining the number of aircraft that might need these on-condition actions:

#### ESTIMATED COSTS OF ON-CONDITION INSPECTIONS

Labor cost	Parts cost	Cost per product
3 work-hours × \$85 per hour = \$255 per inspection cycle .....	\$0	\$255 per inspection cycle.

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

### Authority for This Rulemaking

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

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

is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

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

### Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a

substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

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

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

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

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



## List of Subjects in 14 CFR Part 39

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

## The Proposed Amendment

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

### § 39.13 [Amended]

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

**The Boeing Company:** Docket No. FAA–2017–1099; Product Identifier 2017–NM–093–AD.

### (a) Comments Due Date

We must receive comments by January 22, 2018.

### (b) Affected ADs

None.

### (c) Applicability

This AD applies to The Boeing Company Model 767–200 and –300 series airplanes, as identified in Boeing Alert Requirements Bulletin 767–53A0278 RB, dated June 30, 2017, certificated in any category.

### (d) Subject

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

### (e) Unsafe Condition

This AD was prompted by a report of a crack on the transition radius of the station (STA) 883.5 frame inner chord and an additional crack indication at a fastener hole in the frame inner chord common to a material review board (MRB) filler that extended above the frame-to-stub-beam joint. We are issuing this AD to detect and correct cracking of the frame inner chord, which could result in the inability of one or more overwing stub frames between STA 808 and STA 933, each a principal structural element, to sustain limit load; this condition could adversely affect the structural integrity of the airplane.

### (f) Compliance

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

### (g) Required Actions

Except as required by paragraph (h) of this AD: At the applicable times specified in the “Compliance” paragraph of Boeing Alert Requirements Bulletin 767–53A0278 RB, dated June 30, 2017, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert

Requirements Bulletin 767–53A0278 RB, dated June 30, 2017.

**Note 1 to paragraph (g) of this AD:** Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin 767–53A0278, dated June 30, 2017, which is referred to in Boeing Alert Requirements Bulletin 767–53A0278 RB, dated June 30, 2017.

### (h) Exceptions to Service Information Specifications

(1) For purposes of determining compliance with the requirements of this AD, the phrase “the effective date of this AD” may be substituted for “the original issue date of Requirements Bulletin 767–53A0278 RB” as specified in Boeing Alert Requirements Bulletin 767–53A0278 RB, dated June 30, 2017.

(2) Where Boeing Alert Requirements Bulletin 767–53A0278 RB, dated June 30, 2017, specifies contacting Boeing, this AD requires repair using a method approved in accordance with the procedures specified in paragraph (i) of this AD.

(3) For airplanes identified as Group 1, Configuration 1, in Boeing Alert Requirements Bulletin 767–53A0278 RB, dated June 30, 2017, that have been modified to a freighter configuration: The actions specified in Boeing Alert Requirements Bulletin 767–53A0278 RB, dated June 30, 2017, for Group 1, Configuration 2, must be done instead of the actions for Group 1, Configuration 1, except as required by paragraph (h)(2) of this AD.

(4) For airplanes identified as Group 2, Configuration 1, in Boeing Alert Requirements Bulletin 767–53A0278 RB, dated June 30, 2017, that have been modified to a freighter configuration: The actions specified in Boeing Alert Requirements Bulletin 767–53A0278 RB, dated June 30, 2017, for Group 2, Configuration 2, must be done instead of the actions for Group 2, Configuration 1, except as required by paragraph (h)(2) of this AD.

### (i) Alternative Methods of Compliance (AMOCs)

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

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

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO Branch, to make those findings. To be

approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

### (j) Related Information

(1) For more information about this AD, contact Wayne Lockett, Aerospace Engineer, Airframe Section, FAA, Seattle ACO Branch, 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6447; fax: 425–917–6590; email: wayne.lockett@faa.gov.

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

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

**Jeffrey E. Duven,**

*Director, System Oversight Division, Aircraft Certification Service.*

[FR Doc. 2017–26193 Filed 12–5–17; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 71

[Docket No. FAA–2017–0972; Airspace Docket No. 16–ANM–9]

## Proposed Establishment of Class E Airspace; Rangely, CO

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to establish Class E airspace extending upward from 700 feet above the surface, at Rangely Airport, Rangely, CO, to accommodate new area navigation (RNAV) procedures at the airport. This action would ensure the safety and management of instrument flight rules (IFR) operations within the National Airspace System.

**DATES:** Comments must be received on or before January 22, 2018.

**ADDRESSES:** Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE., West Building, Ground Floor, Room W12–140, Washington, DC 20590; telephone: 1–800–647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2017–0972; Airspace Docket No. 16–ANM–9, at the beginning of your



comments. You may also submit comments through the Internet at <http://www.regulations.gov>.

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

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

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

#### **SUPPLEMENTARY INFORMATION:**

##### **Authority for This Rulemaking**

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

##### **Comments Invited**

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related

aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Persons wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. FAA-2017-0972; Airspace Docket No. 16-ANM-9". The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

##### **Availability of NPRMs**

An electronic copy of this document may be downloaded through the Internet at <http://www.regulations.gov>. Recently published rulemaking documents can also be accessed through the FAA's Web page at [http://www.faa.gov/air\\_traffic/publications/airspace\\_amendments/](http://www.faa.gov/air_traffic/publications/airspace_amendments/).

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 1601 Lind Avenue SW., Renton, WA 98057.

##### **Availability and Summary of Documents for Incorporation by Reference**

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

##### **The Proposal**

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by establishing Class E

airspace extending upward from 700 feet above the surface at Rangely Airport, Rangely, CO, within an area approximately 10 miles wide, from north to south, and extending to approximately 10 miles east and 12 miles west of the airport.

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

##### **Regulatory Notices and Analyses**

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

##### **Environmental Review**

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and Procedures" prior to any FAA final regulatory action.

##### **List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

##### **The Proposed Amendment**

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

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

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

**§ 71.1 [Amended]**

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

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

\* \* \* \* \*

**ANM CO E5 Rangely, CO [New]**

Rangely Airport, CO  
(Lat. 40°05'38" N., long. 108°45'47" W.)

That airspace extending upward from 700 feet above the surface of Rangely Airport within the area bounded by lat. 40°04'58" N., long. 109°01'51" W.; to lat. 40°12'20" N., long. 108°35'41" W.; to lat. 40°09'07" N., long. 108°32'59" W.; to lat. 40°01'42" N., long. 108°36'14" W.; to lat. 39°59'18" N., long. 108°45'09" W.; to lat. 40°00'25" N., long. 109°01'00" W.; thence to the point of beginning.

Issued in Seattle, Washington, on November 21, 2017.

**Brian J. Johnson,**

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

[FR Doc. 2017-26204 Filed 12-5-17; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 71**

[Docket No. FAA-2017-0969; Airspace  
Docket No. 17-ANM-18]

**Proposed Amendment of Class D and Class E Airspace; Twin Falls, ID**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to modify Class E airspace designated as an extension, and modify Class E airspace extending upward from 700 feet above the surface at Joslin Field-Magic Valley Regional Airport, Twin Falls, ID. Also, the part-time Notice to Airmen (NOTAM) status would be removed from Class E airspace designated as an extension. Additionally, an editorial change would be made to the Class D airspace, Class E surface airspace, and Class E extension airspace legal descriptions replacing "Airport/Facility Directory" with the term "Chart Supplement." Also, this proposal would remove the words "Twin Falls" from the airport name in the airspace designations for

Class D and E airspace noted in this proposal. A biennial review found these changes are necessary to accommodate airspace redesign for the safety and management of instrument flight rules (IFR) operations within the National Airspace System.

**DATES:** Comments must be received on or before January 22, 2018.

**ADDRESSES:** Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12-140, Washington, DC 20590; telephone: 1(800) 647-5527, or (202) 366-9826. You must identify FAA Docket No. FAA-2017-0969; Airspace Docket No. 17-ANM-18, at the beginning of your comments. You may also submit comments through the Internet at <http://www.regulations.gov>.

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

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

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

**SUPPLEMENTARY INFORMATION:****Authority for This Rulemaking**

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

airspace. This regulation is within the scope of that authority as it would amend Class D and Class E airspace at Joslin Field-Magic Valley Regional Airport, Twin Falls, ID, in support of IFR operations at the airport.

**Comments Invited**

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (Docket No. FAA-2017-0969; Airspace Docket No. 17-ANM-18) and be submitted in triplicate to DOT Docket Operations (see **ADDRESSES** section for address and phone number).

Persons wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. FAA-2017-0969, Airspace Docket No. 17-ANM-18". The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

**Availability of NPRMs**

An electronic copy of this document may be downloaded through the Internet at <http://www.regulations.gov>. Recently published rulemaking documents can also be accessed through the FAA's Web page at [http://www.faa.gov/air\\_traffic/publications/airspace\\_amendments/](http://www.faa.gov/air_traffic/publications/airspace_amendments/).

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined between 8:00 a.m. and 4:30 p.m., Monday through Friday, except federal holidays,

at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 1601 Lind Avenue SW., Renton, WA 98057.

#### Availability and Summary of Documents for Incorporation by Reference

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

#### The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by modifying Class E airspace designated as an extension to a Class D or Class E surface area, and Class E airspace extending upward from 700 feet above the surface at Joslin Field-Magic Valley Regional Airport, Twin Falls, ID.

Class E airspace designated as an extension to a Class D or Class E surface area would be reduced to a 5-mile wide segment (from 8.6 miles wide) extending to 7 miles east (from 9.2 miles east), and a 5-mile wide segment (from 8.6 miles wide) extending to 7.1 miles (from 9.2 miles) west of the airport. Also, the part-time Notice to Airmen (NOTAM) status would be removed from Class E airspace designated as an extension, as this airspace is continuous.

Class E airspace extending upward from 700 feet above the surface would be reduced to a 12-mile wide segment (from a 16.5-mile wide segment) extending to 21.9 miles east (from 26.1 miles east), and 16 miles west (from 20 miles west) of the airport. Also, the small extension to 8.2 miles southeast of the airport would be removed.

Finally, this action would replace the outdated term "Airport/Facility Directory" with the term "Chart Supplement" in the Class D, and Class E surface airspace legal descriptions, and remove the words "Twin Falls" from the airport name in the airspace designations for Class D and E airspace noted in this proposal.

These modifications are necessary for the safety and management of IFR operations at the airport.

Class D and Class E airspace designations are published in paragraph 5000, 6002, 6004, and 6005,

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

#### Regulatory Notices and Analyses

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

#### Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and Procedures" prior to any FAA final regulatory action.

#### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

#### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

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

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

##### § 71.1 [Amended]

- 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and

effective September 15, 2017, is amended as follows:

#### Paragraph 5000 Class D Airspace.

\* \* \* \* \*

#### ANM ID D Twin Falls, ID [Amended]

Joslin Field-Magic Valley Regional Airport, ID

(Lat. 42°28'55" N., long. 114°29'16" W.)

That airspace extending upward from the surface to and including 6,700 feet MSL within a 4.3-mile radius of Joslin Field-Magic Valley Regional Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

#### Paragraph 6002 Class E Airspace Areas Designated as Surface Areas.

\* \* \* \* \*

#### ANM ID E2 Twin Falls, ID [Amended]

Joslin Field-Magic Valley Regional Airport, ID

(Lat. 42°28'55" N., long. 114°29'16" W.)

That airspace within a 4.3-mile radius of Joslin Field-Magic Valley Regional Airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

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

\* \* \* \* \*

#### ANM ID E4 Twin Falls, ID [Amended]

Joslin Field-Magic Valley Regional Airport, ID

(Lat. 42°28'55" N., long. 114°29'16" W.)

That airspace extending upward from the surface within 2.5 miles each side of the 087° bearing from Joslin Field-Magic Valley Regional Airport extending from the 4.3 mile radius of the airport to 7 miles east of the airport, and within 2.5 miles each side of the airport 274° bearing extending from the airport 4.3-mile radius to 7.1 miles west of the airport.

#### ANM ID E5 Twin Falls, ID [Amended]

Joslin Field-Magic Valley Regional Airport, ID

(Lat. 42°28'55" N., long. 114°29'16" W.)

That airspace extending upward from 700 feet above the surface within 4.3 miles south and 8 miles north of the 091° bearing from Joslin Field-Magic Valley Regional Airport extending from the airport to 22 miles east of the airport, and within 4.3 miles south and 8 miles north of the airport 275° bearing extending from the airport to 16 miles west of the airport. That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at lat. 43°22'00" N., long. 115°08'00" W.; to lat. 43°09'00" N., long. 114°03'00" W.; to lat. 42°33'00" N., long. 114°03'00" W.; to lat. 42°18'00" N., long. 114°06'00" W.; to lat. 41°48'00" N., long. 115°00'00" W.; to lat. 43°01'00" N.,

long. 115°20'00" W., thence to the point of beginning.

Issued in Seattle, Washington, on November 21, 2017.

**Brian J. Johnson,**

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

[FR Doc. 2017-26205 Filed 12-5-17; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2017-0986; Airspace Docket No. 17-ANM-16]

#### Proposed Amendment of Class D and Class E Airspace; Lewiston, ID

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to amend controlled airspace at Lewiston-Nez Perce County Airport, Lewiston, ID, by enlarging Class D airspace, and Class E surface airspace, and reducing Class E airspace designated as an extension, and Class E airspace extending upward from 700 feet above the surface. Also, this action would remove the part-time Notice to Airmen (NOTAM) status from Class E airspace designated as an extension. Additionally, an editorial change would be made to the legal descriptions replacing "Airport/Facility Directory" with the term "Chart Supplement". This action would enhance safety and management of instrument flight rules (IFR) operations at the airport.

**DATES:** Comments must be received on or before January 22, 2018.

**ADDRESSES:** Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE., West Building, Ground Floor, Room W12-140, Washington, DC 20590; telephone: 1(800) 647-5527, or (202) 366-9826. You must identify FAA Docket No. FAA-2017-0986; Airspace Docket No. 17-ANM-16, at the beginning of your comments. You may also submit comments through the Internet at <http://www.regulations.gov>.

FAA Order 7400.11B, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at [http://www.faa.gov/air\\_traffic/publications/](http://www.faa.gov/air_traffic/publications/). For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence

Avenue SW., Washington, DC 20591; telephone: (202) 267-8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11A at NARA, call (202) 741-6030, or go to <https://www.archives.gov/federal-register/cfr/ibr-locations.html>.

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

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

#### SUPPLEMENTARY INFORMATION:

##### Authority for This Rulemaking

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

##### Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (Docket No. FAA-2017-0986; Airspace Docket No. 17-ANM-16) and be submitted in triplicate to DOT Docket Operations (see **ADDRESSES** section for address and phone number).

Persons wishing the FAA to acknowledge receipt of their comments

on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. FAA-2017-0986/Airspace Docket No. 17-ANM-16." The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

##### Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at <http://www.regulations.gov>. Recently published rulemaking documents can also be accessed through the FAA's Web page at [http://www.faa.gov/air\\_traffic/publications/airspace\\_amendments/](http://www.faa.gov/air_traffic/publications/airspace_amendments/).

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined between 8:00 a.m. and 4:30 p.m., Monday through Friday, except federal holidays, at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 1601 Lind Avenue SW., Renton, WA 98057.

##### Availability and Summary of Documents for Incorporation by Reference

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

##### The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by amending Class D airspace, Class E airspace designated as a surface area, Class E airspace designated as an extension, and Class E airspace extending upward from 700

feet above the surface at Lewiston-Nez Perce County Airport, Lewiston, ID. This airspace redesign is necessary for the safety and management of instrument flight rules operations at the airport.

This proposal would amend Class D and Class E surface area airspace by increasing each area to a 4.3-mile radius of the airport (from the 4.1-mile radius) from the airport 290° bearing clockwise to the airport 066° bearing; and within a 5.1-mile radius of the airport (from the 4.1-mile radius) from the airport 066° bearing clockwise to the airport 115° bearing; and within a 6.6-mile radius of the airport (from the 4.1-mile radius) from the airport 115° bearing clockwise to the airport 164° bearing; and within a 4.3-mile radius of the airport (from the 4.1-mile radius) from the airport 164° bearing clockwise to the airport 230° bearing; and within a 6.6-mile radius of the airport (from the 4.1-mile radius) from the airport 230° bearing clockwise to the airport 290° bearing. Also, the class D airspace extending upward from the surface would be reduced up to and including 2,700 feet MSL (from 3,900 feet).

Class E airspace designated as an extension would be modified to within 1.0 mile each side of the 100° bearing from the airport extending from the 5.1-mile radius of the airport to 7.9 miles east of the airport (from 2.7 miles each side of the Lewiston-Nez Perce ILS localizer course extending from the 4.1-mile radius of the airport to 14 miles east), and within 1.0 mile each side of the 313° bearing from the airport extending from the airport 4.3-mile radius to 6.1 miles northwest of the airport (from 3.5 miles each side of the Nez Perce VOR/DME 266° radial extending from the 4.1-mile radius of the airport to 13.1 miles west of the airport). Also, the part-time Notice to Airmen (NOTAM) status would be removed.

Class E airspace extending upward from 700 feet above the surface would be modified to within a 6.3-mile radius of the airport, and within 8.5 miles north and 4.3 miles south of the airport 099° and 279° bearings extending to 27.8 miles east and 22.5 miles west of the airport (from an irregularly shaped polygon generally extending to 19 miles northeast, 24 miles east, 19 miles southeast, and 25 miles west).

Additionally, this action would replace the term “Airport/Facility Directory” with the term “Chart Supplement” in the Class D and Class E surface airspace.

Class D and Class E airspace designations are published in paragraph 5000, 6002, 6004, and 6005,

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

### Regulatory Notices and Analyses

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

### Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, “Environmental Impacts: Policies and Procedures” prior to any FAA final regulatory action.

### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

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

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

#### § 71.1 [Amended]

- 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and

effective September 15, 2017, is amended as follows:

#### Paragraph 5000 Class D Airspace.

\* \* \* \* \*

#### ANM ID D Lewiston, ID [Amended]

Lewiston-Nez Perce County Airport, ID  
(Lat. 46°22′28″ N., long. 117°00′55″ W.)

That airspace extending upward from the surface to and including 2,700 feet MSL within a 4.3-mile radius from the Lewiston-Nez Perce County Airport clockwise from the airport 290° bearing to the 066° bearing, and within a 5.1-mile radius of the airport from the 066° bearing to the airport 115° bearing and within a 6.6-mile radius of the airport from the 115° bearing to the airport 164° bearing, and within a 4.3-mile radius of the airport from the airport 164° bearing to the airport 230° bearing, and within a 6.6-mile radius of the airport from the 230° bearing to the airport 290° bearing. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

#### ANM ID E2 Lewiston, ID [Amended]

Lewiston-Nez Perce County Airport, ID  
(Lat. 46°22′28″ N., long. 117°00′55″ W.)

That airspace extending upward from the surface within a 4.3-mile radius from the Lewiston-Nez Perce County Airport clockwise from the airport 290° bearing to the 066° bearing, and within a 5.1-mile radius of the airport from the 066° bearing to the airport 115° bearing and within a 6.6-mile radius of the airport from the 115° bearing to the airport 164° bearing, and within a 4.3-mile radius of the airport from the airport 164° bearing to the airport 230° bearing, and within a 6.6-mile radius of the airport from the 230° bearing to the airport 290° bearing. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

#### ANM ID E4 Lewiston, ID [Amended]

Lewiston-Nez Perce County Airport, ID  
(Lat. 46°22′28″ N., long. 117°00′55″ W.)

That airspace within one mile each side of the 100° bearing from the Lewiston-Nez Perce County Airport extending from the airport 5.1-mile radius to 7.9 miles east of the airport, and within 1.0 mile each side of the 313° bearing from the airport extending from the airport 4.3-mile radius to 6.1 miles northwest of the airport.

#### ANM ID E5 Lewiston, ID [Amended]

Lewiston-Nez Perce County Airport, ID  
(Lat. 46°22′28″ N., long. 117°00′55″ W.)

That airspace upward from 700 feet above the surface within a 6.3-mile radius of Lewiston-Nez Perce County Airport, and within 8.5 miles north and 4.3 miles south of the airport 099° and 279° bearings extending to 27.8 miles east and 22.5 miles west of the airport; that airspace extending upward from 1,200 feet above the surface within a 62-mile radius of the Lewiston-Nez

Perce County Airport, and within 24 miles each side of the 056° bearing from the airport extending from the 62-mile radius to 92 miles northeast of the airport.

Issued in Seattle, Washington, on November 21, 2017.

**Brian J. Johnson,**

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

[FR Doc. 2017-26206 Filed 12-5-17; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Chapter I

[Docket Nos. FDA-2017-N-5092, FDA-2017-N-5093, FDA-2017-N-5094, FDA-2017-N-5095, FDA-2017-N-5101, FDA-2017-N-5104, and FDA-2017-N-5105]

#### Review of Existing Regulatory and Information Collection Requirements; Extension of Comment Period

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Requests for comments and information; extension of comment period.

**SUMMARY:** The Food and Drug Administration (FDA or the Agency) is extending the comment period for the Requests for Comments and Information that appeared in the **Federal Register** of September 8, 2017. In the Requests for Comments and Information, FDA requested comments and information from interested parties to help FDA identify existing regulations and related paperwork requirements that could be modified, repealed, or replaced, consistent with the law, to achieve meaningful burden reduction while allowing us to achieve our public health mission and fulfill statutory obligations. The Agency is taking this action in response to requests for an extension to allow interested persons additional time to submit comments.

**DATES:** FDA is extending the comment period on the Requests for Comments and Information documents published September 8, 2017 (82 FR 42492, 82 FR 42494, 82 FR 42497, 82 FR 42499, 82 FR 42501, 82 FR 42503, and 82 FR 42506). Submit either electronic or written comments by February 5, 2018.

**ADDRESSES:** You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before February 5, 2018. The <https://www.regulations.gov> electronic filing system will accept

comments until midnight Eastern Time at the end of February 5, 2018. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

#### Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

#### Written/Paper Submissions

Submit written/paper submissions as follows:

- **Mail/Hand delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in "Instructions."

**Instructions:** All submissions received must include: The document number and title (see **SUPPLEMENTARY INFORMATION**). 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 a 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:** Megan Velez, Office of Policy, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993, 301-796-4830, [megan.velez@fda.hhs.gov](mailto:megan.velez@fda.hhs.gov).

**SUPPLEMENTARY INFORMATION:** In the **Federal Register** of September 8, 2017, FDA published seven Requests for Comments and Information with a 90-day comment period to request comments and information from interested parties to help FDA identify existing regulations and related paperwork requirements that could be modified, repealed, or replaced, consistent with the law, to achieve meaningful burden reduction while allowing us to achieve our public health mission and fulfill statutory obligations.

Docket No.	Title of document
FDA-2017-N-5092	Review of Existing Center for Biologics Evaluation and Research Regulatory and Information Collection Requirements.
FDA-2017-N-5093	Review of Existing General Regulatory and Information Collection Requirements of the Food and Drug Administration.
FDA-2017-N-5094	Review of Existing Center for Food Safety and Applied Nutrition Regulatory and Information Collection Requirements.
FDA-2017-N-5095	Review of Existing Center for Tobacco Products Regulatory and Information Collection Requirements.
FDA-2017-N-5101	Review of Existing Center for Drug Evaluation and Research Regulatory and Information Collection Requirements.
FDA-2017-N-5104	Review of Existing Center for Veterinary Medicine Regulatory and Information Collection Requirements.
FDA-2017-N-5105	Review of Existing Center for Devices and Radiological Health Regulatory and Information Collection Requirements.

The Agency has received requests for a 60-day extension of the comment period for the Requests for Comments and Information. Each request conveyed concern that the current 90-day comment period does not allow sufficient time to develop a meaningful or thoughtful response to the Requests for Comments and Information.

FDA has considered the requests and is extending the comment period for the Requests for Comment and Information for 60 days, until February 5, 2018. The Agency believes that a 60-day extension allows adequate time for interested persons to submit comments without significantly delaying work on these important issues.

Dated: November 30, 2017.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2017-26199 Filed 12-5-17; 8:45 am]

**BILLING CODE 4164-01-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[Docket No. USCG-2016-0257]

**RIN 1625-AA09**

#### **Drawbridge Operation Regulation; Delaware River, Pennsauken Township, NJ**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking; reopening of comment period.

**SUMMARY:** The Coast Guard is re-opening the comment period for its notice of proposed rulemaking (NPRM), which published on June 30, 2017. The Coast Guard is proposing to change the regulation governing the DELAIR Memorial Railroad Bridge across the Delaware River, mile 104.6, at Pennsauken Township, NJ. Because the bridge owner implemented new policies and training that was not fully evaluated during the previous test deviation, the Coast Guard is providing an additional opportunity for public comment.

**DATES:** Comments and related material must reach the Coast Guard on or before January 15, 2018.

**ADDRESSES:** You may submit comments identified by docket number USCG-2016-0257 using Federal eRulemaking Portal at <http://www.regulations.gov>.

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

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this proposed rule, call or email Mr. Hal R. Pitts, Fifth Coast Guard District (dpb); telephone (757) 398-6222, email [Hal.R.Pitts@uscg.mil](mailto:Hal.R.Pitts@uscg.mil).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background and Purpose**

On June 30, 2017, we published a notice of proposed rulemaking (NPRM) entitled, “Drawbridge Operation Regulation; Delaware River, Pennsauken Township, NJ” in the **Federal Register** (82 FR 29800). The original comment period closed on August 18, 2017. The NPRM proposed changes to the regulation governing the DELAIR Memorial Railroad Bridge across the Delaware River, mile 104.6, at Pennsauken Township, and contains useful background and analysis related to the proposed changes. The installation of the remote capabilities did not change the operational schedule of the bridge.<sup>1</sup> The public is encouraged to review the NPRM.

On April 12, 2017, we issued a temporary deviation entitled “Drawbridge Operation Regulation; Delaware River, Pennsauken Township, NJ” in the **Federal Register** (82 FR 17561). During the initial test deviation performed from 8 a.m. on April 24, 2017, through 7:59 a.m. on October 21, 2017, the bridge owner identified deficiencies in the remote operation center procedures, bridge to vessel communications, and equipment redundancy. Comments concerning

these deficiencies were submitted to the docket and provided to the Coast Guard and bridge owner by representatives from the Mariners’ Advisory Committee for the Bay and River Delaware.

The bridge owner implemented policies and provided training to address the procedural and communications deficiencies, and implemented backup systems to mitigate potential equipment and systems failures. These changes were not fully evaluated during the test deviation ending October 21, 2017. Therefore, the Coast Guard has decided to issue a second test deviation to complete the evaluation of the changes incorporated into the remote operation system.

On October 18, 2017, we published a second test deviation entitled “Drawbridge Operation Regulation; Delaware River, Pennsauken Township, NJ” in the **Federal Register** (82 FR 48419). This second test deviation was issued to complete the evaluation of the changes incorporated into the remote operation system during the test deviation ending October 21, 2017. Comments and related material for the second test deviation must reach the Coast Guard on or before January 15, 2018.

##### *Re-Opening the Comment Period*

The comment period for the NPRM published on June 30, 2017 ended August 18, 2017. This notice re-opening the comment period ensures there is sufficient opportunity to comment on the proposed rule which would allow the bridge to be remotely operated from the Conrail South Jersey dispatch center in Mount Laurel, NJ, instead of being operated by an on-site bridge tender, before the proposed changes become final.

##### **II. Public Participation and Request for Comments**

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking,

<sup>1</sup> A full description of the remote operational system is outlined in the aforementioned publication, which can be found at <http://www.regulations.gov>. (see **ADDRESSES** for more information).



indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

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

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

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

Dated: November 17, 2017.

**M.L. Austin,**

*Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.*

[FR Doc. 2017-26269 Filed 12-5-17; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

[4500090022]

#### Endangered and Threatened Wildlife and Plants; 12-Month Findings on Petitions To List Four Species as Endangered or Threatened Species

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notification of 12-month petition findings.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce 12-month findings on petitions to list four species as endangered or threatened species under the Endangered Species Act of 1973, as amended (Act). After a thorough review of the best available scientific and commercial information, we find that listing the blackfin sucker, Mohave shoulderband snail, white-tailed prairie dog, and Woodville Karst

cave crayfish is not warranted at this time. However, we ask the public to submit to us at any time any new information that becomes available concerning the stressors to any of the species listed above or their habitats.

**DATES:** The findings in this document were made on December 6, 2017.

**ADDRESSES:** Detailed descriptions of the basis for each of these findings are available on the Internet at <http://www.regulations.gov> under the following docket numbers:

Species	Docket No.
Blackfin sucker .....	FWS-R4-ES-2017-0084
Mohave shoulderband snail.	FWS-R8-ES-2015-0021
White-tailed prairie dog ..	FWS-R6-ES-2008-0053
Woodville Karst cave crayfish.	FWS-R4-ES-2017-0085

Supporting information used to prepare these findings is available for public inspection, by appointment, during normal business hours, by contacting the appropriate person, as specified under **FOR FURTHER INFORMATION CONTACT**. Please submit any new information, materials, comments, or questions concerning these findings to the appropriate person, as specified under **FOR FURTHER INFORMATION CONTACT**.

#### FOR FURTHER INFORMATION CONTACT:

Species	Contact information
Blackfin sucker .....	Lee Andrews, Field Supervisor, Kentucky Ecological Services Field Office, 502-695-0468.
Mohave shoulderband snail .....	Mendel Stewart, Field Supervisor, Carlsbad Fish and Wildlife Office, 760-431-9440.
White-tailed prairie dog .....	Tyler Abbott, Field Supervisor, Wyoming Ecological Services Field Office, 307-772-2374, ext. 231.
Woodville Karst cave crayfish .....	Catherine Phillips, Field Supervisor, Panama City Ecological Services Field Office, 850-769-0552.

If you use a telecommunications device for the deaf (TDD), please call the Federal Relay Service at 800-877-8339.

#### SUPPLEMENTARY INFORMATION:

##### Background

Within 12 months after receiving any petition to revise the Federal Lists of Endangered and Threatened Wildlife and Plants, we are required to make a finding whether or not the petitioned action is warranted ("12-month finding"), unless we determined that the petition did not contain substantial scientific or commercial information indicating that the petitioned action may be warranted (section 4(b)(3)(B) of the Act (16 U.S.C. 1531 *et seq.*)). We must make a finding that the petitioned action is: (1) Not warranted; (2) warranted; or (3) warranted but precluded. "Warranted but precluded" means that (a) the petitioned action is warranted, but the immediate proposal

of a regulation implementing the petitioned action is precluded by other pending proposals to determine whether species are endangered or threatened species, and (b) expeditious progress is being made to add qualified species to the Federal Lists of Endangered and Threatened Wildlife and Plants (Lists) and to remove from the Lists species for which the protections of the Act are no longer necessary. Section 4(b)(3)(C) of the Act requires that we treat a petition for which the requested action is found to be warranted but precluded as though resubmitted on the date of such finding, that is, requiring that a subsequent finding be made within 12 months of that date. We must publish these 12-month findings in the **Federal Register**.

#### Summary of Information Pertaining to the Five Factors

Section 4 of the Act (16 U.S.C. 1533) and the implementing regulations at

part 424 of title 50 of the Code of Federal Regulations (50 CFR part 424) set forth procedures for adding species to, removing species from, or reclassifying species on the Federal Lists of Endangered and Threatened Wildlife and Plants. The Act defines "endangered species" as any species that is in danger of extinction throughout all or a significant portion of its range (16 U.S.C. 1532(6)), and "threatened species" as any species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range (16 U.S.C. 1532(20)). Under section 4(a)(1) of the Act, a species may be determined to be an endangered species or a threatened species because of any of the following five factors:

(A) The present or threatened destruction, modification, or curtailment of its habitat or range;



(B) Overutilization for commercial, recreational, scientific, or educational purposes;

(C) Disease or predation;

(D) The inadequacy of existing regulatory mechanisms; or

(E) Other natural or manmade factors affecting its continued existence.

We summarize below the information on which we based our evaluation of the five factors provided in section 4(a)(1) of the Act to determine whether the blackfin sucker, Mohave shoulderband snail, white-tailed prairie dog, and Woodville Karst cave crayfish meet the definition of “endangered species” or “threatened species.” The supporting information upon which the finding for each species is based is documented in a species assessment form that contains more-detailed biological information, a thorough analysis of the listing factors, and an explanation of why we determined that these species do not meet the definition of an endangered species or threatened species. These forms can be found at <http://www.regulations.gov> under the appropriate docket number (see **ADDRESSES**, above).

In considering what stressors under the Act’s five factors might indicate that the species may meet the definition of a threatened species or an endangered species, we must look beyond the mere exposure of the species to the stressor to determine whether the species responds to the stressor in a way that causes actual impacts to the species. If there is exposure to a stressor, but no response, or only a positive response, that stressor does not cause a species to meet the definition of a threatened species or an endangered species. If there is exposure and the species responds negatively, the stressor may be significant. In that case, we determine whether that stressor drives or contributes to the risk of extinction of the species such that the species warrants listing as an endangered or threatened species as those terms are defined by the Act. This does not necessarily require empirical proof of impacts to a species. The combination of exposure and some corroborating evidence of how the species is likely affected could suffice. The mere identification of stressors that could affect a species negatively is not sufficient to compel a finding that listing is appropriate; similarly, the mere identification of stressors that do not affect a listed species negatively is insufficient to compel a finding that delisting is appropriate. For a species to be listed or remain listed, we require evidence that these stressors are operative threats to the species and its habitat, either singly or in combination,

to the point that the species meets the definition of an endangered or a threatened species under the Act.

In making these 12-month findings, we considered and thoroughly evaluated the best scientific and commercial information available regarding the past, present, and future stressors and threats. We reviewed the petitions, information available in our files, and other available published and unpublished information. These evaluations may include information from recognized experts; Federal, State, and tribal governments; academic institutions; foreign governments; private entities; and other members of the public.

The species assessment forms for the blackfin sucker, Mohave shoulderband snail, white-tailed prairie dog, and Woodville Karst cave crayfish provide the basis for these findings and can be found on the Internet at <http://www.regulations.gov> under the appropriate docket number (see **ADDRESSES**, above). The following are informational summaries for each of the findings in this document.

#### **Blackfin Sucker (*Thoburnia atripinnis*)**

##### *Previous Federal Actions*

On April 20, 2010, we received a petition from the Center for Biological Diversity (Center), Alabama Rivers Alliance, Clinch Coalition, Dogwood Alliance, Gulf Restoration Network, Tennessee Forests Council, and West Virginia Highlands Conservancy requesting that the blackfin sucker be listed as an endangered or threatened species under the Act. On September 27, 2011, we published a 90-day finding in the **Federal Register** (76 FR 59836) concluding that the petition presented substantial information indicating that listing the blackfin sucker may be warranted. This document constitutes the 12-month finding on the April 20, 2010, petition to list the blackfin sucker.

##### *Summary of Finding*

The blackfin sucker is a fish that is relatively small (140 mm (5.5 in.) in length) in comparison to other members of its family, Catostomidae, collectively known as suckers. The species is endemic to the upper Barren River System in north-central Tennessee and south-central Kentucky, primarily upstream of Barren River Dam, with historical records known from only two stream systems downstream of the dam.

Blackfin suckers inhabit clear headwater streams and are most frequently encountered in deeper sections of pools and runs. The species

is typically observed near bedrock ledges, slabrock boulders, rootwads, and undercut banks. During the March and April spawning period, males are associated with swift riffles and females occupy pools where they are found occasionally under flat rocks at the edges of riffles.

We evaluated all relevant stressors under the five factors, including any regulatory mechanisms and conservation measures addressing these stressors. The primary stressors include effects of agriculture, sedimentation, stream modification, impoundments, and climate change. Despite impacts from these stressors, we find that the species has maintained the whole of its historical range and the number of occupied streams has increased. Considering that impacts from these stressors are expected to decrease or remain stable, and that the species exhibits redundancy, representation, and resiliency, we find that these stressors do not, alone or in combination, rise to a level that causes this species to meet the definition of a threatened species or an endangered species. Therefore, we find that listing the blackfin sucker as threatened or endangered is not warranted. A detailed discussion of the basis for this finding can be found in the blackfin sucker species assessment form and other supporting documents (see **ADDRESSES**, above).

#### **Mohave Shoulderband Snail (*Helminthoglypta* (Coyote) *greggi*)**

##### *Previous Federal Actions*

On January 31, 2014, we received a petition from the Center requesting that the Mohave shoulderband snail be listed as an endangered or threatened species under the Act. We published a substantial 90-day finding in the **Federal Register** (80 FR 19259) on April 10, 2015. Subsequently, we entered into a stipulated settlement agreement with the Center that required us to submit a 12-month finding to the **Federal Register** by November 30, 2017. This document constitutes the 12-month finding on the January 31, 2014, petition to list the Mohave shoulderband snail.

##### *Summary of Finding*

The Mohave shoulderband snail is a small (0.48 to 0.58 in (12.3 to 14.6 mm) in length), brown desert snail. The species inhabits rock outcrops and talus slopes found on volcanic formations in the western region of the Mojave Desert at Middle Butte, Standard Hill, and Soledad Mountain.

The species is dependent on local precipitation and subsequent increases

in humidity within rock outcrop habitats. Although water represents the primary limiting resource in desert environments, other climatic and physical factors—such as temperature, topography, and food availability, or a combination of these factors—can influence the ecology of desert snails. Because of the hot, arid conditions in the Mojave Desert, the snail is active primarily during the brief winter season and enters a state of dormancy below ground during the remainder of the year. It emerges during and following periods of rainfall in search of food resources or for mating and egg-laying activities.

We evaluated all relevant stressors under the five factors, including any regulatory mechanisms and conservation measures addressing these stressors. The primary stressors include effects of habitat degradation from hard rock mining. We find that, while mining activities will likely result in some loss of suitable habitat, this loss will not lead to a significant decrease in the resources needed to meet the species' physical and ecological needs across the species' range. Furthermore, recent presence/absence surveys have resulted in additional observations of the species throughout its range. In all, we find that mining and other potential stressors, alone or in combination, do not rise to a level that causes this species to meet the definition of a threatened species or an endangered species. Therefore, we find that listing the Mohave shoulderband snail as threatened or endangered is not warranted. A detailed discussion of the basis for this finding can be found in the Mohave shoulderband snail species assessment form and other supporting documents (see **ADDRESSES**, above).

#### **White-Tailed Prairie Dog (*Cynomys leucurus*)**

##### *Previous Federal Actions*

On July 15, 2002, we received a petition to list the white-tailed prairie dog as threatened or endangered. We published a not-substantial 90-day finding in the **Federal Register** (69 FR 64889) on November 9, 2004. On February 22, 2008, after we received notice of a lawsuit challenging the not-substantial finding, we entered into a stipulated settlement agreement with the Center for Native Ecosystems and three other entities, to submit to the **Federal Register** a 12-month finding on the petition to list the white-tailed prairie dog. On June 1, 2010, we completed our status review and determined that the white-tailed prairie dog did not warrant listing (75 FR

30338). A September 9, 2014, court order remanded the 12-month not-warranted finding back to us for reconsideration (*Rocky Mountain Wild v. U.S. Fish and Wildlife Service* 2014, case 9:13-cv-00042-DWM). This finding constitutes our remanded 12-month finding on the petition to list the white-tailed prairie dog, and addresses all issues raised in the court's order.

##### *Summary of Finding*

The white-tailed prairie dog inhabits parts of Wyoming, Utah, Montana, and Colorado, and is one of five prairie dog species in western North America. The range of the white-tailed prairie dog has not changed appreciably since historical times, but historical poisoning campaigns, the introduction of plague, and habitat loss significantly reduced the abundance of white-tailed prairie dogs throughout its range.

The white-tailed prairie dog generally inhabits drier landscapes with shrub land vegetation, such as the high desert scrub community of Utah and sagebrush steppe of western Wyoming. It prefers areas with lower vegetation heights to facilitate predator surveillance, but it also may use dense brush adjacent to grassier areas to avoid predators. The white-tailed prairie dog digs its burrows, which require deep, well-drained soils.

We evaluated all relevant stressors under the five factors, including any regulatory mechanisms and conservation measures addressing these stressors. The primary stressors include effects of agricultural activities, shooting, poisoning, overgrazing, invasive weeds, wildfire, urbanization, energy development, drought, and plague. We found that white-tailed prairie dog populations are in moderate to high overall condition, with population trends stable or exhibiting some declines from stochastic events followed by recovery. In addition, white-tailed prairie dogs have multiple resilient populations, and exhibit adaptive capacity. Therefore, we find that these stressors do not, alone or in combination, rise to a level that causes this species to meet the definition of a threatened species or an endangered species. Therefore, we find that listing the white-tailed prairie dog as threatened or endangered is not warranted. A detailed discussion of the basis for this finding can be found in the white-tailed prairie dog species assessment form and other supporting documents (see **ADDRESSES**, above).

#### **Woodville Karst Cave Crayfish (*Procambarus orcinus*)**

##### *Previous Federal Actions*

On April 20, 2010, we received a petition from the Center requesting that the Woodville Karst cave crayfish be listed as an endangered or threatened species under the Act. On September 27, 2011, we published a 90-day finding in the **Federal Register** (76 FR 59836) concluding that the petition presented substantial information indicating that listing the Woodville Karst cave crayfish may be warranted. This document constitutes the 12-month finding on the April 20, 2010, petition to list the Woodville Karst cave crayfish.

##### *Summary of Finding*

The Woodville Karst cave crayfish is a subterranean species of crayfish endemic to several freshwater springs and sink caves within the panhandle of Florida. The adults are approximately 25 mm (1 in) in length and have a semitransparent cuticle revealing pinkish orange tissue underneath.

The species is known from 18 aquatic cave sites, all of which are within an area of approximately 100 square miles. It lives in shallow water at the mouth of sink holes to depths of 91 m (300 ft) and appears to require a flowing, freshwater, subterranean environment. However, specific water-quality requirements for the species are unknown.

We evaluated all relevant stressors under the five factors, including any regulatory mechanisms and conservation measures addressing these stressors. The primary stressors include effects of land-use activities and direct alterations of waterways, water withdrawal, sea-level rise, and overutilization. These stressors do not, alone or in combination, rise to a level that causes this species to meet the definition of a threatened species or an endangered species. Additionally, despite the potential for groundwater decline over time, populations are likely to remain resilient and be minimally affected since the species lives at significant spring depths and can move among springs and sinks in the underground system. Therefore, we find that listing the Woodville Karst cave crayfish as threatened or endangered is not warranted. A detailed discussion of the basis for this finding can be found in the Woodville Karst cave crayfish species assessment form and other supporting documents (see **ADDRESSES**, above).

##### *New Information*

We request that you submit any new information concerning the taxonomy,

biology, ecology, status of, or stressors to, the blackfin sucker, Mohave shoulderband snail, white-tailed prairie dog, and Woodville Karst cave crayfish to the appropriate person, as specified under **FOR FURTHER INFORMATION CONTACT**, whenever it becomes available. New information will help us monitor these species and encourage their conservation. We encourage local agencies and stakeholders to continue cooperative monitoring and conservation efforts for these species. If an emergency situation develops for any of these species, we will act to provide immediate protection.

#### References Cited

Lists of the references cited in the petition findings are available on the Internet at <http://www.regulations.gov> in the dockets listed above in **ADDRESSES** and upon request from the appropriate person, as specified under **FOR FURTHER INFORMATION CONTACT**.

#### Authors

The primary authors of this document are the staff members of the Species Assessment Team, Ecological Services Program.

**Authority:** The authority for this action is section 4 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: October 30, 2017.

**James W. Kurth,**

*Deputy Director for U.S. Fish and Wildlife Service, Exercising the Authority of the Director.*

[FR Doc. 2017-26349 Filed 12-5-17; 8:45 am]

**BILLING CODE 4333-15-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Parts 223 and 224

[Docket No. 171004968-7968-01]

**RIN 0648-XF748**

### Endangered and Threatened Wildlife; 90-Day Finding on a Petition To Identify the Northwest Atlantic Leatherback Turtle as a Distinct Population Segment and List It as Threatened Under the Endangered Species Act

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

**ACTION:** Notice of 90-day petition finding; request for information; and initiation of status review.

**SUMMARY:** We, NMFS, announce a 90-day finding on a petition to identify the Northwest Atlantic subpopulation of the leatherback turtle (*Dermochelys coriacea*) as a Distinct Population Segment (DPS) and list it as threatened under the Endangered Species Act (ESA). We find that the petition and information readily available in our files present substantial scientific and commercial information indicating that the petitioned action may be warranted. We are hereby initiating a status review of the leatherback turtle to determine whether the petitioned action is warranted and to examine the species globally with regard to application of the DPS Policy in light of significant new information since the original listing. To ensure that the status review is comprehensive, we are soliciting scientific and commercial information pertaining to the leatherback turtle from any interested party.

**DATES:** Information and comments on the subject action must be received by February 5, 2018.

**ADDRESSES:** Copies of the petition and related materials are available on NMFS' Web site at <https://www.fisheries.noaa.gov/species/leatherback-turtle>. You may submit comments, information, or data, by either of the following methods:

- **Federal eRulemaking Portal:** Go to [www.regulations.gov](http://www.regulations.gov)/#!docketDetail;D=NOAA-NMFS-2017-0147, click the "Comment Now" icon, complete the required fields, and enter or attach your comments.
- **Mail or hand-delivery:** Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910. Attn: Jennifer Schultz.

**Instructions:** NMFS may not consider comments if they are sent by any other method, to any other address or individual, or received after the comment period ends. All comments received are a part of the public record and NMFS will post for public viewing on <http://www.regulations.gov> without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous).

**FOR FURTHER INFORMATION CONTACT:** Jennifer Schultz, Office of Protected Resources, NMFS (301) 427-8443, or email [jennifer.schultz@noaa.gov](mailto:jennifer.schultz@noaa.gov). Persons who use a Telecommunications Device for the Deaf (TDD) may call the Federal Information Relay Service

(FIRS) at 1-800-877-8339, 24 hours a day and 7 days a week.

#### SUPPLEMENTARY INFORMATION:

##### Background

On September 20, 2017, NMFS received a petition from Blue Water Fishermen's Association to identify the Northwest Atlantic leatherback turtle as a DPS and list it as threatened under the ESA. The species is currently listed as endangered throughout its range under the ESA (35 FR 8491, June 2, 1970). Copies of the petitions are available upon request (see **ADDRESSES**).

##### ESA Statutory, Regulatory, and Policy Provisions and Evaluation Framework

Section 4(b)(3)(A) of the ESA of 1973, as amended (16 U.S.C. 1531 *et seq.*), requires, to the maximum extent practicable, that within 90 days of receipt of a petition to list a species as threatened or endangered, the Secretary of Commerce make a finding on whether that petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted, and to promptly publish such finding in the **Federal Register** (16 U.S.C. 1533(b)(3)(A)). When it is found that substantial scientific or commercial information in a petition indicates the petitioned action may be warranted (a "positive 90-day finding"), we are required to promptly commence a review of the status of the species concerned during which we will conduct a comprehensive review of the best available scientific and commercial information. In such cases, we conclude the review with a finding as to whether, in fact, the petitioned action is warranted within 12 months of receipt of the petition. Because the finding at the 12-month stage is based on a more thorough review of the available information, as compared to the narrow scope of review at the 90-day stage, a "may be warranted" finding does not prejudice the outcome of the status review.

Under the ESA, a listing determination may address a species, which is defined to also include subspecies and, for any vertebrate species, any DPS that interbreeds when mature (16 U.S.C. 1532(16)). A joint NMFS-U.S. Fish and Wildlife Service (USFWS) policy clarifies the agencies' interpretation of the phrase "distinct population segment" for the purposes of listing, delisting, and reclassifying a species under the ESA (*i.e.*, "DPS Policy;" 61 FR 4722, February 7, 1996). A species, subspecies, or DPS is "endangered" if it is in danger of extinction throughout all or a significant portion of its range, and "threatened" if

it is likely to become endangered within the foreseeable future throughout all or a significant portion of its range (ESA sections 3(6) and 3(20), respectively, 16 U.S.C. 1532(6) and (20)). Pursuant to the ESA and our implementing regulations, we determine whether species are threatened or endangered based on any one or a combination of the following five section 4(a)(1) factors: The present or threatened destruction, modification, or curtailment of habitat or range; overutilization for commercial, recreational, scientific, or educational purposes; disease or predation; inadequacy of existing regulatory mechanisms; or any other natural or manmade factors affecting the species' existence (16 U.S.C. 1533(a)(1), 50 CFR 424.11(c)).

ESA-implementing regulations issued jointly by NMFS and USFWS (50 CFR 424.14(h)(1)(i)) define substantial scientific or commercial information in the context of reviewing a petition to list, delist, or reclassify a species as credible scientific or commercial information in support of the petition's claims such that a reasonable person conducting an impartial scientific review would conclude that the action proposed in the petition may be warranted. Conclusions drawn in the petition without the support of credible scientific or commercial information will not be considered "substantial information." In reaching the initial finding on the petition, we will consider the information described in sections 50 CFR 424.14(c), (d), and (g) (if applicable).

Our determination on whether the petition provides substantial scientific or commercial information indicating that the petitioned action may be warranted will depend in part on the degree to which the petition includes the following types of information: (1) Information on current population status and trends and estimates of current population sizes and distributions, both in captivity and the wild, if available; (2) identification of the factors under section 4(a)(1) of the ESA that may affect the species and where these factors are acting upon the species; (3) whether and to what extent any or all of the factors alone or in combination identified in section 4(a)(1) of the ESA may cause the species to be an endangered species or threatened species (*i.e.*, the species is currently in danger of extinction or is likely to become so within the foreseeable future), and, if so, how high in magnitude and how imminent the threats to the species and its habitat are; (4) information on adequacy of regulatory protections and effectiveness

of conservation activities by States as well as other parties, that have been initiated or that are ongoing, that may protect the species or its habitat; and (5) a complete, balanced representation of the relevant facts, including information that may contradict claims in the petition. *See* 50 CFR 424.14(d).

If the petitioner provides supplemental information before the initial finding is made and states that it is part of the petition, the new information, along with the previously submitted information, is treated as a new petition that supersedes the original petition, and the statutory timeframes will begin when such supplemental information is received. *See* 50 CFR 424.14(g).

We may also consider information readily available at the time the determination is made. We are not required to consider any supporting materials cited by the petitioner if the petitioner does not provide electronic or hard copies, to the extent permitted by U.S. copyright law, or appropriate excerpts or quotations from those materials (*e.g.*, publications, maps, reports, letters from authorities). *See* 50 CFR 424.14(c)(6).

The "substantial scientific or commercial information" standard must be applied in light of any prior reviews or findings we have made on the listing status of the species that is the subject of the petition. Where we have already conducted a finding on, or review of, the listing status of that species (whether in response to a petition or on our own initiative), we will evaluate any petition received thereafter seeking to list, delist, or reclassify that species to determine whether a reasonable person conducting an impartial scientific review would conclude that the action proposed in the petition may be warranted despite the previous review or finding. Where the prior review resulted in a final agency action—such as a final listing determination, 90-day not-substantial finding, or 12-month, not-warranted finding—a petitioned action will generally not be considered to present substantial scientific and commercial information indicating that the action may be warranted unless the petition provides new information or analyses not previously considered.

At the 90-day finding stage, we do not conduct additional research, and we do not solicit information from parties outside the agency to help us in evaluating the petition. We will accept the petitioners' sources and characterizations of the information presented if they appear to be based on accepted scientific principles, unless we have specific information in our files

that indicates the petition's information is incorrect, unreliable, obsolete, or otherwise irrelevant to the requested action. Information that is susceptible to more than one interpretation or that is contradicted by other available information will not be dismissed at the 90-day finding stage, so long as it is reliable and a reasonable person conducting an impartial scientific review would conclude it supports the petitioners' assertions. In other words, conclusive information indicating the species may meet the ESA's requirements for listing is not required to make a positive 90-day finding. We will not conclude that a lack of specific information alone necessitates a negative 90-day finding if a reasonable person conducting an impartial scientific review would conclude that the unknown information itself suggests the species may be at risk of extinction presently or within the foreseeable future.

To make a 90-day finding on a petition to list a species, we evaluate whether the petition presents substantial scientific or commercial information indicating the subject species may be either threatened or endangered, as defined by the ESA. First, we evaluate whether the information presented in the petition, along with the information readily available in our files, indicates that the petitioned entity constitutes a "species" eligible for listing under the ESA. Next, we evaluate whether the information indicates that the species faces an extinction risk such that listing, delisting, or reclassification may be warranted; this may be indicated in information expressly discussing the species' status and trends, or in information describing impacts and threats to the species. We evaluate any information on specific demographic factors pertinent to evaluating extinction risk for the species (*e.g.*, population abundance and trends, productivity, spatial structure, age structure, sex ratio, diversity, current and historical range, habitat integrity or fragmentation), and the potential contribution of identified demographic risks to extinction risk for the species. We then evaluate the potential links between these demographic risks and the causative impacts and threats identified in section 4(a)(1).

Information presented on impacts or threats should be specific to the species and should reasonably suggest that one or more of these factors may be operative threats that act or have acted on the species to the point that it may warrant protection under the ESA. Broad statements about generalized

threats to the species, or identification of factors that could negatively impact a species, do not constitute substantial information indicating that listing may be warranted. We look for information indicating that not only is the particular species exposed to a factor, but that the species may be responding in a negative fashion; then we assess the potential significance of that negative response.

Many petitions identify risk classifications made by nongovernmental organizations, such as the International Union on the Conservation of Nature (IUCN), the American Fisheries Society, or NatureServe, as evidence of extinction risk for a species. Risk classifications by such organizations or made under other Federal or state statutes may be informative, but such classification alone will not alone provide sufficient basis for a positive 90-day finding under the ESA. For example, as explained by NatureServe, their assessments of a species' conservation status do "not constitute a recommendation by NatureServe for listing under the U.S. Endangered Species Act" because NatureServe assessments "have different criteria, evidence requirements, purposes and taxonomic coverage than government lists of endangered and threatened species, and therefore, these two types of lists should not be expected to coincide" ([www.natureserve.org/prodServices/pdf/NatureServeStatusAssessmentsListing-Dec%202008.pdf](http://www.natureserve.org/prodServices/pdf/NatureServeStatusAssessmentsListing-Dec%202008.pdf)). Additionally, species classifications under IUCN and the ESA are not equivalent; data standards, criteria used to evaluate species, and treatment of uncertainty are also not necessarily the same. Thus, when a petition cites such classifications, we will evaluate the source of information that the classification is based upon in light of the standards on extinction risk and impacts or threats discussed above.

#### Analysis of the Petition and Information Readily Available in NMFS' Files

As mentioned above, in analyzing the request of the petitioner, we first evaluate whether the information presented in the petition, along with information readily available in our files, indicates that the petitioned entity constitutes a "species" eligible for listing under the ESA. Because the petition specifically requests listing of a DPS, we evaluate whether the information may warrant identification of the petitioned entity, the Northwest Atlantic leatherback turtle subpopulation, as a DPS pursuant to our DPS Policy.

When identifying a DPS, our DPS Policy stipulates two elements that must be considered: (1) The discreteness of the population segment in relation to the remainder of the species (or subspecies) to which it belongs; and (2) the significance of the population segment to the remainder of the species (or subspecies) to which it belongs. In terms of discreteness, the DPS Policy states that a population of a vertebrate species may be considered discrete if it satisfies one of the following conditions: (1) It is markedly separated from other populations of the same taxon as a consequence of physical, physiological, ecological, or behavioral factors (quantitative measures of genetic or morphological discontinuity may provide evidence of this separation); or (2) it is delimited by international governmental boundaries within which differences in control of exploitation, management of habitat, conservation status, or regulatory mechanisms exist that are significant in light of section 4(a)(1)(D) of the ESA. If a population segment is considered discrete under one or more of the above conditions, then its biological and ecological significance is considered. Significance under the DPS Policy is evaluated in terms of the importance of the population segment to the overall welfare of the species. Some of the considerations that can be used to determine a discrete population segment's significance to the taxon as a whole include: (1) Persistence of the population segment in an unusual or unique ecological setting; (2) evidence that loss of the population segment would result in a significant gap in the range of the taxon; (3) evidence that the discrete population segment represents the only surviving natural occurrence of a taxon that may be more abundant elsewhere as an introduced population outside its historic range; or (4) evidence that the population segment differs markedly from other populations of the species in its genetic characteristics.

In evaluating this petition, we looked for information to suggest that the petitioned entity, the Northwest Atlantic leatherback turtle, may warrant identification as a DPS under both the discreteness and significance criteria of our DPS Policy. We next considered if such a DPS may warrant listing as a threatened species under the ESA. The following is a summary of our findings based on our review of the references cited in the petition and those available in our files.

