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U.S. GOVERNMENT
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FEDERAL REGISTER

Vol. 82 Thursday,

No. 234 December 7, 2017

Pages 57657–57818

OFFICE OF THE FEDERAL REGISTER

The **FEDERAL REGISTER** (ISSN 0097–6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Publishing Office, Washington, DC 20402 is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

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

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Part 9

[Docket No. TTB–2016–0008; T.D. TTB–148; Re: Notice No. 162]

RIN 1513–AC32

Expansion of the Outer Coast Plain Viticultural Area

AGENCY: Alcohol and Tobacco Tax and Trade Bureau, Treasury.

ACTION: Final rule; Treasury decision.

SUMMARY: The Alcohol and Tobacco Tax and Trade Bureau (TTB) is expanding the approximately 2.25 million-acre ''Outer Coastal Plain'' viticultural area of southeastern New Jersey by approximately 32,932 acres. The Outer Coastal Plain AVA includes all or portions of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Monmouth, Ocean, and Salem counties. The established viticultural area and the expansion area are not located within any other established viticultural area. TTB designates viticultural areas to allow vintners to better describe the origin of their wines and to allow consumers to better identify wines they may purchase.

DATES: This final rule is effective January 8, 2018.

FOR FURTHER INFORMATION CONTACT: Dana Register, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Box 12, Washington, DC 20005; phone (202) 453–1039, ext. 022.

SUPPLEMENTARY INFORMATION:

Background on Viticultural Areas

TTB Authority

Section 105(e) of the Federal Alcohol Administration Act (FAA Act), 27 U.S.C. 205(e), authorizes the Secretary of the Treasury to prescribe regulations for the labeling of wine, distilled spirits, and malt beverages. The FAA Act provides that these regulations should, among other things, prohibit consumer deception and the use of misleading statements on labels and ensure that labels provide the consumer with adequate information as to the identity and quality of the product. The Alcohol and Tobacco Tax and Trade Bureau (TTB) administers the FAA Act pursuant to section 1111(d) of the Homeland Security Act of 2002, codified at 6 U.S.C. 531(d). The Secretary has delegated various authorities through Treasury Department Order 120–01, dated December 10, 2013 (superseding Treasury Order 120–01, dated January 24, 2003), to the TTB Administrator to perform the functions and duties in the administration and enforcement of this law.

Part 4 of the TTB regulations (27 CFR part 4) authorizes the establishment of definitive viticultural areas and regulate the use of their names as appellations of origin on wine labels and in wine advertisements. Part 9 of the TTB regulations (27 CFR part 9) sets forth standards for the preparation and submission of petitions for the establishment or modification of American viticultural areas (AVAs) and lists the approved AVAs.

Definition

Section 4.25(e)(1)(i) of the TTB regulations (27 CFR 4.25(e)(1)(i)) defines a viticultural area for American wine as a delimited grape-growing region having distinguishing features, as described in part 9 of the regulations, and a name and a delineated boundary, as established in part 9 of the regulations. These designations allow vintners and consumers to attribute a given quality, reputation, or other characteristic of a wine made from grapes grown in an area to the wine's geographic origin. The establishment of AVAs allows vintners to describe more accurately the origin of their wines to consumers and helps consumers to identify wines they may purchase. Establishment of an AVA is neither an approval nor an endorsement by TTB of the wine produced in that area.

Requirements

Section 4.25(e)(2) of the TTB regulations (27 CFR 4.25(e)(2)) outlines the procedure for proposing an AVA and provides that any interested party may petition TTB to establish a grape-growing region as an AVA. Petitioners may use the same process to request changes involving established AVAs. Section 9.12 of the TTB regulations (27 CFR 9.12) prescribes standards for petitions for modifying established AVAs. Petitions to expand an established AVA must include the following:

- Evidence that the area within the proposed expansion area boundary is nationally or locally known by the name of the established AVA;
- An explanation of the basis for defining the boundary of the proposed expansion area;
- A narrative description of the features of the proposed expansion area that affect viticulture, such as climate, geology, soils, physical features, and elevation, that make the proposed expansion area similar to the established AVA and distinguish it from adjacent areas outside the established AVA boundary;
- The appropriate United States Geological Survey (USGS) map(s) showing the location of the proposed expansion area, with the boundary of the proposed expansion area clearly drawn thereon; and
- A detailed narrative description of the proposed expansion area boundary based on USGS map markings.