#### *Consideration of the Northwest Atlantic Leatherback Turtle Subpopulation as a DPS*

The petition asserts that the Northwest Atlantic leatherback turtle qualifies as a DPS under the ESA. The petition defines the Northwest Atlantic leatherback turtle subpopulation as those turtles that hatch on nesting beaches along the western Atlantic Ocean, north of the Equator, and the Caribbean Sea. Their marine habitat extends throughout the North Atlantic Ocean.

The petition asserts that the subpopulation is discrete because it is genetically differentiated (e.g., statistically significant genetic structure at maternally inherited mitochondrial DNA (mtDNA) haplotypes and biparentally inherited nuclear microsatellite DNA loci; Dutton *et al.*, 2013) and geographically separated (e.g., northern hemisphere residency, as determined by tagging and satellite tracking data; Eckert *et al.*, 2013, NMFS and USFWS 2013, and Saba 2013) from other leatherback turtle subpopulations. The petition asserts that the subpopulation is significant because its loss would create a significant gap (i.e., the Northwest Atlantic Ocean) in the range of the species.

In our most recent 5-year review of the species, we found that a substantial amount of genetic, tagging, and tracking data has become available since the original leatherback turtle listing in 1970 (35 FR 8491, June 2, 1970; NMFS and USFWS 2013). We found that these data warrant additional review but appear to indicate possible separation by ocean basin, at a minimum (NMFS and USFWS 2013). For example, Atlantic and Pacific leatherback turtles share few mtDNA haplotypes, providing evidence for genetic discontinuity (Dutton *et al.*, 1999). Among Atlantic Ocean subpopulations, there is statistically significant genetic structure at mtDNA and microsatellite DNA loci (Dutton *et al.*, 2013) that warrants further review. Similarly, tracking and tagging data appear to indicate geographic separation between and within ocean basins (as reviewed by Eckert *et al.*, 2013; NMFS and USFWS 2013; and Saba 2013). However, leatherback turtles nesting off the Indian Ocean coastline of southern Africa forage in both southern Atlantic and Indian Oceans (Saba 2013). These genetic, tagging, and tracking data warrant further consideration in our evaluation of discreteness. If we find such population segments to be discrete, there is evidence to suggest that their loss may result in a significant gap (e.g.,

the Northwest Atlantic Ocean) in the species' range. Therefore, based on the information included in the petition and our files, we conclude that application of the DPS Policy to the petitioned subpopulation, and/or other leatherback turtle subpopulations, may be warranted.

*Consideration of the Northwest Atlantic Leatherback Turtle DPS as Threatened Under the ESA*

The petition asserts that the Northwest Atlantic leatherback turtle subpopulation qualifies as threatened under the ESA due to several section 4(a)(1) factors. It states that the Northwest Atlantic leatherback turtle is threatened by the destruction of habitat, and especially of nesting beaches, as a result of urbanization, erosion, and beach debris (as reviewed by NMFS and USFWS 2013). The petition identifies two anthropogenic threats as having the largest population-level effects on the Northwest Atlantic leatherback turtle: Climate change and fisheries bycatch. The petition states that climate change likely impacts terrestrial and marine habitats. It states that bycatch in both artisanal and large-scale fisheries likely removes more individuals from the subpopulation than any other anthropogenic source. The petition asserts that the Northwest Atlantic leatherback turtle is threatened but not currently at risk of extinction (*i.e.*, endangered) due to its overall population size. For example, based on nesting counts from 2004 and 2005, the total estimated adult population size ranges between 17,000 and 52,000 turtles (Turtle Expert Working Group 2007). While the petition identified an overall increase in nesting trends (*e.g.*, Turtle Expert Working Group 2007), it also identified stalled (*e.g.*, Garner *et al.*, 2017) or decreasing trends (*e.g.*, Eckert *et al.*, 2012; Eckert *et al.*, 2013) at some nesting beaches. Finally, the petition identifies numerous existing regulatory mechanisms that may have contributed to the increase in overall population size.

We find that the petition contains substantial scientific and commercial information describing the threats to the Northwest Atlantic leatherback turtle. These threats may contribute to the extinction risk of the subpopulation (NMFS and USFWS 2013). Some demographic factors (*e.g.*, abundance and trends of nesting females at some beaches) suggest improvement, possibly as a result of regulatory mechanisms and conservation efforts (Turtle Expert Working Group 2007). However, trends at specific nesting beaches warrant further review. Based on the information included in the petition and our files, we conclude that the Northwest Atlantic leatherback turtle may warrant listing as threatened or endangered under the ESA.

**Petition Finding**

After reviewing the information contained in the petition, as well as information readily available in our files, we find that the petition presents substantial scientific and commercial information indicating that the petitioned action to identify the Northwest Atlantic leatherback turtle as a DPS and list it as threatened may be warranted. Therefore, in accordance with section 4(b)(3)(A) of the ESA and its implementing regulations (50 CFR 424.14(h)(2)), NMFS and the USFWS will jointly commence a status review of the species.

During the status review, NMFS and USFWS will consider the species in light of the DPS Policy and evaluate the extinction risk of any such DPS. NMFS and USFWS will then make a 12-month finding regarding the identification of DPS(s) and whether an endangered or threatened listing is warranted as required by section 4(b)(3)(B) of the ESA. If listing is found to be warranted, we will publish a proposed rule and solicit public comments before developing and publishing a final rule.

**Information Solicited**

To ensure that we base the status review on the best available scientific and commercial data, we are soliciting

information on the leatherback turtle. Specifically, we are soliciting information in the following areas: (1) Historical and current distribution; (2) migratory movements and behavior; (3) genetic population structure, including recommendations on global DPS structure; (4) historical and current population status and trends; (5) current or planned activities that may adversely impact leatherback turtles; and (6) ongoing efforts to conserve leatherback turtles. We request that all information be accompanied by: (1) Supporting documentation such as maps, bibliographic references, or reprints of pertinent publications; and (2) the submitter's name, address, and any association, institution, or business that the person represents.

We are also requesting information on areas within U.S. jurisdiction that may qualify as additional critical habitat for leatherback turtles. Please identify: Physical and biological features essential to the conservation of the species that may require special management considerations; areas occupied by the species containing those essential features; and unoccupied areas essential for conservation of the species (16 U.S.C. 1533(a)(3)(A); 50 CFR 424.12).

**References Cited**

A complete list of references, including those submitted with the petition and those readily available in NMFS' files, is available upon request to the NMFS Office of Protected Resources (see **ADDRESSES**).

**Authority**

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: December 1, 2017.

**Alan D. Risenhoover,**  
*Acting Deputy Assistant Administrator for  
Regulatory Programs, National Marine  
Fisheries Service.*

[FR Doc. 2017-26276 Filed 12-5-17; 8:45 am]

**BILLING CODE 3510-22-P**

# Notices

Federal Register

Vol. 82, No. 233

Wednesday, December 6, 2017

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[Doc. No. AMS-LPS-16-0060-0001]

### United States Standards for Grades of Carcass Beef

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Notice.

**SUMMARY:** The Agricultural Marketing Service of the U.S. Department of Agriculture is revising the United States Standards for Grades of Carcass Beef (beef standards) to allow dentition and documentation of actual age as additional methods of classifying maturity of carcasses presented to USDA for official quality grading.

**DATES:** These new standards shall be implemented on December 18, 2017.

**FOR FURTHER INFORMATION CONTACT:** Bucky Gwartney, Standardization Branch, Quality Assessment Division, Livestock, Poultry, and Seed Program, AMS, USDA; 1400 Independence Avenue SW., STOP 0258; Washington, DC 20250-0258; phone (202) 720-1424.

#### SUPPLEMENTARY INFORMATION:

In order to update certain elements in the United States Standards for Grades of Carcass Beef (beef standards), this document makes changes that allow dentition and documentation of actual age as additional methods of classifying maturity of carcasses presented to USDA for official quality grading.

Section 203(c) of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 *et seq.*), directs and authorizes the Secretary of Agriculture “to develop and improve standards of quality, condition, quantity, grade, and packaging and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices.” AMS is committed to carrying out this authority in a manner that facilitates the

marketing of agricultural commodities and makes copies of official standards available upon request. While the beef standards do not appear in the Code of Federal regulations, the updated beef standards—along with other official standards—are maintained by USDA at: <https://www.ams.usda.gov/grades-standards>. To change the beef standards, AMS utilized the procedures it published in the August 13, 1997, **Federal Register** and that appear in 7 CFR part 36.

#### Comments

A public request for comment on potential changes to the beef standards was published by AMS in a Notice in the **Federal Register** (81 FR 57877) on August 24, 2016. AMS received 236 total comments, of which 179 commenters favored revising the beef standards to include dentition and documented age as additional methods for maturity classification and 53 commenters did not support making the changes. Two comments were submitted in duplicate and one comment was submitted in triplicate; each of these respective submissions was counted only once. It is noteworthy that 160 of the 179 favorable comments were the same form letter and were from producers. Using this public feedback, AMS published a notice in the **Federal Register** on June 19, 2017 (82 FR 27782), requesting comments on a specific change to the beef standards as well as addressing some of the questions raised during the first comment period.

AMS received 21 total comments on the June 19, 2017, notice. Fourteen comments were in favor of the proposed changes as written and highlighted the positive effect this would have on beef producers and the industry. The supporting comments represented a large packer/processor, a producer, and several state and national farm-related associations. Commenters who supported the changes cited an anticipated increase in the number of carcasses that would qualify for USDA grades of Prime, Choice, and Select without a significant reduction in palatability for those grades; the anticipated profitability producers would gain by having more carcasses receiving a higher grade; and support for the science-based Cattlemen’s Beef Promotion and Research Board-funded research that commenters showed in the

previous notices. Many agricultural associations that represent cattle producers provided favorable comments in support of the changes. Several organizations urged AMS to make the revisions quickly because the process has been ongoing for some time.

Seven of the comments were opposed to the changes and provided a range of reasons. One of the negative commenters identified themselves as a producer. Several commenters asserted that the research studies cited in the previous notices were not significant or large enough or representative enough to make this change. In response, AMS determined that all studies referenced in the previous notices—including those that found that carcasses exhibiting advanced skeletal maturity when determined by dentition to be under 30 months of age (MOA) produced meat that was as palatable in taste tests as meat produced from carcasses that did not exhibit signs of advanced skeletal maturity—were peer-reviewed and adequately designed to answer the study objectives and hypotheses. Statistical significance and statistical power of the test will increase with an increased sample size, in small increments, but add significant costs. Several commenters stated that the changes would produce an inferior product as related to the current grade standards and that this change would benefit only the packing industry and not producers. In response, AMS notes that the majority of grain-finished cattle are harvested at 12 to 24 MOA and usually produce A-maturity beef. In other words, the vast majority of cattle offered for grading will not be affected by this proposed change. That said, a percentage of carcasses that currently are evaluated as B- or C-maturity but are produced from cattle under 30 MOA would be eligible for grading under the proposed system. Based on AMS’s estimates outlined in “Economic Assessment of the Request to Modernize the U.S. Standards for Grades of Carcass Beef,” roughly an additional 1 percent of cattle would be eligible for grading. The research outlined here does not show any trends towards an inferior product being produced if dentition is implemented.



These comments can be accessed at: <https://www.regulations.gov/docketBrowser?rpp=50&so=DESC&sb=postedDate&po=0&dct=PS&D=AMS-LPS-16-0060>.

The amendments to the beef standards are described below:

### United States Standards for Grades of Carcass Beef

#### 54.104—Application of Standards for Grades of Carcass Beef

1. Amend 54.104 by revising paragraph (k) to read as follows:

(k) For steer, heifer, and cow beef, quality of the lean is evaluated by considering its marbling, color, and firmness as observed in a cut surface, in relation to carcass evidences of maturity. The maturity of the carcass is determined through one of three methods:

(1) Dentition as monitored by the Food Safety and Inspection Service (FSIS). Carcasses determined to be less than 30 months of age (MOA) will be classified as A-maturity, and with the exception of dark cutting lean characteristics, the final quality grade will be determined by the degree of marbling. Any carcasses under 30 MOA exhibiting advanced skeletal maturity traits (as described for D- and E-maturity) will not be eligible for the Prime, Choice, Select, or Standard grades and will be graded according to their skeletal, lean, and marbling traits accordingly;

(2) Documentation of age as verified through USDA-approved programs and by FSIS at the slaughter facility. Carcasses determined to be less than 30 MOA by age verification will be classified as A-maturity and, with the exception of dark cutting lean characteristics, the final quality grade will be determined by the degree of marbling. Any carcasses under 30 MOA exhibiting advanced skeletal maturity traits (as described for D- and E-maturity) will not be eligible for the Prime, Choice, Select, or Standard grades and will be graded according to their skeletal, lean, and marbling traits accordingly; or

(3) Through evaluation of the size, shape, and ossification of the bones and cartilages, especially the split chine bones, and the color and texture of the lean flesh. Carcasses determined to be greater than 30 MOA will be eligible for all quality grade classifications with the final quality grade being determined by the evaluation of the degree of marbling and any adjustment factors based on advanced skeletal maturity characteristics. In the split chine bones, ossification changes occur at an earlier

stage of maturity in the posterior portion of the vertebral column (sacral vertebrae) and at progressively later stages of maturity in the lumbar and thoracic vertebrae. The ossification changes that occur in the cartilages on the ends of the split thoracic vertebrae are especially useful in evaluating maturity and these vertebrae are referred to frequently in the standards. Unless otherwise specified in the standards, whenever reference is made to the ossification of cartilages on the thoracic vertebrae, it shall be construed to refer to the cartilages attached to the thoracic vertebrae at the posterior end of the forequarter. The size and shape of the rib bones are also important considerations in evaluating differences in maturity. In the very youngest carcasses considered as "beef," the cartilages on the ends of the chine bones show no ossification, cartilage is evident on all of the vertebrae of the spinal column, and the sacral vertebrae show distinct separation. In addition, the split vertebrae usually are soft and porous and very red in color. In such carcasses, the rib bones have only a slight tendency toward flatness. In progressively more mature carcasses, ossification changes become evident first in the bones and cartilages of the sacral vertebrae, then in the lumbar vertebrae, and still later in the thoracic vertebrae. In beef that is very advanced in maturity, all the split vertebrae will be devoid of red color and very hard and flinty, and the cartilages on the ends of all the vertebrae will be entirely ossified. Likewise, with advancing maturity, the rib bones will become progressively wider and flatter, which is shown in very mature beef whose ribs will be very wide and flat.

\* \* \* \* \*

**Authority:** 7 U.S.C. 1621–1627.

Dated: December 1, 2017.

**Bruce Summers,**

*Acting Administrator, Agricultural Marketing Service.*

[FR Doc. 2017–26273 Filed 12–5–17; 8:45 am]

**BILLING CODE 3410–02–P**

## DEPARTMENT OF AGRICULTURE

### Rural Utilities Service

#### Publication of Depreciation Rates

**AGENCY:** Rural Utilities Service, USDA.

**ACTION:** Notice of Depreciation Rates for Telecommunications Plant.

**SUMMARY:** The United States Department of Agriculture (USDA) Rural Utilities Service (RUS) administers rural utilities programs, including the

Telecommunications Program. RUS announces the depreciation rates for telecommunications plant for the period ending December 31, 2016.

**DATES:** These rates are effective immediately and will remain in effect until rates are available for the period ending December 31, 2017.

#### FOR FURTHER INFORMATION CONTACT:

Chad Parker, Assistant Administrator, Telecommunications Program, Rural Utilities Service, STOP 1590—Room 5151, 1400 Independence Avenue SW., Washington, DC 20250–1590. Telephone: (202) 720–9556.

**SUPPLEMENTARY INFORMATION:** In 7 CFR part 1737, Pre-Loan Policies and Procedures Common to Insured and Guaranteed Telecommunications Loans, § 1737.70(e) explains the depreciation rates that are used by RUS in its feasibility studies. Section 1737.70(e)(2) refers to median depreciation rates published by RUS for all borrowers. The following chart provides those rates, compiled by RUS, for the reporting period ending December 31, 2016:

#### MEDIAN DEPRECIATION RATES OF RURAL UTILITIES SERVICE BORROWERS BY EQUIPMENT CATEGORY FOR PERIOD ENDING DECEMBER 31, 2016

Telecommunications plant category	Depreciation rate
1. Land and Support Assets:	
a. Motor vehicles .....	16.67
b. Aircraft .....	11.70
c. Special purpose vehicles .....	12.50
d. Garage and other work equipment .....	10.00
e. Buildings .....	3.30
f. Furniture and office equipment .....	10.00
g. General purpose computers .....	20.00
2. Central Office Switching:	
a. Digital .....	9.44
b. Analog & Electro-mechanical .....	10.00
c. Operator Systems .....	9.55
3. Central Office Transmission:	
a. Radio Systems .....	10.00
b. Circuit equipment .....	10.00
4. Information origination/termination:	
a. Station apparatus .....	11.90
b. Customer premises wiring .....	10.30
c. Large private branch exchanges .....	10.96
d. Public telephone terminal equipment .....	11.78
e. Other terminal equipment .....	10.20
5. Cable and wire facilities:	
a. Aerial cable—poles .....	6.00
b. Aerial cable—metal .....	6.00



**MEDIAN DEPRECIATION RATES OF RURAL UTILITIES SERVICE BORROWERS BY EQUIPMENT CATEGORY FOR PERIOD ENDING DECEMBER 31, 2016—Continued**

Telecommunications plant category	Depreciation rate
c. Aerial cable—fiber .....	5.10
d. Underground cable—metal .....	5.00
e. Underground cable—fiber .....	5.00
f. Buried cable—metal .....	5.15
g. Buried cable—fiber .....	5.00
h. Conduit systems .....	4.00
i. Other .....	5.00

Dated: November 7, 2017.

**Christopher A. McLean,**

*Acting Administrator, Rural Utilities Service.*

[FR Doc. 2017-26272 Filed 12-5-17; 8:45 am]

**BILLING CODE P**

**COMMISSION ON CIVIL RIGHTS**

**Notice of Public Meeting of the New Mexico Advisory Committee**

**AGENCY:** U.S. Commission on Civil Rights.

**ACTION:** Announcement of meeting.

**SUMMARY:** Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that a meeting of the New Mexico Advisory Committee (Committee) to the Commission will be held at 3:00 p.m. (Mountain Time) Wednesday, December 13, 2017. The purpose of the meeting is for the Committee to discuss a draft report on elder abuse issues in the state.

**DATES:** The meeting will be held on Wednesday, December 13, 2017, at 3:00 p.m. MT

*Public Call Information:*

*Dial:* 877 857-6150.

*Conference ID:* 9867913.

**FOR FURTHER INFORMATION CONTACT:**

Angelica Trevino at [atrevino@usccr.gov](mailto:atrevino@usccr.gov) or (213) 894-3437.

**SUPPLEMENTARY INFORMATION:** This meeting is available to the public through the following toll-free call-in number: 877 857-6150, conference ID number: 9867913. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-

line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1-800-877-8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be mailed to the Western Regional Office, U.S. Commission on Civil Rights, 300 North Los Angeles Street, Suite 2010, Los Angeles, CA 90012. They may be faxed to the Commission at (213) 894-0508, or emailed Angelica Trevino at [atrevino@usccr.gov](mailto:atrevino@usccr.gov). Persons who desire additional information may contact the Regional Programs Unit at (213) 894-3437.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at <https://facadatabase.gov/committee/meetings.aspx?cid=264>. Please click on the "Meeting Details" and "Documents" links. Records generated from this meeting may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meeting. Persons interested in the work of this Committee are directed to the Commission's Web site, <http://www.usccr.gov>, or may contact the Regional Programs Unit at the above email or street address.

**Agenda**

- I. Welcome
- II. Committee to Vote on Elder Abuse Report
- III. Public Comment
- IV. Adjournment

Dated: November 30, 2017.

**David Mussatt,**

*Supervisory Chief, Regional Programs Unit.*

[FR Doc. 2017-26249 Filed 12-5-17; 8:45 am]

**BILLING CODE P**

**COMMISSION ON CIVIL RIGHTS**

**Notice of Public Meeting of the Minnesota Advisory Committee**

**AGENCY:** U.S. Commission on Civil Rights.

**ACTION:** Announcement of meeting.

**SUMMARY:** Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the

Federal Advisory Committee Act (FACA) that a meeting of the Minnesota Advisory Committee (Committee) to the Commission will be held from 12:00-1:00 p.m. CST Friday December 15, 2017. The purpose of the meeting is for the Committee to discuss completion of and reporting on their 2017 study of civil rights and policing practices in the State.

**DATES:** The meeting will be held on Friday, December 15, 2017, from 12:00-1:00 p.m. CST.

**ADDRESSES:** Public call information: Dial: 877-397-0298; Conference ID: 2837423.

**FOR FURTHER INFORMATION CONTACT:**

Carolyn Allen at [callen@usccr.gov](mailto:callen@usccr.gov) or (312) 353-8311.

**SUPPLEMENTARY INFORMATION:** This meeting is available to the public through the following toll-free call-in number: 877-397-0298, conference ID number: 2837423. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1-800-877-8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be mailed to the U.S. Commission on Civil Rights, Regional Programs Unit, 55 West Monroe Street, Suite 410, Chicago, IL 60603. They may be faxed to the Commission at (312) 353-8324, or emailed Carolyn Allen at [callen@usccr.gov](mailto:callen@usccr.gov). Persons who desire additional information may contact the Regional Programs Unit at (312) 353-8311.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at <https://facadatabase.gov/committee/meetings.aspx?cid=256>. Please click on the "Meeting Details" and "Documents" links to download. Records generated from this meeting may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after

the meeting. Persons interested in the work of this Committee are directed to the Commission's Web site, <http://www.usccr.gov>, or may contact the Regional Programs Unit at the above email or street address.

#### Agenda

- I. Welcome
- II. Approval of Minutes
- III. Discussion on draft report on "Responses to 21st Century Policing in Minnesota"
- IV. Public Comment
- V. Next Steps
- VI. Adjournment

Dated: December 1, 2017.

**David Mussatt,**

*Supervisory Chief, Regional Programs Unit.*

[FR Doc. 2017-26310 Filed 12-5-17; 8:45 am]

**BILLING CODE 6335-01-P**

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

[Order No. 2041]

#### Reorganization of Foreign-Trade Zone 269 Under Alternative Site Framework, Athens, Texas

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

*Whereas*, the Foreign-Trade Zones (FTZ) Act provides for ". . . the establishment . . . of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," and authorizes the Foreign-Trade Zones Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs and Border Protection ports of entry;

*Whereas*, the Board adopted the alternative site framework (ASF) (15 CFR Sec. 400.2(c)) as an option for the establishment or reorganization of zones;

*Whereas*, the Athens Economic Development Corporation, grantee of Foreign-Trade Zone 269, submitted an application to the Board (FTZ Docket B-14-2017, docketed February 22, 2017) for authority to reorganize under the ASF with a service area of the City of Athens, Texas, in and adjacent to the Dallas-Fort Worth Customs and Border Protection port of entry, and FTZ 269's existing Sites 1 and 2 would be categorized as magnet sites;

*Whereas*, notice inviting public comment was given in the **Federal Register** (82 FR 12190, March 1, 2017) and the application has been processed

pursuant to the FTZ Act and the Board's regulations; and,

*Whereas*, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied;

*Now, therefore*, the Board hereby orders:

The application to reorganize FTZ 269 under the ASF is approved, subject to the FTZ Act and the Board's regulations, including Section 400.13, to the Board's standard 2,000-acre activation limit for the zone, and to an ASF sunset provision for magnet sites that would terminate authority for Sites 1 and 2 if not activated within five years from the month of approval.

Dated: November 29, 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, Alternate Chairman, Foreign-Trade Zones Board.*

[FR Doc. 2017-26298 Filed 12-5-17; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### U.S.-Kingdom of Saudi Arabia (KSA) Civil Nuclear Energy Roundtable

**AGENCY:** International Trade Administration, U.S. Department of Commerce.

**ACTION:** Notice of U.S.-Kingdom of Saudi Arabia (KSA) Civil Nuclear Energy Roundtable.

#### Roundtable Description

The United States Department of Commerce's (DOC) International Trade Administration (ITA), with the support of the U.S. Department of Energy (DOE), is organizing a U.S.-Kingdom of Saudi Arabia (KSA) Civil Nuclear Energy Roundtable, to be held December 17-18, 2017, in Riyadh, Saudi Arabia.

The purpose of the Roundtable is to initiate a partnership process between U.S. civil nuclear energy companies and the King Abdullah City for Atomic and Renewable Energy (K.A.CARE), and between the U.S. and KSA civil nuclear industries. The Roundtable will provide an opportunity for in-depth information sharing and discussion of U.S. industry's technologies, products, and services to support the KSA's nuclear power deployment plans.

#### Roundtable Setting

Saudi Arabia has no nuclear reactors in operation or under construction but recently announced plans to build its first two nuclear reactors and award a construction contract for the project by the end of 2018. Adding nuclear power to its energy generation mix would allow Saudi Arabia to diversify its energy sources and respond to increased electricity demands. The development of its nuclear power program also aligns with the Kingdom's Vision 2030 plan, an economic and social reform program that aims to reduce Saudi Arabia's dependence on oil, diversify its economy, and develop public service sectors such as health, education, infrastructure, recreation, and tourism. Since 2010, Saudi Arabia has expressed interest in nuclear power for electricity generation, desalination and long-term R&D, as well as small and advanced reactor designs. To achieve its civil nuclear goals, Saudi Arabia is pursuing international partnerships to develop its legal and regulatory infrastructure, incorporate advanced technologies, and train and educate its workforce. The KSA's upcoming tender for two nuclear reactors is valued at over \$10 billion and follow-on projects could be worth tens of billions more.

#### Roundtable Goals

The Roundtable will focus on two areas: (1) Advanced Reactor Technologies and (2) Human Capacity/Workforce Development. The goal of the Roundtable is to discuss how U.S. providers of advanced reactor technologies and workforce development services can support K.A.CARE's plans in these areas.

#### Advanced Reactor Technologies

Potential participants that are U.S. advanced reactor technology providers should be willing to partner with the KSA and have technology that is scheduled to be deployed in the late 2020s to early 2030s or sooner. U.S. companies in this area include providers of advanced light water small modular reactors (SMRs), high temperature gas reactors, and sodium cooled fast reactors. Advanced reactor technology providers will receive heightened consideration if they are reactor designers and can demonstrate one or more of the following attributes.

- Be a recipient of funds from the U.S. Department of Energy's (DOE) Gateway for Accelerated Innovation in Nuclear (GAIN);
- Be a Federal cost share recipient;
- Have DOE Technical Readiness Level 3 or greater;

- Have experimental work underway at a university or U.S. National Laboratory facilities.

#### *Human Capacity/Workforce Development*

Potential participants that focus on Human Capacity/Workforce Development may be U.S. academic, research, or commercial entities and should be willing to partner with the KSA. Applicants in this area should focus on the following workforce development areas and have one or more of the following attributes.

- Public education and awareness of nuclear energy and careers in science, technology, engineering and math (STEM).
  - Practitioners with proven record of developing and deploying public education programs through k–12 school systems with a focus on nuclear energy and STEM careers.
- Education and capacity-building for political and community leaders and decision-makers.
  - Practitioners with a proven track record of developing and deploying education and capacity-building programs for elected officials, community, and governmental leaders. Programs should include: (1) Public communication on nuclear energy and nuclear issues; (2) emergency planning for nuclear facilities; and (3) stakeholder engagement on nuclear energy issues.
- Vocational and technician training.
  - Providers of nuclear energy-specific training that meets U.S. national commercial nuclear training and qualification standards including, but not limited to training for non-licensed operators, radiation protection technicians, chemistry technicians, instrumentation and control technicians, mechanical maintenance technicians, electrical maintenance technicians, quality assurance specialists, welders, and non-destructive examination technicians.
  - University education and research.
    - Universities with strong nuclear engineering degree program (graduate and undergraduate), a proven track record of nuclear energy R&D and an operating training/test reactor. Universities must also have strong undergraduate and graduate degree programs in Electrical, Chemical, Mechanical and Civil engineering.
    - R&D collaboration for human resource development.
      - Internationally recognized research institutions that have a proven track record of developing international human resource capacity through collaborative R&D programs.

- Nuclear plant operations staffing, training, organizational development and leadership development.
  - Commercial nuclear energy facility licensee with a demonstrated record of reactor operations, training, human resource, leadership and organizational development.
  - Practitioners with a demonstrated track record of developing human capital and organizational development plans for nuclear utilities.

#### **Roundtable Format**

U.S. providers of the above technologies, products and services will engage in group discussions and networking with K.A.CARE and other KSA government officials to discuss potential partnering opportunities. Participants will meet with and present their products and services to representatives from K.A.CARE and the KSA's human resource and university community with the goal of gaining a better understanding of partnering opportunities to support KSA's civil nuclear sector.

#### **Event Dates and Proposed Agenda**

\* \* \* specific events and meeting times have yet to be confirmed \* \* \*

##### *Day 1: Sunday, December 17*

This day will begin with an opening session, followed by two parallel sessions on advanced reactor technologies and human capacity development. Each session will start with a presentation by K.A.CARE on the Government of Saudi Arabia's needs in each focus area and the framework for partnering with U.S. civil nuclear companies. Following this, participants will:

- Participate in discussions with K.A.CARE consisting of presentations and dialogues on advanced reactor technologies and human capacity/workforce development.
  - Participate in networking opportunities with K.A.CARE officials.
- At the conclusion of the day, there will be a networking reception with senior officials from K.A.CARE and the KSA government.

##### *Day 2: Monday, December 18*

Parallel sessions will continue, including presentations, panel sessions and discussion. At the conclusion of the day, there will be a networking reception with senior officials from K.A.CARE and the KSA government.

#### **Participation Requirements**

Applicants must sign and submit a completed Roundtable application form and satisfy all of the conditions of

participation in order to be eligible for consideration. A minimum of 15 and maximum of 30 applicants will be selected to participate in the Roundtable. The Department of Commerce will evaluate applications and inform applicants of selection decisions on a rolling basis until the maximum number of participants has been selected. The first eight applicants selected are eligible to have two representatives at the Roundtable (if desired). For applications received after the first eight, there is a limit of one representative per organization. For purposes of this event, "U.S. industry" refers to U.S. companies, academic or research institutions, or trade associations.

#### **Conditions for Participation**

- Applicants must submit a completed registration form signed by a company, trade association, or academic or research institution official, together with supplemental materials, including adequate information on the organization's products and/or services, primary market objectives, and goals for participation.
  - If the DOC receives an incomplete application, the DOC may reject the application, request additional information, or take the lack of information into account in its evaluation.
  - Application forms must be received by the deadline noted in the event **Federal Register** Notice.
  - Each applicant must certify that their organization is not majority owned or controlled by a foreign government entity (or foreign government entities).
  - Applicants must certify that the products or services it seeks to promote through the Roundtable are either produced in the United States, or, if not, marketed under the name of a U.S. firm and have demonstrable U.S. content as a percentage of the value of the finished product or service.
  - In the case of a trade association, the applicant must certify that it will only be representing companies during the Roundtable that satisfy the certification requirement in the bullet above.
  - In the case of an academic or research institution, the applicant must certify that as part of its activities at the Roundtable, it will represent the interests of the organization's U.S.-based operations.
- In addition, applicants must:
- Certify that the export of the products and services that it wishes to export through the Roundtable would be in compliance with U.S. export controls and regulations;

- Certify that it has identified to the Department of Commerce any business matter pending before any bureau or office in the Department of Commerce;
- Certify that it has identified any pending litigation (including any administrative proceedings) to which it is a party that involves the Department of Commerce; and
- Sign and submit an agreement that it and its affiliates (1) have not and will not engage in the bribery of foreign officials in connection with a company's/participant's involvement in this event, and (2) maintain and enforce a policy that prohibits the bribery of foreign officials.

### Selection Criteria

Selection will be based on the following criteria:

- Suitability of the company's (or, in the case of another organization, represented companies' or constituents') products or services to the KSA market.
- The company's (or, in the case of another organization, represented companies' or constituents') potential for business in the KSA, including likelihood of exports resulting from the Roundtable.
- Consistency of the applicant company's (or, in the case of another organization, represented companies' or constituents') goals and objectives with the stated Roundtable scope.
- Applicants will be evaluated on their ability to meet the Roundtable focus area criteria (advanced reactor technologies and human capacity/workforce development).

Applicants are encouraged to send representatives at the CEO, President, Vice President, or Senior VP level. For academic and research institutions, representatives should be knowledgeable about their organization's program offerings and capability to partner internationally.

Referrals from political organizations and any documents containing references to partisan political activities (including political contributions) will be removed from an applicant's submission and will not be considered.

### Fees and Expenses

After a company or organization has been selected to participate in the Roundtable, a payment to the DOC in the form of a participation fee is required. The fee covers direct and indirect costs related to DOC support for organizing the Roundtable.

- The fee to participate in the Roundtable is \$1,740 for a large company, trade association, or a university or research institution. The fee to participate in the Roundtable is

\$1,313 for a small or medium-sized company (SME).

- The fee for each additional representative (large company, trade association, university/research institution) \$1,740. The fee for each additional representative (SME) is \$1,313.
- To apply for the Roundtable, complete the event application at <https://emenuapps.ita.doc.gov/ePublic/TM/8ROT>.

Participants selected for the Roundtable will be expected to pay for the cost of all personal expenses, including, but not limited to, international travel, lodging, meals, transportation, communication, and incidentals, unless otherwise noted. In the event that the Roundtable is cancelled, no personal expenses paid in anticipation of the event will be reimbursed. However, participation fees for a cancelled Roundtable will be reimbursed to the extent they have not already been expended in the anticipation of the event.

### Visas

All attendees are responsible for handling their own visa processing to enter the KSA. Any private sector visitor to the KSA must submit an original, signed passport valid for six months beyond their stay in the KSA, with at least two adjacent, blank passport pages available for Saudi visa stamp and Saudi entry stamps. Amendment pages in the back of the passport are not suitable for a Saudi Arabia visa. A Saudi visa is usually processed in 4 to 7 business days after all materials, including signed enjaf forms, have been received by the visa processing company. There are numerous companies with which the KSA Embassy in Washington, DC works to handle visa applications. Accepted applicants will receive information on how to process their visa application.

All visitors to the KSA also require a letter of invitation from a Saudi partner. DOC will work with K.A.CARE to facilitate a Letter of Invitation for Roundtable participants.

### Timeframe for Recruitment and Participation

Recruitment for participation in the Roundtable will be conducted in an open and public manner, including publication in the **Federal Register**, posting on the DOC trade mission calendar, and notices to industry trade associations and other multiplier groups. The recruitment period will end two weeks after publication in the **Federal Register** or when recruitment is at capacity. The Department of

Commerce will evaluate applications and inform applicants of selection decisions on a rolling basis until the maximum number of participants has been selected. Applications received after December 8, 2017, will be considered only if space and scheduling permit.

### Contacts

Jonathan Chesebro, Industry & Analysis, Office of Energy and Environmental Industries, Washington, DC, Tel: (202) 482-1297, Email: [jonathan.chesebro@trade.gov](mailto:jonathan.chesebro@trade.gov)

Devin Horne, Industry & Analysis, Office of Energy and Environmental Industries, Washington, DC, Tel: (202) 482-0775, Email: [devin.horne@trade.gov](mailto:devin.horne@trade.gov)

Edward A. O'Malley,

Director, Office of Energy and Environmental Industries.

[FR Doc. 2017-26225 Filed 12-5-17; 8:45 am]

BILLING CODE 3510-DR-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-489-819]

### Steel Concrete Reinforcing Bar From the Republic of Turkey: Preliminary Results of Countervailing Duty Administrative Review and Intent To Rescind the Review in Part; 2015

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The Department of Commerce (the Department) is conducting an administrative review of the countervailing duty (CVD) order on steel concrete reinforcing bar (rebar) from the Republic of Turkey (Turkey). The period of review (POR) is January 1, 2015, through December 31, 2015. This review covers two producers/exporters of subject merchandise that the Department selected for individual examination: Colakoglu Dis Ticaret A.S. (COTAS) and Colakoglu Metalurji A.S. (Colakoglu Metalurji) (collectively, Colakoglu) and Icdas Celik Enerji Tersane ve Ulasim Sanayi A.S. (Icdas) (collectively, the mandatory respondents). This review also covers the following firms that were not individually examined: Acemar International Limited, As Gaz Sinai ve Tibbi Azlar A.S., Asil Celik Sanayi ve Ticaret A.S., Ege Celik Endustrisi Sanayi ve Ticaret A.S., Izmir Demir Celik Sanayi A.S., Kaptan Demir Celik Endustrisi ve Ticaret A.S., Kaptan Metal Dis Ticaret ve Nakliyat A.S., Kocaer

Haddecilik Sanayi Ve Ticar L, Mettech Metalurji Madencilik Muhendislik Uretim Danismanlik ve Ticaret Limited Sirketi, MMZ Onur Boru Profil A.S., Ozkan Demir Celik Sanayi A.S., and Wilmar Europe Trading BV. We preliminarily find that the mandatory respondents each received a *de minimis* net subsidy rate during the POR. See the "Preliminary Results of the Review" section of this notice below for the preliminary rates calculated for all companies covered in this review.

**DATES:** Applicable December 6, 2017.

**FOR FURTHER INFORMATION CONTACT:** Kristen Johnson, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone (202) 482-4793.

### Scope of the Order

The scope of the order consists of steel concrete reinforcing bar imported in either straight length or coil form (rebar) regardless of metallurgy, length, diameter, or grade. The subject merchandise is classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) primarily under item numbers 7213.10.0000, 7214.20.0000, and 7228.30.8010. The subject merchandise may also enter under other HTSUS numbers including 7215.90.1000, 7215.90.5000, 7221.00.0015, 7221.00.0030, 7221.00.0045, 7222.11.0001, 7222.11.0057, 7222.11.0059, 7222.30.0001, 7227.20.0080, 7227.90.6085, 7228.20.1000, and 7228.60.6000. While HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this Order is dispositive.<sup>1</sup>

### Methodology

We are conducting this administrative review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each subsidy program found countervailable, we preliminarily find that there is a subsidy, *i.e.*, a financial contribution by an "authority" that gives rise to a benefit to the recipient, and that the

subsidy is specific.<sup>2</sup> For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum.

The Preliminary Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov> and in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the internet at <http://enforcement.trade.gov/frn/>. The signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content.

A list of topics discussed in the Preliminary Decision Memorandum is provided in the Appendix to this notice.

### Intent To Rescind Administrative Review, in Part

Agir Haddecilik A.S. (Agir) timely filed a no-shipments certification.<sup>3</sup> U.S. Customs and Border Protection (CBP) did not provide to the Department any contradictory information.<sup>4</sup> Because there is no evidence on the record to indicate that Agir had entries, exports, or sales of subject merchandise to the United States during the POR, pursuant to 19 CFR 351.213(d)(3), we intend to rescind the review with respect to Agir.

Entries of merchandise produced and exported by Habas Sinai ve Tibbi Gazlar Istihsal Endustrisi A.S. (Habas) are not subject to countervailing duties under this Order because the Department's final determination with respect to this producer/exporter combination was negative.<sup>5</sup> However, any entries of merchandise produced by any other entity and exported by Habas or produced by Habas and exported by another entity are subject to this Order.

Because there is no evidence on the record of entries of merchandise produced by another entity and exported by Habas, or entries of merchandise produced by Habas and exported by another entity, we preliminarily determine that Habas is not subject to this administrative review. Therefore, pursuant to 19 CFR 351.213(d)(3), we intend to rescind the review with respect to Habas. A final decision on whether to rescind the review of Agir and Habas will be made in the final results of this administrative review.

### Preliminary Results of the Review

We preliminarily calculated individual subsidy rates for the mandatory respondents, Colakoglu and Icdas, and find that each company each received a *de minimis* net subsidy rate during the POR.

In CVD proceedings, where the number of respondents being individually examined has been limited, the Department has determined that a "reasonable method" to use to determine the rate applicable to companies that were not individually examined when all the rates of selected mandatory respondents are zero or *de minimis* is to assign to the non-selected respondents the average of the most recently determined rates that are not zero, *de minimis*, or based entirely on facts available.<sup>6</sup> However, if a non-selected respondent has its own calculated rate that is contemporaneous with or more recent than such previous rates, the Department has found it appropriate to apply that calculated rate to the non-selected respondent, even when that rate is zero or *de minimis*.<sup>7</sup>

In the *Turkey Rebar First Review*, the most recently completed administrative review of this order, we calculated a net subsidy rate of 0.02 percent *ad valorem* for Kaptan Demir Celik Endustrisi ve Ticaret A.S. and Kaptan Metal Dis Ticaret ve Nakliyat A.S. (collectively, Kaptan).<sup>8</sup> Therefore, consistent with the Department's practice, described above, we are assigning the rate of 0.02 percent

<sup>2</sup> 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.

<sup>3</sup> Agir was previously known as Agir Haddecilik Makina ve Sanayi Ticaret Ltd. Sti. Agir's former name was included in the *Initiation Notice*. See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 82 FR 4294, 4298 (January 13, 2017) (*Initiation Notice*).

<sup>4</sup> See Preliminary Decision Memorandum at Intent to Rescind the 2015 Administrative Review, in Part.

<sup>5</sup> See *Steel Concrete Reinforcing Bar from the Republic of Turkey: Final Affirmative Countervailing Duty Determination and Final Affirmative Critical Circumstances Determination*, 79 FR 54963, 54964 (September 15, 2014).

<sup>6</sup> See, e.g., *Circular Welded Carbon Steel Pipes and Tubes from Turkey: Final Results of Countervailing Duty Administrative Review; Calendar Year 2012 and Rescission of Countervailing Duty Administrative Review, in Part*, 79 FR 51140, 51141 (August 27, 2014); and *Cut-to-Length Carbon-Quality Steel Plate from the Republic of Korea: Final Results of Countervailing Duty Administrative Review; 2012*, 79 FR 46770 (August 11, 2014), and accompanying Issues and Decision Memorandum at Non-Selected Rate.

<sup>7</sup> *Id.*

<sup>8</sup> See *Steel Concrete Reinforcing Bar from the Republic of Turkey: Final Results and Partial Rescission of Countervailing Duty Administrative Review; 2014*, 82 FR 26907, 26908 (June 12, 2017) (*Turkey Rebar First Review*).

<sup>1</sup> See *Steel Concrete Reinforcing Bar from the Republic of Turkey: Countervailing Duty Order*, 79 FR 65926 (November 6, 2014) (*Order*). For a full description of the scope of this order, see Memorandum, "Decision Memorandum for the Preliminary Results of Countervailing Duty Administrative Review, and the Preliminary Intent to Rescind, in Part: Steel Concrete Reinforcing Bar from the Republic of Turkey; 2015," dated concurrently with, and hereby adopted by this notice (Preliminary Decision Memorandum).

*ad valorem* to Kaptan, based on the company's rate calculated in the prior review.

With regard to the 10 remaining non-selected companies, for which an

individual rate was not calculated, we are assigning the rate of 1.25 percent *ad valorem*, which is the sole above *de minimis* rate calculated within a segment of this proceeding.<sup>9</sup>

We preliminarily find that the net countervailable subsidy rates for the period January 1, 2015, through December 31, 2015 are as follows:

Company	Subsidy rate Ad Valorem (%)
Icdas Celik Enerji Tersane ve Ulasim Sanayi A.S. and its cross-owned affiliates <sup>10</sup>	0.02
Colakoglu Dis Ticaret A.S. and Colakoglu Metalurji A.S	0.18
Acemar International Limited	1.25
As Gaz Sinai ve Tibbi Azlar A.S. <sup>11</sup>	1.25
Asil Celik Sanayi ve Ticaret A.S. <sup>12</sup>	1.25
Ege Celik Endustrisi Sanayi ve Ticaret A.S. <sup>13</sup>	1.25
Izmir Demir Celik Sanayi A.S.	1.25
Kaptan Demir Celik Endustrisi ve Ticaret A.S. <sup>14</sup> and Kaptan Metal Dis Ticaret ve Nakliyat A.S. <sup>15</sup>	0.02
Kocaer Haddecilik Sanayi Ve Ticar L	1.25
Mettech Metalurji Madencilik Muhendislik Uretim Danismanlik ve Ticaret Limited Sirketi	1.25
MMZ Onur Boru Profil A.S	1.25
Ozkan Demir Celik Sanayi A.S	1.25
Wilmar Europe Trading BV	1.25

### Assessment Rates

Consistent with section 751(a)(1) of the Act and 19 CFR 351.212(b)(2), upon issuance of the final results, the Department shall determine, and CBP shall assess, countervailing duties on all appropriate entries covered by this review. We intend to issue instructions to CBP 15 days after publication of the final results of this review.

### Cash Deposit Requirements

Pursuant to section 751(a)(2)(C) of the Act, the Department intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amount shown above for the reviewed companies should the final results remain the same as these preliminary results. For all non-reviewed firms, we will instruct CBP to collect cash deposits of estimated countervailing duties at the most recent company-specific or all-others rate applicable to the company. These cash deposit requirements, when imposed, shall remain in effect until further notice.

### Disclosure and Public Comment

We will disclose to the parties in this proceeding the calculations performed in reaching the preliminary results

within five days of the date of publication of this notice.<sup>16</sup> Interested parties may submit written arguments (case briefs) on the preliminary results no later than 30 days from the date of publication of this **Federal Register** notice, and rebuttal comments (rebuttal briefs) within five days after the time limit for filing case briefs.<sup>17</sup> Pursuant to 19 CFR 351.309(d)(2), rebuttal briefs must be limited to issues raised in the case briefs. Parties who submit arguments are requested to submit with the argument: (1) Statement of the issue, (2) a brief summary of the argument, and (3) a table of authorities.

Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request within 30 days after the date of publication of this notice.<sup>18</sup> Requests should contain the party's name, address, and telephone number, the number of participants, and a list of the issues to be discussed. If the Department receives a request for a hearing, we will inform parties of the scheduled date for the hearing, which will be held at the main Department of Commerce building at a time and location to be determined.<sup>19</sup> Parties should confirm by

telephone the date, time, and location of the hearing.

Parties are reminded that briefs and hearing requests are to be filed electronically using ACCESS and that electronically filed documents must be received successfully in their entirety by 5:00 p.m. Eastern Time on the due 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 parties in their comments, within 120 days after publication of these preliminary results.

### Notification to Interested Parties

These 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 351.213 and 351.221(b)(4).

<sup>9</sup> The rate of 1.25 percent was calculated for Icdas in the underlying investigation. See *Steel Concrete Reinforcing Bar from the Republic of Turkey: Final Affirmative Countervailing Duty Determination Final Affirmative Critical Circumstances Determination*, 79 FR 54963, 54964 (September 15, 2014).

<sup>10</sup> The Department preliminarily finds the following companies to be cross-owned with Icdas: Mardas Marmara Deniz Isletmeciligi A.S., Oraysan Insaat Sanayi ve Ticaret A.S., Artnak Denizcilik Ticaret ve Sanayi A.S., and Demir Sanayi Demir Celik Ticaret ve Sanayi A.S.

<sup>11</sup> The company's name was incorrectly spelled as As Gaz Sinai ve Tibbi Azlar AS. in the *Initiation Notice*. See *Initiation Notice*, 82 FR at 4298.

<sup>12</sup> The company's name was incorrectly spelled as Asil Celik Sanayi ve Ticaret AS. in the *Initiation Notice*. *Id.*

<sup>13</sup> The company's name was incorrectly spelled as Ege Celik Endustrisi Sanayi ve Ticaret AS. in the *Initiation Notice*. *Id.*

<sup>14</sup> The company's name was incorrectly spelled as Kaptan Demir Celik Industrisi ve Ticaret A.S. in the *Initiation Notice*. *Id.*

<sup>15</sup> In its request for review, the petitioner listed the company name as Kaptan Metal Dis Tic Ve Nak

AS. See Petitioner's Letter, "Request for Administrative Review," dated November 30, 2016, and *Initiation Notice*, 82 FR at 4298. The petitioner subsequently clarified that the review request was for Kaptan Metal Dis Ticaret ve Nakliyat A.S. See Petitioner's Letter, "Response to Clarification Request," dated July 26, 2017.

<sup>16</sup> See 19 CFR 351.224(b).

<sup>17</sup> See 19 CFR 351.309(c)(1)(ii); 351.309(d)(1); and 19 CFR 351.303 (for general filing requirements).

<sup>18</sup> See 19 CFR 351.310(c).

<sup>19</sup> See 19 CFR 351.310.

Dated: November 30, 2017.

**Gary Taverman,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.*

## Appendix

### List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Intent To Rescind the 2015 Administrative Review, in Part
- IV. Non-Selected Rate
- V. Scope of the Order
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- VII. Analysis of Programs
  - A. Programs Preliminarily Determined To Be Countervailable
    1. Rediscount Program
    2. Deductions From Taxable Income for Export Revenue
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- Social Security Premium Support
  2. Payments From MESS—Occupational Health and Safety Support
- D. Programs Preliminarily Determined To Not Be Used
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  4. Reduction and Exemption of Licensing Fees for Renewable Resource Power Plants
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  7. Regional Investment Incentives
  8. Large-Scale Investment Incentives
  9. Strategic Investment Incentives
  10. Incentives for Research & Development (R&D) Activities
  11. Regional Development Subsidies
- VIII. Recommendation

[FR Doc. 2017–26292 Filed 12–5–17; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–428–820]**

#### **Certain Small Diameter Seamless Carbon and Alloy Standard, Line and Pressure Pipe From Germany: Final Results of the Expedited Fourth Sunset Review of the Antidumping Duty Order**

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** As a result of this sunset review, the Department of Commerce (the Department) finds that revocation of the antidumping duty order on certain small diameter seamless carbon and alloy standard, line and pressure pipe (seamless pipe) from Germany would be likely to lead to continuation or recurrence of dumping at the levels indicated in the “Final Results of Sunset Review” section of this notice.

**DATES:** Applicable December 6, 2017.

**FOR FURTHER INFORMATION:** John McGowan, 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) 482–3019.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On August 1, 2017, the Department published the notice of initiation of the fourth sunset review of the antidumping duty order on seamless pipe from Germany, pursuant to section 751(c)(2) of the Tariff Act of 1930, as amended (the Act).<sup>1</sup> On August 16, 2017, the Department received a notice of intent to participate in this review from United States Steel Corporation (U.S. Steel) within the deadline specified in 19 CFR 351.218(d)(1)(i). U.S. Steel claimed interested party status under section 771(9)(C) of the Act, as a manufacturer of a domestic like product in the United States.

On August 31, 2017, we received a complete substantive response for this review from U.S. Steel within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i). We received no substantive responses from any other interested parties, nor was a hearing requested. As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), the Department conducted an expedited (120-day) sunset review of the order.

## Scope of the Order

The scope of the order includes small diameter seamless carbon and alloy standard, line and pressure pipes (seamless pipes) produced to the ASTM A–335, ASTM A–106, ASTM A–53 and API 5L specifications and meeting the physical parameters described below, regardless of application. The scope of the order also includes all products used in standard, line, or pressure pipe applications and meeting the physical parameters below, regardless of specification.

For purposes of the order, seamless pipes are seamless carbon and alloy (other than stainless) steel pipes, of circular cross-section, not more than 114.3 mm (4.5 inches) in outside diameter, regardless of wall thickness, manufacturing process (hot-finished or cold-drawn), end finish (plain end, beveled end, upset end, threaded, or threaded and coupled), or surface finish. These pipes are commonly known as standard pipe, line pipe or pressure pipe, depending upon the application. They may also be used in structural applications. Pipes produced in non-standard wall thicknesses are commonly referred to as tubes.

The seamless pipes subject to the order are currently classifiable under subheadings 7304.19.10.20, 7304.19.50.20, 7304.31.60.50, 7304.39.00.16, 7304.39.00.20, 7304.39.00.24, 7304.39.00.28, 7304.39.00.32, 7304.51.50.05, 7304.51.50.60, 7304.59.60.00, 7304.59.80.10, 7304.59.80.15, 7304.59.80.20, and 7304.59.80.25 of the Harmonized Tariff Schedule of the United States (HTSUS).

The following information further defines the scope of the order, which covers pipes meeting the physical parameters described above:

*Specifications, Characteristics, and Uses:* Seamless pressure pipes are intended for the conveyance of water, steam, petrochemicals, chemicals, oil products, natural gas and other liquids and gasses in industrial piping systems. They may carry these substances at elevated pressures and temperatures and may be subject to the application of external heat. Seamless carbon steel pressure pipe meeting the American Society for Testing and Materials (ASTM) standard A–106 may be used in temperatures of up to 1000 degrees Fahrenheit, at various American Society of Mechanical Engineers (ASME) code stress levels. Alloy pipes made to ASTM standard A–335 must be used if temperatures and stress levels exceed those allowed for A–106 and the ASME codes. Seamless pressure pipes sold in

<sup>1</sup> See *Initiation of Five-Year (Sunset) Reviews*, 82 FR 35748 (August 1, 2017).



the United States are commonly produced to the ASTM A-106 standard.

Seamless standard pipes are most commonly produced to the ASTM A-53 specification and generally are not intended for high temperature service. They are intended for the low temperature and pressure conveyance of water, steam, natural gas, air and other liquids and gasses in plumbing and heating systems, air conditioning units, automatic sprinkler systems, and other related uses. Standard pipes (depending on type and code) may carry liquids at elevated temperatures but must not exceed relevant ASME code requirements.

Seamless line pipes are intended for the conveyance of oil and natural gas or other fluids in pipe lines. Seamless line pipes are produced to the API 5L specification.

Seamless pipes are commonly produced and certified to meet ASTM A-106, ASTM A-53 and API 5L specifications. Such triple certification of pipes is common because all pipes meeting the stringent A-106 specification necessarily meet the API 5L and ASTM A-53 specifications. Pipes meeting the API 5L specification necessarily meet the ASTM A-53 specification. However, pipes meeting the A-53 or API 5L specifications do not necessarily meet the A-106 specification. To avoid maintaining separate production runs and separate inventories, manufacturers triple certify the pipes. Since distributors sell the vast majority of this product, they can thereby maintain a single inventory to service all customers.

The primary application of ASTM A-106 pressure pipes and triple certified pipes is in pressure piping systems by refineries, petrochemical plants and chemical plants. Other applications are in power generation plants (electrical-fossil fuel or nuclear), and in some oil field uses (on shore and off shore) such as for separator lines, gathering lines and metering runs. A minor application of this product is for use as oil and gas distribution lines for commercial applications. These applications constitute the majority of the market for the subject seamless pipes. However, A-106 pipes may be used in some boiler applications.

The scope of the order includes all seamless pipe meeting the physical parameters described above and produced to one of the specifications listed above, regardless of application, and whether or not also certified to a non-covered specification. Standard, line and pressure applications and the above-listed specifications are defining characteristics of the scope of the order.

Therefore, seamless pipes meeting the physical description above, but not produced to the A-335, A-106, A-53, or API 5L standards shall be covered if used in a standard, line or pressure application.

For example, there are certain other ASTM specifications of pipe which, because of overlapping characteristics, could potentially be used in A-106 applications. These specifications generally include A-162, A-192, A-210, A-333, and A-524. When such pipes are used in a standard, line or pressure pipe application, such products are covered by the scope of the order.

Specifically excluded from the order are boiler tubing and mechanical tubing, if such products are not produced to A-335, A-106, A-53 or API 5L specifications and are not used in standard, line or pressure applications. In addition, finished and unfinished oil country tubular goods ("OCTG") are excluded from the scope of the order, if covered by the scope of another antidumping duty order from the same country. If not covered by such an OCTG order, finished and unfinished OCTG are included in the scope when used in standard, line or pressure applications. Finally, also excluded from the order are redraw hollows for cold-drawing when used in the production of cold-drawn pipe or tube.

Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this order is dispositive.

#### Analysis of Comments Received

All issues raised in this review, including the likelihood of continuation or recurrence of dumping in the event of revocation and the magnitude of the margins likely to prevail if the order were revoked, are addressed in the accompanying Issues and Decision Memorandum dated concurrently with, and hereby adopted by, this notice. The Issues and Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <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 Issues and Decision Memorandum can be accessed directly on the Internet at <http://enforcement.trade.gov/frn/>. The signed Issues and Decision Memorandum and the electronic version of the Issues and Decision Memorandum are identical in content.

#### Final Results of Sunset Review

Pursuant to sections 751(c)(1) and 752(c)(1) and (3) of the Act, we determine that revocation of the antidumping duty order on seamless pipe from Germany would be likely to lead to continuation or recurrence of dumping, and that the magnitude of the dumping margins likely to prevail would be weighted-average dumping margins up to 57.72 percent.

#### Notification to Interested Parties

This notice serves as the only reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing these results and notice in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act and 19 CFR 351.218.

Dated: November 29, 2017.

**Gary Taverman,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.*

#### Appendix

##### List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. History of the Order
- V. Legal Framework
- VI. Discussion of the Issues
  1. Likelihood of Continuation or Recurrence of Dumping
  2. Magnitude of the Margin Likely To Prevail
- VII. Final Results of Sunset Review
- VIII. Recommendation

[FR Doc. 2017-26208 Filed 12-5-17; 8:45 am]

**BILLING CODE 3510-DS-P**



## DEPARTMENT OF COMMERCE

## International Trade Administration

[A–201–805]

**Certain Circular Welded Non-Alloy Steel Pipe From Mexico; Preliminary Results of Review, Preliminary Determination of No Shipments, and Partial Rescission of Antidumping Duty Administrative Review; 2015–2016**

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on certain circular welded non-alloy steel pipe from Mexico. The period of review (POR) is November 1, 2015, through October 31, 2016. Interested parties are invited to comment on these preliminary results.

**DATES:** Applicable December 6, 2017.

**FOR FURTHER INFORMATION CONTACT:** Mark Flessner, 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) 482–6312.

**SUPPLEMENTARY INFORMATION:****Background**

On January 13, 2017, the Department published a notice of initiation of an administrative review of the antidumping duty order<sup>1</sup> on certain circular welded non-alloy steel pipe from Mexico.<sup>2</sup> The *Initiation Notice* covered the following producers/exporters of the subject merchandise: (1) Abastecedora y Perfiles y Tubos, S.A. de C.V. (Abastecedora); (2) Conduit, S.A. de C.V. (Conduit); (3) Lamina y Placa Comercial, S.A. de C.V. (Lamina y Placa); (4) Regiomontana de Perfiles y Tubos S.A. de C.V. (Regiopytsa); (5) Maquilacero S.A. de C.V. (Maquilacero); (6) Mueller Comercial de Mexico, S. de R.L. de C.V. (Mueller); (7) Productos Laminados de Monterrey S.A. de C.V. (Prolamsa); (8) Pytco, S.A. de C.V. (Pytco); (9) Ternium Mexico, S.A. de C.V. (Ternium); (10) Villacero; and (11) Tuberia Nacional, S.A. de C.V.

(Tuberia).<sup>3</sup> On July 10, 2017, and November 6, 2017, the Department extended the deadline for the preliminary results.<sup>4</sup> The revised deadline for the preliminary results of this review is now November 30, 2017. For a full description of events in this proceeding, see the Preliminary Decision Memorandum.<sup>5</sup>

**Scope of the Order**

The products covered by the order are circular welded non-alloy steel pipes and tubes. The merchandise covered by the order and subject to this review is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) at subheadings: 7306.30.1000, 7306.30.5025, 7306.30.5032, 7306.30.5040, 7306.30.5055, 7306.30.5085, and 7306.30.5090. Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive. A full description of the scope of the order is contained in the Preliminary Decision Memorandum, which is hereby adopted by this notice and incorporated herein by reference. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov> and available to all parties in the Central Records Unit, Room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the internet at <http://enforcement.trade.gov/frn>. The signed Preliminary Decision Memorandum and electronic versions of the Preliminary Decision Memorandum are identical in content.

**Partial Rescission of Administrative Review**

Pursuant to 19 CFR 351.213(d)(1), the Department will rescind an administrative review, in whole or in part, if a party that requested the review withdraws the request within 90 days of

the date of publication of notice of initiation of the requested review. On January 13, 2017, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act), the Department initiated a review of the companies in this proceeding for which timely requests for review were received.<sup>6</sup> On April 13, 2017, the petitioner timely withdrew its request for a review of Mueller.<sup>7</sup> Because all requests for review of Mueller were timely withdrawn, we are rescinding this administrative review with respect to Mueller pursuant to 19 CFR 351.213(d)(1).<sup>8</sup>

On April 12, 2017, Maquilacero withdrew its request for an administrative review of itself;<sup>9</sup> however, the petitioner also requested a review of Maquilacero which was not withdrawn; therefore, we are not rescinding this review with respect to Maquilacero.

**Preliminary Determination of No Shipments**

Lamina y Placa, Pytco, Regiopytsa, Villacero, and Tuberia reported that they made no sales of subject merchandise during the POR.<sup>10</sup> On April 28, 2017, we issued a no-shipment inquiry to U.S. Customs and Border Protection (CBP) to confirm the claims of no shipments by Lamina y Placa, Pytco, Regiopytsa, Villacero, and Tuberia. We received no response to our inquiry from CBP. Therefore, based on the claims of no shipments by Lamina y Placa, Pytco, Regiopytsa, Villacero, and Tuberia, and because the record currently contains no information to the contrary, we preliminarily determine that Lamina y Placa, Regiopytsa, Pytco, Villacero, and Tuberia had no shipments of subject merchandise and, therefore, no reviewable transactions during the POR. Moreover, consistent with our practice, we are not preliminarily rescinding the review

<sup>6</sup> See *Initiation Notice*.

<sup>7</sup> See Letter from Petitioner, "Certain Circular Welded Non-Alloy Steel Pipe from Mexico: Partial Withdrawal of Request for Administrative Review," dated April 13, 2017 (Petitioner Withdrawal Request).

<sup>8</sup> See the Preliminary Decision Memorandum at the section entitled, "Partial Rescission."

<sup>9</sup> See Letter from Maquilacero, "Certain Circular Welded Non-Alloy Steel Pipe and Tube from Mexico: Withdrawal of Request for Review for Maquilacero S.A. de C.V.," dated April 12, 2017 (Maquilacero Withdrawal Request).

<sup>10</sup> See Letter from Lamina y Placa, "Certain Circular Welded Non-Alloy Steel Pipe from Mexico: Notice of No Sales," dated January 25, 2017; Letter from Villacero, "Circular Welded Non-Alloy Steel Pipe and Tube from Mexico: Notice of No Sales," dated February 3, 2017; Letter from Regiopytsa, "Circular Welded Non-Alloy Steel Pipe from Mexico: No Shipment Notification," dated February 13, 2017.

<sup>1</sup> See *Notice of Antidumping Duty Orders: Certain Circular Welded Non-Alloy Steel Pipe from Brazil, the Republic of Korea (Korea), Mexico, and Venezuela and Amendment to Final Determination of Sales at Less Than Fair Value: Certain Welded Non-Alloy Steel Pipe from Korea*, 57 FR 49453 (November 2, 1992) (the *Order*).

<sup>2</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 82 FR 4294 (January 13, 2017) (*Initiation Notice*).

<sup>3</sup> *Id.*

<sup>4</sup> See Memorandum, "Certain Circular Welded Non-Alloy Steel Pipe from Mexico: Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Review," dated July 10, 2017, and Memorandum, "Certain Circular Welded Non-Alloy Steel Pipe from Mexico: Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Review," dated November 6, 2017.

<sup>5</sup> See Memorandum "Certain Circular Welded Non-Alloy Steel Pipe from Mexico: Preliminary Decision Memorandum" (Preliminary Decision Memorandum).

with respect to Lamina y Placa, Pytco, Regiopytsa, Villacero, and Tuberia but, rather, we will complete the review with respect to these companies and issue appropriate instructions to CBP based on the final results of this review.<sup>11</sup>

Methodology

The Department is conducting this review in accordance with section 751(a)(2) of the Act. Constructed export price (CEP) is calculated in accordance with section 772(c) of the Act. Normal value (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. A list of topics discussed in the Preliminary Decision Memorandum is included as an Appendix to this notice.

Preliminary Results of the Review

As a result of this review, we preliminarily determine the following weighted-average dumping margins for the POR:

Exporter or producer	Weighted-average dumping margin (percent)
Abastecedora y Perfiles y Tubos, S.A. de C.V .....	73.70
Conduit, S.A. de C.V .....	73.70
Maquilacero, S.A. de C.V .....	73.70
Productos Laminados de Monterrey, S.A. de C.V./ Aceros Cuatro Caminos S.A. de C.V. <sup>12</sup> .....	73.70
Ternium Mexico, S.A. de C.V .....	73.70

For the rate for non-selected respondents in an administrative review, generally, the Department looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in a market economy investigation. Under section 735(c)(5)(A) of the Act, the all-others rate is normally “an amount equal to the weighted- average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any

zero or *de minimis* margins, and any margins determined entirely {on the basis of facts available}.” In this proceeding, we calculated a margin for Prolamsa that was not zero, *de minimis*, or based on facts available. Accordingly, we have preliminarily applied the margin calculated for Prolamsa to the non-individually examined respondents.

Assessment Rates

With respect to Muller, the Department will direct CBP to assess antidumping duties at the cash deposit rate in effect on the date of entry for entries during the period November 1, 2015, through October 31, 2016. We intend to issue liquidation instructions to CBP 15 days after publication of this notice.

Consistent with the Department’s assessment practice, if we continue to find in the final results that Lamina y Placa, Pytco, Regiopyta, Villacero, and Tuberia had no shipments of subject merchandise during the POR, we will instruct CBP to liquidate any suspended entries at the all-others rate if there is no rate for the intermediate companies involved in the transaction.<sup>13</sup>

With respect to the non-selected companies that remain under review and for which we do not make a final determination of no shipments, upon completion of the administrative review, the Department shall determine, and CBP shall assess, antidumping duties on all appropriate entries.<sup>14</sup> For any individually examined respondent whose weighted-average dumping margin is above *de minimis* (i.e., 0.50 percent), we will calculate importer-specific *ad valorem* duty assessment rates 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). Where either a 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. For entries of subject merchandise during the POR produced by each respondent for which it did not know its merchandise was

destined for the United States, we will instruct CBP to liquidate un-reviewed entries at the all-others rate if there is no rate for the intermediate company involved in the transaction.<sup>15</sup>

We intend to issue instructions to CBP 15 days after publication of the final results of this review.

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of certain circular welded non-alloy steel pipe from Mexico entered, or withdrawn from warehouse, for consumption on or after the date of publication as provided by section 751(a)(2) of the Act: (1) The cash deposit rates for Abastecedora, Conduit, Maquilacero, Prolamsa, and Ternium will be the weighted-average dumping margins established in the final results of this administrative review except if the rates are *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rates will be zero; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the manufacturer or exporter participated; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation but the manufacturer is, the cash deposit rate will be the rate established for the most recently completed segment of the proceeding for the manufacturer of the merchandise; (4) the cash deposit rate for all other manufacturers or exporters will continue to be 32.62 percent *ad valorem*, the all-others rate established in the original less-than-fair-value investigation.<sup>16</sup> These cash deposit requirements, when imposed, shall remain in effect until further notice.

Disclosure and Public Comment

The Department intends to disclose to interested parties the calculations performed in connection with these preliminary results within five days of the date of publication of this notice.<sup>17</sup> Pursuant to 19 CFR 351.309(c), interested parties may submit cases briefs no later than 30 days after the

<sup>11</sup> See, e.g., *Certain Frozen Warmwater Shrimp from Thailand; Preliminary Results of Antidumping Duty Administrative Review, Partial Rescission of Review, Preliminary Determination of No Shipments; 2012–2013*, 79 FR 15951, 15952 (March 24, 2014), unchanged in *Certain Frozen Warmwater Shrimp from Thailand: Final Results of Antidumping Duty Administrative Review, Final Determination of No Shipments, and Partial Rescission of Review; 2012–2013*, 79 FR at 51306 (August 28, 2014).

<sup>12</sup> The Department has preliminarily treated these companies as a single entity. See Preliminary Decision Memorandum.

<sup>13</sup> For a full discussion of this practice, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

<sup>14</sup> In these preliminary results, the Department applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification*, 77 FR 8101 (February 14, 2012).

<sup>15</sup> See *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

<sup>16</sup> See *Final Determination of Sales at Less Than Fair Value: Circular Welded Non-Alloy Steel Pipe from Mexico*, 57 FR 42953 (September 17, 1992).

<sup>17</sup> See 19 CFR 351.224(b).

date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than five days after the date for filing case briefs.<sup>18</sup> 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.<sup>19</sup> Case and rebuttal briefs should be filed using ACCESS.<sup>20</sup>

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.<sup>21</sup> 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. If a request for a hearing is made, parties will be notified of the date and time of the hearing to be held at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.

Unless the deadline is extended pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(2), the Department intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in all written case briefs, within 120 days after the issuance of these preliminary results.

#### Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping 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 and 19 CFR 351.213(h)(1).

Dated: November 30, 2017.

**Gary Taverman,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary of Enforcement and Compliance.*

#### Appendix

##### List of Topics Discussed in the Preliminary Decision Memorandum

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[FR Doc. 2017-26300 Filed 12-5-17; 8:45 am]

**BILLING CODE 3510-DS-P**

#### DEPARTMENT OF COMMERCE

##### International Trade Administration

[A-201-844]

##### Steel Concrete Reinforcing Bar From Mexico: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2015-2016

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** In response to requests from interested parties, the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on steel concrete reinforcing bar (rebar) from Mexico, covering the period November 1, 2015, through October 31, 2016. The review covers one mandatory respondent, Deacero S.A.P.I de C.V. (Deacero), and 12 non-selected companies. We preliminarily determine that Deacero did not make sales of subject merchandise at less than normal value during the period of review (POR). Interested parties are invited to comment on these preliminary results.

**DATES:** Applicable December 6, 2017.

**FOR FURTHER INFORMATION CONTACT:** Stephanie Moore, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration,

U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-3692.

#### Background

On January 13, 2017, the Department published a notice of initiation of an administrative review of the antidumping order on rebar from Mexico.<sup>1</sup> The Department initiated this administrative review covering 13 companies.<sup>2</sup> On July 11, 2017, the Department issued a memorandum extending the time period for issuing the preliminary results of the instant administrative review from August 2, 2017 to October 2, 2017.<sup>3</sup> On September 25, 2017, the Department fully extended the deadline to November 30, 2017.<sup>4</sup>

#### Scope of the Order

Imports covered by the order are shipments of steel concrete reinforcing bar imported in either straight length or coil form (rebar) regardless of metallurgy, length, diameter, or grade. The merchandise subject to review is currently classifiable under items 7213.10.0000, 7214.20.0000, and 7228.30.8010. The subject merchandise may also enter under other Harmonized Tariff Schedule of the United States (HTSUS) numbers including 7215.90.1000, 7215.90.5000, 7221.00.0017, 7221.00.0018, 7221.00.0030, 7221.00.0045, 7222.11.0001, 7222.11.0057, 7222.11.0059, 7222.30.0001, 7227.20.0080, 7227.90.6085, 7228.20.1000, and 7228.60.6000. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise subject to the order is dispositive.<sup>5</sup>

<sup>1</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 82 FR 294 (January 13, 2017).

<sup>2</sup> We initiated a review of the following 13 companies: Deacero S.A.P.I. de C.V.; Grupo Acerero S.A. de C.V.; Grupo Simec Orge S.A. de C.V.; Industrias CH; Ternium Mexico, S.A. de C.V.; ArcelorMittal Lazaro Cardenas S.A. de C.V.; Cia Siderurgica De California S.A. de C.V.; Siderurgica Tultitlan S.A. de C.V.; Talleres y Aceros, S.A. de C.V.; Grupo Villacero S.A. de C.V.; AceroMex S.A.; ArcelorMittal Celaya, S.A. de C.V.; and ArcelorMittal Cordoba S.A. de C.V.

<sup>3</sup> See Memorandum, titled "Steel Concrete Reinforcing Bar from Mexico: Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review, 2015-2016," dated July 11, 2017.

<sup>4</sup> See Memorandum, titled "Steel Concrete Reinforcing Bar from Mexico: Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review, 2015-2016," dated September 25, 2017.

<sup>5</sup> For a full description of the scope of the order, see the "Decision Memorandum for the Preliminary Results of Antidumping Duty Administrative Review: Steel Concrete Reinforcing Bar from

Continued

<sup>18</sup> See 19 CFR 351.309(d).

<sup>19</sup> See 19 CFR 351.309(c)(2) and (d)(2).

<sup>20</sup> See 19 CFR 351.303.

<sup>21</sup> See 19 CFR 351.310(c).

### Preliminary Determination of No Shipments

On January 19, 2017, Grupo Simec and Orge S.A. de C.V. (Grupo Simec) stated that it had no exports or sales, and no entries for consumption of subject merchandise into the United States during the POR. On February 12, 2017, ArcelorMittal Lazaro Cardenas, S.A. de CV. (which became ArcelorMittal Mexico, S.A. de CV. on March 31, 2014), ArcelorMittal Celaya, S.A. de CV., and ArcelorMittal Cordoba, S.A. de CV. (collectively, Arcelor Mittal) submitted a no shipment letter certification. In response to the non-shipment claims of Grupo Simec and Arcelor Mittal, the Department issued a no-shipment inquiry to U.S. Customs and Border Protection (CBP) requesting that it review Grupo Simec's and Arcelor Mittal's no-shipment claims. CBP did not report that it had any information to contradict these claims of no shipments during the POR.

Given that Grupo Simec and Arcelor Mittal certified that they made no shipments of subject merchandise to the United States during the POR, and there is no information calling their claims into question, we preliminarily determine that Grupo Simec and Arcelor Mittal did not have any reviewable transactions during the POR. Consistent with the Department's practice, we will not rescind the review with respect to Grupo Simec and Arcelor Mittal but, rather, will complete the review and issue instructions to CBP based on the final results.<sup>6</sup>

### Methodology

The Department is conducting this review in accordance with section 751(a)(1) and (2) of the Tariff Act of 1930, as amended (the Act). Constructed export price or export price is calculated in accordance with section 772 of the Act. Normal value is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our preliminary results, see the Preliminary Decision Memorandum dated concurrently with this notice and hereby adopted by this notice. The

Mexico; 2015–2016,” dated concurrently with, and hereby adopted by this notice (Preliminary Decision Memorandum).

<sup>6</sup> See, e.g., *Certain Frozen Warmwater Shrimp from Thailand; Preliminary Results of Antidumping Duty Administrative Review, Partial Rescission of Review, Preliminary Determination of No Shipments; 2012–2013*, 79 FR 15951, 15952 (March 24, 2014), unchanged in *Certain Frozen Warmwater Shrimp from Thailand: Final Results of Antidumping Duty Administrative Review, Final Determination of No Shipments, and Partial Rescission of Review; 2012–2013*, 79 FR 51306, 51307 (August 28, 2014).

Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov> and is available to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the internet at <http://enforcement.trade.gov/frn/index.html>. The signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content.

### Preliminary Results of the Review

As a result of this review, we preliminarily calculated a dumping margin of zero percent for Deacero. We are applying to the non-selected companies the rates calculated for the mandatory respondent in these preliminary results, as referenced below.<sup>7</sup>

Producer and/or exporter	Weighted-average dumping margin (percent)
Deacero .....	0.00
Industrias CH .....	0.00
Ternium Mexico, S.A. de C.V .....	0.00
Cia Siderurgica De California, S.A. de C.V .....	0.00
Grupo Acerero S.A. de C.V ..	0.00
AcerMex S.A .....	0.00
Siderurgica Tultitlan S.A. de C.V .....	0.00
Talleres y Aceros, S.A. de C.V .....	0.00
Grupo Villacero S.A. de C.V .....	0.00

### Assessment Rate

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.<sup>8</sup> If the weighted-average dumping margin for Deacero is not zero or *de minimis* (i.e., less than 0.5 percent), we will calculate importer-specific *ad valorem* antidumping duty assessment rates 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

<sup>7</sup> See *Albemarle Corp. & Subsidiaries v. United States*, 821 F.3d 1345 (Fed. Cir. 2016).

<sup>8</sup> See 19 CFR 351.212(b).

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*. Where either 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.<sup>9</sup> 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 where applicable.

In accordance with the Department's "automatic assessment" practice, for entries of subject merchandise during the POR produced by each respondent for which they did not know that their 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 publication 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 of administrative review for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for respondents noted above will be zero; (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 producers or exporters will continue to be 20.58 percent, the all-others rate established in the

<sup>9</sup> See *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings: Final Modification*, 77 FR 8101, 8103 (February 14, 2012); 19 CFR 351.106(c)(2).

antidumping investigation.<sup>10</sup> These cash deposit requirements, when imposed, shall remain in effect until further notice.

#### Disclosure and Public Comment

The Department will disclose to parties to this proceeding the calculations performed in reaching the preliminary results within five days of the date of publication of these preliminary results.<sup>11</sup> Pursuant to 19 CFR 351.309(c), interested parties may submit cases 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.<sup>12</sup> Parties who submit comments are requested to submit: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.<sup>13</sup> All briefs must be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety by the Department's electronic records system, ACCESS.

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, using Enforcement and Compliance's ACCESS system, and an electronically filed request must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Standard Time, within 30 days of publication of this notice.<sup>14</sup> Requests should contain the party's name, address, and telephone number, the number of participants, and a list of the issues to be discussed. If a request for a hearing is made, we will inform parties of the scheduled date for the hearing which will be held at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230, at a time and location to be determined.<sup>15</sup> 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 and 19 CFR 213(h)(2), the Department will issue the final results of this administrative review, including the results of our analysis of the issues

raised by the parties in their case briefs, within 120 days after issuance of these preliminary results.<sup>16</sup>

#### 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 review period. 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 antidumping duties reimbursed.

#### Notification to Interested Parties

These 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 30, 2017.

**Gary Taverman,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.*

#### Appendix

##### List of Topics Discussed in the Preliminary Decision Memorandum

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[FR Doc. 2017-26295 Filed 12-5-17; 8:45 am]

**BILLING CODE 3510-DS-P**

<sup>16</sup> See section 751(a)(3)(A) of the Act and 19 CFR 351.213(h).

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-580-809]

#### Circular Welded Non-Alloy Steel Pipe From the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review; 2015–2016

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on circular welded non-alloy steel pipe (CWP) from the Republic of Korea (Korea). The period of review (POR) is November 1, 2015, through October 31, 2016. The Department preliminarily determines that the producers/exporters subject to this review made sales of subject merchandise at less than normal value. We invite interested parties to comment on these preliminary results.

**DATES:** Applicable December 6, 2017.

#### FOR FURTHER INFORMATION CONTACT:

Andre Gziryan or Thomas Schauer, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington DC 20230; telephone (202) 482-2201 or (202) 482-0410, respectively.

#### Scope of the Order

The merchandise subject to the order is circular welded non-alloy steel pipe and tube. Imports of the product are currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) under subheadings 7306.30.1000, 7306.30.5025, 7306.30.5032, 7306.30.5040, 7306.30.5055, 7306.30.5085, and 7306.30.5090. While the HTSUS subheadings are provided for convenience and customs purposes, the written description is dispositive. A full description of the scope of the order is contained in the Preliminary Decision Memorandum.<sup>1</sup>

#### Methodology

The Department conducted this review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act). Constructed export price is

<sup>1</sup> For a full description of the scope of the order, see Memorandum, "Decision Memorandum for the Preliminary Results of Antidumping Duty Administrative Review: Circular Welded Non-Alloy Steel Pipe from the Republic of Korea: 2015–2016," dated concurrently with, and hereby adopted by this notice (Preliminary Decision Memorandum).

<sup>10</sup> See *Steel Concrete Reinforcing Bar from Mexico: Final Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances*, 79 FR 54967 (September 15, 2014).

<sup>11</sup> See 19 CFR 351.224(b).

<sup>12</sup> See 19 CFR 351.309(d).

<sup>13</sup> See 19 CFR 351.309(c)(2) and (d)(2).

<sup>14</sup> See 19 CFR 351.310(c).

<sup>15</sup> See 19 CFR 351.310.

calculated in accordance with section 772 of the Act. Normal value is calculated in accordance with section 773 of the Act.

For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum. 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 <http://access.trade.gov> and to all parties in the Department's Central Records Unit, located at Room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be found at <http://enforcement.trade.gov/frn/index.html>.

#### Preliminary Results of the Administrative Review

We preliminarily determine that the following weighted-average dumping margins exist for the respondents for the period November 1, 2015, through October 31, 2016.<sup>2</sup>

Producer/exporter	Weighted-average dumping margin (percent)
AJU Besteel .....	23.17
Husteel Co., Ltd .....	8.18
Hyundai Steel Company .....	38.16
NEXTEEL .....	23.17
SeAH Steel Corporation .....	23.17

#### Disclosure and Public Comment

We intend to disclose the calculations performed for these preliminary results to the parties within five days after public announcement of the preliminary results in accordance with 19 CFR 351.224(b). 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.<sup>3</sup> 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.<sup>4</sup>

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.<sup>5</sup> 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 will 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.

#### Assessment Rates

If a respondent's weighted-average dumping margin is above *de minimis* in the final results of this review, we will calculate an importer-specific assessment rate on the basis of the ratio of the total amount of antidumping duties calculated for the importer's examined sales and the total entered value of the sales in accordance with 19 CFR 351.212(b)(1).<sup>6</sup> If the respondent's weighted-average dumping margin is zero or *de minimis* in the final results of reviews, we will instruct U.S. Customs and Border Protection (CBP) not to assess duties on any of its entries in accordance with the *Final Modification for Reviews*.<sup>7</sup>

For entries of subject merchandise during the POR produced by Husteel Co., Ltd. or Hyundai Steel Company for which they did not know their 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.

For the companies which were not selected for individual examination,

<sup>4</sup> See 19 CFR 351.309(c)(2) and (d)(2).

<sup>5</sup> See 19 CFR 351.310(c).

<sup>6</sup> In these preliminary results, the Department applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings*; *Final Modification*, 77 FR 8101 (February 14, 2012) (*Final Modification for Reviews*).

<sup>7</sup> See *Final Modification for Reviews*, 77 FR at 8102.

AJU Besteel, NEXTEEL, and SeAH Steel Corporation, we will instruct CBP to apply the rates listed above to all entries of subject merchandise produced and/or exported by these firms.

We intend to issue liquidation instructions to CBP 15 days after publication of the final results of this review.

#### Cash Deposit Requirements

The following deposit requirements will be effective upon publication of the notice of final results of this review for all shipments of CWP from Korea entered, or withdrawn from warehouse, for consumption on or after the date of publication as provided by section 751(a)(2) of the Act: (1) The cash deposit rate for companies subject to this review will be the rates established in the final results of the review; (2) for merchandise exported by producers or exporters not covered in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation but the producer is, the cash deposit rate will be the rate established for the most recent period for the producer of the merchandise; (4) the cash deposit rate for all other producers or exporters will continue to be 4.80 percent,<sup>8</sup> the all-others rate established in the less-than-fair-value investigation, adjusted for the export-subsidy rate in the companion countervailing duty investigation.

These cash deposit requirements, when imposed, shall remain in effect until further notice.

#### Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

The Department is issuing and publishing these results in accordance

<sup>2</sup> In the initiation notice, we initiated reviews of both Hyundai HYSCO and Hyundai Steel Company but stated that Hyundai Steel Company is the successor-in-interest to Hyundai HYSCO. See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 82 FR 4294, 4296 (January 13, 2017).

<sup>3</sup> See 19 CFR 351.309(d).

<sup>8</sup> See *Notice of Antidumping Duty Orders: Certain Circular Welded Non-Alloy Steel Pipe from Brazil, the Republic of Korea (Korea), Mexico, and Venezuela, and Amendment to Final Determination of Sales at Less Than Fair Value: Certain Circular Welded Non-Alloy Steel Pipe from Korea*, 57 FR 49453 (November 2, 1992).

with sections 751(a)(1) and 777(i) of the Act and 19 CFR 351.221(b)(4).

Dated: November 30, 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

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    1. Calculation of Cost of Production
    2. Test of Comparison Market Sales Prices
    3. Results of the COP Test
  - G. Calculation of Normal Value Based on Comparison Market Prices
- X. Currency Conversion
- XI. Recommendation

[FR Doc. 2017-26296 Filed 12-5-17; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-900]

### Diamond Sawblades and Parts Thereof From the People's Republic of China: 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 diamond sawblades and parts thereof (diamond sawblades) from the People's Republic of China (the PRC). The period of review (POR) is November 1, 2015, through October 31, 2016. The Department has preliminarily determined that certain

companies covered by this review made sales of subject merchandise at less than normal value. Interested parties are invited to comment on these preliminary results.

**DATES:** Applicable December 6, 2017.

#### FOR FURTHER INFORMATION CONTACT:

Yang Jin Chun or Bryan Hansen, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-5760 and (202) 482-3683, respectively.

#### Scope of the Order

The merchandise subject to the order is diamond sawblades and parts thereof. The diamond sawblades subject to the order are currently classifiable under subheadings 8202 to 8206 of the Harmonized Tariff Schedule of the United States (HTSUS), and may also enter under 6804.21.00. While the HTSUS subheadings are provided for convenience and customs purposes, the written description is dispositive. A full description of the scope of the order is contained in the Preliminary Decision Memorandum.<sup>1</sup>

#### Preliminary Determination of No Shipments

Ten companies that received a separate rate in previous segments of the proceeding and are subject to this review reported that they did not have any exports of subject merchandise during the POR.<sup>2</sup> We requested that CBP report any information contrary to these claims of no shipments.<sup>3</sup> To date, we have not received any contrary information from either CBP in response to our inquiry or any other sources that nine of these companies had any shipments of the subject merchandise sold to the United States during the

<sup>1</sup> See the Memorandum, "Diamond Sawblades and Parts Thereof from the People's Republic of China: Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review; 2015–2016," dated concurrently with and hereby adopted by this notice (Preliminary Decision Memorandum).

<sup>2</sup> See the February 6, 2017, no-shipment letters from Danyang City Ou Di Ma Tools Co., Ltd., Danyang Like Tools Manufacturing Co., Ltd., Jiangsu Huachang Tools Manufacturing Co., Ltd., Orient Gain International Limited, Qingdao Hyosung Diamond Tools Co., Ltd., and Sino Tools Co., Ltd., the February 7, 2017, no-shipment letter from Qingdao Shinhan Diamond Industrial Co., Ltd., the February 10, 2017, no-shipment letters from Danyang Tsunda Diamond Tools Co., Ltd., and Jiangsu Inter-China Group Corporation, and the February 21, 2017, no-shipment letter from Danyang Hantronic Import & Export Co., Ltd.

<sup>3</sup> See CBP message numbers 7167307–7167315 and 7167318 dated June 16, 2017, available at <http://adcvd.cbp.dhs.gov/adcvdweb/>.

POR.<sup>4</sup> Further, consistent with our practice, we find that it is not appropriate to rescind the review with respect to these companies but, rather, to complete the review and issue appropriate instructions to CBP based on the final results of review.<sup>5</sup>

#### Separate Rates

The Department preliminarily determines that 20 respondents are eligible to receive separate rates in this review.<sup>6</sup>

#### Separate Rates for Eligible Non-Selected Respondents

In accordance with the U.S. Court of Appeals for the Federal Circuit's decision in *Albemarle Corp. v. United States*,<sup>7</sup> we assigned to eligible non-selected respondents the separate rate we assigned to Chengdu Huifeng Diamond Tools Co., Ltd.<sup>8</sup> and the Jiangsu Fengtai Single Entity<sup>9</sup> for the preliminary results of this review.<sup>10</sup>

#### PRC-Wide Entity

The Department's change in policy regarding conditional review of the PRC-wide entity applies to this administrative review.<sup>11</sup> Under this policy, the PRC-wide entity will not be under review unless a party specifically requests, or the Department self-initiates, a review of the entity. Because no party requested a review of the PRC-wide entity in this review, the entity is not under review and the entity's rate is

<sup>4</sup> See Preliminary Decision Memorandum at 3–4 for more explanation. See also the preliminary separate rate denial memorandum for Qingdao Hyosung Diamond Tools Co., Ltd., dated concurrently with this notice for more details containing business proprietary information.

<sup>5</sup> See, e.g., *Wooden Bedroom Furniture from the People's Republic of China: Final Results and Final Rescission, In Part, of Administrative Review and Final Results of New Shipper Review; 2013*, 80 FR 34619 (June 17, 2015).

<sup>6</sup> See Preliminary Decision Memorandum at 4–8, for more details.

<sup>7</sup> See *Albemarle Corp. & Subsidiaries v. United States*, 821 F.3d 1345 (Fed. Cir. 2016).

<sup>8</sup> In a separate changed-circumstances review, we preliminarily found that Chengdu Huifeng New Material Technology Co., Ltd. is the successor-in-interest to Chengdu Huifeng Diamond Tools Co., Ltd.. See *Diamond Sawblades and Parts Thereof from the People's Republic of China: Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review*, 82 FR 51605 (November 7, 2017).

<sup>9</sup> Jiangsu Fengtai Diamond Tool Manufacture Co., Ltd., Jiangsu Fengtai Tools Co., Ltd., and Jiangsu Fengtai Sawing Industry Co., Ltd., comprise the Jiangsu Fengtai Single Entity. See Preliminary Decision Memorandum at 2, n. 5.

<sup>10</sup> See Preliminary Decision Memorandum at 8.

<sup>11</sup> 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).



not subject to change (*i.e.*, 82.05 percent).<sup>12</sup> Aside from the no-shipments and separate rate companies discussed above, the Department considers all other companies for which a review was requested (which did not file a separate rate application) to be part of the PRC-wide entity.<sup>13</sup>

### Methodology

The Department conducted this review in accordance with section 751(a)(1)(B) of the Act. Because the PRC is a non-market economy within the meaning of section 771(18) of the Act, normal value was calculated in

accordance with section 773(c) of the Act. For Chengdu Huifeng Diamond Tools Co., Ltd., and the Jiangsu Fengtai Single Entity, we assigned each a margin based on adverse facts available (AFA) pursuant to section 776(b) 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 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>.

### Preliminary Results of Review

The Department preliminarily determines that the following weighted-average dumping margins exist:

Exporter	Margin (percent)
Bosun Tools Co., Ltd .....	82.05
Chengdu Huifeng Diamond Tools Co., Ltd .....	82.05
Danyang Huachang Diamond Tools Manufacturing Co., Ltd .....	82.05
Danyang NYCL Tools Manufacturing Co., Ltd .....	82.05
Danyang Weiwang Tools Manufacturing Co., Ltd .....	82.05
Guilin Tebon Superhard Material Co., Ltd .....	82.05
Hangzhou Deer King Industrial and Trading Co., Ltd .....	82.05
Huzhou Gu's Import & Export Co., Ltd .....	82.05
Jiangsu Fengtai Single Entity .....	82.05
Jiangsu Youhe Tool Manufacturer Co., Ltd .....	82.05
Qingyuan Shangtai Diamond Tools Co., Ltd .....	82.05
Quanzhou Zhongzhi Diamond Tool Co., Ltd .....	82.05
Rizhao Hein Saw Co., Ltd .....	82.05
Saint-Gobain Abrasives (Shanghai) Co., Ltd .....	82.05
Shanghai Jingquan Industrial Trade Co., Ltd .....	82.05
Shanghai Starcraft Tools Company Limited .....	82.05
Weihai Xiangguang Mechanical Industrial Co., Ltd .....	82.05
Wuhan Wanbang Laser Diamond Tools Co., Ltd <sup>14</sup> .....	82.05
Xiamen ZL Diamond Technology Co., Ltd .....	82.05
Zhejiang Wanli Tools Group Co., Ltd .....	82.05

### Disclosure and Public Comment

Normally, the Department discloses to interested parties the calculations performed in connection with a preliminary results of review within five days after public announcement of the preliminary results of review in accordance with 19 CFR 351.224(b). Because the Department preliminarily applied AFA to both individually examined respondents in this review in accordance with section 776 of the Act, there are no calculations to disclose. Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs no later than 30 days after the date of publication of these preliminary results of review.<sup>15</sup> 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.<sup>16</sup> Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than five days after the cases briefs are filed.<sup>17</sup>

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety by the Department's ACCESS by 5:00 p.m.

Eastern Time within 30 days after the date of publication of this notice.<sup>18</sup> Hearing 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 review, including the results of its analysis of issues raised by parties in their comments, within 120 days after the publication of these preliminary results, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

<sup>12</sup> See, e.g., *Diamond Sawblades and Parts Thereof from the People's Republic of China: Final Results of Antidumping Duty Administrative Review*; 2012–2013, 80 FR 32344, 32345 (June 8, 2015).

<sup>13</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 81 FR 736, 737 (January 7, 2016) ("All firms listed below that wish to qualify for separate rate status in the administrative reviews involving NME countries must complete, as appropriate, either a separate rate

application or certification, as described below."'). Companies that are subject to this administrative review that are considered to be part of the PRC-wide entity are ASHINE Diamond Tools Co., Ltd., Hangzhou Kingburg Import & Export Co., Ltd., Hebei XMF Tools Group Co., Ltd., Henan Huanghe Whirlwind Co., Ltd., Henan Huanghe Whirlwind International Co., Ltd., Hong Kong Hao Xin International Group Limited, Pantos Logistics (HK) Company Limited, and Pujiang Talent Diamond Tools Co., Ltd.

<sup>14</sup> Wuhan Wanbang Laser Diamond Tools Co., Ltd., is the successor-in-interest to Wuhan Wanbang Laser Diamond Tools Co. See *Diamond Sawblades and Parts Thereof from the People's Republic of China: Final Results of Antidumping Duty Changed Circumstances Review*, 81 FR 20618 (April 8, 2016).

<sup>15</sup> See 19 CFR 351.309(c).

<sup>16</sup> See 19 CFR 351.309(c)(2).

<sup>17</sup> See 19 CFR 351.309(d).

<sup>18</sup> See 19 CFR 351.310(c).



### Assessment Rates

Upon issuing the final results of review, the Department will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review.<sup>19</sup> If the preliminary results are unchanged for the final results, we will instruct CBP to apply an ad valorem assessment rate of 82.05 percent to all entries of subject merchandise during the POR which were exported by the aforementioned companies. If the Department determines that an exporter under review had no shipments of the subject merchandise, any suspended entries that entered under that exporter's case number (*i.e.*, at that exporter's rate) will be liquidated at the PRC-wide rate.<sup>20</sup> The Department intends to issue appropriate assessment instructions directly to CBP 15 days after publication of the final results of review.

### Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for shipments of the subject merchandise from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act: (1) For subject merchandise exported by the companies listed above that have separate rates, the cash deposit rate will be that established in the final results of review (except, if the rate is zero or *de minimis*, then zero cash deposit will be required); (2) for previously investigated or reviewed PRC and non-PRC exporters not listed above that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (3) for all PRC exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be that for the PRC-wide entity; and (4) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporter that supplied that non-PRC exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

### Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate

regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213.

Dated: November 30, 2017.

**Gary Taverman,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.*

### Appendix

#### List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Preliminary Determination of No Shipments
- V. Discussion of the Methodology
  - A. Non-Market Economy Country Status
  - B. Separate Rates
- VI. Application of Facts Available and Adverse Inferences
  - A. Use of Facts Available
  - B. Application of Facts Available With an Adverse Inference
  - C. Selection of the AFA Rate
- VII. Recommendation

[FR Doc. 2017-26297 Filed 12-5-17; 8:45 am]

**BILLING CODE 3510-DS-P**

### DEPARTMENT OF COMMERCE

#### National Institute of Standards and Technology

#### Advisory Committee on Earthquake Hazards Reduction Meeting

**AGENCY:** National Institute of Standards and Technology, Department of Commerce.

**ACTION:** Notice of open meeting.

**SUMMARY:** The Advisory Committee on Earthquake Hazards Reduction (ACEHR or Committee), will meet on Monday, March 12, 2018 from 8:30 a.m. to 5:00 p.m. Eastern Time and Tuesday, March 13, 2018, from 8:30 a.m. to 2:30 p.m. Eastern Time. The primary purpose of this meeting is to review the National Earthquake Hazards Reduction Program (NEHRP) agency updates on their latest activities and receive the NEHRP agency responses to the Committee's 2017 Report on the Effectiveness of the NEHRP. The agenda may change to accommodate Committee business. The

final agenda and any meeting materials will be posted on the NEHRP Web site at <http://nehrrp.gov/>.

**DATES:** The ACEHR will meet on Monday, March 12, 2018, from 8:30 a.m. until 5:00 p.m. Eastern Time. The meeting will continue on Tuesday, March 13, 2018, from 8:30 a.m. until 2:30 p.m. Eastern Time. The meeting will be open to the public.

**ADDRESSES:** The meeting will be held in the Heritage Room, Administration Building, National Institute of Standards and Technology (NIST), 100 Bureau Drive, Gaithersburg, Maryland 20899. Please note admittance instructions under the **SUPPLEMENTARY INFORMATION** section of this notice.

**FOR FURTHER INFORMATION CONTACT:** Tina Faecke, Management and Program Analyst, National Earthquake Hazards Reduction Program, Engineering Laboratory, NIST, 100 Bureau Drive, Mail Stop 8604, Gaithersburg, Maryland 20899-8604. Ms. Faecke's email address is [tina.faecke@nist.gov](mailto:tina.faecke@nist.gov) and her phone number is (301) 975-5911.

**SUPPLEMENTARY INFORMATION:** The Committee was established in accordance with the requirements of Section 103 of the NEHRP Reauthorization Act of 2004 (Pub. L. 108-360). The Committee is composed of 15 members appointed by the Director of NIST, who were selected for their established records of distinguished service in their professional community, their knowledge of issues affecting NEHRP, and to reflect the wide diversity of technical disciplines, competencies, and communities involved in earthquake hazards reduction. In addition, the Chairperson of the U.S. Geological Survey Scientific Earthquake Studies Advisory Committee serves as an ex-officio member of the Committee. The Committee assesses:

- Trends and developments in the science and engineering of earthquake hazards reduction;
- the effectiveness of NEHRP in performing its statutory activities;
- any need to revise NEHRP; and
- the management, coordination, implementation, and activities of NEHRP.

Background information on NEHRP and the Advisory Committee is available at <http://nehrrp.gov/>.

Pursuant to the Federal Advisory Committee Act, as amended, 5 U.S.C. App., notice is hereby given that the ACEHR will hold an open meeting on Monday, March 12, 2018 from 8:30 a.m. to 5:00 p.m. Eastern Time and Tuesday, March 13, 2018, from 8:30 a.m. to 2:30 p.m. Eastern Time. The meeting will be

<sup>19</sup> See 19 CFR 351.212(b)(1).

<sup>20</sup> See *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties*, 76 FR 65694, 65695 (October 24, 2011).

held in the Heritage Room, Administration Building, NIST, 100 Bureau Drive, Gaithersburg, Maryland 20899. The primary purpose of this meeting is to review the NEHRP agency updates on their latest activities and receive the NEHRP agency responses to the Committee's 2017 Report on the Effectiveness of the NEHRP. The final agenda and any meeting materials will be posted on the NEHRP Web site at <http://nehrrp.gov/>.

Individuals and representatives of organizations who would like to offer comments and suggestions related to the Committee's affairs are invited to request a place on the agenda. On March 13, 2018, approximately fifteen minutes will be reserved near the beginning of the meeting for public comments, and speaking times will be assigned on a first-come, first-serve basis. The amount of time per speaker will be determined by the number of requests received, but is likely to be about three minutes each. Questions from the public will not be considered during this period. All those wishing to speak must submit their request by email to the attention of Ms. Tina Faecke, [tina.faecke@nist.gov](mailto:tina.faecke@nist.gov), by 5:00 p.m. Eastern time, Wednesday, March 7, 2018.

Speakers who wish to expand upon their oral statements, those who had wished to speak but could not be accommodated on the agenda, and those who were unable to attend in person are invited to submit written statements to ACEHR, National Institute of Standards and Technology, 100 Bureau Drive, MS 8604, Gaithersburg, Maryland 20899–8604, via fax at (301) 975–4032, or electronically by email to [tina.faecke@nist.gov](mailto:tina.faecke@nist.gov).

All visitors to the NIST site are required to pre-register to be admitted. Anyone wishing to attend this meeting must register by 5:00 p.m. Eastern Time, Thursday, March 1, 2018, in order to attend. Please submit your full name, email address, and phone number to Tina Faecke. Non-U.S. citizens must submit additional information; please contact Ms. Faecke. Ms. Faecke's email address is [tina.faecke@nist.gov](mailto:tina.faecke@nist.gov) and her phone number is (301) 975–5911. For participants attending in person, please note that federal agencies, including NIST, can only accept a state-issued driver's license or identification card for access to federal facilities if such license or identification card is issued by a state that is compliant with the REAL ID Act of 2005 (Pub. L. 109–13), or by a state that has an extension for REAL ID compliance. NIST currently accepts other forms of federal-issued identification in lieu of a state-issued driver's license. For detailed

information please contact Ms. Faecke at (301) 975–5711 or visit: [http://www.nist.gov/public\\_affairs/visitor/](http://www.nist.gov/public_affairs/visitor/).

**Kevin Kimball,**  
*NIST Chief of Staff.*

[FR Doc. 2017–26218 Filed 12–5–17; 8:45 am]

**BILLING CODE 3510–13–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648–XF875**

#### New England Fishery Management Council; Public Meeting

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

**ACTION:** Notice; public meeting.

**SUMMARY:** The New England Fishery Management Council (Council) is scheduling a public meeting of its Joint Habitat Advisory Panel and Plan Development Team to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

**DATES:** This meeting will be held on Wednesday, December 20, 2017 at 9 a.m.

**ADDRESSES:** The meeting will be held at the University of Massachusetts Dartmouth, 836 South Rodney French Blvd., New Bedford, MA 02744; Phone: (508) 999–8197

*Council address:* New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

**FOR FURTHER INFORMATION CONTACT:** Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

#### SUPPLEMENTARY INFORMATION:

##### Agenda

The Joint Habitat Advisory Panel and Plan Development Team (PDT) plan to review the Coral Amendment, specifically reviewing the PDT's suggested changes to Broad Zone Option 7 and recommend further boundary adjustments as needed, reviewing available analysis of this option and recommending a preferred broad zone alternative to the Habitat Committee. The group plans to also discuss the Clam Dredge Framework with emphasis on reviewing fishery, surfclam, and habitat data to better understand spatial patterns and tradeoffs between habitat

vulnerability and access to fishing grounds, with a specific focus on the Great South Channel Habitat Management Area, brainstorm exemption area alternatives and outline next steps in the development of the framework.

They also plan to review a general update on Fishing Effects model project and discuss fishing gear data elements—review draft list of métiers including gear dimensions. The group will also receive and information update on Offshore wind development. Other business may be discussed as necessary.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

#### Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

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

Dated: December 1, 2017.

**Tracey L. Thompson,**

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

[FR Doc. 2017–26309 Filed 12–5–17; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648–XF820**

#### Schedules for Atlantic Shark Identification Workshops and Protected Species Safe Handling, Release, and Identification Workshops

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

**ACTION:** Notice of public workshops.

**SUMMARY:** Free Atlantic Shark Identification Workshops and Protected

Species Safe Handling, Release, and Identification Workshops will be held in January, February, and March of 2018. Certain fishermen and shark dealers are required to attend a workshop to meet regulatory requirements and to maintain valid permits. Specifically, the Atlantic Shark Identification Workshop is mandatory for all federally permitted Atlantic shark dealers. The Protected Species Safe Handling, Release, and Identification Workshop is mandatory for vessel owners and operators who use bottom longline, pelagic longline, or gillnet gear, and who have also been issued shark or swordfish limited access permits. Additional free workshops will be conducted during 2018 and will be announced in a future notice.

**DATES:** The Atlantic Shark Identification Workshops will be held on January 11, February 15, and March 15, 2018.

The Protected Species Safe Handling, Release, and Identification Workshops will be held on January 12, January 24, February 6, February 22, March 7, and March 13, 2018.

See **SUPPLEMENTARY INFORMATION** for further details.

**ADDRESSES:** The Atlantic Shark Identification Workshops will be held in Kenner, LA; Corpus Christi, TX; and Fort Pierce, FL.

The Protected Species Safe Handling, Release, and Identification Workshops will be held in Key Largo, FL; Portsmouth, NH; Wilmington, NC; Gulfport, MS; Palm Coast, FL; and Houston, TX.

See **SUPPLEMENTARY INFORMATION** for further details on workshop locations.

**FOR FURTHER INFORMATION CONTACT:** Rick Pearson by phone: (727) 824-5399, or by fax: (727) 824-5398.

**SUPPLEMENTARY INFORMATION:** The workshop schedules, registration information, and a list of frequently asked questions regarding these workshops are posted on the Internet at: <http://www.nmfs.noaa.gov/sfa/hms/compliance/workshops/index.html>.

### Atlantic Shark Identification Workshops

Since January 1, 2008, Atlantic shark dealers have been prohibited from receiving, purchasing, trading, or bartering for Atlantic sharks unless a valid Atlantic Shark Identification Workshop certificate is on the premises of each business listed under the shark dealer permit that first receives Atlantic sharks (71 FR 58057; October 2, 2006). Dealers who attend and successfully complete a workshop are issued a certificate for each place of business that is permitted to receive sharks. These certificate(s) are valid for 3 years.

Approximately 139 free Atlantic Shark Identification Workshops have been conducted since January 2007.

Currently, permitted dealers may send a proxy to an Atlantic Shark Identification Workshop. However, if a dealer opts to send a proxy, the dealer must designate a proxy for each place of business covered by the dealer's permit which first receives Atlantic sharks. Only one certificate will be issued to each proxy. A proxy must be a person who is currently employed by a place of business covered by the dealer's permit; is a primary participant in the identification, weighing, and/or first receipt of fish as they are offloaded from a vessel; and who fills out dealer reports. Atlantic shark dealers are prohibited from renewing a Federal shark dealer permit unless a valid Atlantic Shark Identification Workshop certificate for each business location that first receives Atlantic sharks has been submitted with the permit renewal application. Additionally, trucks or other conveyances that are extensions of a dealer's place of business must possess a copy of a valid dealer or proxy Atlantic Shark Identification Workshop certificate.

### Workshop Dates, Times, and Locations

1. January 11, 2018, 12 p.m.–4 p.m., Double Tree Hotel, 2150 Veteran's Memorial Boulevard, Kenner, LA 70062.
2. February 15, 2018, 12 p.m.–4 p.m., LaQuinta Inn, 546 South Padre Island Drive, Corpus Christi, TX 78405.
3. March 15, 2018, 12 p.m.–4 p.m., Hampton Inn, 1985 Reynolds Drive, Fort Pierce, FL 34945.

### Registration

To register for a scheduled Atlantic Shark Identification Workshop, please contact Eric Sander at [ericssharkguide@yahoo.com](mailto:ericssharkguide@yahoo.com) or at (386) 852-8588.

#### Registration Materials

To ensure that workshop certificates are linked to the correct permits, participants will need to bring the following specific items to the workshop:

- Atlantic shark dealer permit holders must bring proof that the attendee is an owner or agent of the business (such as articles of incorporation), a copy of the applicable permit, and proof of identification.
- Atlantic shark dealer proxies must bring documentation from the permitted dealer acknowledging that the proxy is attending the workshop on behalf of the permitted Atlantic shark dealer for a specific business location, a copy of the appropriate valid permit, and proof of identification.

### Workshop Objectives

The Atlantic Shark Identification Workshops are designed to reduce the number of unknown and improperly identified sharks reported in the dealer reporting form and increase the accuracy of species-specific dealer-reported information. Reducing the number of unknown and improperly identified sharks will improve quota monitoring and the data used in stock assessments. These workshops will train shark dealer permit holders or their proxies to properly identify Atlantic shark carcasses.

### Protected Species Safe Handling, Release, and Identification Workshops

Since January 1, 2007, shark limited-access and swordfish limited-access permit holders who fish with longline or gillnet gear have been required to submit a copy of their Protected Species Safe Handling, Release, and Identification Workshop certificate in order to renew either permit (71 FR 58057; October 2, 2006). These certificate(s) are valid for 3 years. As such, vessel owners who have not already attended a workshop and received a NMFS certificate, or vessel owners whose certificate(s) will expire prior to the next permit renewal, must attend a workshop to fish with, or renew, their swordfish and shark limited-access permits. Additionally, new shark and swordfish limited-access permit applicants who intend to fish with longline or gillnet gear must attend a Protected Species Safe Handling, Release, and Identification Workshop and submit a copy of their workshop certificate before either of the permits will be issued. Approximately 268 free Protected Species Safe Handling, Release, and Identification Workshops have been conducted since 2006.

In addition to certifying vessel owners, at least one operator on board vessels issued a limited-access swordfish or shark permit that uses longline or gillnet gear is required to attend a Protected Species Safe Handling, Release, and Identification Workshop and receive a certificate. Vessels that have been issued a limited-access swordfish or shark permit and that use longline or gillnet gear may not fish unless both the vessel owner and operator have valid workshop certificates onboard at all times. Vessel operators who have not already attended a workshop and received a NMFS certificate, or vessel operators whose certificate(s) will expire prior to their next fishing trip, must attend a workshop to operate a vessel with swordfish and shark limited-access

permits that uses longline or gillnet gear.

#### *Workshop Dates, Times, and Locations*

1. January 12, 2018, 9 a.m.–5 p.m., Holiday Inn, 99701 Overseas Highway, Key Largo, FL 33037.
2. January 24, 2018, 9 a.m.–5 p.m., Holiday Inn, 300 Woodbury Avenue, Portsmouth, NH 03801.
3. February 6, 2018, 9 a.m.–5 p.m., Hilton Garden Inn, 6745 Rock Spring Road, Wilmington, NC 28405.
4. February 22, 2018, 9 a.m.–5 p.m., Holiday Inn, 9515 U.S. 49, Gulfport, MS 39503.
5. March 7, 2018, 9 a.m.–5 p.m., Hilton Garden Inn, 55 Town Center Boulevard, Palm Coast, FL 32164.
6. March 13, 2018, 9 a.m.–5 p.m., Holiday Inn Express, 9300 South Main Street, Houston, Texas 77025.

#### *Registration*

To register for a scheduled Protected Species Safe Handling, Release, and Identification Workshop, please contact Angler Conservation Education at (386) 682-0158.

#### *Registration Materials*

To ensure that workshop certificates are linked to the correct permits, participants will need to bring the following specific items with them to the workshop:

- Individual vessel owners must bring a copy of the appropriate swordfish and/or shark permit(s), a copy of the vessel registration or documentation, and proof of identification.
- Representatives of a business-owned or co-owned vessel must bring proof that the individual is an agent of the business (such as articles of incorporation), a copy of the applicable swordfish and/or shark permit(s), and proof of identification.
- Vessel operators must bring proof of identification.

#### *Workshop Objectives*

The Protected Species Safe Handling, Release, and Identification Workshops are designed to teach longline and gillnet fishermen the required techniques for the safe handling and release of entangled and/or hooked protected species, such as sea turtles, marine mammals, and smalltooth sawfish, and prohibited sharks. In an effort to improve reporting, the proper identification of protected species and prohibited sharks will also be taught at these workshops. Additionally, individuals attending these workshops will gain a better understanding of the requirements for participating in these

fisheries. The overall goal of these workshops is to provide participants with the skills needed to reduce the mortality of protected species and prohibited sharks, which may prevent additional regulations on these fisheries in the future.

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

Dated: December 1, 2017.

**Emily H. Menashes,**

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

[FR Doc. 2017-26308 Filed 12-5-17; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER18-348-000]

#### **Shoe Creek Solar LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization**

This is a supplemental notice in the above-referenced proceeding of Shoe Creek Solar LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is December 20, 2017.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies

of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), or call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Dated: November 30, 2017.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2017-26244 Filed 12-5-17; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### **Combined Notice of Filings**

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

#### **Filings Instituting Proceedings**

*Docket Numbers:* RP18-196-000.

*Applicants:* Alliance Pipeline L.P.

*Description:* Alliance Pipeline L.P. submits tariff filing per 154.204: Hess Usage Charge 2018 to be effective 1/1/2018.

*Filed Date:* 11/29/17.

*Accession Number:* 20171129-5065.

*Comments Due:* 5 p.m. ET 12/11/17.

*Docket Numbers:* RP18-197-000.

*Applicants:* Southern Natural Gas Company, L.L.C.

*Description:* Southern Natural Gas Company, L.L.C. submits tariff filing per 154.204: SCRM Filing Nov 2017 to be effective 1/1/2018.

*Filed Date:* 11/29/17.

*Accession Number:* 20171129-5066.

*Comments Due:* 5 p.m. ET 12/11/17.

*Docket Numbers:* RP18-198-000.

*Applicants:* El Paso Natural Gas Company, L.L.C.

*Description:* El Paso Natural Gas Company, L.L.C. submits tariff filing per 154.204: Article 11.2(a) Inflation Adjustment Filing 2018 to be effective 1/1/2018.

*Filed Date:* 11/29/17.

*Accession Number:* 20171129-5087.

*Comments Due:* 5 p.m. ET 12/11/17.

*Docket Numbers:* RP18–199–000.  
*Applicants:* El Paso Natural Gas Company, L.L.C.  
*Description:* El Paso Natural Gas Company, L.L.C. submits tariff filing per 154.403(d)(2): Annual Fuel and L&U Filing 2018 to be effective 1/1/2018.  
*Filed Date:* 11/29/17.  
*Accession Number:* 20171129–5091.  
*Comments Due:* 5 p.m. ET 12/11/17.  
*Docket Numbers:* RP18–200–000.  
*Applicants:* Chandeaur Pipe Line, LLC.  
*Description:* Fuel and Line Loss Allowance Calculation filing of Chandeaur Pipe Line, LLC under RP18–200.  
*Filed Date:* 11/29/17.  
*Accession Number:* 20171129–5100.  
*Comments Due:* 5 p.m. ET 12/11/17.  
*Docket Numbers:* RP18–201–000.  
*Applicants:* TransColorado Gas Transmission Company L.  
*Description:* TransColorado Gas Transmission Company LLC submits tariff filing per 154.204: Transportation Service Agreement Filing (Hilcorp) to be effective 11/1/2017.  
*Filed Date:* 11/29/17.  
*Accession Number:* 20171129–5128.  
*Comments Due:* 5 p.m. ET 12/11/17.  
*Docket Number:* RP18–202–000.  
*Applicants:* Equitrans, L.P.  
*Description:* Equitrans, L.P. submits tariff filing per 154.204: Remove Expired Negotiated Rate Agreements to be effective 12/1/2017.  
*Filed Date:* 11/30/2017.  
*Accession Number:* 20171130–5026.  
*Comments Due:* 5 p.m. ET 12/12/17.  
*Docket Numbers:* RP17–197–007.  
*Applicants:* Dominion Energy Cove Point LNG, LP.  
*Description:* Compliance filing DECP—RP17–197 Settlement Compliance to be effective 6/1/2017.  
*Filed Date:* 11/29/17.  
*Accession Number:* 20171129–5101.  
*Comments Due:* 5 p.m. ET 12/11/17.  
*Docket Numbers:* RP18–1–001.  
*Applicants:* American Midstream (AlaTenn), LLC.  
*Description:* Compliance filing American Midstream (AlaTenn), LLC Compliance Filing to be effective 11/2/2017.  
*Filed Date:* 11/29/17.  
*Accession Number:* 20171129–5118.  
*Comments Due:* 5 p.m. ET 12/11/17.  
*Docket Numbers:* RP18–203–000.  
*Applicants:* Transcontinental Gas Pipe Line Company.  
*Description:* Transcontinental Gas Pipe Line Company, LLC submits tariff filing per 154.403: Rate Schedule S–2 Tracker Filing eff. 12/1/2017.  
*Filed Date:* 11/30/17.

*Accession Number:* 20171130–5027.  
*Comments Due:* 5 p.m. ET 12/12/17.  
*Docket Numbers:* RP18–204–000.  
*Applicants:* MarkWest Pioneer, L.L.C.  
*Description:* MarkWest Pioneer, L.L.C. submits tariff filing per 154.403(d)(2): Quarterly FRP Filing to be effective 1/1/2018.  
*Filed Date:* 11/30/17.  
*Accession Number:* 20171130–5029.  
*Comments Due:* 5 p.m. ET 12/12/17.  
*Docket Numbers:* RP18–205–000.  
*Applicants:* Equitrans, L.P.  
*Description:* Equitrans, L.P. submits tariff filing per 154.601: Negotiated Rate Service Agreement—EQT Energy Del Point Change to be effective 12/1/201.  
*Filed Date:* 11/30/17.  
*Accession Number:* 20171130–5039.  
*Comments Due:* 5 p.m. ET 12/12/17.  
*Docket Numbers:* RP18–206–000.  
*Applicants:* Dominion Energy Questar Pipeline, LLC.  
*Description:* Dominion Energy Questar Pipeline, LLC submits tariff filing per 154.204: Fuel Gas Reimbursement Percentage for 2018 to be effective 1/1/2018.  
*Filed Date:* 11/30/17.  
*Accession Number:* 20171130–5050.  
*Comments Due:* 5 p.m. ET 12/12/17.  
*Docket Numbers:* RP18–207–000.  
*Applicants:* Transcontinental Gas Pipe Line Company.  
*Description:* Transcontinental Gas Pipe Line Company, LLC submits tariff filing per 154.204: Negotiated Rates—Virginia Southside I—AMENDMENT to be effective 12/1/2017.  
*Filed Date:* 11/30/17.  
*Accession Number:* 20171130–5052.  
*Comments Due:* 5 p.m. ET 12/12/17.  
*Docket Numbers:* RP18–208–000.  
*Applicants:* Kern River Gas Transmission Company.  
*Description:* Kern River Gas Transmission Company submits tariff filing per 154.204: 2017 December Negotiated Rates to be effective 12/1/2017.  
*Filed Date:* 11/30/17.  
*Accession Number:* 20171130–5060.  
*Comments Due:* 5 p.m. ET 12/12/17.  
*Docket Numbers:* RP18–209–000.  
*Applicants:* Ruby Pipeline, L.L.C.  
*Description:* Ruby Pipeline, L.L.C. submits tariff filing per 154.403(d)(2): FLU and EPC Update Filing to be effective 1/1/2018.  
*Filed Date:* 11/30/17.  
*Accession Number:* 20171130–5087.  
 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 30, 2017.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2017–26242 Filed 12–5–17; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER10–1821–016; ER11–4475–009.

*Applicants:* Goshen Phase II LLC, Rockland Wind Farm LLC.

*Description:* Notice of Non-Material Change in Status of Goshen Phase II LLC, et. al.

*Filed Date:* 11/30/17.

*Accession Number:* 20171130–5158.

*Comments Due:* 5 p.m. ET 12/21/17.

*Docket Numbers:* ER18–350–000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* § 205(d) Rate Filing: Original Service Agreement No. 4843; Queue AC2–076 (WMPA) to be effective 11/8/2017.

*Filed Date:* 11/30/17.

*Accession Number:* 20171130–5061.

*Comments Due:* 5 p.m. ET 12/21/17.

*Docket Numbers:* ER18–351–000.

*Applicants:* Midcontinent Independent System Operator, Inc., Ameren Illinois Company.

*Description:* § 205(d) Rate Filing: 2017–11–30 SA 3062 Ameren-IMEA Switching Agreement to be effective 11/2/2017.

*Filed Date:* 11/30/17.

*Accession Number:* 20171130–5065.

*Comments Due:* 5 p.m. ET 12/21/17.

*Docket Numbers:* ER18–352–000.

*Applicants:* Southwest Power Pool, Inc.

*Description:* § 205(d) Rate Filing: 1266R9 Kansas Municipal Energy

Agency NITSA NOA to be effective 2/1/2018.

*Filed Date:* 11/30/17.

*Accession Number:* 20171130–5084.

*Comments Due:* 5 p.m. ET 12/21/17.

*Docket Numbers:* ER18–353–000.

*Applicants:* New England Power Pool Participants Committee.

*Description:* § 205(d) Rate Filing: Dec 2017 Membership Filing to be effective 12/1/2017.

*Filed Date:* 11/30/17.

*Accession Number:* 20171130–5139.

*Comments Due:* 5 p.m. ET 12/21/17.

*Docket Numbers:* ER18–354–000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* § 205(d) Rate Filing: Original Service Agreement No. 4849; Queue No. AA2–169 (WMPA) to be effective 11/16/2017.

*Filed Date:* 11/30/17.

*Accession Number:* 20171130–5140.

*Comments Due:* 5 p.m. ET 12/21/17.

*Docket Numbers:* ER18–355–000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* § 205(d) Rate Filing: Cottonwood Dynamic Schedule Agreement SA No. 4823 to be effective 11/29/2017.

*Filed Date:* 11/30/17.

*Accession Number:* 20171130–5142.

*Comments Due:* 5 p.m. ET 12/21/17.

*Docket Numbers:* ER18–356–000.

*Applicants:* Duke Energy Carolinas, LLC.

*Description:* § 205(d) Rate Filing: Amendment to Due West-DEC NITSA to be effective 1/1/2018.

*Filed Date:* 11/30/17.

*Accession Number:* 20171130–5148.

*Comments Due:* 5 p.m. ET 12/21/17.

*Docket Numbers:* ER18–357–000.

*Applicants:* Pacific Gas and Electric Company.

*Description:* § 205(d) Rate Filing: November 2017 Western WDT Service Agreement Biannual Filing to be effective 2/1/2018.

*Filed Date:* 11/30/17.

*Accession Number:* 20171130–5153.

*Comments Due:* 5 p.m. ET 12/21/17.

*Docket Numbers:* ER18–358–000.

*Applicants:* San Diego Gas & Electric Company.

*Description:* Fifth Annual Informational Filing [Cycle 5] of Fourth Transmission Owner Rate Formula rate mechanism of San Diego Gas & Electric Company.

*Filed Date:* 11/30/17.

*Accession Number:* 20171130–5155.

*Comments Due:* 5 p.m. ET 12/21/17.

*Docket Numbers:* ER18–359–000.

*Applicants:* Pacific Gas and Electric Company.

*Description:* § 205(d) Rate Filing:

November 2017 Western

Interconnection Agreement Biannual Filing to be effective 2/1/2018.

*Filed Date:* 11/30/17.

*Accession Number:* 20171130–5161.

*Comments Due:* 5 p.m. ET 12/21/17.

*Docket Numbers:* ER18–360–000.

*Applicants:* Entergy Arkansas, Inc.

*Description:* § 205(d) Rate Filing: AECI LBA Agreement to be effective 12/1/2017.

*Filed Date:* 11/30/17.

*Accession Number:* 20171130–5171.

*Comments Due:* 5 p.m. ET 12/21/17.

*Docket Numbers:* ER18–361–000.

*Applicants:* Public Service Company of Oklahoma.

*Description:* § 205(d) Rate Filing: PSO–OGE Malcolm Road Delivery Point Agreement to be effective 11/2/2017.

*Filed Date:* 11/30/17.

*Accession Number:* 20171130–5186.

*Comments Due:* 5 p.m. ET 12/21/17.

*Docket Numbers:* ER18–362–000.

*Applicants:* AEP Texas Inc.

*Description:* § 205(d) Rate Filing: AEPTX-Apex Midway Wind IA 3rd Amend & Restated to be effective 11/5/2017.

*Filed Date:* 11/30/17.

*Accession Number:* 20171130–5187.

*Comments Due:* 5 p.m. ET 12/21/17.

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 30, 2017.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2017–26241 Filed 12–5–17; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 14581–002]

#### **Turlock Irrigation District, Modesto Irrigation District; Notice of Application Accepted for Filing, Soliciting Motions To Intervene and Protests, Ready for Environmental Analysis, and Soliciting Comments, Recommendations, Preliminary Terms and Conditions, and Preliminary 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:* Major License.

b. *Project No.:* 14581–002.

c. *Date filed:* October 11, 2017.

d. *Applicant:* Turlock Irrigation District (TID) and Modesto Irrigation District (MID) (Districts).

e. *Name of Project:* La Grange Hydroelectric Project,

f. *Location:* The La Grange Project is located on the Tuolumne River in Stanislaus and Tuolumne Counties, California. Portions of the project occupy public lands managed by the Bureau of Land Management.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contacts:* Steve Boyd, Turlock Irrigation District, 333 East Canal Drive, Turlock, California 95381–0949, (209) 883–8300; and Anna Brathwaite, Modesto Irrigation District, P.O. Box 4060, Modesto, CA 95352, (209) 526–7384.

i. *FERC Contact:* Jim Hastreiter at (503) 552–2760 or [james.hastreiter@ferc.gov](mailto:james.hastreiter@ferc.gov).

j. *Deadline for filing motions to intervene and protests, comments, recommendations, preliminary terms and conditions, and preliminary prescriptions:* 60 days from the issuance date of this notice; reply comments are due 105 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file motions to intervene, protests, comments, recommendations, preliminary terms and conditions, and preliminary fishway prescriptions 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-14581-002.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, 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.

k. This application has been accepted for filing and is now ready for environmental analysis.

l. The La Grange Project consists of the following existing facilities: (1) La Grange dam, a 310-foot-long, 131-foot-high, masonry arch dam; (2) La Grange reservoir with a storage capacity of about 500 acre-feet; (3) MID headworks, canal, and sluice gates are part of MID's retired irrigation canal facilities; (4) TID irrigation intake and tunnel; (5) a powerhouse with two Francis turbine-generator units with a maximum capacity of 4.9 megawatts. The project's estimated average annual generation is about 19,638 megawatt-hours.

The Districts propose to: (1) Provide a minimum flow of approximately 5 to 10 cubic feet per second to the plunge pool downstream of La Grange diversion dam at all times; (2) install a fish exclusion barrier at the TID sluice channel entrance; (3) conduct dissolved oxygen monitoring in the vicinity of the La Grange powerhouse; (4) construct a recreational foot trail extending from the former Don Pedro Visitor Center parking lot to the La Grange headpond; and (5) develop an HPMP in consultation with Tribes, Bureau of Land Management, and State Historical Preservation Officer to manage potential effects on historic properties.

m. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support. A copy is also available for inspection and reproduction at the address in item h above.

Register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via

email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, and .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

All filings must (1) bear in all capital letters the title PROTEST, MOTION TO INTERVENE, COMMENTS, REPLY COMMENTS, RECOMMENDATIONS, PRELIMINARY TERMS AND CONDITIONS, or PRELIMINARY FISHWAY PRESCRIPTIONS; (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, recommendations, terms and conditions or prescriptions 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. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

o. Procedural Schedule:

The application will be processed according to the following revised Hydro Licensing Schedule. Revisions to the schedule may be made as appropriate.

Milestone	Target date
Filing of recommendations, preliminary terms and conditions, and preliminary fishway prescriptions.	January 2018.
Commission issues Draft Environmental Statement (EIS).	August 2018.
Comments on Draft EIS ..... Modified Terms and Conditions.	October 2018. December 2018.

Milestone	Target date
Commission Issues Final EIS	March 2019.

p. Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of this notice.

q. A license applicant must file no later than 60 days following the date of issuance of the notice of acceptance and ready for environmental analysis provided for in 5.22: (1) A copy of the water quality certification; (2) a copy of the request for certification, including proof of the date on which the certifying agency received the request; or (3) evidence of waiver of water quality certification.

Dated: November 30, 2017.

**Nathaniel J. Davis, Sr.,**  
Deputy Secretary.

[FR Doc. 2017-26247 Filed 12-5-17; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket Nos. CP17-21-001, CP17-21-000, CP18-7-000]

#### Port Arthur Pipeline LLC; Notice of Amendment to Application

Take notice that on November 7, 2017, Port Arthur Pipeline LLC (Port Arthur Pipeline), 2925 Briarpark, Suite 900, Houston, Texas 77042, filed an amendment to its application in Docket No. CP17-21-000, pursuant to section 7(c) of the Natural Gas Act (NGA) and Part 157 of the Commission's regulations for a certificate of public convenience and necessity to construct and operate the Texas Connector Project located in Orange and Jefferson Counties, Texas and Cameron Parish, Louisiana.

Specifically, Port Arthur Pipeline filed an amendment to its proposed Rate Schedules and General Terms and Conditions (GT&C) to reflect the *pro forma* tariff proposed by Port Arthur Pipeline in Docket No. CP18-7-000 for its Louisiana Connector Project. Further, Port Arthur Pipeline proposes changes to its initial rates for service through the Texas Connector Project to reflect changes to: (i) The Allowance for Funds Used During Construction, (ii) the rate for service under Port Arthur Pipeline's proposed Rate Schedule Enhanced Hourly Firm Transportation; and (iii) the precedent agreement between Port Arthur Pipeline and Port Arthur LNG, LLC (Port Arthur LNG) executed in association with the open seasons



conducted in November 2016 and in August and September 2017, under which Port Arthur LNG subscribed for all of the capacity of the Texas Connector Project. Port Arthur Pipeline submitted updated Exhibits I, K, N, O, and P, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The filing may 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](mailto:FERCOnlineSupport@ferc.gov) or call toll-free, (886) 208-3676 or TTY, (202) 502-8659.

Any questions regarding this application should be directed to Jerrod L. Harrison, Senior Counsel, Port Arthur Pipeline, LLC, 488 8th Avenue, San Diego, California 92101, by phone at (619) 696-2987, or by email to [jharrison@sempraglobal.com](mailto:jharrison@sempraglobal.com).

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 impact statement (EIS) 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) for this proposal. The filing of the FEIS in the Commission's public record for this proceeding or the issuance of a Notice of Schedule 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.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of

all documents filed by the applicant and by all other parties. A party must submit five copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the eFiling link at <http://www.ferc.gov>. Persons unable to file electronically should submit an original and five copies of the protest or intervention to the Federal Energy regulatory Commission, 888 First Street NE., Washington, DC 20426.

*Comment date:* December 21, 2017.

Dated: November 30, 2017.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2017-26248 Filed 12-5-17; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP18-18-000]

#### Transcontinental Gas Pipe Line Company, LLC; Notice of Application

On November 15, 2017, Transcontinental Gas Pipe Line Company, LLC (Transco), P.O. Box 1396, Houston, Texas 77251, filed an application pursuant to section 7(c) of the Natural Gas Act (NGA) and the Federal Energy Regulatory Commission's (Commission) regulations seeking for a certificate of public convenience and necessity authorizing Transco's Gateway Expansion Project (Project), which is an expansion of Transco's existing interstate gas transmission system in New Jersey that will enable Transco to provide an additional 65,000 dekatherms per day of firm transportation service, 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](mailto:FERCOnlineSupport@ferc.gov) or call toll-free, (866) 208-3676 or TTY, (202) 502-8659.

Any questions regarding the Transco's application should be directed to Jordan Kirwin, P.O. Box 1396, Houston, Texas 77251, or (713) 215-2264, or by email [PipelineExpansion@williams.com](mailto:PipelineExpansion@williams.com).

Specifically, the Project will involve: (1) Installing 27,500 of additional horsepower at Transco's existing Station 303 located in Essex County, New Jersey; (2) replacing the existing 12-inch-diameter header, meter skid and associated equipment with two new 6-inch-diameter ultrasonic meter skids and associated equipment at the existing Paterson Meter and Regulator (M&R) facility located in Passaic County, New Jersey; (3) installing a 36-inch-diameter mainline block valve at the existing Roseland M&R facility located in Essex County, New Jersey; and (4) installing one electric transformer at the existing Roseland Electric Substation located in Essex County, New Jersey.

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 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 EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 7 copies of filings made in the proceeding with the Commission and must mail a copy to the applicant and to every other party. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

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 commentors 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 commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors 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.

*Comment Date:* 5:00 p.m. Eastern Time on December 21, 2017.

Dated: November 30, 2017.

**Nathaniel J. Davis, Sr.,**  
*Deputy Secretary.*

[FR Doc. 2017-26239 Filed 12-5-17; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER17-2558-000.

*Applicants:* NTE Ohio, LLC.

*Description:* Amendment to September 28, 2017 NTE Ohio, LLC tariff filing.

*Filed Date:* 11/29/17.

*Accession Number:* 20171129-5157.

*Comments Due:* 5 p.m. ET 12/20/17.

*Docket Numbers:* ER18-347-000.

*Applicants:* FirstEnergy Solutions Corp.

*Description:* Compliance filing: Compliance filing 2017 to be effective 6/1/2017.

*Filed Date:* 11/29/17.

*Accession Number:* 20171129-5122.

*Comments Due:* 5 p.m. ET 12/20/17.

*Docket Numbers:* ER18-348-000.

*Applicants:* Shoe Creek Solar LLC.

*Description:* Baseline eTariff Filing: Application for Market-Based Rate Authority, Waiver and Blanket Authorization to be effective 11/30/2017.

*Filed Date:* 11/29/17.

*Accession Number:* 20171129-5126.

*Comments Due:* 5 p.m. ET 12/20/17.

*Docket Numbers:* ER18-349-000.

*Applicants:* New England Power Company, ISO New England Inc.

*Description:* § 205(d) Rate Filing: Filing of Unexecuted LGIA-ISONE/NEP-17-01 to be effective 11/30/2017.

*Filed Date:* 11/29/17.

*Accession Number:* 20171129-5142.

*Comments Due:* 5 p.m. ET 12/20/17.

Take notice that the Commission received the following electric securities filings:

*Docket Numbers:* ES18-11-000.

*Applicants:* AEP Appalachian Transmission Company, Inc., AEP Indiana Michigan Transmission Company, Inc., AEP Kentucky Transmission Company, Inc., AEP Oklahoma Transmission Company, Inc., AEP Southwestern Transmission Company, Inc., AEP West Virginia Transmission Company, Inc.

*Description:* Application Under Section 204 of the Federal Power Act For Authorization to Issue Securities of AEP Appalachian Transmission Company, Inc. et al.

*Filed Date:* 11/29/17.

*Accession Number:* 20171129-5148.

*Comments Due:* 5 p.m. ET 12/20/17.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Dated: November 30, 2017.

**Nathaniel J. Davis, Sr.,**  
*Deputy Secretary.*

[FR Doc. 2017-26240 Filed 12-5-17; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

[Project No. 2299–082]

**Turlock Irrigation District, Modesto Irrigation District; Notice of Application Accepted for Filing, Soliciting Motions To Intervene and Protests, Ready for Environmental Analysis, and Soliciting Comments, Recommendations, Preliminary Terms and Conditions, and Preliminary 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*: Major License.
- b. *Project No.*: 2299–082.
- c. *Date filed*: October 11, 2017.
- d. *Applicant*: Turlock Irrigation District and Modesto Irrigation District (Districts).
- e. *Name of Project*: Don Pedro Hydroelectric Project.
- f. *Location*: The Don Pedro Project is located on the Tuolumne River in Tuolumne County, California. Portions of the project occupy public lands managed by the Bureau of Land Management.
- g. *Filed Pursuant to*: Federal Power Act, 16 U.S.C. 791(a)–825(r).
- h. *Applicant Contacts*: Steve Boyd, Turlock Irrigation District, 333 East Canal Drive, Turlock, California 95381–0949, (209) 883–8300; and Anna Brathwaite, Modesto Irrigation District, P.O. Box 4060, Modesto, CA 95352, (209) 526–7384.
- i. *FERC Contact*: Jim Hastreiter at (503) 552–2760 or [james.hastreiter@ferc.gov](mailto:james.hastreiter@ferc.gov).
- j. *Deadline for filing motions to intervene and protests, comments, recommendations, preliminary terms and conditions, and preliminary prescriptions*: 60 days from the issuance date of this notice; reply comments are due 105 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file motions to intervene, protests, comments, recommendations, preliminary terms and conditions, and preliminary fishway prescriptions 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](mailto: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–2299–082.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, 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.

k. This application has been accepted for filing and is now ready for environmental analysis.

l. The Don Pedro Project consists of the following existing facilities: (1) A 580-foot-high, 1,900-foot-long earth and rockfill dam with a gross storage capacity of 2,030,000 acre-feet, located on the Tuolumne River 5.4 miles upstream of its confluence with the San Joaquin River; (2) a 30-foot-high, 45-foot-wide, 135-foot-long gated spillway including three radial gates each 45-foot-wide by 30-foot-high; (3) a 995-foot-long ungated ogee spillway with a crest elevation of 830 feet; (4) a set of outlet works located at the left abutment of the dam consisting of three individual gate housings, each containing two 4-foot-by-5-foot slide gates; (5) a 3,500-foot-long-concrete lined tunnel with a total hydraulic capacity of 7,500 cubic feet per second; (6) a 2,960-foot-long power tunnel located in the left abutment of the dam that transitions from an 18-foot concrete-lined section to a 16-foot steel-lined section; (7) a 21-foot-high, 12-foot-wide emergency closure fixed-wheel gate; (8) a powerhouse located immediately downstream of the dam containing a 72-inch hollow jet valve and four Francis turbine-generator units with a nameplate capacity of 168 megawatts; (9) a switchyard located on top of the powerhouse; (10) a 75-foot-high earth and rockfill Gasburg Creek dike with a slide-gate controlled 18-inch-diameter conduit located near the downstream end of the spillway; (11) three small embankment dikes (dike A is located between the main dam and spillway and dikes B and C are located east of the main dam); (12) recreation facilities on Don Pedro reservoir, including Fleming Meadows, Blue Oaks, and Moccasin Point; and (13) appurtenant facilities and features including access roads. The project's

estimated average annual generation is about 550,000 megawatt-hours.

The Districts propose to: (1) Conduct coarse sediment augmentation from river mile (RM) 39 to RM 52 over a 10-year period; (2) provide gravel mobilization flows of 6,000 to 7,000 cfs during years when sufficient spill is projected to occur; (3) conduct a five-year program of experimental gravel cleaning; (4) implement a boulder placement program to improve aquatic habitat between RM 42 and RM 50; (5) contribute \$50,000 per year to the California Division of Boating and Waterways to assist with the removal of water hyacinth and other non-native flora; (6) implement a fall-run Chinook spawning improvement superimposition reduction program; (7) implement a predator control and suppression program that would include construction and operation of a fish counting/barrier weir and active predator control and suppression; (8) develop a fall-run Chinook salmon restoration hatchery; (9) install an improved take-out facility at RM 78 at Ward's Ferry and a new take-out and put-in facility at RM 25.7; (10) implement flow-related measures including the construction of infiltration galleries and the provision of base flows and pulse flows designed to benefit specific salmonid life stages and provide for recreational boating; (11) monitor the effectiveness of gravel, aquatic habitat and predator control measures; and (12) implement management plans for fire prevention and response, spill prevention and countermeasures, aquatic invasive species, woody debris, terrestrial resources, recreation resources, historic properties, and transportation.

m. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support. A copy is also available for inspection and reproduction at the address in item h above.

Register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, and .214. In determining

the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

All filings must (1) bear in all capital letters the title PROTEST, MOTION TO INTERVENE, COMMENTS, REPLY COMMENTS, RECOMMENDATIONS, PRELIMINARY TERMS AND CONDITIONS, or PRELIMINARY FISHWAY PRESCRIPTIONS; (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, recommendations, terms and conditions or prescriptions 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. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

**o. Procedural Schedule:**

The application will be processed according to the following revised Hydro Licensing Schedule. Revisions to the schedule may be made as appropriate.

Milestone	Target date
Filing of recommendations, preliminary terms and conditions, and preliminary fishway prescriptions.	December 2017.
Commission issues Draft Environmental Statement (EIS).	July 2018.
Comments on Draft EIS .....	September 2018.
Modified Terms and Conditions.	November 2018.
Commission Issues Final EIS	February 2019.

p. Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of this notice.

q. A license applicant must file no later than 60 days following the date of issuance of the notice of acceptance and ready for environmental analysis provided for in 5.22: (1) A copy of the water quality certification; (2) a copy of the request for certification, including proof of the date on which the certifying agency received the request; or (3) evidence of waiver of water quality certification.

Dated: November 30, 2017.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2017-26246 Filed 12-5-17; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Notice of Commission and Commission Staff Attendance at Midcontinent Independent System Operator, Inc. Meetings

The Federal Energy Regulatory Commission hereby gives notice that members of the Commission and its staff may attend the following MISO-related meetings: MISO Board of Directors Meeting, December 7, 2017, 8:30 a.m.–11:00 a.m.

Unless otherwise noted, all of the meetings above will be held at: MISO Headquarters, 720 City Center Drive, Carmel, IN 46032-7574.

Further information and dial in instructions may be found at <https://www.misoenergy.org>. All meetings are Eastern Time.

The discussions may address matters at issue in the following proceedings: Docket No. ER16-1766, Midcontinent Independent System Operator, Inc. Docket No. EL16-108, Tilton Energy v. Midcontinent Independent System Operator, Inc. Docket No. ER16-2225, Midcontinent Independent System Operator, Inc. Docket No. ER16-2355, Midcontinent Independent System Operator, Inc. Docket No. ER17-215, Midcontinent Independent System Operator, Inc. Docket No. ER12-1266, Midcontinent Independent System Operator, Inc. Docket No. ER17-67, Midcontinent Independent System Operator, Inc. Docket No. ER17-827, Midcontinent Independent System Operator, Inc. Docket No. ER17-305, Midcontinent Independent System Operator, Inc. Docket No. ER17-892, Midcontinent Independent System Operator, Inc. Docket No. ER17-156, Midcontinent Independent System Operator, Inc. Docket No. ER16-2534, Midcontinent Independent System Operator, Inc.

Docket No. ER17-1376, Midcontinent Independent System Operator, Inc. Docket No. ER17-1570, Midcontinent Independent System Operator, Inc. Docket No. ER17-1571, Midcontinent Independent System Operator, Inc. Docket No. ER17-1712, Midcontinent Independent System Operator, Inc. Docket No. ER17-1376, Midcontinent Independent System Operator, Inc. Docket No. ER17-2097, Midcontinent Independent System Operator, Inc. Docket No. ER17-2113, Midcontinent Independent System Operator, Inc. Docket No. ER17-1712, Midcontinent Independent System Operator, Inc. Docket No. ER17-215, Midcontinent Independent System Operator, Inc. Docket No. ER17-2220, Midcontinent Independent System Operator, Inc. Docket No. ER17-2323, Midcontinent Independent System Operator, Inc. Docket No. ER16-2225, Midcontinent Independent System Operator, Inc. Docket No. ER16-2355, Midcontinent Independent System Operator, Inc. Docket No. ER17-2552, Midcontinent Independent System Operator, Inc. Docket No. ER18-12, Midcontinent Independent System Operator, Inc. Docket No. ER18-23, Midcontinent Independent System Operator, Inc. Docket No. ER18-31, Midcontinent Independent System Operator, Inc. Docket No. ER18-39, Midcontinent Independent System Operator, Inc. Docket No. ER18-40, Midcontinent Independent System Operator, Inc. Docket No. ER18-41, Midcontinent Independent System Operator, Inc. Docket No. ER18-42, Midcontinent Independent System Operator, Inc. Docket No. ER18-44, Midcontinent Independent System Operator, Inc. Docket No. ER17-2097, Midcontinent Independent System Operator, Inc. Docket No. ER18-56, Midcontinent Independent System Operator, Inc. Docket No. EL18-7, Midcontinent Independent System Operator, Inc. Docket No. ER18-75, Midcontinent Independent System Operator, Inc. Docket No. ER18-149, Midcontinent Independent System Operator, Inc. Docket No. ER18-146, Midcontinent Independent System Operator, Inc. Docket No. ER18-136, Midcontinent Independent System Operator, Inc. Docket No. ER18-170, Midcontinent Independent System Operator, Inc. Docket No. ER18-193, Midcontinent Independent System Operator, Inc. Docket No. ER18-224, Midcontinent Independent System Operator, Inc. Docket No. ER17-721, Midcontinent Independent System Operator, Inc.

These meetings are open to the public.

For more information, contact Christopher Miller, Office of Energy Market Regulation, Federal Energy Regulatory Commission at (317) 249-5936 or [Christopher.miller@ferc.gov](mailto:Christopher.miller@ferc.gov).

Dated: November 30, 2017.

**Nathaniel J. Davis, Sr.,**  
Deputy Secretary.

[FR Doc. 2017-26245 Filed 12-5-17; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[CP17-494-000]

#### Pacific Connector Gas Pipeline, LP; Notice of Correction to eLibrary System

On September 21, 2017, Pacific Connector Gas Pipeline, LP (Pacific Connector) filed in Docket No. CP17-494-000 an application to construct and operate a new interstate pipeline. On September 29, 2017, Commission staff filed a memo to the public record in this proceeding, explaining that the public files for the application were not viewable or accessible when users of the Commission's eLibrary system queried through the General or Advanced Search options.<sup>1</sup> However, the public files for the application would appear in the results if users queried through the Daily Search or Docket Search options.<sup>2</sup> The memo provided a link to the public files in the proceeding.<sup>3</sup>

The Commission has resolved the issues with the eLibrary system as it relates to the public files for the application. The public files now appear using the General Search and Advanced Search options of eLibrary with the same Filed Date as the application. For technical reasons, certain files from the September 21 application were placed separately, and as new entries (with new accession numbers), into eLibrary to allow the General and Advanced Search options to properly return the files in search results; however, this is the exact same filing made by Pacific Connector on September 21, 2017. We are working to resolve similar eLibrary

system issues related to the privileged files of the application.<sup>4</sup>

If you need assistance with eLibrary, or any other FERC Online system, please contact:

#### FERC Online Support

Email: [ferconlinesupport@ferc.gov](mailto:ferconlinesupport@ferc.gov).

Telephone: 202-502-6652.

Toll-free: 1-866-208-3676.

Hours: 8:30 a.m. to 5 p.m. Eastern Time, Monday-Friday (closed Federal holidays).

Dated: November 30, 2017.

**Nathaniel J. Davis, Sr.,**  
Deputy Secretary.

[FR Doc. 2017-26243 Filed 12-5-17; 8:45 am]

**BILLING CODE 6717-01-P**

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-R09-OW-2017-0478; FRL-9969-70-Region 9]

#### Notice of Availability of Proposed National Pollutant Discharge Elimination System (NPDES) General Permit for Low Threat Discharges in Navajo Nation and NPDES General Permit for Bulk Fuel Storage Facilities in Guam.

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of Availability of Proposed NPDES General Permits.

**SUMMARY:** EPA Region 9 is proposing to issue a general NPDES permit for discharges from facilities with discharges classified as low threat located in the Navajo Nation (Permit No. NNG990001) and a general NPDES permit for discharges from bulk fuel storage facilities located in Guam (Permit No. GUG000001). These are new proposed permits which will be issued upon completion of the notice and comment period and after due consideration has been given to all comments received.

Use of a general permit in the two categories and locations described above allows EPA and dischargers to allocate resources in a more efficient manner, obtain timely permit coverage, and avoid issuing resource intensive individual permits to each facility, while simultaneously providing greater certainty and efficiency to the regulated community while ensuring consistent permit conditions for comparable facilities.

<sup>4</sup> The list of privileged files for the application can be found here: [https://elibrary.ferc.gov/idmws/File\\_list.asp?document\\_id=14604356](https://elibrary.ferc.gov/idmws/File_list.asp?document_id=14604356).

This notice announces the availability of the proposed general permits and the corresponding fact sheets for public comment which can be found on Region 9's Web site at: <http://www.epa.gov/region09/water/npdes/pubnotices.html>.

**DATES:** Comments on the proposed permits must be received or postmarked no later than February 5, 2018.

**ADDRESSES:** Public comments on the proposed permits may be submitted by U.S. Mail to: Environmental Protection Agency, Region 9, Attn: Gary Sheth, NPDES Permits Section, Water Division (WTR-2-3), 75 Hawthorne Street, San Francisco, California 94105-3901, or by email to: [sheth.gary@epa.gov](mailto:sheth.gary@epa.gov). Please include the following Docket No. in the email subject line:

EPA-R09-OW-2017-0478.

**FOR FURTHER INFORMATION CONTACT:** Gary Sheth, EPA Region 9, NPDES Permits Section, Water Division (WTR-2-3), 75 Hawthorne Street, San Francisco, California 94105-3901, or telephone (415) 972-3516. A copy of the proposed permits and fact sheets will be provided upon request and are also available on Region 9's Web site at: <http://www.epa.gov/region09/water/npdes/pubnotices.html>.

**Administrative record:** The proposed permits and other related documents in the administrative record are on file and may be inspected any time between 8:30 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays, at the following address: U.S. EPA Region 9, NPDES Permits Section, Water Division (WTR-2-3), 75 Hawthorne Street, San Francisco, CA 94105-3901.

#### SUPPLEMENTARY INFORMATION:

##### A. Does this action apply to me?

The proposed NPDES General Permit for Low Threat Discharge in Navajo Nation is intended to provide coverage to entities that discharge wastewater that is relatively pollutant free, below a specified volume, and/or for a limited time, within the Navajo Nation. The proposed NPDES General Permit for Bulk Fuel Storage Facilities in Guam replaces individual NPDES permits for five bulk fuel storage facilities and provides coverage for new eligible bulk fuel facilities in Guam.

##### B. How can I submit comments?

\* Identify which General Permit included in this notice you are commenting on.

\* Include documentation to support your comments.

\* Submit comments by the deadline identified in this **Federal Register** notice.

<sup>1</sup> There are five options for searching files on eLibrary: General Search, Advanced Search, New Docket Search, Docket Search, and Daily Search. There is a hyperlink for each search option on the left side of the eLibrary page.

<sup>2</sup> The Daily Search and Docket Search options continue to properly display the public files for the application.

<sup>3</sup> [https://elibrary.ferc.gov/idmws/File\\_list.asp?document\\_id=14604355](https://elibrary.ferc.gov/idmws/File_list.asp?document_id=14604355).

\* Provide your comments in writing by U.S. mail or email as indicated in the **ADDRESS** section above.

**Authority:** Clean Water Act, 33 U.S.C. 1251 et seq.

Dated: October 2, 2017.

**Tomás Torres,**

Director, Water Division, EPA Region 9.

[FR Doc. 2017-26302 Filed 12-5-17; 8:45 am]

**BILLING CODE 6560-50-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 21, 2017.

A. *Federal Reserve Bank of Minneapolis* (Brendan S. Murrin, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480-0291:

1. *Charles W. Vorwerk, Moorhead, Minnesota*; to retain voting shares of Hatton Bancshares, Inc., and thereby indirectly retain voting shares of Aspire Financial, both in Fargo, North Dakota.

Board of Governors of the Federal Reserve System, December 1, 2017.

**Ann E. Misback,**

Secretary of the Board.

[FR Doc. 2017-26282 Filed 12-5-17; 8:45 am]

**BILLING CODE P**

## FEDERAL TRADE COMMISSION

### Agency Information Collection Activities; Proposed Collection; Comment Request; Extension

**AGENCY:** Federal Trade Commission ("FTC" or "Commission").

**ACTION:** Notice.

**SUMMARY:** The FTC intends to ask the Office of Management and Budget

("OMB") to extend for an additional three years the current Paperwork Reduction Act ("PRA") clearance for the FTC's enforcement of the information collection requirements in its Fair Packaging and Labeling Act regulations ("FPLA Rules"). That clearance expires on April 30, 2018.

**DATES:** Comments must be filed by February 5, 2018.

**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 "FPLA Rules, PRA Comment, P074200" on your comment and file your comment online at <https://ftcpublish.commentworks.com/ftc/fplaregspra> by following the instructions on the web-based form. If you prefer to file your comment on paper, mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC-5610 (Annex J), 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 J), Washington, DC 20024.

#### FOR FURTHER INFORMATION CONTACT:

Megan Gray, Attorney, Division of Enforcement, Bureau of Consumer Protection, (202) 326-3405, 600 Pennsylvania Ave. NW., Room 9541, Washington, DC 20580.

**SUPPLEMENTARY INFORMATION:** The FPLA, 15 U.S.C. 1451-1461, was enacted to eliminate consumer deception concerning product size and package content. Section 4 of the FPLA specifically requires packages or labels to be marked with: (1) A statement of identity; (2) a net quantity of contents disclosure; and (3) the name and place of business of the company responsible for the product. The FPLA regulations, 16 CFR parts 500-503, specify how manufacturers, packagers, and distributors of "consumer commodities" must do this.<sup>1</sup>

Under the PRA, 44 U.S.C. 3501-3521, federal agencies must get OMB approval

for each collection of information they conduct or sponsor. "Collection of information" includes agency requests or requirements to submit reports, keep records, or provide information to a third party. 44 U.S.C. 3502(3); 5 CFR 1320.3(c). The FTC seeks clearance for the disclosure requirements under the FPLA Rules and the FTC's associated PRA burden estimates that follow.

Pursuant to Section 3506(c)(2)(A) of the PRA, the FTC invites comments on: (1) Whether the disclosure requirements are necessary, including whether the information will be practically useful; (2) the accuracy of our burden estimates, including whether the methodology and assumptions used are valid; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of providing the required information to consumers.

A. *Estimated Number of Respondents:* 808,425.<sup>2</sup>

B. *Burden Hours:* 8,084,250 hours, cumulative (yearly recurring burden of 10 hours per respondent to modify and distribute notices x 808,425 respondents).

C. *Labor Costs:* \$199,680,975.

Labor costs are derived by applying appropriate estimated hourly cost figures to the burden hours described above. The FTC assumes that respondents will use employees to create compliant labels. Of the 10 hours spent by each respondent, Commission staff assumes the hour breakdown will be as follows: 1 hour of managerial and/or professional time per covered entity, at an hourly wage of \$60,<sup>3</sup> 2 hours of

<sup>2</sup> Commission staff identified categories of entities under its jurisdiction that supply consumer commodities as defined in the FPLA Rules. Those categories include retailers, wholesalers, and manufacturers. Commission staff estimated the number of retailers (735,038) based on Census data (under NAICS subsectors 445, 452, and 453, respectively, for food and beverage stores, general merchandise stores, and miscellaneous store retailers) compiled by PricewaterhouseCoopers, LLC for the National Retail Federation report, "Retail's Impact Across America": <https://nrf.com/advocacy/retails-impact>. Commission staff estimated the number of wholesalers (44,719) ([https://factfinder.census.gov/bkmk/table/1.0/en/ECN/2012\\_US/42SLLS1](https://factfinder.census.gov/bkmk/table/1.0/en/ECN/2012_US/42SLLS1)) and manufacturers (28,668) ([https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN\\_2012\\_US\\_31SG1&prodType=table](https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2012_US_31SG1&prodType=table)) based on 2012 Economic Census data. Although the stated number of respondents suggests precision, it is an estimate in that it aggregates the number of establishments under industry codes that FTC staff believes reflect entities subject to the FPLA. But, even allowing for industries that may apply, the Census data do not separately break out non-household products from household use. Accordingly, the source information is over-inclusive and thus overstates what is actually subject to the FPLA.

<sup>3</sup> Based on "General and Operations Managers" (\$58.70), rounded up to \$60, available from Bureau

Continued

specialized clerical support, at an hourly wage of \$27,<sup>4</sup> 7 hours of clerical time per covered entity, at an hourly wage of \$19,<sup>5</sup> for a total of \$199,680,975 (\$247 blended labor cost per covered entity x 808,425 entities).

**D. Capital/Non-Labor Costs: \$0.**

Commission staff believes that the FPLA Rules impose negligible capital or other non-labor costs, as the affected entities are likely to have the necessary supplies and/or equipment already (e.g., offices and computers) for the information collections discussed above.

**Request for Comment:** You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before February 5, 2018. Write "FPLA Rules, PRA Comment, P074200" 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 <http://www.ftc.gov/os/publiccomments.shtm>. As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

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, or to send them to the Commission by courier or overnight service. To make sure that the Commission considers your online comment, you must file it at <https://ftcpublic.commentworks.com/ftc/fplaregspra>, by following the instructions on the web-based form. When this Notice appears at <http://www.regulations.gov/#/home>, you also may file a comment through that Web site.

If you file your comment on paper, write "FPLA Rules, PRA Comment, P074200" 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 J), 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 J), 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.

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 February 5, 2018. 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>.

**David C. Shonka,**

*Acting General Counsel.*

[FR Doc. 2017-26254 Filed 12-5-17; 8:45 am]

**BILLING CODE 6750-01-P**

## DEPARTMENT OF DEFENSE

### GENERAL SERVICES ADMINISTRATION

#### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000-0144; Docket 2017-0053; Sequence 10]

#### Submission for OMB Review; Payment by Electronic Funds Transfer

**AGENCY:** Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of request for public comments regarding a revision and 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 currently approved information collection requirement concerning payment by electronic funds transfer. A notice was published in the **Federal Register** on September 22, 2017. No comments were received.

**DATES:** Submit comments on or before January 5, 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](https://www.regulations.gov): [www.regulations.gov](https://www.regulations.gov).

Submit comments via the Federal eRulemaking portal by searching the

of Labor Statistics, Economic News Release, March 31, 2017, Table 1, "National employment and wage data from the Occupational Employment Statistics survey by occupation, May 2016" ("BLS Table 1"). <https://www.bls.gov/news.release/ocwage.nr0.htm>.

<sup>4</sup> "Specialized clerical support" consists of computer support personnel who design the appearance and layout of product packaging, including appropriate display of the disclosures required by the FPLA regulations. The wage estimate is based on mean hourly wages for "Computer support specialist" (\$27.21), rounded. See BLS Table 1.

<sup>5</sup> See *id.* The clerical wage estimate is a rounded average of mean hourly wages for "computer operators" (\$21.10) and "data entry and information processing workers" (\$16.24).

OMB control number 9000–0144. Select the link “Comment Now” that corresponds with “Information Collection 9000–0144, Payment by Electronic Funds Transfer”. Follow the instructions provided on the screen. Please include your name, company name (if any), and “Information Collection 9000–0144, Payment by Electronic Funds Transfer”, on your attached document.

• **Mail:** General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Ms. Mandell/IC 9000–0144, Payment by Electronic Funds Transfer.

**Instructions:** Please submit comments only and cite Information Collection 9000–0144, Payment by Electronic Funds Transfer, 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](http://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. Zenaida Delgado, Procurement Analyst, via telephone 202–969–7207 or via email to [zenaida.delgado@gsa.gov](mailto:zenaida.delgado@gsa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **A. Purpose**

The FAR requires certain information to be provided by contractors which would enable the Government to make payments under the contract by electronic funds transfer (EFT). The information necessary to make the EFT transaction is specified in clause 52.232–33, Payment by Electronic Funds Transfer—System for Award Management, which the contractor is required to provide prior to award, and clause 52.232–34, Payment by Electronic Funds Transfer—Other than System for Award Management, which requires EFT information to be provided as specified by the agency to enable payment by EFT. This collection of information is mostly imposed on contractors upon award of each contract. Less frequent collection would not facilitate contract payment by EFT as the standard method of payment under Government contracts.

DoD, GSA and NASA analyzed the FY 2016 data from the Federal Procurement Data System (FPDS) to develop the estimated burden hours for this information collection. The burden was

adjusted to reflect that the information required by the clause at 52.232–33, Payment by Electronic Funds Transfer—System for Award Management, is already covered by OMB Control Number 9000–0159, System for Award Management Registration (SAM).

##### **B. Annual Reporting Burden**

*Respondents:* 3,761.

*Responses per Respondent:* 1.

*Annual Responses:* 3,761.

*Hours per Response:* 0.5.

*Total Burden Hours:* 1,881.

##### **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, including whether the information will have practical utility; the accuracy of the estimate of the burden of the information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including the use of automated 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. 9000–0144, Payment by Electronic Funds Transfer, in all correspondence.

Dated: December 1, 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. 2017–26255 Filed 12–5–17; 8:45 am]

**BILLING CODE 6820–EP–P**

## **DEPARTMENT OF HEALTH AND HUMAN SERVICES**

### **Food and Drug Administration**

[Docket No. FDA–2009–D–0137]

#### **Use of Serological Tests to Reduce the Risk of Transmission of *Trypanosoma cruzi* Infection in Blood and Blood Components; Guidance for Industry; Availability**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice of availability.

**SUMMARY:** The Food and Drug Administration (FDA or Agency) is

announcing the availability of a document entitled “Use of Serological Tests to Reduce the Risk of Transmission of *Trypanosoma cruzi* Infection in Blood and Blood Components; Guidance for Industry.” The guidance document provides recommendations to blood collection establishments regarding the use of serological tests to reduce the risk of transmission of *Trypanosoma cruzi* (*T. cruzi*) infection in blood and blood components. The recommendations apply to the collection of blood and blood components, except Source Plasma, for transfusion or for use in manufacturing a product, including donations intended as a component of, or used to manufacture, a medical device. The guidance announced in this notice supersedes the guidance entitled “Guidance for Industry: Use of Serological Tests to Reduce the Risk of Transmission of *Trypanosoma cruzi* Infection in Whole Blood and Blood Components Intended for Transfusion” dated December 2010 (2010 Chagas Guidance) and finalizes the draft guidance entitled “Amendment to ‘Guidance for Industry: Use of Serological Tests to Reduce the Risk of Transmission of *Trypanosoma cruzi* Infection in Whole Blood and Blood Components Intended for Transfusion’; Draft Guidance for Industry” dated November 2016 (2016 Draft Chagas Guidance). The guidance incorporates recommendations for blood donor testing, deferral, and donor reentry from the 2016 Draft Chagas Guidance.

**DATES:** The announcement of the guidance is published in the **Federal Register** on December 6, 2017.

**ADDRESSES:** You may submit either electronic or written comments on Agency guidances at any time as follows:

#### *Electronic Submissions*

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else’s Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact



information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see “Written/Paper Submissions” and “Instructions”).

#### Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in “Instructions.”

**Instructions:** All submissions received must include the Docket No. FDA-2009-D-0137 for “Use of Serological Tests to Reduce the Risk of Transmission of *Trypanosoma cruzi* Infection in Blood and Blood Components; Guidance for Industry.” Received comments will be placed in the docket and, except for those submitted as “Confidential Submissions,” publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- **Confidential Submissions**—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states “THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.” The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as “confidential.” Any information marked

as “confidential” will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA’s posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

**Docket:** For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the “Search” box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the guidance to the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993-0002. Send one self-addressed adhesive label to assist the office in processing your requests. The guidance may also be obtained by mail by calling CBER at 1-800-835-4709 or 240-402-8010. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

#### FOR FURTHER INFORMATION CONTACT:

Tami Belouin, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave. Bldg. 71, Rm. 7301, Silver Spring, MD 20993-0002, 240-402-7911.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

FDA is announcing the availability of a document entitled “Use of Serological Tests to Reduce the Risk of Transmission of *Trypanosoma cruzi* Infection in Blood and Blood Components; Guidance for Industry.” The guidance document addresses the use of serological tests to reduce the risk of transmission of *T. cruzi* infection in blood and blood components. The recommendations apply to the collection of blood and blood components, except Source Plasma, for transfusion or for use in manufacturing a product, including donations intended as a component of, or used to manufacture, a medical device. The guidance incorporates recommendations for blood donor testing, deferral,

notification, and donor reentry from the 2016 Draft Chagas Guidance. The 2016 Draft Chagas Guidance amended the 2010 Chagas Guidance by (1) expanding the scope of the guidance to include the collection of blood and blood components for use in manufacturing a product, including donations intended as a component of, or used to manufacture, a medical device; (2) removing the recommendation to ask donors about a history of Chagas disease; and (3) providing a recommendation for a reentry algorithm for certain donors deferred on the basis of screening test results for antibodies to *T. cruzi* or on the basis of answering “yes” to the Chagas screening question. The 2016 Draft Chagas Guidance also provided notice that FDA had licensed a supplemental test for antibodies to *T. cruzi*, and further testing of donations found repeatedly reactive to a screening test for *T. cruzi* is therefore required under 21 CFR 610.40(e).

In the **Federal Register** of December 6, 2010 (75 FR 75810), FDA announced the availability of the guidance entitled “Guidance for Industry: Use of Serological Tests to Reduce the Risk of Transmission of *Trypanosoma cruzi* Infection in Whole Blood and Blood Components Intended for Transfusion” dated December 2010. In the **Federal Register** of November, 10, 2016 (81 FR 79034), FDA announced the availability of the draft guidance entitled “Amendment to ‘Guidance for Industry: Use of Serological Tests to Reduce the Risk of Transmission of *Trypanosoma cruzi* Infection in Whole Blood and Blood Components Intended for Transfusion’; Draft Guidance for Industry” dated November 2016. FDA received two comments on the 2016 Draft Chagas Guidance and those comments were considered as the guidance was finalized. The guidance announced in this notice supersedes the 2010 Chagas Guidance and finalizes the 2016 Draft Chagas Guidance.

This guidance is being issued consistent with FDA’s good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on “Use of Serological Tests to Reduce the Risk of Transmission of *Trypanosoma cruzi* Infection in Blood and Blood Components.” It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. This guidance is not subject to Executive Order 12866.



## II. Paperwork Reduction Act of 1995

This guidance contains information collection provisions that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520). The guidance refers to the following collections of information: (1) Establishments notify consignees of all previously collected in-date blood and blood components from a donor that tests repeatedly reactive by a licensed test for *T. cruzi* antibody to quarantine and return the blood and blood components to the establishments or to destroy them; (2) establishments notify consignees of all previously distributed blood and blood components collected from such a donor during the lookback period; and (3) if such blood components were transfused, consignees notify the recipient's physician of record of a possible increased risk of *T. cruzi* infection. These collections of information have been approved under OMB control number 0910–0681.

This guidance also refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by OMB under the PRA. The collections of information in 21 CFR part 601 have been approved under OMB control number 0910–0338; and the collections of information in 21 CFR parts 606, 610, and 630 have been approved under OMB control numbers 0910–0116 and 0910–0795.

## III. Electronic Access

Persons with access to the internet may obtain the guidance at either <https://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/Guidances/default.htm> or <https://www.regulations.gov>.

Dated: November 30, 2017.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2017–26226 Filed 12–5–17; 8:45 am]

**BILLING CODE 4164–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Neurological Disorders and Stroke; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the National Advisory Neurological Disorders and Stroke Council.

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 materials, 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 Neurological Disorders and Stroke Council.

*Date:* February 1, 2018.

*Open:* February 1, 2018, 8:00 a.m. to 3:00 p.m.

*Agenda:* Report by the Director, NINDS; Report by the Director, Division of Extramural Activities; and Administrative and Program Developments.

*Place:* National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852.

*Closed:* February 1, 2018, 3:00 p.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852.

*Contact Person:* Robert Finkelstein, Ph.D., Director, Division of Extramural Activities, National Institute of Neurological Disorders and Stroke, NIH, 6001 Executive Blvd., Suite 3309, MSC 9531, Bethesda, MD 20892, (301) 496–9248.

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 into Federal buildings. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: <http://www.ninds.nih.gov>, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS).

Dated: November 30, 2017.

**Sylvia L. Neal,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2017–26209 Filed 12–5–17; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Neurological Disorders and Stroke; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Board of Scientific Counselors, National Institute of Neurological Disorders and Stroke.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in sections 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute of Neurological Disorders and Stroke, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Board of Scientific Counselors, National Institute of Neurological Disorders and Stroke.

*Date:* January 28–30, 2018.

*Time:* 6:00 p.m. to 12:30 p.m.

*Agenda:* To review and evaluate personal qualifications and performance, and competence of individual investigators.

*Place:* Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

*Contact Person:* Alan P. Koretsky, Ph.D., Scientific Director, Division of Intramural Research, National Institute of Neurological Disorders and Stroke, NIH, 35 Convent Drive, Room 6A 908, Bethesda, MD 20892, (301) 435–2232, [koretskya@ninds.nih.gov](mailto:koretskya@ninds.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS).

Dated: November 30, 2017.

**Sylvia L. Neal,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2017–26210 Filed 12–5–17; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HOMELAND SECURITY

### U.S. Citizenship and Immigration Services

[OMB Control Number 1615-0105]

#### Agency Information Collection Activities: Notice of Entry of Appearance as Attorney or Accredited Representative; Notice of Entry of Appearance as Attorney in Matters Outside the Geographical Confines of the United States, Form G-28; G-28I; Revision of a Currently Approved Collection

**AGENCY:** U.S. Citizenship and Immigration Services, Department of Homeland Security.

**ACTION:** 60-Day Notice.

**SUMMARY:** The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) invites the general public and other Federal agencies to comment upon this proposed revision of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.* the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

**DATES:** Comments are encouraged and will be accepted for 60 days until February 5, 2018.

**ADDRESSES:** All submissions received must include the OMB Control Number 1615-0105 in the body of the letter, the agency name and Docket ID USCIS-2008-0037. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) *Online.* Submit comments via the Federal eRulemaking Portal Web site at <http://www.regulations.gov> under e-Docket ID number USCIS-2008-0037;

(2) *Mail.* Submit written comments to DHS, USCIS, Office of Policy and Strategy, Chief, Regulatory Coordination Division, 20 Massachusetts Avenue NW., Washington, DC 20529-2140.

**FOR FURTHER INFORMATION CONTACT:** USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, 20 Massachusetts Avenue NW., Washington, DC 20529-2140, telephone number 202-272-8377 (This is not a toll-free number. Comments are not

accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS Web site at <http://www.uscis.gov>, or call the USCIS National Customer Service Center at 800-375-5283 (TTY 800-767-1833).

#### SUPPLEMENTARY INFORMATION:

##### Comments:

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: <http://www.regulations.gov> and enter USCIS-2008-0037 in the search box. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at <http://www.regulations.gov>, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of <http://www.regulations.gov>.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

#### Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Notice of Entry of Appearance as Attorney or Accredited Representative; Notice of Entry of Appearance as Attorney in Matters Outside the Geographical Confines of the United States.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* G-28; G-28I; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* **Primary:** Business or other for-profit. The data collected on Forms G-28 and G-28I is used by DHS to determine eligibility of the individual to appear as a representative. Form G-28 is used by attorneys admitted to practice in the United States and accredited representatives of certain non-profit organizations recognized by the Department of Justice. Form G-28I is used by attorneys admitted to the practice of law in countries other than the United States and only in matters in DHS offices outside the geographical confines of the United States. If the representative is eligible, the form is filed with the case and the information is entered into DHS systems for whatever type of application or petition it may be.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection G-28 is 2,778,700 and the estimated hour burden per response is 0.833 hours. The estimated total number of respondents for the information collection G-28 online filing is 281,950 and the estimated hour burden per response is 0.667 hours. The estimated total number of respondents for the information collection G-28I is 25,057 and the estimated hour burden per response is 0.700 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection of information is 2,520,258.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is \$0. Any costs associated with this collection of information would be included in the forms that provide the catalyst for the filing of Forms G-28 or G-28I

Dated: December 1, 2017.

**Samantha Deshommes,**

Chief, Regulatory Coordination Division,  
Office of Policy and Strategy, U.S. Citizenship  
and Immigration Services, Department of  
Homeland Security.

[FR Doc. 2017-26286 Filed 12-5-17; 8:45 am]

**BILLING CODE 9111-97-P**

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**[FWS-R6-ES-2017-N105;  
FXES11130600000-178-FF06E00000]**

**U.S. Endangered Species; Receipt of  
Recovery Permit Applications**

**AGENCY:** Fish and Wildlife Service,  
Interior.

**ACTION:** Notice of receipt of permit  
applications; request for comments.

**SUMMARY:** We, the U.S. Fish and  
Wildlife Service, invite the public to  
comment on applications for permits to  
conduct activities intended to enhance  
the propagation or survival of  
endangered species. With some  
exceptions, the Endangered Species Act  
(ESA) prohibits certain activities that  
constitute take of listed species unless a  
Federal permit is issued that allows  
such activity. The ESA also requires that  
we invite public comment before  
issuing these permits.

**DATES:** To ensure consideration, we  
must receive your written comments by  
January 5, 2018.

**ADDRESSES:**

**Requesting Copies of Applications or  
Public Comments:** Copies of  
applications or public comments  
concerning any of the applications in  
this notice may be obtained by any party  
who submits a written request for a  
copy of such documents to the  
following office within 30 days of the  
date of publication of this notice,  
subject to the requirements of the  
Privacy Act (5 U.S.C. 552a) and the  
Freedom of Information Act (5 U.S.C.  
552): Ecological Services, U.S. Fish and  
Wildlife Service, P.O. Box 25486-DFC,  
Denver, CO 80225.

**Submitting Comments:** You may  
submit comments by one of the  
following methods. Please specify  
applicant name(s) and application  
number(s) to which your comments  
pertain (e.g., TE-XXXXXX).

- **Email:** [permitsR6ES@fws.gov](mailto:permitsR6ES@fws.gov).

Please refer to the respective permit  
number (e.g., Application No. TE-  
XXXXXX) in the subject line of your  
email message.

- **U.S. Mail:** Ecological Services, U.S.  
Fish and Wildlife Service, P.O. Box  
25486-DFC, Denver, CO 80225.

- **In-Person Drop-off, Viewing, or  
Pickup:** Call (719) 628-2670 to make an  
appointment during regular business  
hours at 134 Union Blvd., Suite 645,  
Lakewood, CO 80228.

**FOR FURTHER INFORMATION CONTACT:**

Kathy Konishi, Recovery Permits  
Coordinator, Ecological Services, (719)  
628-2670 (phone); [permitsR6ES@fws.gov](mailto:permitsR6ES@fws.gov) (email).

**SUPPLEMENTARY INFORMATION:** We, the  
U.S. Fish and Wildlife Service (Service),  
invite the public to comment on

applications for permits to conduct  
activities intended to promote recovery  
of endangered species. With some  
exceptions, the ESA prohibits certain  
activities with endangered species  
unless a Federal permit allows such  
activity. The ESA also requires that we  
invite public comment before issuing  
these permits.

**Background**

The ESA prohibits certain activities  
with endangered and threatened species  
unless authorized by a Federal permit.  
The ESA and our implementing  
regulations in part 17 of title 50 of the  
Code of Federal Regulations (CFR)  
provide for the issuance of such permits  
and require that we invite public  
comment before issuing permits for  
activities involving endangered species.

A recovery permit issued by us under  
section 10(a)(1)(A) of the ESA  
authorizes the permittee to conduct  
activities with endangered or threatened  
species for scientific purposes that  
promote recovery or for enhancement of  
propagation or survival of the species.  
Our regulations implementing section  
10(a)(1)(A) for these permits are found  
at 50 CFR 17.22 for endangered wildlife  
species, 50 CFR 17.32 for threatened  
wildlife species, 50 CFR 17.62 for  
endangered plant species, and 50 CFR  
17.72 for threatened plant species.

**Permit Applications Available for  
Review and Comment**

We invite local, State, Tribes, Federal  
agencies and the public to comment on  
the following applications.

Application No.	Applicant	Species	Location	Activity	Type of take	Permit action
TE046427-1	Landry's Down- town Aquar- ium.	Bonytail chub ( <i>Gila elegans</i> ), Colorado pikeminnow ( <i>Ptychocheilus lucius</i> ), desert pupfish ( <i>Cyprinodon macularius</i> ), green sea turtle ( <i>Chelonia mydas</i> ), humpback chub ( <i>Gila cypha</i> ), ra- zorback sucker ( <i>Xyrauchen texanus</i> ), white sturgeon ( <i>Acipenser transmontanus</i> ).	CO .....	Captive propagation, ani- mal husbandry, edu- cational display.	Capture, harass .....	Renew.

Application No.	Applicant	Species	Location	Activity	Type of take	Permit action
TE131638-3	Loveland Living Planet Aquarium.	Bonytail chub ( <i>Gila elegans</i> ), Colorado pikeminnow ( <i>Ptychocheilus lucius</i> ), desert pupfish ( <i>Cyprinodon macularius</i> ), green sea turtle ( <i>Chelonia mydas</i> ), humpback chub ( <i>Gila cypha</i> ), June sucker ( <i>Chasmistes liorus</i> ), loggerhead sea turtle ( <i>Caretta caretta</i> ), razorback sucker ( <i>Xyrauchen texanus</i> ), Virgin River chub ( <i>Gila robusta seminuda</i> ), white sturgeon ( <i>Acipenser transmontanus</i> ), woundfin ( <i>Plagopterus argentissimus</i> ).	UT .....	Captive propagation, animal husbandry, educational display.	Capture, harass .....	Amend.
TE26584C-1	Two Dot Consulting.	Southwestern willow flycatcher ( <i>Empidonax traillii extimus</i> ).	CO, UT .....	Survey and monitor, playback calls.	Harass .....	Amend.
TE704930-2	Regional Director, Region 6, U.S. Fish and Wildlife Service.	All threatened and endangered species as listed on the Region 6 Ecological Service's Web site, <a href="https://www.fws.gov/mountain-prairie/es/endangered.php">https://www.fws.gov/mountain-prairie/es/endangered.php</a> for recovery or scientific purposes or for the enhancement of propagation or for enhancing the species' survival..	CO, KS, NE, ND, SD, MT, UT, WY.	This permit allows Fish and Wildlife Service employees, designated agents of the Service, and volunteers to lawfully conduct threatened and endangered species activities, in conjunction with recovery activities throughout the species' range, as outlined in Fish and Wildlife Service employees' and volunteers' position descriptions, and the Service's Letters of Authorization for Designated Agents of the Service..	Purposeful take, harass, display for education, photograph, survey, capture, monitor, electrofish, handle, weigh, measure, mark, obtain biological samples, breed in captivity, reintroduce, relocate, remove from the wild, kill, and, for plant species only, remove and reduce to possession.	Amend.

### Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. If you submit a hardcopy comment that includes personal identifying information, you may request at the top of your document that we withhold this information from public review; however, we cannot guarantee that we will be able to do so.

### Contents of Public Comments

Please make your comments as specific as possible. Please confine your comments to issues for which we seek comments in this notice, and explain

the basis for your comments. Include sufficient information with your comments to allow us to authenticate any scientific or commercial data you include.

The comments and recommendations that will be most useful and likely to influence agency decisions are: (1) Those supported by quantitative information or studies; and (2) Those that include citations to, and analyses of, the applicable laws and regulations.

### Next Steps

If the Service decides to issue permits to any of the applicants listed in this notice, we will publish a notice in the **Federal Register**.

### Authority

Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*)

### Michael Thabault,

Assistant Regional Director, Mountain-Prairie Region.

[FR Doc. 2017-26200 Filed 12-5-17; 8:45 am]

**BILLING CODE 4333-15-P**

**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service**

[FWS-R3-ES-2017-N126;  
FXES11130300000-178-FF03E00000]

**Endangered and Threatened Wildlife and Plants; Permit Applications**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications for a permit to conduct activities intended to enhance the survival of endangered or threatened species. Federal law prohibits certain activities with endangered species unless a permit is obtained.

**DATES:** We must receive any written comments on or before January 2, 2018.

**ADDRESSES:** Send written comments by U.S. mail to the Regional Director, Attn: Carlita Payne, U.S. Fish and Wildlife Service, Ecological Services, 5600 American Blvd. West, Suite 990, Bloomington, MN 55437-1458; or by electronic mail to [permitsR3ES@fws.gov](mailto:permitsR3ES@fws.gov).

**FOR FURTHER INFORMATION CONTACT:** Carlita Payne, (612) 713-5343.

**SUPPLEMENTARY INFORMATION:** We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications for a permit to conduct activities intended to enhance the survival of endangered or threatened species. Federal law prohibits certain activities with endangered species unless a permit is obtained.

**Background**

The Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*; ESA), prohibits certain activities with endangered and threatened species unless the activities are specifically authorized by a Federal permit. The ESA and our implementing regulations in part 17 of title 50 of the Code of Federal Regulations (CFR) provide for the issuance of such permits and require that we invite public comment before issuing permits for activities involving endangered species.

A permit granted by us under section 10(a)(1)(A) of the ESA authorizes the permittee to conduct activities with U.S. endangered or threatened species for scientific purposes, enhancement of propagation or survival, or interstate

commerce (the latter only in the event that it facilitates scientific purposes or enhancement of propagation or survival). Our regulations implementing section 10(a)(1)(A) of the ESA for these permits are found at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

**Applications Available for Review and Comment**

We invite local, State, Tribal, and Federal agencies and the public to comment on the following applications. Please refer to the permit number when you submit comments. Documents and other information the applicants have submitted with the applications are available for review, subject to the requirements of the Privacy Act (5 U.S.C. 552a) and Freedom of Information Act (5 U.S.C. 552).

**Permit Applications**

Proposed activities in the following permit requests are for the recovery and enhancement of survival of the species in the wild.

Application number	Applicant	Species	Location	Activity	Type of take	Permit action
TE41689C .....	Leif Richardson, Montpelier, VT.	Rusty patched bumble bee ( <i>Bombus affinis</i> ).	Iowa, Massachusetts.	Conduct presence/absence surveys, document habitat use, conduct population monitoring.	Capture, handle, hold, release.	New.
TE151109 .....	Ohio Department of Natural Resources, Division of Wildlife, Columbus, OH.	American burying beetle ( <i>Nicrophorus americanus</i> ).	Ohio .....	Conduct presence/absence surveys, document habitat use, conduct population monitoring.	Capture, handle, trap, hold, transport, propagate, release, reintroduce.	Amend, renew.

**Public Availability of Comments**

We seek public review and comments on these permit applications. Please refer to the permit number when you submit comments. Comments and materials we receive in response to this notice are available for public inspection, by appointment, during normal business hours at the address listed in **ADDRESSES**.

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.

**Authority**

We provide this notice under section 10 of the ESA (16 U.S.C. 1531 *et seq.*).

Dated: September 1, 2017.

**Lori H. Nordstrom,**

*Assistant Regional Director, Ecological Services, Midwest Region.*

[FR Doc. 2017-26258 Filed 12-5-17; 8:45 am]

**BILLING CODE 4333-15-P**

**DEPARTMENT OF THE INTERIOR****Office of the Secretary**

[189D0102DM/DS64600000/  
DLSN00000.000000/DX.64601]

**Notice of Senior Executive Service Performance Review Board Appointments**

**AGENCY:** Office of the Secretary, Interior.

**ACTION:** Notice.

**SUMMARY:** This notice provides the names of individuals who have been appointed to serve as members of the Department of the Interior Senior Executive Service (SES) Performance Review Board.

**DATES:** These appointments take effect upon publication in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** To request additional information about this notice, contact Mary Pletcher, Deputy Assistant Secretary—Human Capital and Diversity/Chief Human Capital Officer, by email at [mary\\_pletcher@ios.doi.gov](mailto:mary_pletcher@ios.doi.gov), or by telephone at (202) 208–4505.

**SUPPLEMENTARY INFORMATION:** The members of the Department of the Interior SES Performance Review Board are as follows:

ANDERSON, JAMES G.  
ANGELLE, SCOTT A.  
APPLEGATE, JAMES D. R.  
ARAGON, JOSE RAMON  
ARROYO, BRYAN  
AUSTIN, STANLEY J.  
AUSTIN, TERESA MADEYA  
BAGLEY, TAMMY L.  
BAIL, KRISTIN MARA  
BATHRICK, MARK L.  
BEALL, JAMES W.  
BEARPAW, GEORGE WATIE  
BECK, RICHARD T.  
BENEDETTO, KATHLEEN M.  
BENGE, SHAWN T.  
BERRY, DAVID A.  
BLACK, MICHAEL S.  
BLANCHARD, MARY JOSIE  
BOWKER, BRYAN L.  
BOWRON, JESSICA L.  
BRANUM, LISA A.  
BROWN, LAURA B.  
BROWN, WILLIAM Y.  
BUCKNER, SHAWN M.  
BURCH, MELVIN E.  
BURCKMAN, JAMES N.  
BURDEN, JOHN W.  
BURNS, SYLVIA W.  
CAMERON, SCOTT J.  
CANTOR, HOWARD M.  
CARDINALE, RICHARD T.  
CARL, LEON M.  
CASH, CASSIUS M.  
CASON, JAMES E.  
CELATA, MICHAEL A.  
CLARK, HORACE G.  
CLAYBORNE, ALFRED L.  
CLINE, DONALD WALTER  
COMPTON, JEFFREY S.  
CONNELL, JAMIE E.  
CORDOVA-HARRISON, ELIZABETH  
CRAFF, ROBERT C.  
CRIBLEY, BUD C.  
CRUICKSHANK, WALTER D.  
CRUZAN, DARREN A.  
DARNELL, JOSEPH D.  
DAVIS, KIMBRA G.  
DAVIS, MARK H.  
DAVIS, ROSE MARIE  
DEARMAN, TONY L.  
DEERINWATER, DANIEL J.  
DEVARIS, AIMEE MARIE  
DEVITO, VINCENT  
DOWNS, BRUCE M.  
DUMONTIER, DEBRA L.  
DUTSCHKE, AMY L.  
EDSALL, DONNA LYNN  
ESTENOZ, SHANNON A.

ETHRIDGE, MAX M.  
EWELL, AUSTIN B. III  
FERRERO, RICHARD C.  
FERRITER, OLIVIA B.  
FLANAGAN, DENISE A.  
FORD, JEROME E.  
FRAZER, GARY D.  
FREEMAN, SHAREE M.  
FREIHAGE, JASON E.  
FROST, HERBERT C.  
FULP, TERRANCE J.  
GALLAGHER, KEVIN T.  
GIDNER, JEROLD L.  
GLENN, DOUGLAS A.  
GLOMB, STEPHEN J.  
GOEKEN, RICHARD WILLIAM  
GOKLANY, INDUR M.  
GONZALES-SCHREINER, ROSEANN  
GONZALEZ, MARIA E.  
GOULD, GREGORY J.  
GRAY, LORRI J.  
GUERTIN, STEPHEN D.  
HAMLEY, JEFFREY L.  
HAMMOND, CASEY B.  
HANNA, JEANETTE D.  
HART, PAULA L.  
HAUGRUD, KEVIN JACK  
HAWBECKER, KAREN S.  
HERBST, LARS T.  
HILDEBRANDT, BETSY J.  
HITZMAN, MURRAY WALTER  
HOLMES, TROY EDWARD  
HOMMEL, SCOTT C.  
HOSKINS, DAVID WILLIAM  
HUDSON, JODY LEE  
HUMBERT, HARRY L.  
HUNTER, TERESA R.  
JAMES, JAMES D. JR.  
JORJANI, DANIEL H.  
JOSEPHSON, CLEMENTINE  
JOSS, LAURA  
KEABLE, EDWARD T.  
KELLY, FRANCIS P.  
KENDALL, JAMES J. JR.  
KINSINGER, ANNE E.  
KURTH, JAMES W.  
LA COUNTE, DARRYL D. II  
LAIRD, JOSHUA RADBILL  
LAKE, TIMOTHY CHARLES  
LAPOINTE, TIMOTHY L.  
LAROCHÉ, DARRELL WILLIAM  
LARRABEE, JASON G.  
LEHNERTZ, CHRISTINE S.  
LILLIE, JULIETTE ANNE FALKNER  
LIMON, RAYMOND A.  
LODGE, CYNTHIA LOUISE  
LORDS, DOUGLAS A.  
LOUDERMILK, WELDON B.  
LUEBKE, THOMAS A.  
LUEDERS, AMY L.  
MABRY, SCOTT L.  
MACGREGOR, KATHARINE S.  
MAGALLANES, DOWNEY P.  
MARTINEZ, CYNTHIA T.  
MASICA, SUE E.  
MAYTUBBY, BRUCE W.  
MCALEAR, CHRISTOPHER J.  
MCDOWALL, LENA E.  
MCKEOWN, MATTHEW J.  
MEHLHOFF, JOHN J.  
MELIUS, THOMAS O.  
MIHALIC, DAVID A.  
MIKKELSEN, ALAN WAYNE  
MORRIS, DOUGLAS W.  
MOSS, ADRIANNE L.  
MOURITSEN, KAREN E.

MULLER, BRUCE C. JR.  
MURILLO, DAVID G.  
MURPHY, TIMOTHY M.  
NASSAR, JOSEPH W.  
NEDD, MICHAEL D.  
NGUYEN, NHIEU TONY  
NOBLE, MICHAELA E.  
NOWAKOWSKI, JUDY JENNIFER  
OBERNESSER, RICHARD  
OLSEN, MEGAN C.  
ONEILL, KEITH JAMES  
ORR, L. RENEE  
ORTIZ, HANKIE P.  
OWENS, GLENDA HUDSON  
PALUMBO, DAVID M.  
PAYNE, GRAYFORD F.  
PEREZ, JEROME E.  
PETERSON, PENNY LYNN  
PFEIFFER, TAMARAH  
PIERRE-LOUIS, ALESIA J.  
PINTO, SHARON ANN  
PLETCHER, MARY F.  
PULA, NIKOLAO  
QUINLAN, MARTIN J.  
RAMOS, PEDRO M.  
RAUCH, PAUL A.  
REYNOLDS, MICHAEL T.  
REYNOLDS, THOMAS G.  
RHEES, BRENT B.  
RICE, BRYAN C.  
RICHARDSON, LIZETTE  
RIDEOUT, STERLING J. JR.  
RIGAS, LAURA C.  
RIGGS, HELEN  
ROBERSON, EDWIN L.  
ROMANIK, PEG A.  
ROSS, JOHN W.  
RUGWELL, MARY J.  
RUHS, JOHN F.  
RYAN, MICHAEL J.  
SALOTTI, CHRISTOPHER P.  
SAUVAJOT, RAYMOND MARC  
SAXE, KEITH E.  
SCHNEIDER, MARGARET N.  
SCHOCK, JAMES H.  
SHEEHAN, DENISE E.  
SHEEHAN, GREGORY JOHN  
SHEPARD, ERIC N.  
SHOLLY, CAMERON H.  
SHOPE, THOMAS D.  
SIEKANIEC, GREGORY EUGENE  
SIMMONS, SHAYLA F.  
SINGER, MICHELE F.  
SKIPWITH, AURELIA  
SLACK, JAMES J.  
SMILEY, KARLA J.  
SMITH, MARC ALAN  
SOGGE, MARK K.  
SOUZA, PAUL  
SPEAKS, STANLEY M.  
STEED, BRIAN C.  
STEIGER, JOHN W.  
STEVENS, BARTHOLOMEW S.  
STEWART, JAMES D.  
STREATER, EDDIE R.  
SUAZO, RAYMOND  
TAHSUDA, JOHN III  
THORSON, ROBYN  
TODD, RAYMOND K.  
TRAVNICEK, ANDREA J.  
TUCKER, KAPRICE LYNCH  
TUGGLE, BENJAMIN N.  
TUPPER, MICHAEL H.  
TYLER, PAUL GRAHAM  
VELA, RAYMOND DAVID  
VELASCO, JANINE M.

VIETZKE, GAY E.  
 VOGEL, ROBERT A.  
 WAINMAN, BARBARA W.  
 WALSH, NOREEN E.  
 WAYSON, THOMAS C.  
 WEBER, WENDI  
 WELCH, RUTH L.  
 WENGER, LANCE C.  
 WENK, DANIEL N.  
 WERKHEISER, WILLIAM H.  
 WEYERS, HOLLY S.  
 WHITE, JOHN ETHAN  
 WILLENS, TODD D.  
 WILLIAMS, L.C.  
 WILLIAMS, MARGARET C.  
 WOLF, ROBERT W.  
 WOODY, WILLIAM C.  
 WORONKA, THEODORE  
 WYNN, TODD M.

**Authority:** Title 5, U.S. Code, 4314(c)(4).

**Mary Pletcher,**

*Deputy Assistant Secretary—Human Capital and Diversity, Chief Human Capital Officer.*

[FR Doc. 2017–26279 Filed 12–5–17; 8:45 am]

**BILLING CODE 4334–63–P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

[NPS–WASO–NAGPRA–NPS0024293;  
 PPWOCRADN0–PCU00RP14.R50000]

#### Notice of Intent To Repatriate Cultural Items: Andover Newton Theological School, Newton Centre, MA

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** Andover Newton Theological School, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, has determined that the cultural item listed in this notice meets the definition of object of cultural patrimony. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request to Andover Newton Theological School. If no additional claimants come forward, transfer of control of the cultural item to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

**DATES:** Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request with information in support of the claim to Andover Newton Theological School at the address in this notice by January 5, 2018.

**ADDRESSES:** Kathleen Hamilton, Representative, Andover Newton Theological School, 409 Prospect Street,

New Haven, CT 06511, telephone (203) 436–9970, email [kathleen.hamilton@ants.edu](mailto:kathleen.hamilton@ants.edu).

**SUPPLEMENTARY INFORMATION:** Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items under the control of Andover Newton Theological School that meet the definition of objects of cultural patrimony under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

#### History and Description of the Cultural Item

At an unknown date, one cultural item was removed from an unknown location and donated to Andover Newton Theological School. It is unclear who donated the object to Andover Newton Theological School or from where it was acquired. The one object of cultural patrimony is a wampum belt.

The cultural affiliation of the wampum belt was determined with Anthony Gonyea, Faithkeeper for the Onondaga Nation and NAGPRA representative. Additional consultation with representatives of the Onondaga Nation confirmed that the object is Haudenosaunee. Haudenosaunee oral history demonstrates how wampum became sacred to the Haudenosaunee and its cultural importance to the Onondaga Nation, one of the constituents of the Haudenosaunee Confederacy. Cultural traditions establish that the Onondaga Nation is the Wampum Keeper of the Haudenosaunee and that all wampum without a specific community origin should be affiliated and repatriated to the Onondaga on behalf of the Haudenosaunee.

#### Determinations Made by Andover Newton Theological School

Officials of Andover Newton Theological School have determined that:

- Pursuant to 25 U.S.C. 3001(3)(D), the one cultural item described above has ongoing historical, traditional, or cultural importance central to the Native American group or culture itself, rather than property owned by an individual.

- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the objects of cultural patrimony and the Onondaga Nation.

#### Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim this cultural item should submit a written request with information in support of the claim to Kathleen Hamilton, Representative, Andover Newton Theological School, 409 Prospect Street, New Haven, CT 06511, telephone (203) 436–9970, email [kathleen.hamilton@ants.edu](mailto:kathleen.hamilton@ants.edu), by January 5, 2018. After that date, if no additional claimants have come forward, transfer of control of the object of cultural patrimony to the Onondaga Nation may proceed.

Andover Newton Theological School is responsible for notifying the Onondaga Nation that this notice has been published.

Dated: October 2, 2017.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2017–26288 Filed 12–5–17; 8:45 am]

**BILLING CODE 4312–52–P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

[NPS–WASO–NAGPRA–NPS0024191;  
 PPWOCRADN0–PCU00RP14.R50000]

#### Notice of Inventory Completion: U.S. Department of the Interior, National Park Service, Tuzigoot National Monument, Camp Verde, AZ, and the Arizona State Museum, University of Arizona, Tucson, AZ; Correction

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice; correction.

**SUMMARY:** The U.S. Department of the Interior, National Park Service, Tuzigoot National Monument, has corrected an inventory of human remains and associated funerary objects, published in a Notice of Inventory Completion in the **Federal Register** on April 1, 2015. This notice corrects the minimum number of individuals and number of associated funerary objects. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to Tuzigoot National Monument. If no additional requestors come forward, transfer of control of the



human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

**DATES:** Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Tuzigoot National Monument at the address in this notice by January 5, 2018.

**ADDRESSES:** Dorothy FireCloud, Superintendent, Tuzigoot National Monument, P.O. Box 219, Camp Verde, AZ 86322, telephone (928) 567-5276, email [dorothy\\_firecloud@nps.gov](mailto:dorothy_firecloud@nps.gov).

**SUPPLEMENTARY INFORMATION:** Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the correction of an inventory of human remains and associated funerary objects under the control of the U.S. Department of the Interior, National Park Service, Tuzigoot National Monument, Clarkdale, AZ. The human remains and associated funerary objects were removed from sites in Yavapai County, AZ.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the Superintendent, Tuzigoot National Monument.

This notice corrects the minimum number of individuals and number of associated funerary objects published in a Notice of Inventory Completion in the *Federal Register* (80 FR 17486-17488, April 1, 2015). The human remains and associated funerary objects were inadvertently omitted from the published notice. Transfer of control of the human remains and the additional associated funerary objects in this correction notice has not occurred.

### Correction

In the *Federal Register* (80 FR 17487, April 1, 2015), column 2, paragraphs 3 and 4, under the heading "Collections Under the Control of Tuzigoot National Monument," are corrected by substituting the following paragraphs:

At an unknown date, human remains representing, at minimum, one individual were removed from Tuzigoot Extension Ruin in Yavapai County, AZ. The remains were donated to Tuzigoot National Monument by a man from the nearby town of Clarkdale. No known individuals were identified. No associated funerary objects are present.

At unknown dates, human remains representing, at minimum, eight individuals were removed from Tuzigoot Pueblo in Yavapai County, AZ. No known individuals were identified. No associated funerary objects are present.

In 1933 and 1934, human remains representing, at minimum, five individuals were removed from Hatalacva Pueblo in Yavapai County, AZ. No known individuals were identified. The nine associated funerary objects are seven bowls, one pendant, and one necklace.

In 1933 and 1934, human remains representing, at minimum, 15 individuals were removed from Tuzigoot Pueblo in Yavapai County, AZ. No known individuals were identified. The 34 associated funerary objects are 4 bone awls, 1 soil sample, 15 bowls, 8 pendants, 1 bracelet, 2 necklaces, 1 pitcher, 1 bone tool, and 1 matting fragment.

In 1952, human remains representing, at minimum, eight individuals were removed from Tuzigoot Pueblo in Yavapai County, AZ, during trail work. No known individuals were identified. The one associated funerary object is a bracelet.

In 1968, human remains representing, at minimum, four individuals were removed from Tuzigoot Pueblo in Yavapai County, AZ, during stabilization work to the Pueblo. No known individuals were identified. No associated funerary objects are present.

In 1983, human remains representing, at minimum, five individuals were removed from Tuzigoot Pueblo in Yavapai County, AZ, during installation of drainage systems in the Pueblo. No known individuals were identified. No associated funerary objects are present.

In the *Federal Register* (80 FR 17488, April 1, 2015), column 2, paragraph 1, under the heading "Determinations made by Tuzigoot National Monument," is corrected by substituting the following paragraphs:

Officials of Tuzigoot National Monument have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice under the control of Tuzigoot National Monument represent the physical remains of 46 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 44 objects described in this notice under the control of Tuzigoot National Monument are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.

### Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Dorothy FireCloud, Superintendent, Tuzigoot National Monument, P.O. Box 219, Camp Verde, AZ 86322, telephone (928) 567-5276,

email [dorothy\\_firecloud@nps.gov](mailto:dorothy_firecloud@nps.gov), by January 5, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Ak-Chin Indian Community (previously listed as the Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona); Fort McDowell Yavapai Nation, Arizona; Gila River Indian Community of the Gila River Indian Reservation, Arizona; Hopi Tribe of Arizona; Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona; Tohono O'odham Nation of Arizona; Yavapai-Prescott Indian Tribe (previously listed as the Yavapai-Prescott Tribe of the Yavapai Reservation, Arizona); and Zuni Tribe of the Zuni Reservation, New Mexico (hereafter referred to as "The Tribes") may proceed.

Tuzigoot National Monument is responsible for notifying The Tribes that this notice has been published.

Dated: September 21, 2017.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2017-26289 Filed 12-5-17; 8:45 am]

**BILLING CODE 4312-52-P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

[NPS-WASO-NAGPRA-NPS0024178; PPWOCRADNO-PCU00RP14.R50000]

**Notice of Inventory Completion: U.S. Department of Agriculture, Forest Service, Chugach National Forest, Anchorage, AK**

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** The U.S. Department of Agriculture (USDA), Forest Service, Chugach National Forest, has completed an inventory of human remains, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Chugach National Forest. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian Tribes, or Native

Hawaiian organizations stated in this notice may proceed.

**DATES:** Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Chugach National Forest at the address in this notice by January 5, 2018.

**ADDRESSES:** Terri Marceron, Chugach National Forest, 161 East 1st Avenue, Door 8, Anchorage, AK 99501, telephone (907) 743-9525, email [tmarceron@fs.fed.us](mailto:tmarceron@fs.fed.us).

**SUPPLEMENTARY INFORMATION:** Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Chugach National Forest, Anchorage, AK. The human remains were removed from Crafton Island, AK.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

#### Consultation

A detailed assessment of the human remains was made by the Chugach National Forest professional staff in consultation with representatives of the Native Village of Chenega (aka Chanega), Native Village of Eyak (Cordova), and Native Village of Tatitlek, and representatives of the Chugach Alaska Corporation, which is not an Indian Tribe.

#### History and Description of the Remains

In 2005, as part of an Archaeological Resources Protection Act (ARPA) incident, Chugach National Forest Law Enforcement staff seized human remains representing, at minimum, one individual, at a cabin on Peak Island, AK. According to case records, the person claiming ownership of the human remains stated that they had been collected from a cave on Crafton Island, in Prince William Sound circa 1958. Based on size and shape, these human remains likely belong to a female. No known individual was identified. No associated funerary objects are present.

Crafton Island is in an area that was extensively investigated in the early

1930's. De Laguna (1956) reports that caves in the vicinity had been looted as early as 1934. Historical documents, excavation records, and archeological evidence indicate occupation sites in this area are pre-contact Chugach, and that it has been the traditional burial grounds of the Chugach people since pre-contact times. The present-day Indian Tribes represented at the Native Village of Chenega (aka Chanega) and the Native Village of Tatitlek descended from the earlier Chugach at Crafton Island. Additionally, the Native Village of Eyak (Cordova) may have had an association at Crafton Island.

#### Determinations Made by the USDA Forest Service, Chugach National Forest

Officials of the USDA Forest Service, Chugach National Forest have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and contemporary communities represented by the Native Village of Chenega (aka Chanega), Native Village of Eyak (Cordova), and Native Village of Tatitlek.

#### Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Terri Marceron, Chugach National Forest, 161 East 1st Avenue, Door 8, Anchorage, AK 99501, telephone (907) 743-9525, email [tmarceron@fs.fed.us](mailto:tmarceron@fs.fed.us), by January 5, 2018. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Native Village of Eyak (Cordova), the Native Village of Chenega (aka Chanega), and the Native Village of Tatitlek may proceed. By signed delegated authority, and on behalf of the Native Village of Eyak, the Native Village of Chenega, and the Native Village of Tatitlek, the Chugach Alaska Corporation will accept physical custody of the human remains.

The USDA Forest Service, Chugach National Forest, is responsible for notifying the Native Village of Chenega (aka Chanega), Native Village of Eyak (Cordova), and Native Village of Tatitlek, and the Chugach Alaska

Corporation that this notice has been published.

Dated: September 20, 2017.

**Melanie O'Brien,**

*Manager, National NAGPRA Program.*

[FR Doc. 2017-26287 Filed 12-5-17; 8:45 am]

**BILLING CODE 4312-52-P**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1003]

### Certain Composite Aerogel Insulation Materials and Methods for Manufacturing the Same; Commission Decision To Review in Part a Final Initial Determination Finding a Violation of Section 337; Request for Written Submissions

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to review in part the presiding administrative law judge's ("ALJ") final initial determination ("ID") issued on September 29, 2017, finding a violation of section 337 of the Tariff Act of 1930, as amended, in the above-captioned investigation.

#### FOR FURTHER INFORMATION CONTACT:

Cathy Chen, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205-2392. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <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>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation on June 8, 2016, based on a complaint filed by Aspen Aerogels, Inc. of Northborough, Massachusetts ("Aspen"). 81 FR 36955-956 (Jun. 8, 2016). The complaint alleges violations

of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain composite aerogel insulation materials and methods for manufacturing the same by reason of infringement of certain claims of U.S. Patent No. 7,399,439 (“the ‘439 patent”); U.S. Patent No. 9,181,486 (“the ‘486 patent”); U.S. Patent No. 7,078,359 (“the ‘359 patent”); U.S. Patent No. 6,989,123 (“the ‘123 patent”); and U.S. Patent No. 7,780,890 (“the ‘890 patent”). The complaint further alleges that an industry in the United States exists as required by 19 U.S.C. 1337(a)(2). The notice of investigation named Nano Tech Co., Ltd. of Zhejiang, China (“Nano”), and Guangdong Alison Hi-Tech Co., Ltd. of Guangzhou, China (“Alison”), as respondents. The Office of Unfair Import Investigations (“OUII”) is also a party in this investigation.

All asserted claims of the ‘439 patent and the ‘486 patent and certain asserted claims of the ‘359 patent have been terminated from the investigation. *See* Comm’n Notice (Nov. 2, 2016); Comm’n Notice (Feb. 9, 2017). Only claims 15–17, and 19 of the ‘123 patent; claims 1, 5, 7, 9, 12, 15, and 16 of the ‘359 patent; and claims 11–13, 15, 17–19, and 21 of the ‘890 patent (“the Asserted Claims”) remain in the investigation.

On November 15, 2016, the ALJ issued Order No. 19, granting Aspen’s motion for summary determination that the economic prong of the domestic industry requirement has been satisfied under section 337(a)(3)(A) and (B). The Commission determined to review in part Order No. 19. *See* Comm’n Notice (Dec. 7, 2016). On review, the Commission affirmed with modification the summary determination that Aspen satisfies the economic prong of the domestic industry requirement. *See id.* at 1–2.

On September 29, 2017, the ALJ issued the final ID in this investigation, finding a violation of section 337 by Respondents Alison and Nano in connection with claims 1, 5, 7, and 9 of the ‘359 patent; claims 15–17, and 19 of the ‘123 patent; and claims 11–13, 15, 17–19, and 21 of the ‘890 patent. The ID also finds a violation of section 337 by Respondent Nano in connection with claims 12, 15, and 16 of the ‘359 patent. In addition, the ID finds that Aspen has shown that its domestic industry products satisfy the technical prong of the domestic industry requirement for the Asserted Patents. The ID further finds that Respondents have not shown that the Asserted Claims are invalid.

The ID also contains the ALJ’s recommended determination on remedy and bonding. The ALJ recommended that the appropriate remedy is a limited exclusion order with a certification provision prohibiting the entry of certain composite aerogel insulation materials manufactured abroad by or on behalf of Respondents Alison and Nano that infringe certain claims of the ‘359 patent, and/or that are manufactured using certain claimed methods of the ‘123 patent and the ‘890 patent.

On October 16, 2017, Respondents and OUII each filed a timely petition for review of the final ID. Respondents and OUII challenge certain of the ID’s findings with respect to the validity of the Asserted Claims and the ID’s findings with respect to claim 5 of the ‘359 patent. Respondent Alison separately challenges the ID’s finding of infringement with respect to claim 9 of the ‘359 patent. That same day, Aspen filed a contingent petition for review of the final ID, challenging the ALJ’s construction of two claim limitations in the ‘359 patent. On October 24, 2017, the parties filed timely responses to the petitions for review. On October 31, 2017, the parties filed their public interest comments pursuant to Commission Rule 210.50(a)(4).

Having examined the record of this investigation, including the ID, the petitions for review, and the responses thereto, the Commission has determined to review the ID in part. Specifically, with respect to the ‘359 patent, the Commission has determined to review the ALJ’s construction of the “lofty fibrous batting” limitation in claim 1 of the ‘359 patent. The Commission’s review of the “lofty fibrous batting” limitation does not include the ID’s finding that Respondents have not proven that the term is invalid for indefiniteness. The Commission has also determined to review the ALJ’s constructions of the additional limitations in claims 5 and 9, and the “total surface area of that cross section” limitation of claim 12 of the ‘359 patent, and the ID’s associated findings on infringement and the technical prong of the domestic industry requirement with respect to those claims and claims 15 and 16 of the ‘359 patent. In addition, the Commission has determined to review the ID’s findings that the asserted claims of the ‘359 patent are not invalid in view of Ramamurthi by itself or in combination with other prior art. With respect to the ‘123 and the ‘890 patents, the Commission has determined to review the ID’s finding that claim 15 of the ‘123 patent and claims 11–13, 15, 17, and 21–23 of the ‘890 patent are not obvious in view of

Ramamurthi and either Uchida or Yada. The Commission has determined not to review the remaining issues decided in the ID.

The parties are requested to brief their positions on the issues under review with reference to the applicable law and the evidentiary record. In connection with its review, the Commission is particularly interested in responses to the following questions:

1. Please address the proper scope of claim 9 of the ‘359 patent and, in particular, the “about 1 to 20%” limitation. Your response should be limited to the evidence in the record, including a discussion of relevant statements, if any, made in the prosecution history.

2. With reference to question one, please address whether Respondent Alison’s accused products infringe claim 9 of the ‘359 patent under the proper construction of the “about 1 to 20%” limitation.

3. With reference to question one, please discuss whether Ramamurthi anticipates the limitation “the dopant is present in an amount of about 1 to 20% by weight of the total weight of the composite” in claim 9 of the ‘359 patent.

4. Please address whether the Commission should adopt Dr. Gnade’s interpretation or Dr. Leventis’ interpretation of the “total surface area of that cross section” limitation in claim 12 of the ‘359 patent. Your response should be limited to the evidence in the record, including a discussion of relevant statements, if any, made in the prosecution history.

5. With reference to question four, please address whether Respondents’ accused products and Aspen’s domestic industry products meet the limitation “where the batting is sufficiently lofty that the cross-sectional area of the fibers of the batting visible in the cross-section of the composite is less than 10% of the total surface area of that cross section” under both Dr. Gnade’s interpretation and Dr. Leventis’ interpretation of the scope of claim 12 of the ‘359 patent.

6. With reference to question four, please discuss whether Ramamurthi anticipates the limitation “the cross-sectional area of the fibers of the batting visible in the cross-section of the composite is less than 10% of the total surface area of that cross section” in claim 12 of the ‘359 patent.

7. Please address Aspen’s contention in its combined response (at 82–84) that Respondents’ petitions for review presents new arguments and new evidence concerning Uchida and Yada that they failed to raise in their post-hearing briefs.

The parties have been invited to brief only these discrete issues, as enumerated above, with reference to the applicable law and evidentiary record. The parties are not to brief other issues on review, which are adequately presented in the parties' existing filings.

In connection with the final disposition of this investigation, the Commission may issue an order that could result in the exclusion of the subject articles from entry into the United States. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, see *Certain Devices for Connecting Computers via Telephone Lines*, Inv. No. 337-TA-360, USITC Pub. No. 2843 (December 1994) (Commission Opinion).

If the Commission contemplates some form of remedy, it must consider the effects of that remedy upon the public interest. The factors the Commission will consider include the effect that an exclusion order would have on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve or disapprove the Commission's action. See Presidential Memorandum of July 21, 2005, 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

**Written Submissions:** The parties to the investigation are requested to file written submissions on the issues identified in this notice. Parties to the investigation, interested government agencies, and any other interested

parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Such submissions should address the recommended determination by the ALJ on remedy and bonding. Complainant and the Office of Unfair Import Investigations are also requested to submit proposed remedial orders for the Commission's consideration. Complainant is further requested to state the dates that the patents expire, the HTSUS numbers under which the accused products are imported, and any known importers of the accused products. The written submissions and proposed remedial orders must be filed no later than close of business on December 15, 2017. Initial submissions are limited to 40 pages, not including any attachments or exhibits related to discussion of the public interest. Reply submissions must be filed no later than the close of business on December 22, 2017. Reply submissions are limited to 20 pages, not including any attachments or exhibits related to discussion of remedy, the public interest, and bonding. No further submissions on these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the investigation number ("Inv. No. 337-TA-1003") in a prominent place on the cover page and/or the first page. See Handbook on Filing Procedures, ([https://www.usitc.gov/secretary/documents/handbook\\_on\\_filing\\_procedures.pdf](https://www.usitc.gov/secretary/documents/handbook_on_filing_procedures.pdf)). Persons with questions regarding filing should contact the Secretary (202-205-2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for

developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,<sup>1</sup> solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: November 30, 2017.

**Lisa R. Barton,**

*Secretary to the Commission.*

[FR Doc. 2017-26238 Filed 12-5-17; 8:45 am]

**BILLING CODE 7020-02-P**

## INTERNATIONAL TRADE COMMISSION

### Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Mobile Electronic Devices and Radio Frequency and Processing Components Thereof*, DN 3279; the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

**FOR FURTHER INFORMATION CONTACT:** Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205-2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at <https://edis.usitc.gov>, and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW.,

<sup>1</sup> All contract personnel will sign appropriate nondisclosure agreements.

Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its Internet server at United States International Trade Commission (USITC) at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at <https://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

**SUPPLEMENTARY INFORMATION:** The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Qualcomm Incorporated on November 30, 2017. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain mobile electronic devices and radio frequency and processing components thereof. The complaint names as a respondent Apple Inc. of Cupertino, CA. The complainant requests that the Commission issue a limited exclusion order, a cease and desist order, and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant,

its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to § 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number ("Docket No. 3279) in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, Electronic Filing Procedures).<sup>1</sup> Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be

disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,<sup>2</sup> solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.<sup>3</sup>

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: December 1, 2017.

**Lisa R. Barton,**

*Secretary to the Commission.*

[FR Doc. 2017–26277 Filed 12–5–17; 8:45 am]

**BILLING CODE 7020–02–P**

## INTERNATIONAL TRADE COMMISSION

**[Investigation Nos. 701–TA–590 and 731–TA–1397–1398 (Preliminary)]**

### **Sodium Gluconate, Gluconic Acid, and Derivative Products From China and France; Institution of Antidumping and Countervailing Duty Investigations and Scheduling of Preliminary Phase Investigations**

**AGENCY:** United States International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission hereby gives notice of the institution of investigations and commencement of preliminary phase antidumping and countervailing duty investigation Nos. 701–TA–590 and 731–TA–1397–1398 (Preliminary) pursuant to the Tariff Act of 1930 ("the Act") to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of sodium gluconate, gluconic acid, and derivative products from China and France, provided for in subheadings 2918.16.10, 2918.16.50 and

<sup>1</sup> Handbook for Electronic Filing Procedures: [https://www.usitc.gov/documents/handbook\\_on\\_filing\\_procedures.pdf](https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf).

<sup>2</sup> All contract personnel will sign appropriate nondisclosure agreements.

<sup>3</sup> Electronic Document Information System (EDIS): <https://edis.usitc.gov>.

2932.20.50 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value and alleged to be subsidized by the Government of China. Unless the Department of Commerce extends the time for initiation, the Commission must reach a preliminary determination in antidumping and countervailing duty investigations in 45 days, or in this case by January 16, 2018. The Commission's views must be transmitted to Commerce within five business days thereafter, or by January 23, 2018.

**DATES:** November 30, 2017.

**FOR FURTHER INFORMATION CONTACT:** Porscha Stiger (202–205–3241), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (<https://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

**SUPPLEMENTARY INFORMATION:**

**Background.**—These investigations are being instituted, pursuant to sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 1673b(a)), in response to a petition filed on November 30, 2017, by PMP Fermentation Products, Inc., Peoria, Illinois.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

**Participation in the investigations and public service list.**—Persons (other than petitioners) wishing to participate in the investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in sections 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission antidumping duty and countervailing duty investigations. The

Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance.

**Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.**—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these investigations available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigations under the APO issued in the investigations, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

**Conference.**—The Commission's Director of Investigations has scheduled a conference in connection with these investigations for 9:30 a.m. on Thursday, December 21, 2017, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Requests to appear at the conference should be emailed to [William.bishop@usitc.gov](mailto:William.bishop@usitc.gov) and [Sharon.bellamy@usitc.gov](mailto:Sharon.bellamy@usitc.gov) (DO NOT FILE ON EDIS) on or before December 19, 2017. Parties in support of the imposition of countervailing and antidumping duties in these investigations and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the conference.

**Written submissions.**—As provided in sections 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before December 27, 2017, a written brief containing information and arguments pertinent to the subject matter of the investigations. Parties may file written testimony in connection with their presentation at the conference. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's Handbook on E-Filing, available on the Commission's Web site at <https://edis.usitc.gov>, elaborates upon the Commission's rules with respect to electronic filing.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

**Certification.**—Pursuant to section 207.3 of the Commission's rules, any person submitting information to the Commission in connection with these investigations must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that any information that it submits to the Commission during these investigations may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of these or related investigations or reviews, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

**Authority:** These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.12 of the Commission's rules.

By order of the Commission.

Issued: December 1, 2017.

**Lisa R. Barton,**

*Secretary to the Commission.*

[FR Doc. 2017–26268 Filed 12–5–17; 8:45 am]

**BILLING CODE 7020–02–P**

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant to the National Cooperative Research and Production Act of 1993—Open Platform for NFV Project, Inc.

Notice is hereby given that, on November 3, 2017, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), Open Platform for NFV Project, Inc. (“Open Platform for NFV Project”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing

changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Dell Technologies, Santa Clara, CA; and Juniper Networks, Sunnyvale, CA, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Open Platform for NFV Project intends to file additional written notifications disclosing all changes in membership.

On October 17, 2014, Open Platform for NFV Project filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on November 14, 2014 (79 FR 68301).

The last notification was filed with the Department on August 23, 2017. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on September 18, 2017 (82 FR 43568).

**Patricia A. Brink,**

*Director of Civil Enforcement, Antitrust Division.*

[FR Doc. 2017-26216 Filed 12-5-17; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant to the National Cooperative Research and Production Act of 1993—Heterogeneous System Architecture Foundation

Notice is hereby given that, on November 14, 2017, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Heterogeneous System Architecture Foundation ("HSA Foundation") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Institute of Computer Architecture, School of ZZCS, Peking University, Beijing, PEOPLE'S REPUBLIC OF CHINA; China Electronics Standardization Institute (CESI), Beijing, PEOPLE'S REPUBLIC

OF CHINA; Nanjing University of Science and Technology, Nanjing, PEOPLE'S REPUBLIC OF CHINA; Xiamen University, Xiamen, PEOPLE'S REPUBLIC OF CHINA; Huaqiao University, Xiamen, PEOPLE'S REPUBLIC OF CHINA; Jimei University (Engineering College), Xiamen, PEOPLE'S REPUBLIC OF CHINA; Xiamen University of Technology, Xiamen, PEOPLE'S REPUBLIC OF CHINA; and Zhejiang University, Zhejiang, PEOPLE'S REPUBLIC OF CHINA, have been added as parties to this venture.

Also, LG Electronics, Inc., Seoul, KOREA; Swarm64 GMBH, Berlin, GERMANY; Allinea Software Ltd., Warwick, UNITED KINGDOM; MediaTek USA Inc., Hsinchu City, TAIWAN; and Ceva Inc., Mountain View, CA, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and HSA Foundation intends to file additional written notifications disclosing all changes in membership.

On August 31, 2012, HSA Foundation filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on October 11, 2012 (77 FR 61786).

The last notification was filed with the Department on March 13, 2017. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on April 4, 2017 (82 FR 16418).

**Patricia A. Brink,**

*Director of Civil Enforcement, Antitrust Division.*

[FR Doc. 2017-26217 Filed 12-5-17; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant to the National Cooperative Research and Production Act of 1993—Medical CBRN Defense Consortium

Notice is hereby given that, on October 13, 2017, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), Medical CBRN Defense Consortium ("MCDC") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its

membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Medicago, USA, Durham, NC; Lynntech, Inc., College Station, TX; Cepheid, Sunnyvale, CA; Valaria Technical Consultants, LLC, Westminster, MD; Integrity Bio, Inc., Camarillo, CA; California Institute of Technology, Pasadena, CA; General Atomics, San Diego, CA; Conductive Technologies, Inc., York, PA; Dyadic International, Jupiter, FL; Excet, Inc., Springfield, VA; INanoBio Inc., Tempe, AZ; SynerGene Therapeutics, Inc., Potomac, MD; Rutgers University, New Brunswick, NJ; Celdara Medical, LLC, Lebanon, NH; Janus-I Science, Inc., Carlsbad, CA; Pharm-Olam International Ltd, Houston, TX; Vaxess Technologies, Inc., Allston, MA; HORIBA Instruments, Inc., Edison, NY; Sentinel Analytics Software, Inc., Davis, CA; Booz Allen Hamilton, McLean, VA; Tonix Pharmaceuticals, New York, NY; Just Biotherapeutics, Inc., Seattle, WA; General Electric Company, GE Global Research, Niskayuna, NY; The University of North Carolina Chapel Hill, Chapel Hill, NC; and Rector and Visitors of the University of Virginia, Charlottesville, VA, have been added as parties to this venture.

Also, Tech62, Fairfax, VA; Joint Research and Development, Inc., Stafford, VA; ProModel Corporation, Allentown, PA; and Proteos, Kalamazoo, MI, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and MCDC intends to file additional written notifications disclosing all changes in membership.

On November 13, 2015, MCDC filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on January 6, 2016 (81 FR 513).

The last notification was filed with the Department on July 10, 2017. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on August 15, 2017 (82 FR 38709).

**Patricia A. Brink,**

*Director of Civil Enforcement, Antitrust Division.*

[FR Doc. 2017-26215 Filed 12-5-17; 8:45 am]

**BILLING CODE P**



**DEPARTMENT OF LABOR****Employment and Training Administration****Crystalline Silicon Photovoltaic (CSPV) Cells (Whether or Not Partially or Fully Assembled Into Other Products)**

**AGENCY:** Employment and Training Administration (ETA), Labor.

**ACTION:** Publication of summary of the Department of Labor's report on the investigation.

**SUMMARY:** Section 224(b) of the Trade Act of 1974 ("Trade Act") requires the United States Department of Labor ("Department") to publish in the **Federal Register** a summary of each report that it submits to the President under section 224(a) of the Trade Act. Set forth below is a summary of the report that the Department submitted to the President on November 28, 2017, on investigation No. TA-201-75, *Crystalline Silicon Photovoltaic (CSPV) Cells (Whether or Not Partially or Fully Assembled Into Other Products)*. The Department conducted the investigation under section 224(a) following notification by the International Trade Commission ("Commission"), as required by section 202(a)(3) of the Trade Act, that a petition was filed alleging that CSPV cells (*Whether or Not Partially or Fully Assembled Into Other Products*) are being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or threat thereof, to the domestic industry producing an article like or directly competitive with the imported article. Pursuant to section 224(a), the Department will investigate: (1) The number of workers in the domestic industry producing the like or directly competitive article(s) who have been or are likely to be certified as eligible for adjustment assistance, and (2) the extent to which the adjustment of such workers to the import competition may be facilitated through the use of existing programs. The full text of the report will be posted on the Department's Web site at <https://www.doleta.gov/tradeact>.

**DATES:** November 28, 2017: Transmittal of the Department's report to the President.

**ADDRESSES:** United States Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210. The public report may be viewed on the Department's Web site at <https://www.doleta.gov/tradeact>.

**FOR FURTHER INFORMATION CONTACT:** Norris Tyler, Administrator, Office of Trade Adjustment Assistance,

Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; Telephone: (202) 693-3560 (this is not a toll-free number). The media should contact Egan Reich, Office of Public Affairs, on (202) 693-4960, or [reich.egan@dol.gov](mailto:reich.egan@dol.gov). Congressional inquiries may be directed to Byron Anderson, Office of Congressional and Intergovernmental Affairs, on (202) 693-4600, or [anderson.byron.e@dol.gov](mailto:anderson.byron.e@dol.gov).

**SUPPLEMENTARY INFORMATION:**

**Procedural Summary:** On September 22, 2017, the Commission issued an affirmative determination under Section 202(b)(1) of the Trade Act of 1974 in its safeguard investigation No. TA-201-75, *Crystalline Silicon Photovoltaic (CSPV) Cells (Whether or Not Partially or Fully Assembled Into Other Products)*. The Commission submitted a report to the President on November 13, 2017, which can be found on <https://www.usitc.gov>. A summary was also published in the **Federal Register** (82 FR 55393 (November 21, 2017)).

Section 202(c)(1) of the Trade Act directs the Department to report to the President certain information whenever the Commission makes a finding under Section 202 of the Trade Act. The Department's report to the President studies the following:

(1) The number of workers in the domestic industry (CSPV products) producing the like or directly competitive article who have been or are likely to be certified as eligible for adjustment assistance; and

(2) The extent to which the adjustment of workers to the import competition may be facilitated through the use of existing programs.

While these estimates accurately reflect the scope of this report as required under statute, the Department's investigation is a much narrower focus on the production of solely CSPV cells and CSPV modules. The petitioners maintain that imposing tariffs or other remedies on solar components will boost U.S. manufacturing jobs.

However, it should be noted that currently only a relatively small number of solar jobs (about 38,000) are in manufacturing. The 2016 census of solar workers, conducted by the Solar Energy Industries Association, found that about 260,000 workers were employed by the solar industry in 2016. Some reports indicate that a substantial number of additional jobs, including those in the residential, nonresidential/commercial, and utility sectors may be lost.

The Department's study on CSPV cells as required under Section 224 found the following:

1. The Department has received Trade Adjustment Assistance (TAA) petitions for 20 worker groups involved in the production of CSPV since January 2012. Seventeen of those worker groups were certified as eligible to apply for TAA, resulting in an estimated 2,124 workers eligible to apply for individual benefits under the TAA Program.

2. The Department estimates that 562 additional workers are likely to be covered by certified TAA petitions before the end of the year 2019, which includes 230 CSPV cell producers and 332 module producers.

3. Sufficient funding is available to provide TAA benefits and services to these workers. In FY 2017, the Department provided \$391 million to states to provide training and other activities for TAA participants, as well as \$294 million in funding for Trade Readjustment Allowances, and \$31 million in Reemployment Trade Adjustment Assistance funds.

4. The Department believes that training and benefits under the Trade Act, other Department programs, and programs at other federal agencies are sufficient to assist workers in the CSPV industry to adjust to the trade impact.

As required by Section 224(f)(1) of the Trade Act (19 U.S.C. 2274(f)(1)), the Department will provide notice of an affirmative determination by the Commission to State Workforce Agencies, as the Governor's representative, representatives of the domestic industry, other firms identified by name during the proceedings, and any recognized worker representatives.

Finally, once the Commission's findings and the Department's report are provided to the President, the President may impose relief in the form of increased duties and/or other restrictions on imports of CSPV under Section 203 of the Trade Act (19 U.S.C. 2253).

**Nancy M. Rooney,**

*Deputy Assistant Secretary for Employment and Training.*

[FR Doc. 2017-26261 Filed 12-5-17; 8:45 am]

**BILLING CODE 4510-FN-P**

**DEPARTMENT OF LABOR****Office of the Secretary****Agency Information Collection Activities; Submission for OMB Review; Comment Request; Application for Permanent Employment Certification**

**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, "Application for Permanent Employment Certification," to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act (PRA) of 1995. Public comments on the ICR are invited.

**DATES:** The OMB will consider all written comments that agency receives on or before January 5, 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=201711-1205-002](http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201711-1205-002) (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 sending an email to [DOL\\_PRA\\_PUBLIC@dol.gov](mailto: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](mailto: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](mailto: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 sending an email to [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**SUPPLEMENTARY INFORMATION:** This ICR seeks to extend PRA approval for the Application for Permanent Employment Certification (Form ETA-9089) information collection. Form ETA-9089 is used in the DOL's permanent employment-based immigration program by employers seeking certification to hire foreign workers to perform permanent work in the United States. Immigration and Nationality Act (INA) section 212(a)(5)(A), 8 U.S.C 1182(a)(5)(A), requires the Secretary of Labor to certify that any foreign worker seeking to enter the United States for the purpose of performing skilled or unskilled labor will not adversely affect the wages and working conditions of U.S. workers similarly employed and that there are not sufficient U.S. workers able, willing, and qualified to perform such labor. The DOL uses Form ETA-9089 to collect information about a sponsoring employer's job offer and about a foreign national's education and work history. This information is necessary to determine whether the admission of that foreign national meets the requirements for certification under section 212(a)(5)(A). Employers seeking to sponsor workers as sheepherders or in Schedule A occupations file Form ETA-9089 directly with the Department of Homeland Security (DHS). The DHS also accepts ETA Form 9089 in place of the ETA-750 in its National Interest Waiver program. INA sections 203(b) and 212(a)(5)(A) authorize this information collection. See 8 U.S.C. 1153(b), 1182(a)(5)(A).

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 1205-0451.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and 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 August 28, 2017 (82 FR 40807).

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 1205-0451. 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:* Application for Permanent Employment Certification.

*OMB Control Number:* 1205-0451.

*Affected Public:* Individuals or Households; Federal Government; State, Local, and Tribal governments; Private Sector—businesses or other for-profit entities, not-for-profit institutions, and farms.

*Total Estimated Number of Respondents:* 113,304.

*Total Estimated Number of Responses:* 113,304.

*Total Estimated Annual Time Burden:* 227,118 hours.

*Total Estimated Annual Other Costs Burden:* \$18,769,032.

*Authority:* 44 U.S.C. 3507(a)(1)(D).

Dated: November 30, 2017.

**Michel Smyth,**

*Departmental Clearance Officer.*

[FR Doc. 2017-26263 Filed 12-5-17; 8:45 am]

**BILLING CODE 4510-FF-P**

**DEPARTMENT OF LABOR****Bureau of Labor Statistics****Technical Advisory Committee;  
Request for Nominations**

**AGENCY:** Bureau of Labor Statistics (BLS), Department of Labor.

**ACTION:** Request for nominations to the BLS Technical Advisory Committee.

**SUMMARY:** The BLS is soliciting new members for the Technical Advisory Committee (TAC). Five current membership terms expire on April 19, 2018. The TAC provides advice to the Bureau of Labor Statistics on technical aspects of data collection and the formulation of economic measures and makes recommendations on areas of research. On some technical issues there are differing views, and receiving feedback at public meetings provides BLS with the opportunity to consider all viewpoints. The Committee will consist of 16 members and will be chosen from a cross-section of economists, statisticians, and behavioral scientists who represent a balance of expertise. The economists will have research experience with technical issues related to BLS data and will be familiar with employment and unemployment statistics, price index numbers, compensation measures, productivity measures, occupational and health statistics, or other topics relevant to BLS data series. The statisticians will be familiar with sample design, data analysis, computationally intensive statistical methods, non-sampling errors, or other areas which are relevant to BLS work. The behavioral scientists will be familiar with questionnaire design, usability, or other areas of survey development. BLS invites persons interested in serving on the TAC to submit their names for consideration for committee membership.

**DATES:** Nominations for the TAC membership should be postmarked January 5, 2018.

**ADDRESSES:** Nominations for the TAC membership should be sent to: Acting Commissioner Bill Wiatrowski, U.S. Bureau of Labor Statistics, 2 Massachusetts Avenue NE., Room 4040, Washington, DC 20212.

**FOR FURTHER INFORMATION CONTACT:** Lucy Eldridge, Associate Commissioner, U.S. Bureau of Labor Statistics, 2 Massachusetts Avenue NE., Office of Productivity and Technology, Room 2150, Washington, DC 20212. Telephone: 202-691-5600. This is not a toll free number.

**SUPPLEMENTARY INFORMATION:** BLS intends to renew memberships in the TAC for another three years. The Bureau often faces highly technical issues while developing and maintaining the accuracy and relevancy of its data on employment and unemployment, prices, productivity, and compensation and working conditions. These issues range from how to develop new measures to how to make sure that existing measures account for the ever-changing economy. The BLS presents issues and then draws on the specialized expertise of Committee members representing specialized fields within the academic disciplines of economics, statistics and survey design. Committee members are also invited to bring to the attention of BLS issues that have been identified in the academic literature or in their own research. The TAC was established to provide advice to the Commissioner of Labor Statistics on technical topics selected by the BLS.

Responsibilities include, but are not limited to providing comments on papers and presentations developed by BLS research and program staff, conducting research on issues identified by BLS on which an objective technical opinion or recommendation from outside of BLS would be valuable, recommending BLS conduct internal research projects to address technical problems with BLS statistics that have been identified in the academic literature, participating in discussions of areas where the types or coverage of economic statistics could be expanded or improved and areas where statistics are no longer relevant, and establishing working relationships with professional associations with an interest in BLS statistics, such as the American Statistical Association and the American Economic Association.

**Nominations:** BLS is looking for committed TAC members who have a strong interest in, and familiarity with, BLS data. The Agency is looking for nominees who use and have a comprehensive understanding of economic statistics. The U.S. Bureau of Labor Statistics is committed to bringing greater diversity of thought, perspective, and experience to its advisory committees. Nominees from all races, gender, age, and disabilities are encouraged to apply. Interested persons may nominate themselves or may submit the name of another person who they believe to be interested in and qualified to serve on the TAC. Nominations may also be submitted by organizations.

Nominations should include the name, address, and telephone number of the candidate. Each nomination should

include a summary of the candidate's training or experience relating to BLS data specifically, or economic statistics more generally. BLS will conduct a basic background check of candidates before their appointment to the TAC. The background check will involve accessing publicly available, Internet-based sources.

**Authority:** This notice was prepared in accordance with the provisions of the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2, the Secretary of Labor has determined that the Bureau of Labor Statistics Data Users Advisory Committee is in the public interest in connection with the performance of duties imposed upon the Commissioner of Labor Statistics by 29 U.S.C. 1 and 2. This determination follows consultation with the Committee Management Secretariat, General Services Administration.

Signed at Washington, DC, this 22nd day of November 2017.

**Kimberley D. Hill,**

*Chief, Division of Management Systems.*

[FR Doc. 2017-26224 Filed 12-5-17; 8:45 am]

**BILLING CODE 4510-24-P**

**LEGAL SERVICES CORPORATION****Request for Letters of Intent To Apply  
for 2018 Pro Bono Innovation Fund  
Grants**

**AGENCY:** Legal Services Corporation.

**ACTION:** Notice.

**SUMMARY:** The Legal Services Corporation (LSC) issues this Notice describing the conditions for submitting Letters of Intent to Apply for 2018 Pro Bono Innovation Fund grants. On May 15, 2017, Congress provided \$4 million for the Pro Bono Innovation Fund through the Consolidated Appropriations Act for 2017.

**DATES:** Letters of Intent must be submitted by 11:59 p.m. EST on Monday, January 8, 2018.

**ADDRESSES:** Letters of Intent must be submitted electronically at <http://lscgrants.lsc.gov>.

**FOR FURTHER INFORMATION CONTACT:** Mytrang Nguyen, Program Counsel, Office of Program Performance, Legal Services Corporation, 3333 K Street NW., Washington, DC 20007; (202) 295-1564 or [nguyenm@lsc.gov](mailto:nguyenm@lsc.gov).

**SUPPLEMENTARY INFORMATION:****I. General Information**

Since 2014, Congress has provided an annual appropriation to LSC "for a Pro Bono Innovation Fund." See, e.g., Consolidated Appropriations Act, 2017,

Pub. L. 115–31, 131 Stat. 135 (2017). LSC requested these funds for grants to “develop, test, and replicate innovative pro bono efforts that can enable LSC grantees to expand clients’ access to high quality legal assistance.” LSC Budget Request, Fiscal Year 2014 at 26 (2013). The grants must involve innovations that are either “new ideas” or “new applications of existing best practices.” *Id.* Each grant would “either serve as a model for other legal services providers to follow or effectively replicate a prior innovation. *Id.*”

The Senate Appropriations Committee explained that these funds “will support innovative projects that promote and enhance pro initiatives throughout the Nation,” and the House Appropriations Committee directed LSC “to increase the involvement of private attorneys in the delivery of legal services to [LSC-eligible] clients.” Senate Report 114–239 at 123 (2016), House Report 113–448 at 85 (2014). LSC sought these funds based on the 2012 recommendation of the LSC Pro Bono Task Force. Since its inception, the Pro Bono Innovation Fund has advanced LSC’s goal of increasing the quantity and quality of legal services by funding projects that more efficiently and effectively involve pro bono volunteers in serving the critical unmet legal needs of LSC-eligible clients. In 2017, LSC built on these successes by dividing the grants into three categories to better focus on innovations serving unmet and well-defined client needs (Project Grants), on building comprehensive and effective pro bono projects through new applications of existing best practices (Transformation Grants), and on providing continued development support for the most promising innovations (Sustainability Grants).

## II. Funding Opportunity Information

### A. Eligible Applicants

To be eligible for the Pro Bono Innovation Fund’s Project, Sustainability, and Transformation grants, Applicants must be current grantees of LSC Basic Field-General, Basic Field-Migrant, or Basic Field-Native American grants. In addition, Sustainability Grant Applicants must also be a former or current Pro Bono Innovation Fund grantee from the FY 2015 or FY 2016 grant making cycle.

### B. Pro Bono Innovation Fund Purpose and Key Goals

Pro Bono Innovation Fund grants develop, test, and replicate innovative pro bono efforts that can enable LSC grantees to use pro bono volunteers to serve larger numbers of low-income

clients and improve the quality and effectiveness of the services provided. The key goals of the Pro Bono Innovation Fund are to:

1. Address gaps in the delivery of legal services to low-income people;
2. Engage more lawyers and other volunteers in pro bono service; and
3. Develop, test, and replicate innovative pro bono efforts.

### C. Funding Opportunities

#### 1. Project Grants

The goal of Pro Bono Innovation Fund *Project Grants* is to leverage volunteers to meet a critical, unmet and well-defined client need. LSC welcomes applications for *Project Grants* in a wide variety of areas; there are no specific areas of interest. Consistent with the key goals of the Pro Bono Innovation Fund, however, applicants are encouraged to focus on engaging volunteers to increase free civil legal aid for low-income Americans by proposing new, replicable ideas.

Past projects include efforts to integrate pro bono volunteers into medical-legal partnerships, to engage retired and transitioning attorneys in legal aid, to leverage transactional pro bono attorneys to serve low-income micro-entrepreneurs, and to use technology and web-based systems to allow metropolitan pro bono attorneys to serve rural clients in more remote parts of the state. *Project Grants* can be either 18 or 24-months.

#### 2. Transformation Grants

The goal of Pro Bono Innovation Fund *Transformation Grants* is to support LSC grantees in comprehensive assessment and restructuring of pro bono programs through new applications of existing best practices in pro bono delivery. Each *Transformation Grant* will support a rigorous and extensive assessment of an LSC grantee’s pro bono program, the identification of best practices in pro bono delivery that are best suited to that grantee’s needs and circumstances, and the development and implementation of new applications of those best practices to restructuring its pro bono program through short- and long-term improvements to organizational policies, management, and operations.

*Transformation Grants* are for 24 months and targeted towards LSC grantees whose leadership is committed to restructuring an entire pro bono program and incorporating pro bono best practices into core, high-priority client services with an urgency to create a high-impact pro bono program. This funding opportunity is open to all LSC

grantees, but is primarily intended for LSC grantees who have been unsuccessful with *Project Grants* or who have never applied for a Pro Bono Innovation Fund grant in the past.

#### 3. Sustainability Grants

Pro Bono Innovation Fund *Sustainability Grants* are available to current or former Pro Bono Innovation Fund grantees who were funded in either FY 2015 or FY 2016. The goal of *Sustainability Grants* is to support further development of the most promising and replicable Pro Bono Innovation Fund projects with an additional 24 months of funding so grantees can leverage new sources of revenue for the project, collect meaningful data to demonstrate the project’s results and outcomes for clients and volunteers, and quantify the return on LSC’s investment of Pro Bono Innovation Fund dollars. Applicants for *Sustainability Grants* will be required to propose an ambitious match requirement, tied to realistic goals that reduce the Pro Bono Innovation Fund contribution to the project over the grant term.

### D. Available Funds for FY 2018

The availability of Pro Bono Innovation Fund grants for FY 2018 depends on LSC’s receipt of a full fiscal year appropriation. LSC is currently operating under a Continuing Resolution for FY 2018 which funds the federal government through December 8, 2017. The Continuing Resolution maintains funding at FY 2017 levels, but with an across-the-board reduction of 0.6791 percent.

In FY 2017, LSC received an appropriation of \$4 million, of which \$3.8 million was available for direct grants to support Pro Bono Innovation Fund projects. A .6791 percent rescission for all of FY18 would result in a \$25,805.80 decrease in the Pro Bono Innovation Fund’s appropriation.

In 2017, fifteen Pro Bono Innovation Fund applications received funding with a median funding amount of \$253,333. There is no maximum amount for Pro Bono Innovation Fund requests that are within the total funding available.

Pro Bono Innovation Fund grant decisions for FY 2018 will be made in the summer of 2018. LSC anticipates knowing the total amount available for Pro Bono Innovation Fund grants before August and will communicate this information to all applicants as soon as LSC receives our final appropriation for the full fiscal year.

LSC will not designate fixed or estimated amounts for the three

different funding categories and will make grant awards for the three categories within the total amount of funding available.

#### *E. Project and Grant Term*

Pro Bono Innovation Fund grant awards will cover an 18- to 24-month project period. Applicants for *Project Grants* can apply for either an 18- or a 24-month project. Applicants for *Transformation Grants* and *Sustainability Grants* apply for a 24-month grant only. Applicants' proposals should cover the full term for which a grant award is requested. The grant term is expected to commence on October 1, 2018.

### **III. Grant Application Process and Letter of Intent To Apply Instructions**

#### *A. Pro Bono Innovation Fund Grant Application Process*

LSC is committed to reviewing all Pro Bono Innovation Fund grant applications in a quick and thorough manner. Applicants must first submit a Letter of Intent to Apply for Funding (LOI). LSC staff will review the LOIs and notify applicants by February 2018 if their LOI is selected. Applicants whose LOIs are selected will be asked to submit a detailed, full application in LSC Grants. Once LSC has received a full application from a selected applicant, the application undergoes a rigorous review process by LSC staff and external subject matter experts. LSC's President makes the final decision on funding for the Pro Bono Innovation Fund.

#### *B. Late or Incomplete Applications*

LSC may consider an LOI after the deadline, but only if the Applicant has submitted an email to [probonoinnovation@lsc.gov](mailto:probonoinnovation@lsc.gov) explaining the circumstances that caused the delay prior to the applicable deadline. Communication with LSC staff, including assigned Program Liaisons, is not a substitute for sending an explanatory email to [probonoinnovation@lsc.gov](mailto:probonoinnovation@lsc.gov). At its discretion, LSC may consider incomplete applications. LSC will determine the admissibility of late or incomplete applications on a case-by-case basis.

#### *C. Letters of Intent To Apply for Funding Requirements and Format*

The LOI should succinctly summarize the information requested for the funding category for which an applicant seeks funding. A complete LOI consists of: (1) A narrative that responds to the questions for the funding category; and (2) a budget form. Applicants must

submit the LOI electronically using the LSC Grants online system found at <http://lscgrants.lsc.gov>. The system will be live for applicants in early December 2017.

The LOI narrative should be a Word or PDF document submitted in the LSC Grants system. *The narrative must not exceed 5 double-spaced pages or approximately 1,300 words in Times New Roman, 12-point font.* The LOI narrative must be paginated. The budget form is an online form that is submitted in LSC Grants. Applicants who do not follow the above formatting requirements for the *Narrative* submission may be subject to scoring penalties.

Applicants may submit multiple LOIs under the same or different funding category. If applying for multiple grants, applicants should submit a separate LOI in LSC Grants for each funding request.

#### **1. Project Grants**

The LOI Narrative for *Project Grants* should respond to the following questions.

a. **Project Description.** Please provide a brief description of the proposed project that includes:

- The specific client need and challenge or opportunity in the pro bono delivery system that the project will address.
- The goals and objectives of the project, the activities that make up the project, and how those activities will link to and achieve the stated goals and objectives.

• Strong indication of volunteer interest in and support for the project.

• The expected impact of the project. This should include a brief explanation of the changes and outcomes that will be created as a result of the project.

• The proposed strategies that are innovative or the best practices being replicated, including a brief discussion of how these innovation and/or replicable strategies were identified.

b. **Project Staff, Organizational Capacity, and Project Partners.** Please briefly identify and describe the project team and project partners including:

- The qualifications and relevant experience of the proposed project team, any proposed partner organizations, and your organization.
- The role of your organization's executive management in the design and implementation of the project.

c. **Budget and Timeline.** Please state whether you are proposing an 18- or 24-month project and provide the following information about the estimated project costs:

- Estimated total project cost. This includes the estimate for the Pro Bono

Innovation Fund requested amount and other in-kind or cash contributions to support the project. Your narrative should provide a breakdown of the major project expenses including, but not limited to, personnel, project expenses, contracts or sub-grants, etc., and how each expense supports the project design.

- For expenses related to personnel, please indicate how many and which positions will be fully or partially funded by the proposed grant.

- A list of any anticipated contributions, both in-kind and monetary, from all partners involved in the project.

- A list of key partners who will receive Pro Bono Innovation Fund funding, including their roles and the estimated dollar amount or percent of budget assigned to each partner.

#### **2. Transformation Grants**

The LOI Narrative for *Transformation Grants* should respond to the following questions.

a. **Transformation Strategy:** Please explain why are you seeking a Transformation Grant for your pro bono program. In your response, please include:

- An honest assessment of the challenges with your organization's current pro bono efforts that inhibit your ability to test, develop, and replicate innovations, and the reasons for them.

- At least three specific and important improvements to your organization's pro bono program that you would like to achieve in the first 6–9 months of a two-year Transformation Grant.

b. **Guiding Coalition:** Please describe the core team who would be responsible for the pro bono transformation effort in your organization. In your response, please state:

- The qualifications and relevant experience of each proposed team member.

- Whether a majority your executive and senior managers agree that your organization's pro bono program needs significant improvements.

- The role your organization's executive director and/or senior managers would play in a pro bono transformation effort.

c. **Budget.** Please describe what you would like the *Transformation Grant* to fund over the 24-month grant period. In your response, please be sure to provide the following information about the anticipated costs associated with a transformation effort for your pro bono program:

- The estimated total cost and a clear description of what the grant will fund. Your narrative should provide a breakdown of the major expenses including, but not limited to, personnel, project expenses, contracts or subgrants, etc., and how each expense supports the transformation effort to improve your pro bono program.

- For expenses related to personnel, please indicate how many and which positions will be fully or partially funded by the proposed grant.

- For contracts, please describe whether you intend to use consultants, implement new technology systems, conduct business process analysis, etc. and how this supports improvements to your pro bono program.

### 3. Sustainability Grants

The LOI Narrative for *Sustainability Grants* should respond to the following questions.

a. Justification for Sustaining the Pro Bono Innovation Project. Please describe why you are seeking Sustainability Grant. In your response, please discuss the following:

- The impact of the Pro Bono Innovation Fund project to date, supported by data and analysis as to whether the goals of the project were achieved.

- Evidence of ongoing client need and how you intend to make the project part of your core legal services.

- The level of engagement of pro bono volunteers/private bar and the best practices in pro bono delivery that can be replicated by others.

- How ongoing program evaluation and data collection will be incorporated into the project.

b. Project Staff and Management Support. Please briefly identify and describe the project team and project partners. In your response, please include the following:

- The project staff that will be responsible for the sustainability phase of the project. Please include any additional staff, descriptions of new responsibilities for existing project staff and/or organizational changes that will be made.

- The role of your organization's executive management in the decision to seek this Sustainability Grant and recent examples of your organization's track record turning "new" or special projects into core legal services.

c. Budget and Match Requirement. Please describe what you would like the *Sustainability Grant* to fund. In your response, please be sure to provide the following information:

- Estimated total project cost. This includes the estimate for the Pro Bono

Innovation Fund requested amount and other in-kind or cash contributions to support the project. Your narrative should provide a breakdown of the major project expenses including, but not limited to, personnel, project expenses, etc., and how each expense supports the project design.

- A narrative proposing an ambitious match requirement that reduces the Pro Bono Innovation Fund contribution to the project for the grant term. LSC is not setting a specific percentage of required match for Sustainability Grant applicants, but will assess the two-year budget from the applicant's previously funded project with the grant amount proposed in the Sustainability LOI. LSC's expectation is that applicants will propose a meaningful shift from Pro Bono Innovation Fund support to other sources of support during the grant term.

- A narrative discussing the potential sources of funding that have been or will be cultivated. If the project has already received new financial support, please provide the source and amount committed and further describe the plans for ensuring continued financial support.

Dated: November 30, 2017.

**Stefanie K. Davis,**

*Assistant General Counsel.*

[FR Doc. 2017-26274 Filed 12-5-17; 8:45 am]

**BILLING CODE 7050-01-P**

## THE NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

### Institute of Museum and Library Services

#### Notice of Proposed Information Collection Requests: 2019–2021 IMLS National Leadership Grants for Libraries/Laura Bush 21st Century Librarian Program Notice of Funding Opportunity

**AGENCY:** Institute of Museum and Library Services, National Foundation for the Arts and the Humanities.

**ACTION:** Notice, request for comments on this 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 a plan to offer two grant programs targeted to the needs of libraries nationwide, aligned to the updated IMLS Strategic Framework for 2019–2021, the National Leadership Grants for Libraries and the Laura Bush 21st Century Librarian Program.

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 February 2, 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](mailto: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.ims.gov](http://www.ims.gov).

## II. Current Actions

The National Leadership Grants for Libraries (NLG–L) support projects that address significant challenges and opportunities facing the library and archives fields and that have the potential to advance theory and practice. Successful proposals generate results such as new tools, research findings, models, services, practices, or alliances that will be widely used, adapted, scaled, or replicated to extend the benefits of federal investment.

The Laura Bush 21st Century Librarian Program (LB21) supports developing a diverse workforce of librarians to better meet the changing learning and information needs of the American public by enhancing the training and professional development of librarians, developing faculty and library leaders, and recruiting and educating the next generation of librarians.

This action is to renew the forms and instructions for the Notice of Funding Opportunities for the next three years.

**Agency:** Institute of Museum and Library Services.

**Title:** 2019–2021 IMLS National Leadership Grants for Libraries/Laura Bush 21st Century Librarian Program Notice of Funding Opportunity.

**OMB Number:** 3137–0091.

**Frequency:** Twice per year.

**Affected Public:** Library organization applicants.

**Number of Respondents:** 477.

**Estimated Average Burden per**

**Response:** 45 hours.

**Estimated Total Annual Burden:** 21,465 hours.

**Total Annualized capital/startup costs:** n/a.

**Total Annual costs:** \$595,224.45.

**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.

**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@ims.gov](mailto:swebb@ims.gov), or by teletype (TTY/TDD) for

persons with hearing difficulty at 202–653–4614.

Dated: December 1, 2017.

**Kim Miller,**

*Grants Management Specialist, Office of Chief Information Officer.*

[FR Doc. 2017–26264 Filed 12–5–17; 8:45 am]

**BILLING CODE 7036–01–P**

## THE NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

### Institute of Museum and Library Services

#### Notice of Proposed Information Collection Requests: 2019–2021 IMLS National Leadership Grants for Museums and Museums for America Program Notice of Funding Opportunity

**AGENCY:** Institute of Museum and Library Services, National Foundation for the Arts and the Humanities.

**ACTION:** Notice, request for comments on this 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 a plan to offer two grant programs targeted to the needs of museums nationwide, aligned to the updated IMLS Strategic Framework for 2019–2021, National Leadership Grants for Museums and Museums for America Program.

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 February 2, 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@ims.gov](mailto:swebb@ims.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@ims.gov](mailto:swebb@ims.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.ims.gov](http://www.ims.gov).

### II. Current Actions

The goals of National Leadership Grants (NLG) for Museums are to support projects that address critical needs of the museum field and that have the potential to advance practice in the profession so that museums can improve services for the American public. Museums, institutions of higher



education, and certain nonprofits who support museum operations or well-being are eligible to apply under this grant program.

The goal of Museums for America (MFA) grants is to support projects that strengthen the ability of an individual museum to serve its public. The program supports museums by investing in high-priority activities that are clearly linked to an institution's strategic plan and enhance its value to its community. This action is to renew the forms and instructions for the Notice of Funding Opportunities for the next three years.

*Agency:* Institute of Museum and Library Services.

*Title:* 2019–2021 IMLS National Leadership Grants for Museums/ Museums for America Notice of Funding Opportunity.

*OMB Number:* 3137–0094.

*Frequency:* Twice per year.

*Affected Public:* Museum organization applicants.

*Number of Respondents:* 630.

*Estimated Average Burden per*

*Response:* 45 hours.

*Estimated Total Annual Burden:* 28,350 hours.

*Total Annualized capital/startup costs:* n/a.

*Total Annual costs:* \$643,828.50.

*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: December 1, 2017.

**Kim Miller,**

*Grants Management Specialist, Office of Chief Information Officer.*

[FR Doc. 2017–26305 Filed 12–5–17; 8:45 am]

**BILLING CODE 7036–01–P**

## THE NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

### Institute of Museum and Library Services

#### Notice of Proposed Information Collection Requests: 2019–2021 IMLS Museum Grants for African American Culture Program and Native American Native Hawaiian Program Notice of Funding Opportunity

**AGENCY:** Institute of Museum and Library Services, National Foundation for the Arts and the Humanities.

**ACTION:** Notice, request for comments on this 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 a plan to offer two grant programs targeted to the needs of museums nationwide, aligned to the updated IMLS Strategic Framework for 2019–2021, IMLS Museum Grants for African American Culture Program/Native American Native Hawaiian Program.

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 February 2, 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](mailto: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](mailto: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](http://www.imls.gov).

##### II. Current Actions

The goals of Museums Grants for African American History and Culture (AAHC) are to support projects that improve the operations, care of collections, and development of professional management at African American museums.

The goal of Native American/Native Hawaiian Museum Services (NANH) grants is to support Indian tribes and organizations that primarily serve and represent Native Hawaiians. They are intended to provide opportunities to sustain heritage, culture, and knowledge through strengthened activities in areas such as exhibitions, educational services and programming, professional development, and collections stewardship.

This action is to renew the forms and instructions for the Notice of Funding Opportunities for the next three years.

*Agency:* Institute of Museum and Library Services.

*Title:* 2019–2021 IMLS Museum Grants for African American Culture Program/Native American Native Hawaiian Program Notice of Funding Opportunity.

*OMB Number:* 3137–0095.

*Frequency:* Twice per year.

*Affected Public:* Museum organization applicants.

*Number of Respondents:* 75.

*Estimated Average Burden per*

*Response:* 35 hours.

*Estimated Total Annual Burden:* 2625 hours.

*Total Annualized capital/startup costs:* n/a.

*Total Annual costs:* \$59,613.75.

*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: December 1, 2017.

**Kim Miller,**

*Grants Management Specialist, Office of Chief Information Officer.*

[FR Doc. 2017-26306 Filed 12-5-17; 8:45 am]

**BILLING CODE 7036-01-P**

## NUCLEAR REGULATORY COMMISSION

[NRC-2017-0229]

### Proposed Revisions to Environmental Qualification of Mechanical and Electrical Equipment

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Standard review plan-draft section revision; request for comment.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is soliciting public comment on draft NUREG-0800, "Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition," Section 3.11, "Environmental Qualification of Mechanical and Electrical Equipment." The NRC seeks comments on the proposed draft section revision of the Standard Review Plan (SRP) concerning guidance for the review of combined construction and operating license and operating license applications and amendments for environmental qualification of mechanical and electrical equipment.

**DATES:** Comments must be filed no later than February 5, 2018. Comments received after this date will be considered, if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

**ADDRESSES:** You may submit comments by any of the following methods:

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2017-0229. Address questions about NRC dockets to Carol Gallagher; telephone: 301-415-3463; email: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov). For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *Mail comments to:* May Ma, Office of Administration, Mail Stop: OWFN-2-A13, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

For additional direction on accessing information and submitting comments, see "Obtaining Information and Submitting Comments" in the **SUPPLEMENTARY INFORMATION** section of this document.

#### FOR FURTHER INFORMATION CONTACT:

Mark D. Notich, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington DC 20555-0001; telephone: 301-415-3053; email: [Mark.Notich@nrc.gov](mailto:Mark.Notich@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Obtaining Information and Submitting Comments

###### A. Obtaining Information

Please refer to Docket ID NRC-2017-0229 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2017-0229.

- *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](mailto:pdr.resource@nrc.gov). The draft revision and current revision to NUREG-0800, Section 3.11, "Environmental Qualification of Mechanical and Electrical Equipment," is available in ADAMS under Accession Nos. ML16343A167 and ML063600397, respectively. The redline-strikeout version comparing the draft revision 4 and the current version 3 is available under Accession No. ML17066A073.

- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

###### B. Submitting Comments

Please include Docket ID NRC-2017-0229 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at <http://www.regulations.gov> as well as entering the comment submissions into ADAMS. The NRC does not routinely edit

comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

##### II. Further Information

The NRC seeks public comment on the proposed draft section revision of SRP Section 3.11. The changes to SRP Chapter 3 reflect the current staff reviews, methods, and practices based on lessons learned from the NRC's reviews of design certification and combined license applications completed since the last revision of this chapter. The draft SRP section would also provide guidance for reviewing an application for a combined license under part 52 of title 10 of the *Code of Federal Regulations* (10 CFR).

Following NRC staff evaluation of public comments, the NRC intends to finalize SRP Section 3.11 in ADAMS and post it on the NRC's public Web site at <http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr0800/>. The SRP is guidance for the NRC staff. The SRP is not a substitute for the NRC regulations, and compliance with the SRP is not required.

##### III. Backfitting and Issue Finality

Issuance of this draft SRP section, if finalized, would not constitute backfitting as defined in 10 CFR 50.109, (the Backfit Rule) or otherwise be inconsistent with the issue finality provisions in 10 CFR part 52. The NRC's position is based upon the following considerations.

1. *The draft SRP positions, if finalized, would not constitute backfitting, inasmuch as the SRP is internal guidance to NRC staff directed at the NRC staff with respect to their regulatory responsibilities.*

The SRP provides internal guidance to the NRC staff on how to review an application for NRC regulatory approval in the form of licensing. Changes in internal staff guidance are not matters for which either nuclear power plant applicants or licensees are protected under either the Backfit Rule or the issue finality provisions of 10 CFR part 52.

2. *The NRC staff has no intention to impose the SRP positions on current licensees or already-issued regulatory approvals either now or in the future.*

The NRC staff does not intend to impose or apply the positions described in the draft SRP to existing (already issued) licenses and regulatory approvals. Hence, the issuance of a final SRP, even if considered guidance within the purview of the issue finality provisions in 10 CFR part 52, would not need to be evaluated as if it were a backfit or as being inconsistent with issue finality provisions. If, in the future, the NRC staff seeks to impose a position in the SRP on holders of already issued licenses in a manner that does not provide issue finality as described in the applicable issue finality provision, then the staff must make the showing as set forth in the Backfit Rule or address the criteria for avoiding issue finality as described in the applicable issue finality provision.

3. *Backfitting and issue finality do not—with limited exceptions not applicable here—protect current or future applicants.*

Applicants and potential applicants are not, with certain exceptions, protected by either the Backfit Rule or any issue finality provisions under 10 CFR part 52. This is because neither the Backfit Rule nor the issue finality provisions under 10 CFR part 52—with certain exclusions discussed below—were intended to apply to every NRC action that substantially changes the expectations of current and future applicants.

The exceptions to the general principle are applicable whenever an applicant references a 10 CFR part 52 license (*e.g.*, an early site permit) and/or NRC regulatory approval (*e.g.*, a design certification rule) with specified issue finality provisions. The NRC staff does not, at this time, intend to impose the positions represented in the draft SRP in a manner that is inconsistent with any issue finality provisions. If, in the future, the staff seeks to impose a position in the draft SRP in a manner which does not provide issue finality as described in the applicable issue finality provisions, then the staff must address the criteria for avoiding issue finality as described in the applicable issue finality provision.

Dated at Rockville, Maryland, this 29th day of November 2017.

For the Nuclear Regulatory Commission.  
**Joseph Colaccino,**  
Chief, Chief, Licensing Branch 3, Division of  
New Reactor Licensing, Office of New  
Reactors.

[FR Doc. 2017–26256 Filed 12–5–17; 8:45 am]

**BILLING CODE 7590–01–P**

## POSTAL REGULATORY COMMISSION

**[Docket Nos. MC2018–38 and CP2018–68;  
MC2018–39 and CP2018–69]**

### 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 8, 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):* MC2018–38 and CP2018–68; *Filing Title:* USPS Request to Add Priority Mail Contract 380 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* November 30, 2017; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.*; *Public Representative:* Matthew R. Ashford; *Comments Due:* December 8, 2017.

2. *Docket No(s):* MC2018–39 and CP2018–69; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & First-Class Package Service Contract 29 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* November 30, 2017; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.*; *Public Representative:* Matthew R. Ashford; *Comments Due:* December 8, 2017.

This notice will be published in the **Federal Register**.

**Stacy L. Ruble,**  
Secretary.

[FR Doc. 2017–26299 Filed 12–5–17; 8:45 am]

**BILLING CODE 7710–FW–P**

## POSTAL SERVICE

### Product Change—Priority Mail Express, Priority Mail, & First-Class Package Service Negotiated Service Agreement

**AGENCY:** Postal Service™.

**ACTION:** Notice.

**SUMMARY:** The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

**DATES:** *Date of notice required under 39 U.S.C. 3642(d)(1):* December 6, 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 30, 2017, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail, & First-Class Package Service Contract 29 to Competitive Product List*. Documents are available at [www.prc.gov](http://www.prc.gov), Docket Nos. MC2018–39, CP2018–69.

**Elizabeth A. Reed,**

*Attorney, Corporate and Postal Business Law.*

[FR Doc. 2017–26213 Filed 12–5–17; 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 6, 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 30, 2017, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 380 to Competitive Product List*. Documents are available at [www.prc.gov](http://www.prc.gov), Docket Nos. MC2018–38, CP2018–68.

**Elizabeth A. Reed,**

*Attorney, Corporate and Postal Business Law.*

[FR Doc. 2017–26212 Filed 12–5–17; 8:45 am]

**BILLING CODE 7710–12–P**

**SECURITIES AND EXCHANGE COMMISSION**

**[Release No. 34–82198; File No. SR–BX–2014–048]**

**Self-Regulatory Organizations; Nasdaq BX, Inc.; Order Granting an Extension to Limited Exemption From Rule 612(c) of Regulation NMS in Connection With the Exchange's Retail Price Improvement Program Until June 30, 2018**

December 1, 2017.

On November 28, 2014, the Commission issued an order pursuant to its authority under Rule 612(c) of Regulation NMS<sup>1</sup> (“Sub-Penny Rule”) that granted Nasdaq BX, Inc. (“BX” or “Exchange”) a limited exemption from the Sub-Penny Rule in connection with the operation of the Exchange's Retail Price Improvement Program (“RPI Program”).<sup>2</sup> The limited exemption was granted concurrently with the Commission's approval of the Exchange's proposal to adopt the RPI Program on a one-year pilot term.<sup>3</sup> On November 20, 2015, the Commission extended the temporary exemption until December 2016 concurrently with an immediately effective filing that extended the operation of the RPI Program until December 1, 2016.<sup>4</sup> On December 1, 2016, the Commission extended the temporary exemption until December 1, 2017 concurrently with an immediately effective filing that extended the operation of the RPI Program until December 1, 2017.<sup>5</sup>

The Exchange now seeks to extend the exemption until June 30, 2018.<sup>6</sup> The Exchange's request was made in conjunction with an immediately effectively filing that extends the operation of the RPI Program until June 30, 2018.<sup>7</sup> In its request to extend the exemption, the Exchange notes that given the gradual implementation of the RPI Program and the preliminary participation and results, extending the exemption would provide additional opportunities for greater participation

<sup>1</sup> 17 CFR 242.612(c).

<sup>2</sup> See Securities Exchange Act Release No. 73702, 79 FR 72049 (December 4, 2014) (SR–BX–2014–048) (“RPI Approval Order”).

<sup>3</sup> See *id.*

<sup>4</sup> See Securities Exchange Act Release No. 76490 (November 20, 2015), 80 FR 74165 (November 27, 2015) (SR–BX–2015–073).

<sup>5</sup> See Securities Exchange Act Release No. 79446 (December 1, 2016), 81 FR 88290 (December 7, 2016) (SR–BX–2016–065).

<sup>6</sup> See SR–BX–2017–055; see also Letter from Jeffrey Davis, Vice President and Deputy General Counsel and Secretary, Nasdaq BX, Inc. to Eduardo A. Aleman, Assistant Secretary, Commission, dated November 28, 2017 (“BX Letter”).

<sup>7</sup> See SR–BX–2017–055.

and assessment of the results.<sup>8</sup>

Accordingly, the Exchange has asked additional time to allow it and the Commission to analyze data concerning the RPI Program, which the Exchange committed to provide to the Commission.<sup>9</sup> For this reason and the reasons stated in the RPI Approval Order originally granting the limited exemption, the Commission, pursuant to its authority under Rule 612(c) of Regulation NMS, finds that pursuant to its authority under Rule 612(c) of Regulation NMS, extending the exemption is appropriate in the public interest and consistent with the protection of investors.

Therefore, it is hereby ordered that, pursuant to Rule 612(c) of Regulation NMS, the Exchange is granted an extension of the limited exemption from Rule 612 of Regulation NMS that allows the Exchange to accept and rank orders priced equal to or greater than \$1.00 per share in increments of \$0.001, in connection with the operation of its RPI Program, until June 30, 2018.

The limited and temporary exemption extended by this Order is subject to modification or revocation if at any time the Commission determines that such action is necessary or appropriate in furtherance of the purposes of the Securities Exchange Act of 1934. Responsibility for compliance with any applicable provisions of the Federal securities laws must rest with the persons relying on the exemption that are the subject of this Order.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>10</sup>

**Eduardo A. Aleman,**

*Assistant Secretary.*

[FR Doc. 2017–26285 Filed 12–5–17; 8:45 am]

**BILLING CODE 8011–01–P**

**SECURITIES AND EXCHANGE COMMISSION**

**[Release No. 34–82182; File No. SR–NYSE–2017–60]**

**Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Fees for NYSE BBO and NYSE Trades To Lower the Enterprise Fee, and for NYSE BQT To Lower the Access Fee**

November 30, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the

<sup>8</sup> See, e.g., BX Letter at 3; RPI Approval Order, *supra* note 2.

<sup>9</sup> See, e.g., *id.*; RPI Approval Order, *supra* note 2.

<sup>10</sup> 17 CFR 200.30–3(a)(83).

“Act”),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on November 15, 2017, New York Stock Exchange LLC (“NYSE” or the “Exchange”) 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 the fees for NYSE BBO and NYSE Trades to lower the Enterprise Fee, and for NYSE BQT to lower the Access Fee. The Exchange proposes to make the fee changes effective November 15, 2017.<sup>3</sup> The proposed rule change is available on the Exchange’s Web site at [www.nyse.com](http://www.nyse.com), at the principal office of the Exchange, and at the Commission’s Public Reference Room.

### **II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

#### **A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

##### **1. Purpose**

The Exchange proposes to amend the fees for NYSE BBO and NYSE Trades market data products,<sup>4</sup> and for NYSE

BQT market data product,<sup>5</sup> as set forth on the NYSE Proprietary Market Data Fee Schedule (“Fee Schedule”). Specifically, the Exchange proposes to lower the Enterprise Fee for NYSE BBO and NYSE Trades, and lower the Access Fee for NYSE BQT.

The Exchange currently charges an enterprise fee of \$37,500 per month for an unlimited number of professional and non-professional users for each of NYSE BBO and NYSE Trades.<sup>6</sup> A single Enterprise Fee applies for clients receiving both NYSE BBO and NYSE Trades.<sup>7</sup> The Exchange proposes to lower the enterprise fee to \$25,000 per month.

As an example, under the current fee structure for per user fees, if a firm had 10,000 professional users who each received NYSE Trades at \$4 per month and NYSE BBO at \$4 per month, without the Enterprise Fee, the firm would pay \$80,000 per month in professional user fees. Under the current pricing structure, this firm would pay a capped fee of \$37,500 and effective November 3, [sic] 2017 it would pay a capped fee of \$25,000.

Under the proposed reduced enterprise fee, the firm would pay a flat fee of \$25,000 for an unlimited number of professional and non-professional users for both products. As is the case currently, a data recipient that pays the enterprise fee would not have to report the number of such users on a monthly basis.<sup>8</sup> However, upon request, a data recipient must provide the Exchange with a count of the total number of natural person users of each product, including both professional and non-professional users.

The NYSE BQT data feed provides best bid and offer and last sale information for the Exchange and its affiliates, NYSE Arca, Inc. (“NYSE Arca”) and NYSE American LLC (“NYSE American”).<sup>9</sup> The Exchange currently charges an access fee of \$1,000 per month, provided that the market data recipient separately subscribes to

and pays for the six existing market data products underlying the NYSE BQT data feed, consistent with the existing fee structures for those market data products. The Exchange proposes to lower the access fee to \$250 per month.

##### **2. Statutory Basis**

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,<sup>10</sup> in general, and Sections 6(b)(4) and 6(b)(5) of the Act,<sup>11</sup> in particular, in that it provides an equitable allocation of reasonable fees among users and recipients of the data and is not designed to permit unfair discrimination among customers, issuers, and brokers.

The proposed fee change to lower the Enterprise Fee is equitable and not unfairly discriminatory because it would apply to all data recipients that choose to subscribe to NYSE BBO and NYSE Trades.

The proposed reduced enterprise fees for NYSE BBO and NYSE Trades are reasonable because they will result in a fee reduction for data recipients with a sufficiently large number of professional and non-professional users, as described in the example above. If a data recipient has a smaller number of professional users of NYSE BBO and/or NYSE Trades, then it may continue to use the per user fee structure and the fees it pays will not change. By reducing prices for data recipient with a large number of professional and non-professional users, the Exchange believes that more data recipients may choose to offer NYSE BBO and NYSE Trades, thereby expanding the distribution of this market data for the benefit of investors. The Exchange also believes that offering a reduced enterprise fee expands the range of options for offering NYSE BBO and NYSE Trades and allows data recipients greater choice in selecting the most appropriate level of data and fees for the professional and non-professional users they are servicing.

The Exchange also believes the proposed fee change to lower the Access Fee is equitable and not unfairly discriminatory because all market data recipients that would subscribe to NYSE BQT would be charged the same access fee. The Exchange believes that the proposed access fee for NYSE BQT is reasonable because, while the proposed fee is lower than the current fee, it continues to represent the value for the data aggregation and consolidation function that the Exchange performs. The Exchange further believes that the

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> The Exchange originally filed to amend the Fee Schedule on November 3, 2017 (SR-NYSE-2017-59) and withdrew such filing on November 15, 2017.

<sup>4</sup> See Securities Exchange Act Release Nos. 61914 (Apr. 14, 2010), 74 FR 21077 (Apr. 22, 2010) (SR-NYSE-2010-30) (notice—NYSE BBO); 62181 (May 26, 2010), 75 FR 31488 (June 3, 2010) (SR-NYSE-2010-30) (approval order—NYSE BBO); 59309 (Jan. 28, 2009), 74 FR 6073 (Feb. 4, 2009) (SR-NYSE-2009-04) (notice—NYSE Trades); and 59309 (Mar. 19, 2009), 74 FR 13293 (Mar. 26, 2009) (approval order—NYSE Trades) (SR-NYSE-2009-04) and 62038 (May 5, 2010), 75 FR 26825 (May 12, 2010) (SR-NYSE-2010-22).

<sup>5</sup> See Securities Exchange Act Release No. 73553 (November 6, 2014), 79 FR 67491 (November 13, 2014) (SR-NYSE-2014-40) (approval order—NYSE BQT). The NYSE BQT data feed consists of certain data elements from six market data feeds—NYSE Trades, NYSE BBO, NYSE Arca Trades, NYSE Arca BBO, NYSE American Trades, and NYSE American BBO.

<sup>6</sup> See Securities Exchange Act Release No. 79313 (November 15, 2016), 81 FR 83297 (November 21, 2016) (SR-NYSE-2016-74).

<sup>7</sup> See Securities Exchange Act Release No. 70211 (August 15, 2013), 78 FR 51781 (August 21, 2013) (SR-NYSE-2013-58).

<sup>8</sup> Professional users currently are subject to a per display device count. See Securities Act Release No. 73985 (January 5, 2015), 80 FR 1456 (January 9, 2015) (SR-NYSE-2014-75).

<sup>9</sup> See *supra*, note 6.

<sup>10</sup> 15 U.S.C. 78f(b).

<sup>11</sup> 15 U.S.C. 78f(b)(4), (5).

proposed monthly access fee for NYSE BQT would be pro-competitive because another market data recipient could perform a similar aggregating and consolidating function and similarly charge for such service. The Exchange notes that a competing vendor seeking to distribute a competing product might engage in a different analysis of assessing the cost of a competing product, which may incorporate passing through the fees associated with co-location at the Mahwah, New Jersey data center. However, the incremental co-location costs to a particular vendor may be inconsequential if such vendor is already co-located and is able to allocate its co-location costs over numerous product and customer relationships. The Exchange therefore believes that a competing vendor could create and offer a product similar to NYSE BQT on a cost-competitive basis.

The Exchange notes that NYSE BBO, NYSE Trades and NYSE BQT are entirely optional. The Exchange is not required to make NYSE BBO, NYSE Trades and NYSE BQT available or to offer any specific pricing alternatives to any customers, nor is any firm required to purchase NYSE BBO, NYSE Trades and NYSE BQT. Firms that do purchase NYSE BBO, NYSE Trades and NYSE BQT do so for the primary goals of using them to increase revenues, reduce expenses, and in some instances compete directly with the Exchange (including for order flow); those firms are able to determine for themselves whether NYSE BBO, NYSE Trades and NYSE BQT or any other similar products are attractively priced or not.<sup>12</sup>

Firms that do not wish to purchase NYSE BBO, NYSE Trades and NYSE BQT have a variety of alternative market data products from which to choose,<sup>13</sup> or if NYSE BBO, NYSE Trades and NYSE BQT do not provide sufficient value to firms as offered based on the uses those firms have or planned to make of it, such firms may simply choose to conduct their business operations in ways that do not use NYSE BBO, NYSE Trades and NYSE BQT or use them at different levels or in different configurations. The Exchange notes that broker-dealers are not required to purchase proprietary

market data to comply with their best execution obligations.<sup>14</sup>

The decision of the United States Court of Appeals for the District of Columbia Circuit in *NetCoalition v. SEC*, 615 F.3d 525 (D.C. Cir. 2010), upheld reliance by the Securities and Exchange Commission (“Commission”) upon the existence of competitive market mechanisms to set reasonable and equitably allocated fees for proprietary market data:

In fact, the legislative history indicates that the Congress intended that the market system ‘evolve through the interplay of competitive forces as unnecessary regulatory restrictions are removed’ and that the SEC wield its regulatory power ‘in those situations where competition may not be sufficient,’ such as in the creation of a ‘consolidated transactional reporting system.’

*Id.* at 535 (quoting H.R. Rep. No. 94–229 at 92 (1975), as reprinted in 1975 U.S.C.A.N. 323). The court agreed with the Commission’s conclusion that “Congress intended that ‘competitive forces should dictate the services and practices that constitute the U.S. national market system for trading equity securities.’”<sup>15</sup>

As explained below in the Exchange’s Statement on Burden on Competition, the Exchange believes that there is substantial evidence of competition in the marketplace for proprietary market data and that the Commission can rely upon such evidence in concluding that the reduced fees established in this filing are the product of competition and therefore satisfy the relevant statutory standards. In addition, the existence of alternatives to these data products, such as consolidated data and proprietary data from other sources, as described below, further ensures that the Exchange cannot set unreasonable fees, or fees that are unreasonably discriminatory, when vendors and subscribers can select such alternatives.

As the *NetCoalition* decision noted, the Commission is not required to undertake a cost-of-service or ratemaking approach. The Exchange believes that, even if it were possible as a matter of economic theory, cost-based pricing for proprietary market data would be so complicated that it could not be done practically or offer any significant benefits.<sup>16</sup>

In addition, the Exchange believes that the proposed fees are reasonable when compared to fees for comparable products offered by at least one other exchange. For example, Cboe BZX Exchange (“BZX”) charges an enterprise fee of \$15,000 per month for each of BZX Top and BZX Last Sale, which includes best bid and offer and last sale data, respectively.<sup>17</sup> While the Exchange is proposing reduced enterprise fees that would still be higher than the fees currently charged by BZX, the Exchange believes the proposed fees, which would be lower than current fees but closer to those charged by BZX, are appropriate and would be beneficial to firms with a large number of users. Further, BZX charges a data consolidation fee of \$1,000 per month for the Cboe Equities One market data feed, which provides aggregated quote and trade updates for all four Bats equity exchanges.<sup>18</sup>

For these reasons, the Exchange believes that the proposed fees are reasonable, equitable, and not unfairly discriminatory.

#### *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. An exchange’s ability to price its proprietary market data feed products is constrained by actual competition for the sale of proprietary market data products, the joint product nature of exchange platforms, and the existence of

is impossible to regulate market data prices in isolation from prices charged by markets for other services that are joint products. Cost-based rate regulation would also lead to litigation and may distort incentives, including those to minimize costs and to innovate, leading to further waste. Under cost-based pricing, the Commission would be burdened with determining a fair rate of return, and the industry could experience frequent rate increases based on escalating expense levels. Even in industries historically subject to utility regulation, cost-based ratemaking has been discredited. As such, the Exchange believes that cost-based ratemaking would be inappropriate for proprietary market data and inconsistent with Congress’s direction that the Commission use its authority to foster the development of the national market system, and that market forces will continue to provide appropriate pricing discipline. See Appendix C to NYSE’s comments to the Commission’s 2000 Concept Release on the Regulation of Market Information Fees and Revenues, which can be found on the Commission’s Web site at <http://www.sec.gov/rules/concept/s72899/buck1.htm>.

<sup>17</sup> See Market Data Fees at [https://markets.cboe.com/us/equities/membership/fee\\_schedule/bzx/](https://markets.cboe.com/us/equities/membership/fee_schedule/bzx/).

<sup>18</sup> See Cboe Equities One Feed at [https://markets.cboe.com/us/equities/market\\_data/products/bats\\_one/](https://markets.cboe.com/us/equities/market_data/products/bats_one/).

<sup>12</sup> See, e.g., Proposing Release on Regulation of NMS Stock Alternative Trading Systems, Securities Exchange Act Release No. 76474 (Nov. 18, 2015) (File No. S7–23–15). See also, “Brokers Warned Not to Steer Clients’ Stock Trades Into Slow Lane,” Bloomberg Business, December 14, 2015 (Sigma X dark pool to use direct exchange feeds as the primary source of price data).

<sup>13</sup> See Nasdaq Rule 7047 (Nasdaq Basic) and Rule 7039 (Nasdaq Last Sale). See also BZX Equities Rule 11.22 (Top and Last Sale).

<sup>14</sup> See FINRA Regulatory Notice 15–46, “Best Execution,” November 2015.

<sup>15</sup> *NetCoalition*, 615 F.3d at 535.

<sup>16</sup> The Exchange believes that cost-based pricing would be impractical because it would create enormous administrative burdens for all parties and the Commission to cost-regulate a large number of participants and standardize and analyze extraordinary amounts of information, accounts, and reports. In addition, and as described below, it

alternatives to the Exchange's proprietary data.

#### The Existence of Actual Competition

The market for proprietary data products is currently competitive and inherently contestable because there is fierce competition for the inputs necessary for the creation of proprietary data and strict pricing discipline for the proprietary products themselves. Numerous exchanges compete with one another for listings and order flow and sales of market data itself, providing ample opportunities for entrepreneurs who wish to compete in any or all of those areas, including producing and distributing their own market data. Proprietary data products are produced and distributed by each individual exchange, as well as other entities, in a vigorously competitive market. Indeed, the U.S. Department of Justice ("DOJ") (the primary antitrust regulator) has expressly acknowledged the aggressive actual competition among exchanges, including for the sale of proprietary market data. In 2011, the DOJ stated that exchanges "compete head to head to offer real-time equity data products. These data products include the best bid and offer of every exchange and information on each equity trade, including the last sale."<sup>19</sup>

Moreover, competitive markets for listings, order flow, executions, and transaction reports provide pricing discipline for the inputs of proprietary data products and therefore constrain markets from overpricing proprietary market data. Broker-dealers send their order flow and transaction reports to multiple venues, rather than providing them all to a single venue, which in turn reinforces this competitive constraint. As a 2010 Commission Concept Release noted, the "current market structure can be described as dispersed and complex" with "trading volume . . . dispersed among many highly automated trading centers that compete for order flow in the same stocks" and "trading centers offer[ing] a wide range of services that are designed to attract different types of market participants with varying trading needs."<sup>20</sup> More recently, former SEC

Chair Mary Jo White has noted that competition for order flow in exchange-listed equities is "intense" and divided among many trading venues, including exchanges, more than 40 alternative trading systems, and more than 250 broker-dealers.<sup>21</sup>

If an exchange succeeds in competing for quotations, order flow, and trade executions, then it earns trading revenues and increases the value of its proprietary market data products because they will contain greater quote and trade information. Conversely, if an exchange is less successful in attracting quotes, order flow, and trade executions, then its market data products may be less desirable to customers in light of the diminished content and data products offered by competing venues may become more attractive. Thus, competition for quotations, order flow, and trade executions puts significant pressure on an exchange to maintain both execution and data fees at reasonable levels.

In addition, in the case of products that are also redistributed through market data vendors, such as Bloomberg and Thompson Reuters, the vendors themselves provide additional price discipline for proprietary data products because they control the primary means of access to certain end users. These vendors impose price discipline based upon their business models. For example, vendors that assess a surcharge on data they sell are able to refuse to offer proprietary products that their end users do not or will not purchase in sufficient numbers. Vendors will not elect to make available NYSE BBO, NYSE Trades or NYSE BQT unless their customers request it, and customers will not elect to pay the proposed fees unless NYSE BBO, NYSE Trades and NYSE BQT can provide value by sufficiently increasing revenues or reducing costs in the customer's business in a manner that will offset the fees. All of these factors

2010), 75 FR 3594 (Jan. 21, 2010) (File No. S7-02-10). This Concept Release included data from the third quarter of 2009 showing that no market center traded more than 20% of the volume of listed stocks, further evidencing the dispersal of and competition for trading activity. *Id.* at 3598. Data available on ArcaVision show that from June 30, 2013 to June 30, 2014, no exchange traded more than 12% of the volume of listed stocks by either trade or dollar volume, further evidencing the continued dispersal of and fierce competition for trading activity. See <https://www.arcavision.com/Arcavision/arcacalgin.jsp>.

<sup>21</sup> Mary Jo White, Enhancing Our Equity Market Structure, Sandler O'Neill & Partners, L.P. Global Exchange and Brokerage Conference (June 5, 2014) (available on the Commission Web site), citing Tuttle, Laura, 2014, "OTC Trading: Description of Non-ATS OTC Trading in National Market System Stocks," at 7-8.

operate as constraints on pricing proprietary data products.

#### Joint Product Nature of Exchange Platform

Transaction execution and proprietary data products are complementary in that market data is both an input and a byproduct of the execution service. In fact, proprietary market data and trade executions are a paradigmatic example of joint products with joint costs.<sup>22</sup> The decision of whether and on which platform to post an order will depend on the attributes of the platforms where the order can be posted, including the execution fees, data availability and quality, and price and distribution of data products. Without a platform to post quotations, receive orders, and execute trades, exchange data products would not exist.

The costs of producing market data include not only the costs of the data distribution infrastructure, but also the costs of designing, maintaining, and operating the exchange's platform for posting quotes, accepting orders, and executing transactions and the cost of regulating the exchange to ensure its fair operation and maintain investor confidence. The total return that a trading platform earns reflects the revenues it receives from both products and the joint costs it incurs.

Moreover, an exchange's broker-dealer customers generally view the costs of transaction executions and market data as a unified cost of doing business with the exchange. A broker-dealer will only choose to direct orders to an exchange if the revenue from the transaction exceeds its cost, including the cost of any market data that the broker-dealer chooses to buy in support of its order routing and trading decisions. If the costs of the transaction are not offset by its value, then the broker-dealer may choose instead not to purchase the product and trade away from that exchange.

Other market participants have noted that proprietary market data and trade executions are joint products of a joint platform and have common costs.<sup>23</sup> The

<sup>22</sup> See generally *Pricing of Market Data Services, An Economic Analysis* at vi ("Given the general structure of electronic order books and electronic order matching, it is not possible to provide transaction services without generating market data, and it is not possible to generate trade transaction—or market depth—data without also supplying a trade execution service. In economic terms, trade execution and market data are joint products.") (Oxera 2014).

<sup>23</sup> See Securities Exchange Act Release No. 72153 (May 12, 2014), 79 FR 28575, 28578 n.15 (May 16, 2014) (SR-NASDAQ-2014-045) ("[A]ll of the exchange's costs are incurred for the unified purposes of attracting order flow, executing and/or routing orders, and generating and selling data

<sup>19</sup> Press Release, U.S. Department of Justice, Assistant Attorney General Christine Varney Holds Conference Call Regarding NASDAQ OMX Group Inc. and IntercontinentalExchange Inc. Abandoning Their Bid for NYSE Euronext (May 16, 2011), available at <http://www.justice.gov/iso/opa/atr/speeches/2011/at-speech-110516.html>; see also Complaint in U.S. v. Deutsche Borse AG and NYSE Euronext, Case No. 11-cv-2280 (D.C. Dist.) ¶ 24 ("NYSE and Direct Edge compete head-to-head . . . in the provision of real-time proprietary equity data products.").

<sup>20</sup> Concept Release on Equity Market Structure, Securities Exchange Act Release No. 61358 (Jan. 14,



Exchange agrees with and adopts those discussions and the arguments therein. The Exchange also notes that the economics literature confirms that there is no way to allocate common costs between joint products that would shed any light on competitive or efficient pricing.<sup>24</sup>

Analyzing the cost of market data product production and distribution in isolation from the cost of all of the inputs supporting the creation of market data and market data products will inevitably underestimate the cost of the data and data products because it is impossible to obtain the data inputs to create market data products without a fast, technologically robust, and well-regulated execution system, and system and regulatory costs affect the price of both obtaining the market data itself and creating and distributing market data products. It would be equally misleading, however, to attribute all of an exchange's costs to the market data portion of an exchange's joint products. Rather, all of an exchange's costs are incurred for the unified purposes of attracting order flow, executing and/or routing orders, and generating and selling data about market activity. The total return that an exchange earns reflects the revenues it receives from the joint products and the total costs of the joint products.

As noted above, the level of competition and contestability in the market is evident in the numerous alternative venues that compete for order flow, including 12 equities self-regulatory organization ("SRO") markets, as well as various forms of

alternative trading systems ("ATs"), including dark pools and electronic communication networks ("ECNs"), and internalizing broker-dealers. SRO markets compete to attract order flow and produce transaction reports via trade executions, and two FINRA-regulated Trade Reporting Facilities compete to attract transaction reports from the non-SRO venues.

Competition among trading platforms can be expected to constrain the aggregate return that each platform earns from the sale of its joint products, but different trading platforms may choose from a range of possible, and equally reasonable, pricing strategies as the means of recovering total costs. For example, some platforms may choose to pay rebates to attract orders, charge relatively low prices for market data products (or provide market data products free of charge), and charge relatively high prices for accessing posted liquidity. Other platforms may choose a strategy of paying lower rebates (or no rebates) to attract orders, setting relatively high prices for market data products, and setting relatively low prices for accessing posted liquidity. For example, BZX, Cboe BYX Exchange, Inc., ("BYX"), Cboe EDGA Exchange, Inc. ("EDGA") and Cboe EDGX Exchange, Inc. ("EDGX"), which previously operated as ATs and obtained exchange status in 2008 and 2010, respectively, provided certain market data at no charge on their Web sites in order to attract more order flow, and used revenue rebates from resulting additional executions to maintain low execution charges for their users.<sup>25</sup> In this environment, there is no economic basis for regulating maximum prices for one of the joint products in an industry in which suppliers face competitive constraints with regard to the joint offering.

#### Existence of Alternatives

The large number of SROs, ATs, and internalizing broker-dealers that currently produce proprietary data or are currently capable of producing it provides further pricing discipline for proprietary data products. Each SRO, ATS, and broker-dealer is currently permitted to produce and sell proprietary data products, and many currently do, including but not limited to the Exchange, NYSE Arca, NYSE

American, NASDAQ, BZX, BYX, EDGA, and EDGX.

The fact that proprietary data from ATs, internalizing broker-dealers, and vendors can bypass SROs is significant in two respects. First, non-SROs can compete directly with SROs for the production and sale of proprietary data products. By way of example, BZX and NYSE Arca both published proprietary data on the Internet before registering as exchanges. Second, because a single order or transaction report can appear in an SRO proprietary product, a non-SRO proprietary product, or both, the amount of data available via proprietary products is greater in size than the actual number of orders and transaction reports that exist in the marketplace. Indeed, in the case of NYSE BBO, NYSE Trades and NYSE BQT, the data provided through these products appears both in (i) real-time core data products offered by the Securities Information Processors (SIPs) for a fee, and (ii) free SIP data products with a 15-minute time delay, and finds a close substitute in similar products of competing venues.<sup>26</sup> Because market data users can find suitable substitutes for most proprietary market data products, a market that overprices its market data products stands a high risk that users may substitute another source of market data information for its own.

Those competitive pressures imposed by available alternatives are evident in the Exchange's proposed pricing.

In addition to the competition and price discipline described above, the market for proprietary data products is also highly contestable because market entry is rapid and inexpensive. The history of electronic trading is replete with examples of entrants that swiftly grew into some of the largest electronic trading platforms and proprietary data producers: Archipelago, Bloomberg Tradebook, Island, RediBook, Attain, TradeECN, BZX, BYX, EDGA, and EDGX. A proliferation of dark pools and other ATs operate profitably with fragmentary share of consolidated market volume.

In determining the proposed changes to the fees for the NYSE BBO, NYSE Trades and NYSE BQT, the Exchange considered the competitiveness of the market for proprietary data and all of the implications of that competition. The Exchange believes that it has considered all relevant factors and has not considered irrelevant factors in order to establish fair, reasonable, and not unreasonably discriminatory fees and an equitable allocation of fees among all users. The existence of

about market activity. The total return that an exchange earns reflects the revenues it receives from the joint products and the total costs of the joint products." See also Securities Exchange Act Release No. 62907 (Sept. 14, 2010), 75 FR 57314, 57317 (Sept. 20, 2010) (SR-NASDAQ-2010-110), and Securities Exchange Act Release No. 62908 (Sept. 14, 2010), 75 FR 57321, 57324 (Sept. 20, 2010) (SR-NASDAQ-2010-111).

<sup>24</sup> See generally Mark Hirschey, *Fundamentals of Managerial Economics*, at 600 (2009) ("It is important to note, however, that although it is possible to determine the separate marginal costs of goods produced in variable proportions, it is impossible to determine their individual average costs. This is because common costs are expenses necessary for manufacture of a joint product. Common costs of production—raw material and equipment costs, management expenses, and other overhead—cannot be allocated to each individual by-product on any economically sound basis. . . . Any allocation of common costs is wrong and arbitrary."). This is not new economic theory. See, e.g., F.W. Taussig, "A Contribution to the Theory of Railway Rates," *Quarterly Journal of Economics* V(4) 438, 465 (July 1891) ("Yet, surely, the division is purely arbitrary. These items of cost, in fact, are jointly incurred for both sorts of traffic; and I cannot share the hope entertained by the statistician of the Commission, Professor Henry C. Adams, that we shall ever reach a mode of apportionment that will lead to trustworthy results.").

<sup>25</sup> This is simply a securities market-specific example of the well-established principle that in certain circumstances more sales at lower margins can be more profitable than fewer sales at higher margins; this example is additional evidence that market data is an inherent part of a market's joint platform.

<sup>26</sup> See *supra* note 14.

numerous alternatives to the Exchange's products, including proprietary data from other sources, ensures that the Exchange cannot set unreasonable fees, or fees that are unreasonably discriminatory, when vendors and subscribers can elect these alternatives or choose not to purchase a specific proprietary data product if the attendant fees are not justified by the returns that any particular vendor or data recipient would achieve through the purchase.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were solicited or received with respect to the proposed rule change.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A) <sup>27</sup> of the Act and subparagraph (f)(2) of Rule 19b-4 <sup>28</sup> thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) <sup>29</sup> of the Act to determine whether the proposed rule change should be approved or disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-NYSE-2017-60 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-NYSE-2017-60. 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-NYSE-2017-60 and should be submitted on or before December 27, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>30</sup>

**Eduardo A. Aleman,**

*Assistant Secretary.*

[FR Doc. 2017-26221 Filed 12-5-17; 8:45 am]

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**SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-82180; File No. SR-NYSE-2017-53]

**Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing of Proposed Rule Change To Amend the Listed Company Manual for Special Purpose Acquisition Companies To Lower the Initial Holder Requirement From 300 to 150 Round Lot Holders and To Eliminate Completely the 300 Public Stockholders Continued Listing Requirement, To Require at Least \$5 Million in Net Tangible Assets for Initial and Continued Listing, and To Impose a 30-Day Deadline To Demonstrate Compliance With the Initial Listing Requirements Following a Business Combination**

November 30, 2017.

Pursuant to Section 19(b)(1) <sup>1</sup> of the Securities Exchange Act of 1934 ("Act") <sup>2</sup> and Rule 19b-4 thereunder,<sup>3</sup> notice is hereby given that, on November 16, 2017, New York Stock Exchange LLC ("NYSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the 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 the Listed Company Manual (the "Manual") to revise its initial and continued listing standards for Acquisition Companies. The proposed rule change is available on the Exchange's Web site at [www.nyse.com](http://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.

<sup>27</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>28</sup> 17 CFR 240.19b-4(f)(2).

<sup>29</sup> 15 U.S.C. 78s(b)(2)(B).

<sup>30</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 15 U.S.C. 78a.

<sup>3</sup> 17 CFR 240.19b-4.

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

Section 102.06 of the Manual sets forth initial listing requirements applicable to a company whose business plan is to complete an initial public offering and engage in a merger or acquisition with one or more unidentified companies within a specific period of time (an "Acquisition Company" or "AC").<sup>4</sup> Section 802.01B of the Manual sets forth the continued listing standards for ACs. The Exchange proposes to change its initial and continued listing standards for Acquisition Companies as follows:

- Reduce the number of round-lot holders required for initial listing from 300 to 150 and eliminate the 300 [sic] holders continued listing requirement.
- Require Acquisition Companies to meet a requirement at the time of initial listing and on a continuing basis that they have net tangible assets (*i.e.*, total assets less intangible assets and liabilities) that exceed \$5 million.
- Apply the same initial listing criteria to listing in connection with an IPO and in connection with a transfer or quotation,
- Provide a 30 day period after a Business Combination for a company originally listed as an Acquisition Company to meet initial listing requirements.

Proposal To Reduce Number of Round-Lot [sic] Holders

Section 102.06 currently requires, in part, that an Acquisition Company: (i) Deposit into and retain in an escrow account at least 90% of the gross proceeds of its initial public offering through the date of its Business Combination; (ii) complete the Business Combination within 36 months of the effectiveness of the IPO registration statement; and (iii) provide the public shareholders who object to the Business Combination with the right to convert their common stock into a pro rata share of the funds held in escrow.<sup>5</sup> Following

the Business Combination, the combined company must meet the Exchange's requirements for initial listing.

Acquisition Companies often have difficulty demonstrating compliance with the shareholder requirement for initial and continued listing.<sup>6</sup> The shareholder requirement, along with the listing requirements relating to total market capitalization and market value of publicly held shares, is designed to help ensure that a security has a sufficient number of investors to provide a liquid trading market.<sup>7</sup> Based on conversations with marketplace participants, including the sponsors of Acquisition Companies and lawyers and bankers that advise these companies, the Exchange believes that the difficulties Acquisition Companies have in demonstrating compliance with the shareholder requirement are due to intrinsic features of Acquisition Companies, which limit the number of retail investors interested in the vehicle and encourage owners to hold their shares until a transaction is announced, which can be as long as three years after the initial public offering. These same intrinsic features of Acquisition Companies also limit the benefit to investors of a shareholder requirement.

In addition, because the price of an Acquisition Company is based primarily on the value of the funds it holds in trust, and the Acquisition Company's shareholders have the right to redeem their shares for a pro rata share of that trust in conjunction with the Business Combination, the impact of the number of shareholders on an Acquisition Company security's price is less relevant than is the case for operating

company common stocks. For this reason, Acquisition Companies, historically, trade close to the value in the trust, even when they have had few shareholders. These trading patterns suggest that Acquisition Companies' low number of shareholders has not resulted in distorted prices.

The Exchange believes that an Exchange Traded Fund ("ETF") is somewhat similar to an Acquisition Company in this regard in that an arbitrage mechanism keeps the ETF's price close to the value of its underlying securities, even when trading in the ETF's shares is relatively illiquid. The initial listing requirements for ETFs do not include a shareholder requirement and only 50 shareholders are required for continued listing after the ETF has been listed for one year.

For these reasons, the Exchange proposes to reduce the shareholder requirement for the initial listing of an Acquisition Company to 150 round lot shareholders for all Acquisition Companies, including IPOs, transfers and quotation listings, and to eliminate the 300 total [sic] holder continued requirement.

The Exchange notes that it can be difficult for a company, once listed, to obtain evidence demonstrating the number of its shareholders because many accounts are held in street name and shareholders may object to being identified to the company. As a result, companies must seek information from broker-dealers and from third-parties that distribute information such as proxy materials for the broker-dealers. This process is time-consuming and particularly burdensome for Acquisition Companies because most operating expenses are typically borne by the Acquisition Company's sponsors due to the requirement that the gross proceeds of the initial public offering remain in the trust account until the closing of the business combination.<sup>8</sup> Accordingly, given the short life of an Acquisition Company, the trading characteristics of Acquisition Companies, and the requirement to meet the initial listing standards at the time of the Business Combination, the Exchange also

<sup>6</sup> Section 102.06 requires an Acquisition Company listing in connection with an IPO to have a minimum of 300 round lot holders and Section 802.01B requires an Acquisition Company to have at least 300 public stockholders on a continued basis. Section 102.06 requires companies listing upon transfer or as a quotation listing to meet the following distribution requirements:

Number of holders of 100 shares or more or of a unit of trading if less than 100 shares 300

OR

Total stockholders 2,200

Together with average monthly trading volume 100,000 shares (for most recent 6 months)

OR

Total stockholders 500

Together with average monthly trading volume 1,000,000 shares (for most recent 12 months)

AND

Number of publicly held shares 1,100,000 shares

"Public stockholders" exclude holders that are directors, officers, or their immediate families and holders of other concentrated holdings of 10% or more.

<sup>7</sup> See, e.g., Rocky Mountain Power Company, Securities Exchange Act Release No. 40648 (November 9, 1998) (text at footnote 11).

<sup>8</sup> While under Section 102.06 an Acquisition Company could pay operating and other expenses, subject to a limitation that 90% of the gross proceeds of the company's offering must be retained in trust account, the market standard for Acquisition Companies is typically that 100% of the gross proceeds from the IPO are kept in the trust account and only interest earned on that account is available to be used to pay taxes and a limited amount of operating expenses. Marketplace participants have also indicated that the current trend is to allow interest earned to be used for payments of taxes only, thus placing the burden for all operating expenses on the sponsors.

<sup>4</sup> Section 102.06 provides that an Acquisition Company must complete one or more business combinations having an aggregate fair market value of at least 80% of the value of the deposit account (the "Business Combination") within 36 months of the effectiveness of its IPO registration statement.

<sup>5</sup> Section 102.06 also requires that each proposed business combination be approved by a majority of the company's independent directors.

proposes to eliminate the continued listing shareholder requirement for Acquisition Companies.<sup>9</sup>

#### Proposal To Add Net Tangible Asset Requirement

To ensure that ACs listed on the Exchange are exempt from definition of a penny stock under Commission rules, the Exchange proposes to require ACs to have net tangible assets<sup>10</sup> in excess of \$5,000,000 at the time of initial listing and on a continuing basis.

Rule 3a51-1 under the Act<sup>11</sup> defines a “penny stock” as any equity security that does not satisfy one of the exceptions enumerated in subparagraphs (a) through (g) under the Rule. If a security is a penny stock, Rules 15g-1 through 15g-9 under the Act<sup>12</sup> impose certain additional disclosure and other requirements on brokers and dealers when effecting transactions in such securities. Rule 3a51-1(a)(2) under the Act<sup>13</sup> excepts from the definition of penny stock securities registered on a national securities exchanges that have initial listing standards that meet certain requirements, including, in the case of primary common stock, 300 round lot holders. Rule 3a51-1 also includes alternative exceptions from the definition of penny stock.

By proposing to require ACs to have net tangible assets of at least \$5 million on an initial and continued basis,<sup>14</sup> the

securities of such companies will satisfy the exclusion from being a penny stock in Rule 3a51-1(g)(1) of the Act.<sup>15</sup> The Exchange would commence immediate suspension and delisting procedures with respect to any Acquisition Company that fell below the net tangible assets continued listing standard. An AC will not be eligible to follow the procedures outlined in Sections 802.02 and 802.03 with respect to these criteria and any such security will be subject to immediate suspension and the delisting procedures as set forth in Section 804.

#### Period for Company To Demonstrate That It Satisfies Initial Listing Requirements

Last, the Exchange notes that the existing rules require that following an Acquisition Company’s Business Combination, the resulting company must satisfy all initial listing requirements, including the shareholder requirements set forth in Section 102.01A. To address the delays described above associated with obtaining information about the number of shareholders holding shares in “street name” accounts, the Exchange proposes to allow a company to demonstrate that it meets the initial listing requirements with respect to shareholders within 30 days following a business combination. If the company has not demonstrated that it meets the requirements for initial listing in that time, the Exchange will commence delisting proceedings and immediately suspend trading in the company’s securities. An AC will not be eligible to follow the procedures outlined in Sections 802.02 and 802.03 with respect to any failure to meet the applicable initial listing criteria at the time of its Business Combination and any such security will be subject to immediate suspension and the delisting procedures as set forth in Section 804.

These proposed changes will be effective upon approval of this rule by the Commission.

#### 2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Exchange Act,<sup>16</sup> in general, and furthers the objectives of Section 6(b)(5) of the Exchange Act,<sup>17</sup> in particular in that it is designed 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 and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. While the change would allow Acquisition Companies to list with fewer shareholders, this proposed change is consistent with the investor protection provisions of the Act because other protections help assure that market prices will not be distorted by any potential resulting lack of liquidity, which is the underlying purpose of the shareholder requirement. In particular, the ability of a shareholder to redeem shares for a pro rata share of the trust helps assure that the Acquisition Company will trade close to the value of the assets held in trust.

The proposed rule change will also continue to assure that any listed Acquisition Company satisfies an exclusion from the definition of a “penny stock” under the Act by imposing a new requirement that an Acquisition Company have upon initial listing and maintain \$5 million of net tangible assets and subject any Acquisition Company that falls below that standard to immediate suspension and delisting procedures.

Thus, this change will remove impediments to and perfect the mechanism of a free and open market by removing listing requirements that prohibit certain companies from listing or remaining listed without any concomitant investor protection benefits. In addition, the change would also limit the amount of time that an Acquisition Company could remain listed following a business combination if it has not demonstrated compliance with the initial listing requirements, thereby enhancing investor protection. Accordingly, the Exchange believes that the proposal satisfies the requirements of the Act.

The proposal to provide companies with 30 days to demonstrate that they meet all applicable initial listing standards after a Business Combination is intended to address the difficulty companies have in identifying the number of holders they have immediately upon consummation of their Business Combination. Acquisition Company shareholders typically have the right to request redemption of their securities until immediately before consummation and it is therefore impracticable for companies to identify the number of round-lot holders

<sup>9</sup> The Exchange notes that any Acquisition Company listed on the NYSE will be allocated to a Designated Market Maker. As a result, the Exchange does not expect that the proposed change will result in illiquidity or other problems trading the securities of Acquisition Companies.

<sup>10</sup> Net tangible assets are total assets, less intangible assets and liabilities. The required level of net tangible assets must be demonstrated on the Company’s most recent audited financial statements filed with, and satisfying the requirements of, the Commission or Other Regulatory Authority (as defined in Section 107.03). In the case of an AC listing at the time of its IPO, net tangible assets may be demonstrated in a public filing, such as the AC’s registration statement, on a pro forma basis reflecting the offering.

<sup>11</sup> 17 CFR 240.3a51-1.

<sup>12</sup> 17 CFR 240.15g-1 *et seq.*

<sup>13</sup> 17 CFR 240.3a51-1(a)(2).

<sup>14</sup> The required level of net tangible assets must be demonstrated on the Company’s most recent audited financial statements filed with, and satisfying the requirements of, the Commission or Other Regulatory Authority (as defined in Section 107.03). In the case of an AC listing at the time of its IPO, net tangible assets may be demonstrated in a public filing, such as the AC’s registration statement, on a pro forma basis reflecting the offering. Section 107.03 defines an “Other Regulatory Authority” as: (i) In the case of a bank or savings authority identified in Section 12(i) of the Exchange Act, the agency vested with authority to enforce the provisions of Section 12 of the Exchange Act; or (ii) in the case of an insurance company that is subject to an exemption issued by the Commission that permits the listing of the security, notwithstanding its failure to be registered

pursuant to Section 12(b), the Commissioner of Insurance (or other officer or agency performing a similar function) of its domiciliary state.

<sup>15</sup> 17 CFR 240.3a51-1(g)(1). All Acquisition Companies currently listed satisfy this alternative.

<sup>16</sup> 15 U.S.C. 78f(b).

<sup>17</sup> 15 U.S.C. 78f(b)(5).

immediately to demonstrate their qualification for initial listing. The proposed 30 day period will relate only to a company's ability to demonstrate its compliance with the holders requirement, as a company's compliance with the earnings or global market capitalization and stock price requirements will be apparent at the time of consummation of the Business Combination. This proposed change is consistent with the protection of investors and the public interest, as it does not alter the substantive quantitative requirements a company must meet to remain listed.

#### *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 purpose of the proposed rule is to adopt initial and continued listing standards for Acquisition Companies that better reflect the characteristics and trading market for Acquisition Companies. While the rule may permit more Acquisition Companies to list, or remain listed, on the Exchange, other exchanges could adopt similar rules to compete for such listings. As such, the Exchange does not believe it imposes any burden on 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](mailto:rule-comments@sec.gov). Please include File Number SR-NYSE-2017-53 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-NYSE-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-NYSE-2017-53 and should be submitted on or before December 27, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>18</sup>

**Eduardo A. Aleman,**

*Assistant Secretary.*

[FR Doc. 2017-26220 Filed 12-5-17; 8:45 am]

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<sup>18</sup> 17 CFR 200.30-3(a)(12).

## **SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-82190; File No. SR-NYSEArca-2017-123]

### **Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Reflect a Change to the Investment Objective and the Underlying Index for the Horizons S&P 500 Covered Call ETF**

November 30, 2017.

Pursuant to Section 19(b)(1)<sup>1</sup> of the Securities Exchange Act of 1934 (the "Act")<sup>2</sup> and Rule 19b-4 thereunder,<sup>3</sup> notice is hereby given that, on November 22, 2017, NYSE Arca, Inc. (the "Exchange" or "NYSE Arca") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the 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 reflect a change to the investment objective and the underlying index for the Horizons S&P 500® Covered Call ETF, shares of which are currently listed and trading on the Exchange under NYSE Arca Rule 5.2-E(j)(3). The proposed change is available on the Exchange's Web site at [www.nyse.com](http://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.

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 15 U.S.C. 78a.

<sup>3</sup> 17 CFR 240.19b-4.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The Exchange proposes to make certain changes relating to the investment objective, the underlying index and the investments of the Horizons S&P 500 Covered Call ETF (the "Fund"), shares ("Shares") of which are currently listed and trading on the Exchange under NYSE Arca Rule 5.2-E(j)(3) (Investment Company Units or "Units").<sup>4</sup>

Shares of the Fund currently are listed and traded on the Exchange.<sup>5</sup> The Shares are offered by Horizons ETF Trust I (the "Trust"), which is organized as a Delaware statutory trust and is registered with the Commission as an open-end management investment company.<sup>6</sup>

The investment adviser to the Fund is Horizons ETFs Management (US) LLC ("Adviser").<sup>7</sup> Foreside Fund Services,

LLC (the "Distributor") is the principal underwriter and distributor of the Fund's Shares. U.S. Bank, N.A. serves as custodian for the Fund. The Bank of New York Mellon serves as sub-custodian for the Fund. U.S. Bancorp Fund Services, LLC serves as the transfer agent and administrator for the Fund.<sup>8</sup>

As described in the Prior Notice, the Fund seeks investment results that, before fees and expenses, generally correspond to the performance of the S&P 500 Stock Covered Call Index ("Underlying Index") provided by S&P Dow Jones Indices LLC (the "Index Provider").<sup>9</sup> The Underlying Index is

access to information concerning the portfolio holdings of the Fund. In the event (a) the Adviser becomes registered as a broker-dealer or newly affiliated with a broker-dealer, or (b) any new adviser or sub-adviser is or becomes affiliated with a broker-dealer, it will implement and maintain a fire wall with respect to its relevant personnel or its broker-dealer affiliate regarding access to information concerning the portfolio holdings of the Fund, and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such portfolio. An investment adviser to an open-end fund is required to be registered under the Investment Advisers Act of 1940 (the "Advisers Act"). As a result, the Adviser and its related personnel are subject to the provisions of Rule 204A-1 under the Advisers Act relating to codes of ethics. This Rule requires investment advisers to adopt a code of ethics that reflects the fiduciary nature of the relationship to clients as well as compliance with other applicable securities laws. Accordingly, procedures designed to prevent the communication and misuse of non-public information by an investment adviser must be consistent with Rule 204A-1 under the Advisers Act. In addition, Rule 206(4)-7 under the Advisers Act makes it unlawful for an investment adviser to provide investment advice to clients unless such investment adviser has (i) adopted and implemented written policies and procedures reasonably designed to prevent violation, by the investment adviser and its supervised persons, of the Advisers Act and the Commission rules adopted thereunder; (ii) implemented, at a minimum, an annual review regarding the adequacy of the policies and procedures established pursuant to subparagraph (i) above and the effectiveness of their implementation; and (iii) designated an individual (who is a supervised person) responsible for administering the policies and procedures adopted under subparagraph (i) above.

<sup>8</sup> The entities serving as the Trust, custodian and transfer agent for the Fund have changed from those identified in the Prior Release. The investment adviser to the Fund, Horizons ETFs Management (US) LLC, also has changed from the adviser identified in the Prior Release. The Adviser previously served as sub-adviser to the Fund, as stated in the Prior Release. The services provided by these entities are not changing from those described in the Prior Release.

<sup>9</sup> The Underlying Index and "New Underlying Index" (as defined below) are provided by the Index Provider, which is unaffiliated with the Fund or the Adviser. The Index Provider maintains, calculates and publishes information regarding the Underlying Index and New Underlying Index. The Index Provider is not a broker-dealer and is not affiliated with a broker-dealer and has implemented procedures designed to prevent the use and dissemination of material, non-public information regarding the Underlying Index and New Underlying Index.

comprised of all the equity securities in the S&P 500 Index (the "Reference Index") and a short (written) call option on each of the options-eligible securities in the Reference Index that meet, among others, stock and option price criteria of the Underlying Index methodology.<sup>10</sup>

The Exchange proposes to reflect a change to the investment objective and the underlying index for the Fund. Going forward, the Fund will seek investment results that, before fees and expenses, generally correspond to the performance of the CBOE S&P 500 2% OTM BuyWrite Index ("New Underlying Index"). The New Underlying Index does not meet the "generic" listing requirements of Commentary .01(a)(A) to NYSE Arca Rule 5.2-E(j)(3) applicable to the listing of Units based upon an index of US Component Stocks. Specifically, NYSE Arca Rule 5.2-E(j)(3) provides that the term "US Component Stock" shall mean an equity security that is registered under Sections 12(b) or 12(g) of the Act or an American Depositary Receipt, the underlying equity security of which is registered under Sections 12(b) or 12(g) of the Act. Commentary .01(a)(A) to NYSE Arca Rule 5.2-E(j)(3) sets forth the requirements to be met by components of an index or portfolio of US Component Stocks.<sup>11</sup> The New Underlying Index consists of the constituent securities of the S&P 500 Index. The New Underlying Index meets and will continue to meet all requirements of NYSE Arca Rule 5.2-E(j)(3) and Commentary .01(a)(A) thereto except that the New Underlying Index includes a call option, which is not an NMS Stock as defined in Rule 600 of Regulation NMS. As described below, the New Underlying Index consists of long positions in securities in the Reference Index and a single out-

<sup>10</sup> The Underlying Index and New Underlying Index methodologies are available at <http://us.spindices.com/indices/strategy/sp-500-stock-covered-call-index> and <https://www.cboe.com/products/strategy-benchmark-indexes/buywrite-indexes/cboe-s-p-500-2-otm-buywrite-index-bxy>, respectively. The New Underlying Index uses the same methodology as the widely accepted CBOE S&P 500 BuyWrite Index (BXM) but the New Underlying Index is calculated using out-of-the-money S&P 500 Index (SPX) call options, rather than at-the-money SPX call options. For additional information regarding the Underlying Index, see the Prior Release.

<sup>11</sup> Commentary .01(a)(A) to NYSE Arca Rule 5.2-E(j)(3) provides that components of an index or portfolio of U.S. Component Stocks underlying a series of Units listed pursuant to Rule 19b-4(e) under the Act must meet specified criteria on an initial and continued listing basis. Commentary .01(a)(A)(5) to NYSE Arca Rule 5.2-E(j)(3) states that all securities in the index or portfolio shall be U.S. Component Stocks listed on a national securities exchange and shall be NMS Stocks as defined in Rule 600 of Regulation NMS under the Act.

<sup>4</sup> An Investment Company Unit is a security that represents an interest in a registered investment company that holds securities comprising, or otherwise based on or representing an interest in, an index or portfolio of securities (or holds securities in another registered investment company that holds securities comprising, or otherwise based on or representing an interest in, an index or portfolio of securities). See NYSE Arca Rule 5.2-E(j)(3)(A).

<sup>5</sup> The Commission issued notice of a proposed rule change to permit listing and trading of Shares of the Fund in Securities Exchange Act Release Nos. 68351 (December 4, 2012), 77 FR 73500 (December 10, 2012) (SR-NYSEArca-2012-131) (Notice of Filing of Proposed Rule Change Relating to Listing and Trading of Shares of the Horizons S&P 500 Covered Call ETF, Horizons S&P Financial Select Sector Covered Call ETF, and Horizons S&P Energy Select Sector Covered Call ETF under NYSE Arca Equities Rule 5.2(j)(3)) ("Prior Notice"); 68708 (January 23, 2013), 78 FR 6161 (January 29, 2013) (SR-NYSEArca-2012-131) (Order Approving Proposed Rule Change Relating to Listing and Trading of Shares of the Horizons S&P 500 Covered Call ETF, Horizons S&P Financial Select Sector Covered Call ETF, and Horizons S&P Energy Select Sector Covered Call ETF under NYSE Arca Equities Rule 5.2(j)(3)) ("Prior Order" and, together with the Prior Notice, the "Prior Release").

<sup>6</sup> The Trust is registered under the Investment Company Act of 1940 (15 U.S.C. 80a-1) ("1940 Act"). On September 25, 2017, the Trust filed with the Commission an amendment to its Form N-1A under the Securities Act of 1933 (15 U.S.C. 77a), and under the 1940 Act relating to the Fund (File Nos. 333-183155 and 811-22732) ("Registration Statement"). The description of the operation of the Trust and the Fund herein is based, in part, on the Registration Statement. In addition, the Commission has issued an order granting certain exemptive relief to the Recon Capital Series Trust (subsequently renamed Horizons ETF Trust I), et al, under the 1940 Act. See Investment Company Act Release No. 31961 (February 9 [sic], 2016) (File No. 812-14461) ("Exemptive Order").

<sup>7</sup> The Adviser is not registered as a broker-dealer and is affiliated with two broker-dealers and has implemented and will maintain a fire wall with respect to its broker-dealer affiliates regarding

of-the-money call option written on the S&P 500 Index.<sup>12</sup> All securities in the Reference Index are listed and traded on a U.S. national securities exchange. The option on the Reference Index is traded on a U.S. national options exchange. Notwithstanding that the New Underlying Index does not meet the requirement of Commentary .01(a)(A)(5) to NYSE Arca Rule 5.2–E(j)(3), the Exchange believes that the New Underlying Index is sufficiently broad-based to deter potential manipulation in that the Reference Index stocks are among the most actively traded, highly capitalized stocks traded in the U.S. The market value of the call option will not represent more than 10% of the total weight of the New Underlying Index.

#### *Horizons S&P 500 Covered Call ETF*

According to the Registration Statement, the Fund is an index fund that will employ a “passive management” investment strategy in seeking to achieve its objective of providing investment results that generally correspond to the performance of the New Underlying Index. The New Underlying Index is comprised of two parts: (1) All the equity securities in the Reference Index (*i.e.*, the S&P 500 Index) in substantially similar weight as the Reference Index<sup>13</sup>; and (2) a single short (written) call option on the S&P 500 Index. The Fund will invest at least 80% of its total assets in securities that comprise its New Underlying Index.

#### *The New Underlying Index*

The New Underlying Index measures the performance of a hypothetical portfolio that employs a covered call strategy.<sup>14</sup> A covered call strategy is generally considered to be an investment strategy in which an investor buys a security, and sells (or “writes”) a call option on that security in an attempt to generate more income. The “premium” paid by the buyer of the option provides income in addition to the security’s dividends or other

distributions. The New Underlying Index consists of long positions in securities in the Reference Index and an out-of-the-money call option written on the S&P 500 Index. This option is written (sold) systematically on the monthly option writing date of the New Underlying Index.

#### *The Operation of the Fund*

The Fund, in return for the option premium, will write call options that give the purchaser the right to receive a cash payment equal to any positive difference between the value of the security and the exercise (or “strike”) price on the expiration date of the option. Each month the Fund will write a single out-of-the-money call option on the Reference Index as determined on the monthly option writing date of the New Underlying Index in accordance with the New Underlying Index methodology. Such short option position would be reflected in the Fund’s portfolio as a negative cash balance.

The Fund generally will use a replication methodology, meaning it will invest in all of the securities comprising the New Underlying Index in proportion to the weightings in the New Underlying Index. The Fund will seek correlation between the Fund’s performance, before fees and expenses, and that of the New Underlying Index of 0.95 or better. A figure of 1.00 would represent perfect correlation.

Under normal market conditions,<sup>15</sup> the Fund will invest at least 80% of its total assets in the securities included in the New Underlying Index. The Adviser anticipates that, generally, the Fund will hold all of the securities that comprise the New Underlying Index in proportion to their weightings in such index. However, from time to time, the Fund may utilize a sampling methodology under various circumstances where it may not be possible or practicable to purchase all of the equity securities and write (sell) the call option comprising the New Underlying Index.

The option in the New Underlying Index will be traded on national securities exchanges. Purely for informational purposes, as of September 29, 2017, the Reference Index and New Underlying Index included common stocks of 505 companies, with a market capitalization range of between approximately \$2.7 billion and \$796.1 billion. As of that date, the New Underlying Index also included a single

short (written) call option on the Reference Index.

The Exchange represents that the listing standards under NYSE Arca Rules 5.2–E(j)(3) and 5.5–E(g)(2) applicable to Units shall apply to the Shares. In addition, the Exchange represents that the Fund and the Shares will comply with all other requirements applicable to Units including, but not limited to, requirements relating to the dissemination of key information such as the value of the New Underlying Index, IIV, and NAV, rules governing the trading of equity securities, trading hours, trading halts, surveillance, information barriers and Information Bulletin to Equity Trading Permit Holders (“ETP Holders”), as set forth in Exchange rules applicable to Units and prior Commission orders approving the generic listing rules applicable to the listing and trading of Units.<sup>16</sup>

#### *Surveillance*

The Exchange represents that trading in the Shares will be subject to the existing trading surveillances administered by the Exchange, as well as cross-market surveillances administered by the Financial Industry Regulatory Authority (“FINRA”) on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws.<sup>17</sup> The Exchange represents that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws.

The surveillances referred to above generally focus on detecting securities trading outside their normal patterns, which could be indicative of manipulative or other violative activity. When such situations are detected, surveillance analysis follows and investigations are opened, where appropriate, to review the behavior of all relevant parties for all relevant trading violations.

The Exchange or FINRA, on behalf of the Exchange, or both, will communicate as needed regarding trading in the Shares, equity securities

<sup>12</sup> An “out-of-the-money” call option is one in which the exercise (or “strike”) price of the option is above the market price of the security.

<sup>13</sup> The Reference Index is a float-adjusted market capitalization weighted index containing equity securities of 500 industrial, information technology, utility and financial companies among other Global Industry Classification Standard (“GICS”) sectors, regarded as generally representative of the U.S. stock market. A float-adjusted market capitalization weighted index weights each index component according to its market capitalization, using the number of shares that are readily available for purchase on the open market.

<sup>14</sup> Information regarding the New Underlying Index is available at the new Web site identified in note 9, *supra*, [sic] which is different than the Web site for the Underlying Index methodology identified in the Prior Release.

<sup>15</sup> The term “normal market conditions” for these purposes will have the same meaning as the term defined in NYSE Arca Rule 8.600–E(c)(5).

<sup>16</sup> See, e.g., Securities Exchange Act Release No. 44551 (July 12, 2001), 66 FR 37716 (July 19, 2001) (SR–PCX–2001–14) (order approving generic listing standards for ICUs and Portfolio Depositary Receipts); Securities Exchange Act Release No. 41983 (October 6, 1999), 64 FR 56008 (October 15, 1999) (SR–PCX–98–29) (order approving rules for listing and trading of ICUs).

<sup>17</sup> FINRA conducts cross-market surveillances on behalf of the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA’s performance under this regulatory services agreement.



and options with other markets and other entities that are members of the Intermarket Surveillance Group ("ISG"), and the Exchange or FINRA, on behalf of the Exchange, or both, may obtain trading information regarding trading such securities and financial instruments from such markets and other entities. In addition, the Exchange may obtain information regarding trading in such securities from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.<sup>18</sup>

In addition, the Exchange also has a general policy prohibiting the distribution of material, non-public information by its employees.

All statements or representations contained in this filing regarding (a) the description of the New Underlying Index, portfolio or reference asset, (b) limitations on the New Underlying Index or portfolio holdings or reference assets, or (c) the applicability of Exchange listing rules specified in such rule filing will constitute continued listing requirements for listing the Shares on the Exchange.

The issuer must notify the Exchange of any failure by the Fund to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Act, the Exchange will monitor for compliance with the continued listing requirements. If the Fund is not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under NYSE Arca Rule 5.5–E(m). Pursuant to its obligations under Section 19(g)(1) of the Act, the Exchange will monitor for compliance with the continued listing requirements.

Except for the changes noted above, all other representations made in the Prior Release remain unchanged. Except as otherwise referenced in this proposed rule change, all representations made in the Prior Release pertaining to the Underlying Index shall continue to apply to the New Underlying Index.

## 2. Statutory Basis

The basis under the Exchange Act for this proposed rule change is the requirement under Section 6(b)(5)<sup>19</sup> that an exchange have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of

trade, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that the Shares will continue to be listed and traded on the Exchange pursuant to the listing criteria in NYSE Arca Rule 5.2–E(j)(3). The Exchange has in place surveillance procedures that are adequate to properly monitor trading in the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws. The Adviser is not registered as a broker-dealer and is affiliated with two broker-dealers and has implemented and will maintain a fire wall with respect to its broker-dealer affiliates regarding access to information concerning the portfolio holdings of the Fund. In the event (a) the Adviser becomes registered as or newly affiliated with a broker-dealer, or (b) any new adviser becomes registered as or newly affiliated with a broker-dealer, it will implement and maintain a fire wall with respect to such broker-dealer regarding access to information concerning the portfolio holdings of the Fund, and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such portfolio. The Index Provider is not a broker-dealer and is not affiliated with a broker-dealer and has implemented procedures designed to prevent the use and dissemination of material, non-public information regarding the New Underlying Index. All securities in the Reference Index are listed and traded on a U.S. national securities exchange. The option on the Reference Index is traded on a U.S. national options exchange. The Reference Index's stocks are among the most actively traded, highly capitalized stocks traded in the U.S. The market value of the call option will not represent more than 10% of the total weight of the New Underlying Index. The New Underlying Index is similar to the Underlying Index, the difference being that the Underlying Index includes a short (written) call option on each of the options-eligible securities in the Reference Index as described above, whereas the New Underlying Index includes a single short (written) call option on the S&P 500 Index. The Exchange does not view the proposed index change as providing a material change to the Fund's investment objective or to the investment strategies, risks or returns of the Fund. Except for the changes noted above, all other

representations made in the Prior Release remain unchanged. Except as otherwise referenced in this proposed rule change, all representations made in the Prior Release pertaining to the Underlying Index shall continue to apply to the New Underlying Index.

## 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 purpose of the Act. The proposed rule change will enhance competition among exchange-traded fund issuers by permitting trading of shares of Units based on another underlying index that is not currently the underlying index for a series of Units.

## C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

## III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>20</sup> and Rule 19b–4(f)(6) thereunder.<sup>21</sup>

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act<sup>22</sup> normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)<sup>23</sup> permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission believes that

<sup>20</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>21</sup> 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

<sup>22</sup> 17 CFR 240.19b–4(f)(6).

<sup>23</sup> 17 CFR 240.19b–4(f)(6)(iii).

<sup>18</sup> For a list of the current members of ISG, see [www.isgportal.org](http://www.isgportal.org). The Exchange notes that not all holdings of the Fund may trade on markets that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

<sup>19</sup> 15 U.S.C. 78f(b)(5).

waiving the 30-day operative delay is consistent with the protection of investors and the public interest. According to the Exchange, waiver of the 30-day operative delay would permit the timely implementation of Fund efficiencies resulting from tracking an index that requires the writing of a single option on the Reference Index, instead of writing options on multiple options-eligible securities in the Reference Index. In addition, the Commission believes that the proposal does not raise unique or novel regulatory issues. Therefore, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.<sup>24</sup>

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend the rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

#### IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

##### *Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-NYSEArca-2017-123 on the subject line.

##### *Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549-1090.

All submissions should refer to File Number SR-NYSEArca-2017-123. 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-NYSEArca-2017-123 and should be submitted on or before December 27, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>25</sup>

**Eduardo A. Aleman**

*Assistant Secretary.*

[FR Doc. 2017-26223 Filed 12-5-17; 8:45 am]

**BILLING CODE 8011-01-P**

#### SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-82189; File No. SR-FINRA-2017-034]

#### Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to the Trade Reporting Facility Limited Liability Company Agreements

November 30, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on November 21, 2017, Financial Industry Regulatory Authority, Inc. ("FINRA") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and

III below, which Items have been prepared by FINRA. FINRA has designated the proposed rule change as concerned solely with the administration of the self-regulatory organization under Section 19(b)(3)(A)(iii) of the Act<sup>3</sup> and Rule 19b-4(f)(3) thereunder,<sup>4</sup> which renders the proposal effective upon receipt of this filing by the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

FINRA is proposing to make technical changes to FINRA's Trade Reporting Facility limited liability company agreements, as they appear in the FINRA Manual, to reflect the second amendment and restatement of such agreements.

The text of the proposed rule change is available on FINRA's Web site at <http://www.finra.org>, at the principal office of FINRA and at the Commission's Public Reference Room.

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FINRA included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. FINRA has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

##### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

###### 1. Purpose

The FINRA Trade Reporting Facilities ("TRFs") are facilities that FINRA members use to report over-the-counter ("OTC") transactions in NMS stocks in accordance with FINRA rules. There currently are two TRFs: The FINRA/Nasdaq TRF and the FINRA/NYSE TRF.<sup>5</sup> The operation of each TRF is

<sup>3</sup> 15 U.S.C. 78s(b)(3)(A)(iii).

<sup>4</sup> 17 CFR 240.19b-4(f)(3).

<sup>5</sup> The establishment of each TRF was subject to a proposed rule change filed with the Commission. See Securities Exchange Act Release No. 54084 (June 30, 2006), 71 FR 38935 (July 10, 2006) (Order Approving File No. SR-NASD-2005-087); and Securities Exchange Act Release No. 55325 (February 21, 2007), 72 FR 8820 (February 27, 2007)

<sup>24</sup> For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

<sup>25</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

governed by a Limited Liability Company Agreement (the “TRF LLC Agreement”) between FINRA and the respective “Business Member,” each of which is itself an affiliate of a self-regulatory organization (“SRO”). The TRF LLC Agreements, which were submitted as part of the rule filings to establish the respective TRFs and were subsequently amended and restated,<sup>6</sup> appear in the FINRA Manual.

Under each TRF LLC Agreement, FINRA is the “SRO Member” and has sole regulatory responsibility for the TRF, including real-time monitoring and T+1 surveillance, development and enforcement of trade reporting rules and submission of proposed rule changes to the Commission. The Business Member under each TRF LLC Agreement is primarily responsible for the management of the TRF’s business affairs, which may not be conducted in a manner inconsistent with the regulatory and oversight functions of FINRA. Among other things, the Business Member establishes pricing for the TRF and is obligated to pay the cost of regulation and is entitled to the profits and losses, if any, derived from operation of the TRF. The Business Member also provides the “user facing” front-end technology used to operate the TRF and transmit in real time trade report data directly to the NMS securities information processors (“SIPs”) and to FINRA for audit trail purposes.

FINRA and the TRF Business Members recently executed second amended and restated TRF LLC Agreements to reflect the change in name of each Business Member. Specifically, the FINRA/Nasdaq TRF Business Member, formerly NASDAQ OMX Group, Inc., is now known as Nasdaq, Inc., and the FINRA/NYSE TRF Business Member, formerly NYSE Market, Inc., is now known as NYSE Market (DE), Inc.

As part of the second amended and restated TRF LLC Agreements, FINRA and the Business Members also updated the schedules relating to the respective TRF officers and directors. Schedule C of each TRF LLC Agreement is the management agreement that all TRF directors must sign.<sup>7</sup> Rather than reflect the executed version of the management

agreement, Schedule C of each TRF LLC Agreement now reflects the form of management agreement only and new Schedule E of each TRF LLC Agreement specifically identifies the directors of the TRF (each of whom, as noted above, is required to sign the management agreement that appears at Schedule C). Schedule D of each TRF LLC Agreement identifies the officers of the TRF and was updated as part of the second amended and restated agreement. Also as part of the second amendment and restatement of the agreements, FINRA and the Business Members revised Section 27 of each TRF LLC Agreement to expressly provide that the parties may update Schedules D and E from time to time by notice, without also needing to amend and restate the TRF LLC Agreement.

FINRA is proposing to make technical changes to the TRF LLC Agreements, as they appear in the FINRA Manual, to reflect the second amended and restated TRF LLC Agreements.<sup>8</sup> The terms and conditions of the second amended and restated TRF LLC Agreements are identical to those of the first amended and restated TRF LLC Agreements.

In addition, because the parties may update Schedules D and E from time to time, without needing to also amend and restate the TRF LLC Agreements, FINRA is proposing to provide the current schedules—with the current lists of TRF officers and directors—on FINRA’s public Web site, rather than in the FINRA Manual.<sup>9</sup> FINRA believes that this would obviate the need to submit a proposed rule change each time there is a change in the officers or directors of the TRF. Thus, in lieu of reflecting the schedules themselves, the FINRA Manual will provide that FINRA maintains current Schedules D and E on its public Web site. FINRA will post the current Schedules D and E promptly upon the filing of the proposed rule change and going forward will promptly update its Web site to reflect any future updates to the Schedules.

Set forth in the table below is a current list of FINRA/Nasdaq TRF officers and directors, as reflected in Schedules D and E, respectively, of the FINRA/Nasdaq TRF LLC Agreement:

Name	Title
<b>Officers of The FINRA/Nasdaq TRF LLC</b>	
Paul Roland .....	President
Joan C. Conley .....	Secretary
Peter Strandell .....	Treasurer
Michael Caramico .....	Assistant Treasurer
Amy Kohn .....	Vice President

<b>Directors of The FINRA/Nasdaq TRF LLC</b>	
John Zecca (designated by the Business Member)	
Tal Cohen (designated by the Business Member)	
Thomas Gira (designated by the SRO Member)	

Set forth in the table below is a current list of FINRA/NYSE TRF officers and directors, as reflected in Schedules D and E, respectively, of the FINRA/NYSE TRF LLC Agreement:

Name	Title
<b>Officers of The FINRA/NYSE TRF LLC</b>	
Robert Hill .....	President
Scott Hill .....	Chief Financial Officer
Doug Foley .....	Senior Vice President
Karen Lorentz .....	Vice President
Martin Hunter .....	Senior Vice President, Tax & Treasury
Elizabeth King .....	General Counsel & Secretary
Martha Redding .....	Assistant Secretary
Andrew Surdykowski ..	Assistant Secretary
Sandra Kerr .....	Senior Tax Director
David Nevin .....	Senior Treasury Director

<b>Directors of The FINRA/NYSE TRF LLC</b>	
Paul Adcock (designated by the Business Member)	
Robert Hill (designated by the Business Member)	
Thomas Gira (designated by the SRO Member)	

As noted above, current Schedules D and E will be posted on FINRA’s public Web site and will not appear in the FINRA Manual. Going forward, changes to these schedules will only be reflected on FINRA’s public Web site.

FINRA has filed the proposed rule change for immediate effectiveness. The effective date will be the date of filing

## 2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,<sup>10</sup> which requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative

(Notice of Filing and Immediate Effectiveness of File No. SR-NASD-2007-011).

<sup>6</sup> See Securities Exchange Act Release No. 62064 (May 10, 2010), 75 FR 27606 (May 17, 2010) (Notice of Filing and Immediate Effectiveness of File No. SR-FINRA-2010-020).

<sup>7</sup> Pursuant to each TRF LLC Agreement, the TRF board of directors is comprised of three directors. The Business Member is entitled to designate two directors and the SRO Member is entitled to designate one director.

<sup>8</sup> FINRA also is proposing a conforming change to Rule 7640A(a) (Data Products Offered by NASDAQ) to reflect the change in name from The NASDAQ OMX Group, Inc. to Nasdaq, Inc.

<sup>9</sup> FINRA anticipates that the current schedules will be accessible from the TRF page of the FINRA public Web site: <http://www.finra.org/industry/trf>.

<sup>10</sup> 15 U.S.C. 78o-3(b)(6).

acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. FINRA believes that the proposed rule change will enhance the information available to members and the public regarding FINRA's TRF LLC Agreements in that the current agreements will be reflected in the FINRA manual and updated Schedules D and E will be readily available on FINRA's public Web site. Thus, the proposed rule change will ensure that the most current information regarding the TRF LLC Agreements will be readily available to members and the public.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change makes technical changes to the TRF LLC Agreements, as they appear in the FINRA Manual, to reflect the second amended and restated agreements executed by the parties. The terms and conditions of the TRF LLC Agreements have not changed. Accordingly, FINRA does not believe that there are any material economic impacts associated with the proposed rule change.

#### *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**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>11</sup> and paragraph (f)(3) of Rule 19b-4 thereunder.<sup>12</sup> At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

### **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and

arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

#### *Electronic Comments*

- Use the Commission's Internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-FINRA-2017-034 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-FINRA-2017-034. 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 FINRA. 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-FINRA-2017-034, and should be submitted on or before December 27, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>13</sup>

**Eduardo A. Aleman,**  
*Assistant Secretary.*

[FR Doc. 2017-26222 Filed 12-5-17; 8:45 am]

**BILLING CODE 8011-01-P**

### **SMALL BUSINESS ADMINISTRATION**

#### **Meeting of the Interagency Task Force on Veterans Small Business Development**

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Notice of open Federal Interagency Task Force Meeting.

**SUMMARY:** The U.S. Small Business Administration (SBA) is issuing this notice to announce the location, date, time and agenda for the next meeting of the Interagency Task Force on Veterans Small Business Development. The meeting is open to the public.

**DATES:** Wednesday, December 13, 2017, from 1:00 p.m. to 4:00 p.m.

**ADDRESSES:** U.S. Small Business Administration, 409 3rd Street SW., Washington, DC 20416. Due to limited seating, the general public is requested to attend the meeting via teleconference or webinar.

*Contact Info:* (Teleconference Dial-In) 1-888-858-2144, Access Code: 7805798, (Webinar) <https://connect16.uc.att.com/sba/meet/?ExEventID=87805798>; Access Code: 7805798.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C., Appendix 2), SBA announces the meeting of the Interagency Task Force on Veterans Small Business Development (Task Force). The Task Force is established pursuant to Executive Order 13540 to coordinate the efforts of Federal agencies to improve capital, business development opportunities, and pre-established federal contracting goals for small business concerns owned and controlled by veterans and service-disabled veterans.

Moreover, the Task Force shall coordinate administrative and regulatory activities and develop proposals relating to "six focus areas": (1) Improving capital access and capacity of small business concerns owned and controlled by veterans and service-disabled veterans through loans, surety bonding, and franchising; (2) ensuring achievement of the pre-established Federal contracting goals for small business concerns owned and controlled by veterans and service-disabled veterans through expanded mentor-protégé assistance and matching such small business concerns with contracting opportunities; (3) increasing the integrity of certifications of status as a small business concern owned and controlled by a veteran or service-

<sup>11</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>12</sup> 17 CFR 240.19b-4(f)(3).

<sup>13</sup> 17 CFR 200.30-3(a)(12).

disabled veteran; (4) reducing paperwork and administrative burdens on veterans in accessing business development and entrepreneurship opportunities; (5) increasing and improving training and counseling services provided to small business concerns owned and controlled by veterans; and (6) making other improvements relating to the support for veterans business development by the Federal Government.

**Additional Information:** This meeting is open to the public. Advance notice of attendance is requested. Anyone wishing to attend and/or make comments to the Task Force must contact SBA's Office of Veterans Business Development no later than December 8, 2017 at [veteransbusiness@sba.gov](mailto:veteransbusiness@sba.gov). Comments for the record should be applicable to the "six focus areas" of the Task Force and will be limited to five minutes in the interest of time and to accommodate as many participants as possible. Written comments should also be sent to the above email no later than December 8, 2017. Special accommodations requests should also be directed to SBA's Office of Veterans Business Development at (202) 205-6773 or to [veteransbusiness@sba.gov](mailto:veteransbusiness@sba.gov).

For more information on veteran owned small business programs, please visit [www.sba.gov/veterans](http://www.sba.gov/veterans).

Dated: November 21, 2017.

**Richard W. Kingan,**  
SBA Committee Management Officer.

[FR Doc. 2017-26211 Filed 12-5-17; 8:45 am]

**BILLING CODE P**

## SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 15402 and # 15403;  
CALIFORNIA Disaster Number CA-00281]

### Presidential Declaration of a Major Disaster for Public Assistance Only for the State of CALIFORNIA

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Notice.

**SUMMARY:** This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of CALIFORNIA (FEMA-4344-DR), dated 11/28/2017.

**Incident:** Wildfires.

**Incident Period:** 10/08/2017 through 10/31/2017.

**DATES:** Issued on 11/28/2017.

**Physical Loan Application Deadline Date:** 01/29/2018.

**Economic Injury (EIDL) Loan Application Deadline Date:** 08/28/2018.

**ADDRESSES:** Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

**FOR FURTHER INFORMATION CONTACT:** A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416, (202) 205-6734.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that as a result of the President's major disaster declaration on 11/28/2017, Private Non-Profit organizations that provide essential services of a governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

**Primary Counties:** Butte, Lake, Mendocino, Napa, Orange, Sonoma, Yuba.

**The Interest Rates are:**

	Percent
<b>For Physical Damage:</b>	
Non-Profit Organizations with Credit Available	
Elsewhere .....	2.500
Non-Profit Organizations without Credit Available	
Elsewhere .....	2.500
<b>For Economic Injury:</b>	
Non-Profit Organizations without Credit Available	
Elsewhere .....	2.500

The number assigned to this disaster for physical damage is 154025 and for economic injury is 154030.

(Catalog of Federal Domestic Assistance Number 59008)

**James E. Rivera,**  
Associate Administrator for Disaster Assistance.

[FR Doc. 2017-26214 Filed 12-5-17; 8:45 am]

**BILLING CODE 8025-01-P**

## DEPARTMENT OF STATE

[Public Notice: 10218]

### Notice of Determinations; Culturally Significant Objects Imported for Exhibition Determinations: "Rome: City and Empire" Exhibition

**SUMMARY:** Notice is hereby given of the following determinations: I hereby determine that certain objects to be included in the exhibition "Rome: City and Empire," 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 Frist Center for the Visual Arts, Nashville, Tennessee, from on or about February 23, 2018, until on or about May 28, 2018, 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](mailto: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 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. 2017-26231 Filed 12-5-17; 8:45 am]

**BILLING CODE 4710-05-P**

## DEPARTMENT OF STATE

[Public Notice: 10227]

### Notice of Determinations; Culturally Significant Objects Imported for Exhibition Determinations: "Plato" Exhibition

**SUMMARY:** Notice is hereby given of the following determinations: I hereby determine that two objects to be included in the exhibition "Plato," imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. 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 September 3, 2018, 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](mailto: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 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. 2017-26294 Filed 12-5-17; 8:45 am]

**BILLING CODE 4710-05-P**

## DEPARTMENT OF STATE

[Public Notice: 10223]

### Notice of Determinations; Additional Culturally Significant Objects Imported for Exhibition Determinations: "Arts of Islamic Lands: Masterpieces From The al-Sabah Collection, Kuwait" Exhibition

**SUMMARY:** Notice is hereby given of the following determinations: I hereby determine that certain additional objects to be included in the exhibition "Arts of Islamic Lands: Masterpieces from The al-Sabah Collection, Kuwait," imported from abroad for temporary exhibition within the United States, are of cultural significance. The additional objects are imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the additional exhibit objects at the Museum of Fine Arts, Houston, in Houston, Texas, from on or about January 20, 2018, until on or about January 20, 2023, 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](mailto: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 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. 2017-26293 Filed 12-5-17; 8:45 am]

**BILLING CODE 4710-05-P**

## SURFACE TRANSPORTATION BOARD

[Docket No. FD 36158]

### Old Augusta Railroad, LLC— Acquisition and Operation Exemption—KM Railways, LLC

Old Augusta Railroad, LLC (OAR), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to purchase from KM Railways, LLC (KMR) (a Class III rail carrier commonly owned with OAR by Koch Industries, Inc.), and to continue to operate approximately 2.5 miles of rail line from New Augusta (Station No. FSAC 10) to Augusta (Station No. FSAC 20) in Perry County, Miss., pursuant to an Asset Purchase Agreement (Agreement). According to OAR, there are no branch lines and no mile posts.<sup>1</sup>

OAR states that this transaction is an internal reorganization for corporate purposes and there will be no change in the operations presently being conducted on the line by OAR after the purchase.

OAR states that the proposed transaction does not involve any provision or agreement that would limit future interchange with a third-party connecting carrier. OAR certifies that its projected annual revenues will not result in creation of a Class I or Class II

<sup>1</sup> In 2009, KMR was authorized to acquire the 2.5-mile rail line from OAR, and OAR was authorized to lease and operate it. See *KM Rys.—Acquisition Exemption—Old Augusta R.R.*, FD 35321 (STB served Dec. 4, 2009); *Old Augusta R.R.—Lease & Operation Exemption—KM Rys.*, FD 35319 (STB served Dec. 4, 2009).

rail carrier and that its projected annual revenues will not exceed \$5 million.

The parties intend to consummate the transaction on or after December 20, 2017, the effective date of the exemption (30 days after the verified notice was filed).

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions to stay must be filed no later than December 13, 2017 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 36158, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on applicant's representative, David H. Coburn, Steptoe & Johnson LLP, 1330 Connecticut Avenue NW., Washington, DC 20036.

According to OAR, this action is categorically excluded from environmental review under 49 CFR 1105.6(c).

Board decisions and notices are available on our Web site at [WWW.STB.GOV](http://WWW.STB.GOV).

*Decided:* December 1, 2017.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

**Marline Simeon,**

*Clearance Clerk.*

[FR Doc. 2017-26267 Filed 12-5-17; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Notice of Availability of the Federal Aviation Administration's Record of Decision for the Establishment and Modification of Oregon Military Training Special Use Airspace Identified as Warning Area 570, Eel Military Operation Area Complex, Redhawk Military Operation Area Complex, and Juniper/Hart Military Operation Area Complex and the Federal Aviation Administration's Adoption of the Final Environmental Impact Statement (EIS) Prepared by the Oregon Air National Guard/National Guard Bureau for the Proposed Establishment and Modification of Oregon Military Training Airspace (EIS No. 20170197)

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of Availability of a September 29, 2017 Record of Decision.

**SUMMARY:** On September 29, 2017, the FAA signed its Adoption/Record of Decision (ROD) for its aeronautical action—the modification and establishment of Military Operation Areas (MOAs), Air Traffic Controlled Assigned Airspace (AATCAs) and Warning Areas for the Oregon Military Training Airspace. The Adoption/ROD identifies the aeronautical action and states the FAA decision to modify existing airspace and establish new airspace to support the Oregon Air National Guard's F-15 training operations. In accordance with FAA Order 1050.1F, paragraphs 9–2, *Adoption of Other Agencies' National Environmental Policy Act Documents*, and 7400.2L, paragraph 32–2–3, the FAA has conducted an independent review and evaluation of the Air National Guard, National Guard Bureau and U.S. Air Force's Final Environmental Impact Statement (FEIS) for the proposed Establishment and Modification of Military Operation Areas (MOAs) and Warning Area. Based on its independent review, the FAA has determined that the EIS and its supporting documentation, as incorporated by reference, adequately assess and disclose the environmental impacts of the FAA's proposed aeronautical action and that the adoption of the FEIS by the FAA is authorized.

Accordingly, the FAA adopts the FEIS, Appendices and all information identified therein, incorporated by reference and made publicly available. Further, the FAA's September 29, 2017 Adoption/Record of Decision (ROD) is based on its adoption of the FEIS and the FEIS' identification, analysis and conclusions regarding resources, and environmental effects of the ANG/NGB's Proposed Action.

**DATES:** Applicable date: December 6, 2017.

**FOR FURTHER INFORMATION CONTACT:** Paula Miller, Airspace Policy Group, Office of Airspace Services, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–7378.

**SUPPLEMENTAL INFORMATION:** The FAA adopts the Oregon Air National Guard/National Guard Bureau's Final EIS for the Proposed Establishment and Modification of Oregon Military Training Airspace. The FEIS analyzed the potential environmental impacts from the establishment of new military training airspace and modifications to

existing military training airspace located over coastal, central, and eastern Oregon, the Pacific Ocean, a small area of northwestern Nevada, and the southwestern-most corner of Washington.

The proposed action would modify existing Air Traffic Control Assigned Airspaces (ATCAAs) and Military Operations Areas (MOAs), and establish new MOAs and ATCAAs to provide properly configured and located military airspace supporting efficient, realistic, mission-oriented training. Specifically, the proposed Action will achieve the purpose of providing properly configured and located military airspace to enable efficient, realistic mission-oriented training with adequate size and within reasonably close proximity to support the advanced 21st century air-to-air tactical fighter technologies. The Proposed Action will also enable, achieve and provide the military airspace necessary for the current and evolving training mission requirements of the Oregon ANG in an era of increased operational complexity. Recent improvements to the F-15's radar, along with other avionics upgrades and the growing reliance on stand-off tactics, techniques, and procedures (TTP) require a larger volume of training airspace than currently exists in the airspace managed by both the 142d Fighter Wing (142 FW) and 173d Fighter Wing (173 FW). Other factors contributing to the need for the airspace modifications are the travel distance and time required to access existing training airspace areas, and the frequency of weather conditions that limit the availability of coastal airspace areas for operational training. The adoption of the FEIS by the FAA is consistent with and authorized pursuant to NEPA implementing regulations at 40 CFR 1506.3.

On August 29, 2017, the USAF signed the Record of Decision (ROD) for the Establishment and Modification of Oregon Military Training Airspace. The Air National Guard Bureau, Department of the Air Force's Notice of Availability (NOA) of the USAF's ROD was published in the **Federal Register** on September 12, 2017. (82 FR 42803). The NOA states that the ROD is the USAF decision to modify existing airspace and establish new airspace to support the Oregon Air National Guard's F-15 training operations and to implement practicable mitigations. Further, the NOA states the USAF's decision was “based on matters addressed in the FEIS for the Proposed Modification of Oregon Military Training Airspace; contributions from the public, tribes, regulatory agencies; and other relevant

factors”. The FEIS was made available to the public on May 19, 2017 through a NOA in the **Federal Register** (82 FR 22997) with a 30-day wait period that ended on June 19, 2017. (82 FR 42803).

An agency need not prepare a new or supplemental environmental document if there are no substantial changes in the proposed action that are relevant to environmental concerns, and that data and analyses contained in the EIS are still substantially valid that there are no significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.

The FAA conducted an independent evaluation and determined that the above referenced FEIS adequately addresses the relevant FAA actions and meets the applicable standards under NEPA and its implementing regulations at 40 CFR 1500–1508, and FAA Order 1050.1F. The FAA's September 29, 2017 Adoption/Record of Decision (ROD) for the Establishment and Modification of Oregon Military Training Special Use Airspace—as described in its ROD—is based on its independent review, evaluation and subsequent adoption of the FEIS prepared by the Oregon Air National Guard/National Guard Bureau.

#### Decision and Approval

After careful consideration of the FAA's statutory mandate under 49 U.S.C. 40103 to ensure the safe and efficient use of the national airspace system as well as the other aeronautical goals and objectives discussed in the FEIS, the FAA concurs with the military that the Proposed Action—as defined in the FAA's September 29, 2017 Adoption/Record of Decision (ROD)—provides the best airspace combination for meeting the needs stipulated in the FEIS, and that all practical means to avoid or minimize environmental harm from that alternative have been adopted.

Accordingly, under the authority delegated by the Administrator of the Federal Aviation Administration, the FAA's September 29, 2017 Adoption/Record of Decision (ROD) approves and authorizes all agency action to modify and to establish the new Special Use Airspace, as described.

The FAA's September 29, 2017 adoption/final decision signifies that applicable Federal environmental requirements relating to the Proposed Action have been met. The September 29, 2017 Adoption/Record of Decision (ROD) enabled the FAA to complete its non-rulemaking actions to establish and modify the Military Operation Areas and Warning Area. The September 29, 2017 Adoption/Record of Decision (ROD) is available at the FAA's Web site



and can be viewed at: [https://www.faa.gov/air\\_traffic/environmental\\_issues/](https://www.faa.gov/air_traffic/environmental_issues/).

### Right of Appeal

The FAA's September 29, 2017 Adoption/Record of Decision (ROD) for the Establishment and Modification of Oregon Military Training Special Use Airspace constitutes a final order of the FAA Administrator and is subject to exclusive judicial review under 49 U.S.C. 46110 by the U.S. Circuit Court of Appeals for the District of Columbia or the U.S. Circuit Court of Appeals for the circuit in which the person contesting the decision resides or has its principal place of business. Any party having substantial interest in this order may apply for review of the decision by filing a petition for review in the appropriate U.S. Court of Appeals no later than 60 days after the date of this notice in accordance with the provisions of 49 U.S.C. 46110. Any party seeking to stay implementation of the action as stated in the ROD must file an application with the FAA prior to seeking judicial relief as provided in Rule 18(a) of the Federal Rules of Appellate Procedure.

Issued in Washington, DC, on November 29, 2017.

**Rodger A. Dean Jr.,**  
Manager, Airspace Policy Group.

[FR Doc. 2017-26201 Filed 12-5-17; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

[Docket No. FHWA-2017-0050]

#### Agency Information Collection Activities: Request for Comments for the Renewal of an Information Collection

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice and request for comments.

**SUMMARY:** The FHWA invites public comments about our intention to request approval from the Office of Management and Budget (OMB) for a new information collection, which is summarized below under

**SUPPLEMENTARY INFORMATION.** We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

**DATES:** Please submit comments by February 5, 2018.

**ADDRESSES:** You may submit comments identified by DOT Docket ID 2017-0050 by any of the following methods:

**Web site:** For access to the docket to read background documents or comments received go to the Federal eRulemaking Portal: Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

**Fax:** 1-202-493-2251.

**Mail:** Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE., Washington, DC 20590-0001.

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

**FOR FURTHER INFORMATION CONTACT:** Jeff Purdy, 202-366-6993, Office of Freight Management & Operations (HOFM-1), Office of Operations, Federal Highway Administration, Department of Transportation, 1200 New Jersey Avenue, Southeast, Washington, DC 20590. Office hours are from 7:30 a.m. to 4:00 p.m., Monday through Friday, except Federal holidays.

#### SUPPLEMENTARY INFORMATION:

**Title:** USDOT Survey and Comparative Assessment of Truck Parking Facilities.

**Background:** U.S. Department of Transportation (USDOT) is directed to complete a survey and comparative assessment of truck parking facilities in each State as required by Section 1401(c) of *Moving Ahead for Progress in the 21st Century* (MAP-21). MAP-21 Section 1401(c) required the survey in order to evaluate the capability of the States to provide adequate parking and rest facilities for commercial motor vehicles engaged in interstate transportation. Other work activities required under this section of MAP-21 were: An assessment of the volume of commercial motor vehicle traffic in each State and the development of a system of metrics designed to measure the adequacy of commercial motor vehicle truck parking facilities in each state. A survey was conducted in 2014 and is available at: [https://ops.fhwa.dot.gov/freight/infrastructure/truck\\_parking/jasons\\_law/truckparkingsurvey/index.htm](https://ops.fhwa.dot.gov/freight/infrastructure/truck_parking/jasons_law/truckparkingsurvey/index.htm). MAP-21 Section 1401(c)(3) called for periodic updates to the survey, which is the intent of the proposed updated survey. The results of this updated survey shall be made available on a publicly accessible Department of Transportation Web site and updated periodically USDOT seeks to continue to collect data to support updates to the survey.

**Respondents:** State Transportation and Enforcement Officials, Private Sector Facility Owners/Operators, Trucking Company owners or their designee, and Truck Drivers. The target groups of respondents are individuals who are responsible for providing or overseeing the operation of truck parking facilities and stakeholders that depend on such facilities to safely conduct their business. The target group identified in the legislation is "state commercial vehicle safety personnel;" the Federal Highway Administration (FHWA) has interpreted this term to include the Department of Transportation personnel in each State involved in commercial vehicle safety program activities and State enforcement agency personnel directly involved in enforcing highway safety laws and regulations and in highway incident and accident response. In addition, FHWA finds that the survey on the adequacy of truck parking opportunities is not limited to publicly owned facilities; input from private sector facility owners/operators must be obtained to adequately complete the required work provided in the federal legislation. FHWA also finds that input obtained from trucking company representatives (owners or their designees, especially those in logistics or who schedule drivers) and truck drivers, key stakeholders for truck parking facilities who are most likely to know where truck parking is needed, will be necessary to complete the survey requirements. As per MAP-21 Section 1401(c)(3), this survey will be conducted periodically to allow for required updates.

**Types of Survey Questions:** FHWA intends to survey Department of Transportation personnel in each State on the location, number of spaces, availability and demand for truck parking in their State, including at rest facilities, truck parking information systems, truck parking plans, as well as any impediments to providing adequate truck parking capacity (including but not limited to legislative, regulatory, or financial issues; zoning; public and private impacts, approval, and participation; availability of land; insurance requirements and other issues). FHWA intends to survey private truck stop operators in each State on the location, number of truck parking spaces, availability and demand they observe at their facilities. FHWA intends to survey public safety officials in each State on their records and observations of truck parking use and patterns, including the location and frequency of trucks parked adjacent to

roadways and on exit and entrance ramps to roadway facilities. FHWA intends to survey trucking companies and truck drivers regarding the location and frequency of insufficient truck parking and capacity at rest facilities, future truck parking needs and locations, availability of information on truck parking capacity, and other impediments to identification, access and use of truck parking. Other questions may be included as needed as a result of input from the focus groups, stakeholder outreach or at FHWA's discretion, or as follow-up to the survey.

#### Estimate

State Departments of Transportation = 50 (4 hours each) = up to 200 hours;

State Enforcement Personnel = 50 (1 hour each) = up to 50 hours;

Private Facility Owners/Operators = 229 (1 hour each) = up to 229 hours; and

Trucking Company Representatives and Drivers = 150 (1 hour each) = up to 150 hours;

Total number of respondents = 479 for the survey.

Total burden hours = no more than 629 hours (as allocated above).

**Estimated Total Annual Burden:** This survey will be updated periodically; the estimated total burden for each survey cycle for all respondents is no more than 629 hours.

**Public Comments Invited:** You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

**Authority:** The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued On: November 30, 2017.

**Michael Howell,**

*Information Collection Officer.*

[FR Doc. 2017-26266 Filed 12-5-17; 8:45 am]

**BILLING CODE 4910-22-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### Reports, Forms and Record Keeping Requirements; Agency Information Collection Activity Under OMB Review

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), U.S. Department of Transportation.

**ACTION:** Notice and request for comments.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected burden. The **Federal Register** Notice with a 60-day comment period was published on September 8, 2017 [82 FR 42573]. The agency received no comments.

**DATES:** Comments must be submitted on or before January 5, 2018.

**ADDRESSES:** Send comments, within 30 days, to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725-17th Street NW., Washington, DC 20503, Attention NHTSA Desk Officer.

**FOR FURTHER INFORMATION CONTACT:** Christopher J. Wiacek at the National Highway Traffic Safety Administration, Office of Crash Avoidance Standards, 1200 New Jersey Avenue SE., West Building, Room W43-419, NRM-220, Washington, DC 20590. Mr. Wiacek's telephone number is 202-366-4801.

#### SUPPLEMENTARY INFORMATION:

### National Highway Traffic Safety Administration

**Title:** 49 CFR part 595—Make Inoperative Exemptions.

**OMB Control Number:** 2127-0635.

**Type of Request:** Request for public comments on a previously approved collection of information.

**Abstract:** On February 27, 2001, NHTSA published a final rule (66 FR 12638) to facilitate the modification of motor vehicles so that persons with disabilities can drive or ride in them as passengers. In that final rule, the agency issued a limited exemption from a statutory provision that prohibits specified types of commercial entities from either removing safety equipment or features installed on motor vehicles pursuant to the Federal motor vehicle safety standards or altering the equipment or features so as to adversely

affect their performance. The exemption is limited in that it allows repair businesses to modify only certain types of Federally-required safety equipment and features, under specified circumstances. The regulation is found at 49 CFR part 595 Subpart C, "Vehicle Modifications to Accommodate People with Disabilities."

This final rule included two new "collections of information," as that term is defined in 5 CFR part 1320 "Controlling Paperwork Burdens on the Public": Modifier identification and a document to be provided to the owner of the modified vehicle stating the exemptions used for that vehicle and any reduction in load carrying capacity of the vehicle of more than 100 kg (220 lbs).

Modifiers who take advantage of the exemption created by this rule are required to furnish NHTSA with a written document providing the modifier's name, address, and telephone number, and a statement that the modifier is availing itself of the exemption. The rule requires:

"S595.6 Modifier Identification.

(a) Any motor vehicle repair business that modifies a motor vehicle to enable a person with a disability to operate, or ride as a passenger in, the motor vehicle and intends to avail itself of the exemption provided in 49 CFR 595.7 shall furnish the information specified in paragraphs (a)(1) through (3) of this section to: Administrator, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590.

(1) Full individual, partnership, or corporate name of the motor vehicle repair business.

(2) Residence address of the motor vehicle repair business and State of incorporation if applicable.

(3) A statement that the motor vehicle repair business modifies a motor vehicle to enable a person with a disability to operate, or ride as a passenger in, the motor vehicle and intends to avail itself of the exemption provided in 49 CFR 595.7.

(b) Each motor vehicle repair business required to submit information under paragraph (a) of this section shall submit the information not later than August 27, 2001. After that date, each motor vehicle repair business that modifies a motor vehicle to enable a person with a disability to operate, or ride as a passenger in, the motor vehicle and intends to avail itself of the exemption provided in 49 CFR 595.7 shall submit the information required under paragraph (a) not later than 30 days after it first modifies a motor vehicle to enable a person with a

disability to operate, or ride as a passenger in, the motor vehicle. Each motor vehicle repair business who has submitted required information shall keep its entry current, accurate and complete by submitting revised information not later than 30 days after the relevant changes in the business occur.”

This requirement is a one-time submission unless changes are made to the business as described in paragraph (b).

**Affected Public:** Businesses that modify vehicles, after the first retail sale, so that the vehicle may be used by persons with disabilities.

**Estimated Total Annual Burden:** 1,475 hours and \$50.04.

**Estimated Number of Respondents:** 765.

**Comments are invited on:** Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. A comment to OMB is most effective if OMB receives it within 30 days of publication.

**Authority:** Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35; delegation of authority at 49 CFR 1.95.

**Raymond R. Posten,**

*Associate Administrator for Rulemaking.*

[FR Doc. 2017-26232 Filed 12-5-17; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### Reports, Forms and Record Keeping Requirements; Agency Information Collection Activity Under OMB Review

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), U.S. Department of Transportation.

**ACTION:** Notice and request for comments.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office

of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collections and their expected burden. The **Federal Register** Notice with a 60-day comment period was published on September 8, 2017 (82 FR 42571). The agency received no comments.

**DATES:** Comments must be submitted on or before January 5, 2018.

**ADDRESSES:** Send comments, within 30 days, to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention NHTSA Desk Officer.

**FOR FURTHER INFORMATION CONTACT:** Ms. Carlita Ballard at the National Highway Traffic Safety Administration, Office of International Policy, Fuel Economy and Consumer Programs, 1200 New Jersey Avenue SE., West Building, Room W43-439, Washington, DC 20590. Ms. Ballard's telephone number is 202-366-5222.

#### SUPPLEMENTARY INFORMATION:

##### National Highway Traffic Safety Administration

**Title:** 49 CFR part 583—Automobile Parts Content Labeling.

**OMB Number:** 2127-0573.

**Type of Request:** Request for public comment on a previously approved collection of information.

**Abstract:** Part 583 establishes requirements for the disclosure of information relating to the countries of origin of the equipment of new passenger motor vehicles. This information will be used by NHTSA to determine whether manufacturers are complying with the American Automobile Labeling Act (49 U.S.C. 32304). The American Automobile Labeling Act requires all new passenger motor vehicles (including passenger cars, certain small buses, all light trucks and multipurpose passenger vehicles with a gross vehicle weight rating of 8,500 pounds or less), to bear labels providing information about domestic and foreign content of their equipment. With the affixed label on the new passenger motor vehicles, it serves as an aid to potential purchasers in the selection of new passenger motor vehicles by providing them with information about the value of the U.S./Canadian and foreign parts of each vehicle, the countries of origin of the engine and transmission, and the site of the vehicle's final assembly.

NHTSA anticipates approximately 20 vehicle manufacturers will be affected by these reporting requirements. NHTSA does not believe that any of these 20 manufacturers are a small

business (*i.e.*, one that employs less than 500 persons) since each manufacturer employs more than 500 persons. Manufacturers of new passenger motor vehicles, including passenger cars, certain small buses, and light trucks with a gross vehicle weight rating of 8,500 pounds or less, must file a report annually.

**Affected Public:** Vehicle manufacturers.

**Number of Respondents:** 20.

**Total Annual Burden:** 2,522 hours per respondent.

**Estimated Total Annual Burden:** NHTSA estimates that the vehicle manufacturers will incur a total annual reporting hour and cost burden of 50,440 hours and \$3,716,740 respectively. The amount includes annual burden hours incurred by multi-stage manufacturers and motor vehicle equipment suppliers.

**Comments are invited on:** Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. A comment to OMB is most effective if OMB receives it within 30 days of publication.

**Authority:** Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35; delegation of authority at 49 CFR 1.95.

**Raymond R. Posten,**

*Associate Administrator for Rulemaking.*

[FR Doc. 2017-26233 Filed 12-5-17; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### Reports, Forms and Record Keeping Requirements; Agency Information Collection Activity Under OMB Review

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), U.S. Department of Transportation.

**ACTION:** Notice and request for comments.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995, this notice announces that the Information Collection Request (ICR) abstracted

below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collections and their expected burden. The **Federal Register** Notice with a 60-day comment period was published on September 8, 2017 (82 FR 42570). The agency received no comments.

**DATES:** Comments must be submitted on or before January 5, 2018.

**ADDRESSES:** Send comments, within 30 days, to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725–17th Street NW., Washington, DC 20503, Attention NHTSA Desk Officer.

*Comments are invited on:* Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

A comment to OMB is most effective if OMB receives it within 30 days of publication.

**FOR FURTHER INFORMATION CONTACT:** Wayne McKenzie at the National Highway Traffic Safety Administration, Office of Crash Avoidance Standards, 1200 New Jersey Avenue SE., West Building, Room W43–462, Washington, DC 20590. Mr. McKenzie's telephone number is 202–366–1810.

**SUPPLEMENTARY INFORMATION:**

**National Highway Traffic Safety Administration**

*Title:* 49 CFR Part 564—Replaceable Light Source Dimensional Information Collection.

*OMB Number:* 2127–0563.

*Type of Request:* Request for public comment on a previously approved collection of information.

*Abstract:* The information to be collected is in response to 49 CFR part 564, “Replaceable Light Source Dimensional Information.” Persons desiring to use newly designed replaceable headlamp light sources are required to submit interchangeability and performance specifications to the agency. After a short agency review to assure completeness, the information is placed in a public docket for use by any person who would like to manufacture headlamp light sources for highway motor vehicles. In Federal Motor

Vehicle Safety Standard No. 108, Lamps, reflective devices and associated equipment, “Part 564 submissions” are referenced as being the source of information regarding the performance and interchangeability information for legal headlamp light sources, whether original equipment or replacement equipment. The submitted information about headlamp light sources becomes the basis for certification of compliance with safety standards.

NHTSA anticipates approximately 7 bulb manufacturers will be affected by these reporting requirements. NHTSA does not believe that any of these manufacturers are a small business (*i.e.*, one that employs less than 500 persons) since each manufacturer employs more than 500 persons.

*Affected Public:* Businesses or other profit organizations.

*Estimated Total Annual Burden:* NHTSA estimates that the manufacturers will incur a total annual reporting hour of 28 hours.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. A comment to OMB is most effective if OMB receives it within 30 days of publication.

**Authority:** Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35; delegation of authority at 49 CFR 1.95.

**Raymond R. Posten,**

*Associate Administrator for Rulemaking.*

[FR Doc. 2017–26235 Filed 12–5–17; 8:45 am]

**BILLING CODE 4910–59–P**

**DEPARTMENT OF TRANSPORTATION**

**National Highway Traffic Safety Administration**

**Reports, Forms and Record Keeping Requirements; Agency Information Collection Activity Under OMB Review**

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), U.S. Department of Transportation.

**ACTION:** Notice and request for comments.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995, this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collections and their expected burden. The **Federal Register** Notice with a 60-day comment period was published on September 8, 2017. The agency received no comments.

**DATES:** Comments must be submitted on or before January 5, 2018.

**ADDRESSES:** Send comments, within 30 days, to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725–17th Street NW., Washington, DC 20503, Attention NHTSA Desk Officer.

**FOR FURTHER INFORMATION CONTACT:** Wayne McKenzie at the National Highway Traffic Safety Administration, Office of Crash Avoidance Standards, 1200 New Jersey Avenue SE., West Building, Room W43–462, Washington, DC 20590. Mr. McKenzie's telephone number is 202–366–1810.

**SUPPLEMENTARY INFORMATION:**

**National Highway Traffic Safety Administration**

*Title:* 49 CFR part 571.125—Warning Devices Information Collection.

*OMB Number:* 2127–0506.

*Type of Request:* Request for public comment on a previously approved collection of information.

*Abstract:* 49 U.S.C. 30111, 30112 and 30117 of the National Traffic and Motor Vehicle Safety Act of 1966 as amended (“the Safety Act”), authorized the issuance of Federal Motor Vehicle Safety Standards (FMVSS). The Secretary is authorized to issue, amend, and revoke such rules and regulations as she/he deems necessary. Using this authority, the agency issued FMVSS No. 125, “Warning Devices” which applies to devices, without self-contained energy sources, that are designed to be carried in buses and trucks that have a Gross Vehicle Weight Rating (GVWR) greater than 10,000 pounds. These devices are used to warn approaching traffic of the presence of a stopped vehicle, except for devices designed to be permanently affixed to the vehicles.

NHTSA anticipates approximately 3 Warning Device manufacturers will be affected by these reporting requirements. NHTSA does not believe that any of these manufacturers are a small business (*i.e.*, one that employs less than 500 persons) since each manufacturer employs more than 500 persons.

*Affected Public:* Businesses or other profit organizations.

*Estimated Total Annual Burden:* NHTSA estimates that the manufacturers will incur a total annual reporting hour of 1 hour.

*Comments are invited on:* Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. A comment to OMB is most effective if OMB receives it within 30 days of publication.

**Authority:** Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35; delegation of authority at 49 CFR 1.95.

**Raymond R. Posten,**

*Associate Administrator for Rulemaking.*

[FR Doc. 2017-26236 Filed 12-5-17; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### Reports, Forms and Record Keeping Requirements; Agency Information Collection Activity Under OMB Review

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), U.S. Department of Transportation (DOT).

**ACTION:** Notice and request for comments.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request abstracted below is being forwarded to the Office of Management and Budget (OMB) for review and comments. A **Federal Register** Notice with a 60-day comment period soliciting comments on the following information collection was published on September 8, 2017 [82 FR 42572]. The agency received no comments.

**DATES:** Comments must be submitted on or before January 5, 2018.

**ADDRESSES:** Send comments, within 30 days, to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th

Street NW., Washington, DC 20503, Attention NHTSA Desk Officer.

#### FOR FURTHER INFORMATION CONTACT:

Joshua Fikentscher at the National Highway Traffic Safety Administration, Office of Crash Avoidance Standards, 1200 New Jersey Avenue SE., West Building, Room W43-467, Washington, DC 20590. Mr. Fikentscher's phone number is 202-366-1688.

#### SUPPLEMENTARY INFORMATION:

##### National Highway Traffic Safety Administration

*Title:* Brake Hose Manufacturers Identification.

*OMB Control Number:* 2127-0052.

*Type of Review:* Request for public comments on a previously approved collection of information.

*Abstract:* 49 U.S.C. 30101 *et seq.*, as amended ("the Safety Act"), authorizes NHTSA to issue Federal Motor Vehicle Safety Standards (FMVSSs). The Safety Act mandates that in issuing any FMVSS, the agency is to consider whether the standard is reasonable and appropriate for the particular type of motor vehicle or item of motor vehicle equipment for which it is prescribed. Using this authority, FMVSS No. 106, Brake Hoses, was issued. This standard specifies labeling and performance requirements which apply to all manufacturers of brake hoses and brake hose end fittings, and to those who assemble brake hoses (49 CFR 571.106).

Prior to assembling or selling brake hoses, these entities must register their identification marks with NHTSA to comply with the labeling requirements of this standard. In accordance with the Paperwork Reduction Act, the agency must obtain OMB approval to continue collecting labeling information. Currently, there are 2,418 manufacturers of brake hoses and end fittings, and brake hose assemblers, registered with NHTSA. However, about 60 respondents annually (annual average from 2014-2016) request to have their identification marks added to or removed from the NHTSA database. To comply with this standard, each brake hose manufacturer or assembler must contact NHTSA and state that they want to be added to or removed from the NHTSA database of registered brake hose manufacturers. This action is usually initiated by the manufacturer with a brief written request via U.S. mail, facsimile, an email message, or a telephone call. Since September 1, 2015, the request can be submitted via the Manufacturer Portal: Online Web-based Submittal Center (<https://vpic.nhtsa.dot.gov>). Currently, about 90 percent of requests are received

electronically and 10 percent via mail. The estimated time for complying with the labeling requirements of this regulation is 1.5 hours per manufacturer. The corresponding total annual burden is estimated to be 90 hours (time burden of 1.5 hours per manufacturer  $\times$  60 manufacturers). The estimated manufacturer's cost for complying with this regulation is \$100 per hour. Therefore, the total annual cost is estimated to be \$9,000 (time burden of 90 hours  $\times$  \$100 cost per hour).

*Affected Public:* Business or other for profit.

*Number of Respondents:* 60.

*Number of Responses:* 60.

*Total Annual Burden:* 90 hours.

*Comments are invited on:* Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. A comment to OMB is most effective if OMB receives it within 30 days of publication.

**Authority:** Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35; delegation of authority at 49 CFR 1.95.

**Raymond R. Posten,**

*Associate Administrator for Rulemaking.*

[FR Doc. 2017-26234 Filed 12-5-17; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### Reports, Forms and Record Keeping Requirements; Agency Information Collection Activity Under OMB Review

**AGENCY:** National Highway Traffic Safety Administration, U.S. Department of Transportation.

**ACTION:** Notice and request for comments.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes

the nature of the information collections and their expected burden. The **Federal Register** Notice with a 60-day comment period was published on September 8, 2017 (82 FR 42575). The agency received no comments.

**DATES:** Comments must be submitted on or before January 5, 2018.

**ADDRESSES:** Send comments, within 30 days, to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725–17th Street NW., Washington, DC 20503, Attention NHTSA Desk Officer.

**FOR FURTHER INFORMATION CONTACT:** Ms. Lori Summers at the National Highway Traffic Safety Administration, Office of Crashworthiness Standards, 1200 New Jersey Avenue SE., West Building, Room W43–320, Washington, DC 20590. Ms. Summers' telephone number is 202–366–4917.

**SUPPLEMENTARY INFORMATION:**

National Highway Traffic Safety Administration

*Title:* Consolidated Labeling Requirements for Motor Vehicles (except the VIN).

*OMB Control Number:* 2127–0512.

*Type of Request:* Extension of a currently approved collection.

*Abstract:* In order to ensure that manufacturers are complying with the FMVSS, NHTSA requires a number of information collections in four FMVSS.

FMVSS No. 105, “Hydraulic and electric brake systems” and FMVSS No. 135, “Light vehicle brake systems,” require that each vehicle shall have a brake fluid warning statement in letters at least one-eighth of an inch high on the master cylinder reservoirs. The lettering shall be permanently affixed, engraved or embossed, located so as to be visible by direct view, and of a color that contrasts with its background, if not engraved or embossed.

FMVSS No. 205, “Glazing materials,” provides labeling requirements for glazing and motor vehicle manufacturers. In accordance with the standard, NHTSA requires each new motor vehicle glazing manufacturer to request and be assigned a unique mark or number. This number is then used by the manufacturer as their unique company identification on their self-certification label on each piece of motor vehicle glazing. As part of that certification label, the company must identify with the simple two or three digit number assigned by the agency and the model of the glazing. In addition to these requirements, which apply to all glazing, certain specialty glazing items, such as standee windows in buses, roof openings, and interior partitions made of plastic require that

the manufacturer affix a removable label to each item. The label specifies cleaning instructions, which will minimize the loss of transparency. Other information may be provided by the manufacturer but is not required.

FMVSS No. 209, “Seat belt assemblies,” requires safety belts to be labeled with the year of manufacture, the model, and the name or trademark of the manufacturer (S4.1(j)). Additionally, replacement safety belts that are for use only in specifically stated motor vehicles must have labels or accompanying instruction sheets to specify the applicable vehicle models and seating positions (S4.1(k)). Seat belt assemblies installed as original equipment in new motor vehicles need not be required to be labeled with position/model information.

*Affected Public:* Businesses.

*Estimated Total Annual Burden:* 7,874 hours.

*Comments are invited on:* Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Departments estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology. A Comment to OMB is most effective if OMB receives it within 30 days of publication.

**Authority:** Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35; delegation of authority at 49 CFR 1.95.

**Raymond R. Posten,**

*Associate Administrator for Rulemaking.*

[FR Doc. 2017–26229 Filed 12–5–17; 8:45 am]

**BILLING CODE 4910–59–P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### Petition for Exemption From the Federal Motor Vehicle Theft Prevention Standard; Fuji Heavy Industries U.S.A., Inc.

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), U.S. Department of Transportation (DOT).

**ACTION:** Grant of petition for exemption.

**SUMMARY:** This document grants in full Fuji Heavy Industries U.S.A., Inc.'s (FUSA) petition for exemption of the

Subaru Ascent vehicle line in accordance with *Exemption from Vehicle Theft Prevention Standard*. This petition is granted because the agency has determined that the antitheft device to be placed on the line as standard equipment is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the *Federal Motor Vehicle Theft Prevention Standard*. (Theft Prevention Standard). FUSA also requested confidential treatment for specific information in its petition. Therefore, no confidential information provided for purposes of this notice has been disclosed.

**DATES:** The exemption granted by this notice is effective beginning with the 2019 model year (MY).

**FOR FURTHER INFORMATION CONTACT:** Ms. Carlita Ballard, Office of International Policy, Fuel Economy and Consumer Programs, NHTSA, West Building, W43–439, 1200 New Jersey Avenue SE., Washington, DC 20590. Ms. Ballard's phone number is 202–366–5222. Her fax number is 202–493–2990.

**SUPPLEMENTARY INFORMATION:** In a petition dated July 10, 2017, FUSA requested an exemption from the parts-marking requirements of the Theft Prevention Standard for its Subaru Ascent vehicle line beginning with MY 2019. The petition requested an exemption from parts-marking pursuant to 49 CFR part 543, *Exemption from Vehicle Theft Prevention Standard*, based on the installation of an antitheft device as standard equipment for the entire vehicle line.

Under 49 CFR part 543.5(a), a manufacturer may petition NHTSA to grant an exemption for one vehicle line per model year. In its petition, FUSA provided a detailed description and diagram of the identity, design, and location of the components of the antitheft device for its Subaru Ascent vehicle line. FUSA stated that its MY 2019 Subaru Ascent vehicle line will be installed with an immobilizer device as standard equipment on the entire vehicle line. FUSA stated that it will also offer an audible and visual alarm with a panic mode feature as standard equipment on its Ascent vehicle line. FUSA stated that its alarm system will monitor the vehicle's door status, key identification and any unauthorized effort to open a door, enter, or move the vehicle. FUSA further stated that any of the unauthorized efforts will activate the alarm system causing the vehicle's horn to sound and the hazard lamps to flash.

FUSA's submission is considered a complete petition as required by 49 CFR

543.7 in that it meets the general requirements contained in 49 CFR 543.5 and the specific content requirements of 49 CFR 543.6.

In addressing the specific content requirements of 49 CFR 543.6, FUSA provided information on the reliability and durability of the proposed device. FUSA conducted tests based on its own specified standards and provided a list of the tests it conducted. FUSA believes that its device is reliable and durable because the device complied with its own specific requirements for each test. Additionally, FUSA stated that because the immobilization features are designed and constructed within the vehicle's overall Controller Area Network Electrical Architecture, the antitheft device cannot be separated and controlled independently of this network. FUSA further stated that its immobilizer device prevents the engine from unauthorized operation such as "hot-wiring". FUSA further stated that the engine will not start or run unless the registered ID code in the transponder key or ignition key coincides with the code registered in the immobilizer module or the immobilizer ECU installed on the vehicle.

System operation occurs when the ignition key is put into the key cylinder and battery power is supplied to the immobilizer module. When the battery power is supplied to the immobilizer module, the immobilizer module sends and electromagnetic signal to the transponder through the key ring antenna to supply power and send data to the transponder by electromagnetic coupling. The transponder then sends the ID code to the immobilizer module. The ID code sent from the transponder and the meter ECU compares codes with the code registered in the immobilizer ECU. If the codes do not match or are not received, the engine ECU prohibits engine starting. If the codes do match, the engine ECU will allow engine fuel delivery, ignition and starting/operation of the vehicle. FUSA stated that integration of the antitheft device immobilization with the overall vehicle CAN BUS electrical architecture and control modules makes it nearly impossible for the immobilization features to be disabled or bypassed without disabling all other body and engine controls. Therefore, FUSA stated that the availability of a correct key will not defeat the electronic immobilization features of the vehicle's antitheft device interface.

In support of its petition, FUSA provided a comparative table showing how its device is similar to other manufacturer's devices that have already been granted an exemption by

NHTSA. In its comparison, FUSA makes note of federal notices published by NHTSA in which manufacturers have stated that they have seen reductions in theft due to the immobilization systems being used. Specifically, FUSA note claims by Ford Motor Company that its 1997 Mustangs (with immobilizers) saw a 70% reduction in theft compared to its 1995 Mustangs (without immobilizers). FUSA also mentioned its reliance on theft rates published by the agency showing that theft rates were lower for Jeep Grand Cherokee immobilizer-equipped vehicles (model year 1999 through 2003) compared to older parts-marked Jeep Grand Cherokee vehicles (model year 1995 through 1998). FUSA stated that it believes its device is likely to be no less effective than those installed on lines for which the agency has already granted full exemption from the parts-marking requirements. FUSA also referenced information on the recent state-by-state theft results from the National Insurance Crime Bureau reporting that in only 6 of the 50 states listed in its results, and the District of Columbia, not any Subaru vehicle appeared in its top 10 list of stolen vehicles. FUSA also stated that it believes that historically, NHTSA has seen a decreasing trend in theft rates for vehicles when electronic immobilization has been added to its alarm systems.

FUSA stated that it presently has immobilizer devices on all of its product lines (Forester, Impreza, XV Crosstrek, Legacy, Outback and WRX models) and it believes the data shows immobilization has had a demonstrable effect in lowering its theft rates. The theft rate data reported in **Federal Register** notices published by the agency show theft rates for the Forester, 0.4252, Impreza, 0.5282, Crosstrek, 0.4395, Legacy, 0.6155 and Outback, 0.3825 vehicle lines, using an average of 3 MYs data (2012–2014) is significantly lower than the median theft of 3.5826 established by the agency.

Based on the evidence submitted by FUSA, the agency believes that the antitheft device for the Subaru Ascent vehicle line is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the Theft Prevention Standard (49 CFR 541). The agency concludes that the device will provide the five types of performance listed in § 543.6(a)(3): Promoting activation; attracting attention to the efforts of unauthorized persons to enter or operate a vehicle by means other than a key; preventing defeat or circumvention of the device by unauthorized persons; preventing

operation of the vehicle by unauthorized entrants; and ensuring the reliability and durability of the device.

Pursuant to 49 U.S.C. 33106 and 49 CFR 543.7(b), the agency grants a petition for an exemption from the parts-marking requirements of 49 CFR part 541, either in whole or in part, if it determines that, based upon supporting evidence, the standard equipment antitheft device is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of 49 CFR part 541. The agency finds that FUSA has provided adequate reasons for its belief that the antitheft device for the Subaru Ascent vehicle line is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the Theft Prevention Standard (49 CFR part 541). This conclusion is based on the information FUSA provided about its device.

For the foregoing reasons, the agency hereby grants in full FUSA's petition for exemption for its Subaru Ascent vehicle line from the parts-marking requirements of 49 CFR part 541, beginning with its MY 2019 Subaru Ascent vehicles. The agency notes that 49 CFR part 541, Appendix A–1, identifies those lines that are exempted from the Theft Prevention Standard for a given model year. 49 CFR part 543.7(f) contains publication requirements incident to the disposition of all 49 CFR part 543 petitions. Advanced listing, including the release of future product nameplates, the beginning model year for which the petition is granted and a general description of the antitheft device is necessary in order to notify law enforcement agencies of new vehicle lines exempted from the parts-marking requirements of the Theft Prevention Standard.

If FUSA decides not to use the exemption for this line, it must formally notify the agency, and, thereafter, the line must be fully marked as required by 49 CFR parts 541.5 and 541.6 (marking of major component parts and replacement parts).

NHTSA notes that if FUSA wishes in the future to modify the device on which this exemption is based, the company may have to submit a petition to modify the exemption. 49 CFR part 543.7(d) states that a Part 543 exemption applies only to vehicles that belong to a line exempted under this part and equipped with the anti-theft device on which the line's exemption is based. Further, § 543.9(c)(2) provides for the submission of petitions "to modify an exemption to permit the use of an antitheft device similar to but differing



from the one specified in that exemption.”

The agency wishes to minimize the administrative burden that Part 543.9(c)(2) could place on exempted vehicle manufacturers and itself. The agency did not intend Part 543 to require the submission of a modification petition for every change to the components or design of an antitheft device. The significance of many such changes could be *de minimis*. Therefore, NHTSA suggests that if the manufacturer contemplates making any changes, the effects of which might be characterized as *de minimis*, it should consult the agency before preparing and submitting a petition to modify.

Issued in Washington, DC, under authority delegated in 49 CFR part 1.95.

**Raymond R. Posten,**

*Associate Administrator for Rulemaking.*

[FR Doc. 2017–26230 Filed 12–5–17; 8:45 am]

**BILLING CODE 4910–59–P**

## DEPARTMENT OF THE TREASURY

### Agency Information Collection Activities; Submission for OMB Review; Comment Request; Application for Recognition of Exemption Under Section 501(a)

**AGENCY:** Departmental Offices, U.S. Department of the Treasury.

**ACTION:** Notice.

**SUMMARY:** The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on these requests.

**DATES:** Comments should be received on or before January 5, 2018 to be assured of consideration.

**ADDRESSES:** Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at [OIRA\\_Submission@OMB.EOP.gov](mailto:OIRA_Submission@OMB.EOP.gov) and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8142, Washington, DC 20220, or email at [PRA@treasury.gov](mailto:PRA@treasury.gov).

**FOR FURTHER INFORMATION CONTACT:** Copies of the submissions may be obtained from Jennifer Leonard by

emailing [PRA@treasury.gov](mailto:PRA@treasury.gov), calling (202) 622–0489, or viewing the entire information collection request at [www.reginfo.gov](http://www.reginfo.gov).

#### SUPPLEMENTARY INFORMATION:

##### Internal Revenue Service (IRS)

*Title:* Application for Recognition of Exemption Under Section 501(a).

*OMB Control Number:* 1545–0057.

*Type of Review:* Revision of a currently approved collection.

*Abstract:* Organizations seeking exemption from Federal Income tax under Internal Revenue Code section 501(a) as an organization described in most paragraphs of section 501(c) must use Form 1024 to apply for exemption. The information collected is used to determine whether the organization qualifies for tax-exempt status.

*Form:* 1024, 1024–A.

*Affected Public:* Not-for-profit Institutions.

*Estimated Total Annual Burden Hours:* 313,301.

*Authority:* 44 U.S.C. 3501 *et seq.*

Dated: November 30, 2017.

**Spencer W. Clark,**

*Treasury PRA Clearance Officer.*

[FR Doc. 2017–26228 Filed 12–5–17; 8:45 am]

**BILLING CODE 4830–01–P**

## DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0094]

### Agency Information Collection Activity Under OMB Review: Supplement to VA Forms (For Philippine Claims)

**AGENCY:** Veterans Benefits Administration, Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

**DATES:** Comments must be submitted on or before January 5, 2018.

**ADDRESSES:** Submit written comments on the collection of information through [www.Regulations.gov](http://www.Regulations.gov), or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn:

VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to [oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov). Please refer to “OMB Control No. 2900–0094” in any correspondence.

#### FOR FURTHER INFORMATION CONTACT:

Cynthia Harvey-Pryor, Enterprise Records Service (005R1B), Department of Veterans Affairs, 811 Vermont Avenue NW., Washington, DC 20420, (202) 461–5870 or email [cynthia.harvey-pryor@va.gov](mailto:cynthia.harvey-pryor@va.gov). Please refer to “OMB Control No. 2900–0094” in any correspondence.

#### SUPPLEMENTARY INFORMATION:

*Authority:* 44 U.S.C. 3501–21.

*Title:* Supplement to VA Forms 21–526, 21P–534, and 21P–535 (for Philippine Claims) (VA Form 21–4169).

*OMB Control Number:* 2900–0094.

*Type of Review:* Extension of a currently approved collection.

*Abstract:* VA Form 21–4169 is used to gather the necessary information to determine whether a claimant’s service qualifies as service in the Commonwealth Army of the Philippines or recognized guerrilla organization. The form is used for the sole purpose of collecting the information, proof of service, place of residence, and membership in pro-Japanese, pro-German, or anti-American Filipino organization.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 82 FR 186 on September 27, 2017, page 45114.

*Affected Public:* Individuals or Households.

*Estimated Annual Burden:* 250 hours.

*Estimated Average Burden per Respondent:* 15 minutes.

*Frequency of Response:* One time.

*Estimated Number of Respondents:* 1,000.

By direction of the Secretary.

**Cynthia Harvey-Pryor,**

*Department Clearance Officer, Office of Quality, Privacy and Risk, Department of Veterans Affairs.*

[FR Doc. 2017–26251 Filed 12–5–17; 8:45 am]

**BILLING CODE 8320–01–P**

**DEPARTMENT OF VETERANS AFFAIRS****[OMB Control No. 2900–0469]****Agency Information Collection Activity: Certificate Showing Residence and Heirs of Deceased Veterans or Beneficiary****AGENCY:** Veterans Benefits Administration, Department of Veterans Affairs.**ACTION:** Notice.

**SUMMARY:** Veterans Benefits Administrations, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This form is used by the Department of Veterans Affairs (VA) to establish entitlement to Government Life Insurance proceeds in estate cases when formal administration of the estate is not required.

**DATES:** Written comments and recommendations on the proposed collection of information should be received on or before February 5, 2018.

**ADDRESSES:** Submit written comments on the collection of information through Federal Docket Management System (FDMS) at [www.Regulations.gov](http://www.Regulations.gov) or to Nancy J. Kessinger, Veterans Benefits Administrations (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email to [nancy.kessinger@va.gov](mailto:nancy.kessinger@va.gov). Please refer to “OMB Control No. 2900–0469” in any correspondence. During the comment period, comments may be viewed online through FDMS.

**FOR FURTHER INFORMATION CONTACT:** Cynthia Harvey-Pryor at (202) 461–5870.

**SUPPLEMENTARY INFORMATION:** Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA’s functions, including whether the

information will have practical utility; (2) the accuracy of VBA’s estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

**Authority:** Public Law 104–13; 44 U.S.C. 3501–3521 and Title 38, U.S.C. Sections 1817 and 1950.

**Title:** Certificate Showing Residence and Heirs of Deceased Veterans of Beneficiary VA Form 29–541.

**OMB Control Number:** 2900–0469.

**Type of Review:** Reinstatement of a previously approved collection.

**Abstract:** The form is used by the Department of Veterans Affairs (VA) to establish entitlement to Government Life Insurance proceeds in estate cases when formal administration of the estate is not required. The information on the form is required by law, Title 38, U.S.C. Sections 1817 and 1950. This form expired due to high volume of work and staffing changes.

**Affected Public:** Individuals and households.

**Estimated Annual Burden:** 1,039 hours.

**Estimated Average Burden per Respondent:** 30 minutes.

**Frequency of Response:** On occasion.

**Estimated Number of Respondents:** 2,078.

By direction of the Secretary.

**Cynthia Harvey-Pryor,**

*Department Clearance Officer, Office of Quality, Privacy and Risk, Department of Veterans Affairs.*

[FR Doc. 2017–26252 Filed 12–5–17; 8:45 am]

**BILLING CODE 8320–01–P**

**DEPARTMENT OF VETERANS AFFAIRS****[OMB Control No. 2900–0721]****Agency Information Collection: Exam for Housebound Status or Permanent Need for Regular Aid and Attendance****AGENCY:** Veterans Benefits Administration, Department of Veterans Affairs.**ACTION:** Notice; under OMB review.

**SUMMARY:** In compliance with the Paperwork Reduction Act (PRA), this notice announces that the Veterans Benefits Administration, Department of Veterans Affairs, will submit the collection of information abstracted

below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

**DATES:** Comments must be submitted on or before January 5, 2018.

**ADDRESSES:** Submit written comments on the collection of information through [www.Regulations.gov](http://www.Regulations.gov), or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW., Washington, DC 20503 or sent through electronic mail to [oira\\_submission@omb.eop.gov](mailto:oira_submission@omb.eop.gov). Please refer to “OMB Control No. 2900–0721” in any correspondence.

**FOR FURTHER INFORMATION CONTACT:**

Cynthia Harvey-Pryor, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 461–5870 or email [cynthia.harvey-pryor@va.gov](mailto:cynthia.harvey-pryor@va.gov). Please refer to “OMB Control No. 2900–0721” in any correspondence.

**SUPPLEMENTARY INFORMATION:**

**Authority:** 44 U.S.C. 3501–21.

**Title:** (Exam for Housebound Status or Permanent Need for Regular Aid and Attendance (VA Form 21–2680)).

**OMB Control Number:** 2900–0721.

**Type of Review:** Revision of a currently approved collection.

**Abstract:** VA Form 21–2680 is used to determine eligibility for the aid and attendance and/or housebound benefit. This form is maintained in the veteran’s claims folder. The purpose of this examination is to record manifestations and findings pertinent to the question of whether the claimant is housebound (confined to the home or immediate premises) or in need of the regular aid and attendance of another person.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 82 FR 74 on April 19, 2017, page 18537.

**Affected Public:** Individuals or households.

**Estimated Annual Burden:** 7,000 hours.

**Estimated Average Burden per Respondent:** 30 minutes.

**Frequency of Response:** One time.

**Estimated Number of Respondents:** 14,000.

By direction of the Secretary.

**Cynthia Harvey-Pryor,**

*Department Clearance Officer, Office of Quality, Privacy and Risk, Department of Veterans Affairs.*

[FR Doc. 2017-26253 Filed 12-5-17; 8:45 am]

**BILLING CODE 8320-01-P**

## DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0073]

### Agency Information Collection Activity: Enrollment Certification

**AGENCY:** Veterans Benefits Administration, Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** Veterans Benefits Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

**DATES:** Written comments and recommendations on the proposed collection of information should be received on or before February 5, 2018.

**ADDRESSES:** Submit written comments on the collection of information through Federal Docket Management System (FDMS) at [www.Regulations.gov](http://www.Regulations.gov) or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email to [nancy.kessinger@va.gov](mailto:nancy.kessinger@va.gov). Please refer to "OMB Control No. 2900-0073" in any correspondence. During the comment period, comments may be viewed online through the FDMS.

**FOR FURTHER INFORMATION CONTACT:** Cynthia Harvey-Pryor at (202) 461-5870.

**SUPPLEMENTARY INFORMATION:** Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to the Paperwork Reduction Act. With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether

the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

**Authority:** 38 U.S.C. 3034, 3241, 3323, 3680; and 3684, 10 U.S.C. 16136, and 16166, 38 CFR 21.4203, 21.5200(d), 21.7152, 21.7652, 21.9720 and Section 3506(c)(2)(A).

**Title:** Enrollment Agreement, VA Form 22-1999.

**OMB Control Number:** 2900-0073.

**Type of Review:** Extension of a currently approved collection.

**Abstract:** VA uses the information collected on VA Form 22-1999 to determine the amount of educational benefits payable to the trainee during the period of enrollment or training. Additionally, VA also uses these forms to determine whether the trainee has requested an advance payment or accelerated payment of benefits. Without this information, VA would not have a basis upon which to make payment or to know if a person was requesting an advance or accelerated payment.

**Affected Public:** Individuals and Households.

**Burden:** 851,394 hours.

**Estimated Average Burden per Respondent:** 15 min.

**Frequency of Response:** Twice Annually.

**Estimated Number of Respondents:** 1,702,788.

By direction of the Secretary.

**Cynthia Harvey-Pryor,**

*Department Clearance Officer, Office of Quality, Privacy and Risk, Department of Veterans Affairs.*

[FR Doc. 2017-26250 Filed 12-5-17; 8:45 am]

**BILLING CODE 8320-01-P**

## DEPARTMENT OF VETERANS AFFAIRS

### Allowance for Private Purchase of an Outer Burial Receptacle in Lieu of a Government-Furnished Graveliner for a Grave in a VA National Cemetery

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** The Department of Veterans Affairs (VA) is updating the monetary allowance payable for qualifying interments that occur during calendar year 2018, which applies toward the

private purchase of an outer burial receptacle (or "graveliner") for use in a VA national cemetery. The allowance is equal to the average cost of Government-furnished graveliners less any administrative costs to VA. The purpose of this Notice is to notify interested parties of the average cost of Government-furnished graveliners, administrative costs that relate to processing and paying the allowance and the amount of the allowance payable for qualifying interments that occur during calendar year 2018.

#### FOR FURTHER INFORMATION CONTACT:

William Carter, Chief of Budget Execution Division, National Cemetery Administration, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420. Telephone: 202-461-9764 (this is not a toll-free number).

**SUPPLEMENTARY INFORMATION:** Section 2306(e)(3) and (4) of title 38, United States Code (U.S.C.) authorizes VA to provide a monetary allowance for the private purchase of an outer burial receptacle for use in a VA national cemetery where its use is authorized. The allowance for qualified interments that occur during calendar year 2018 is the average cost of Government-furnished graveliners in fiscal year 2017, less the administrative costs incurred by VA in processing and paying the allowance in lieu of the Government-furnished graveliner.

The average cost of Government-furnished graveliners is determined by taking VA's total cost during a fiscal year for single-depth graveliners that were procured for placement at the time of interment and dividing it by the total number of such graveliners procured by VA during that fiscal year. The calculation excludes both graveliners procured and pre-placed in gravesites as part of cemetery gravesite development projects and all double-depth graveliners. Using this method of computation, the average cost was determined to be \$315.00 for fiscal year 2017.

The administrative costs incurred by VA consist of those costs that relate to processing and paying an allowance in lieu of the Government-furnished graveliner. These costs have been determined to be \$9.00 for calendar year 2018.

The allowance payable for qualifying interments occurring during calendar year 2018, therefore, is \$306.00.

#### Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and

submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Gina S. Farrisee, Deputy Chief of Staff,

Department of Veterans Affairs, approved this document on November 30, 2017, for publication.

Dated: November 30, 2017.

**Jeffrey Martin,**

*Impact Analyst, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.*

[FR Doc. 2017-26262 Filed 12-5-17; 8:45 am]

**BILLING CODE 8320-01-P**

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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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