Petition To Expand the Outer Coast Plain AVA

TTB received a petition from John and Jane Giunco, owners of 4JG's Orchards and Vineyards in Colts Neck, New Jersey, proposing to expand the established ''Outer Coastal Plain'' AVA. The Outer Coastal Plain AVA (27 CFR 9.207) was established by T.D. TTB–58, which was published in the **Federal Register** on February 9, 2007 (72 FR 6165). The Outer Coastal Plain AVA covers approximately 2.25 million acres in all or portions of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Monmouth, Ocean, and Salem Counties. The Outer Coastal Plain AVA and the proposed expansion area do not overlap, nor are they within, any other established or proposed AVAs.

The proposed expansion area is located in Monmouth County, adjacent to the western edge of the existing Outer Coastal Plain AVA boundary, and covers approximately 32,932 acres.

According to the petition, one commercial vineyard covering a total of 30 acres is located within the proposed expansion area. The vineyard also has its own winery. The vineyard and the winery both existed at the time the Outer Coastal Plain AVA was established in 2007 and are owned by the petitioner. The petitioners for the expansion of the AVA assert in their petition that when the AVA was established, the region of the proposed expansion was intended to be included in the AVA but was inadvertently omitted. The petitioners state that they only recently learned that they are not within the AVA's boundaries.

The petition included a letter from the current president of the Outer Coastal Plain Vineyard Association stating that the Association supports the proposed expansion, and noting that the petitioners for the expansion have been members of that Association since 2006. TTB notes that the Association's Web site lists as a member Bellview Winery, the original petitioner for the Outer Coastal Plain AVA.

According to the petition, the proposed expansion area is similar to the established Outer Coastal Plain AVA with regard to its primary distinguishing features: The soils, elevations, and climate. The most common soils of the proposed expansion area are well-drained soils that contain large amounts of sand and/or gravel, similar to the soils within the Outer Coastal Plain AVA, as described in T.D. TTB–58, which established that AVA. The proposed expansion area and the established Outer Coastal Plain AVA are also both regions of agricultural land with low elevations. Within the Outer Coastal Plain AVA, the elevations are below 280 feet, and within the proposed expansion area, the elevations primarily range from 6 to 150 feet above sea level with a small region along the western edge of the proposed expansion area reaching 250 feet. Finally, although much of the established AVA has a growing season ranging from 190 to 217 days, the proposed expansion area's growing season of 188 to 192 days is similar to that of the adjacent portion of the Outer Coastal Plain AVA.

The regions to the west and northwest of the proposed expansion area are outside the Outer Coastal Plain AVA. These regions are marked by a belt of hills called the cuestas. Elevations within the cuestas can reach as high as 1,680 feet, which is significantly higher than the elevations in both the proposed expansion area and the Outer Coastal Plain AVA. The growing season length within most of the cuestas is also shorter than the growing seasons for the proposed expansion area and the Outer Coastal Plain AVA. The portion of the cuestas immediately adjacent to the proposed expansion area has a growing season length of between 185 and 188 days, but moving farther west and north within the cuestas, the growing season shortens to between 163 and 179 days. Finally, the soils of the cuesta region differ from soils within the proposed expansion area and the Outer Coastal Plain AVA in that they have higher clay content and less sand and gravel.

Notice of Proposed Rulemaking and Comments Received

TTB published Notice No. 162 in the **Federal Register** on September 20, 2016 (81 FR 64368), proposing to expand the Outer Coastal Plain AVA. In the notice, TTB summarized the evidence from the petition regarding the name, boundary, and distinguishing features for the proposed expansion area. For a detailed description of the evidence relating to the name, boundary, and distinguishing features of the proposed expansion area, and for a comparison of the distinguishing features of the proposed expansion area to the surrounding areas and to the established Outer Coastal Plain AVA, see Notice No. 162.

Comments Received

In Notice No. 162, TTB solicited comments on the accuracy of the name, boundary, climatic, and other required information submitted in support of the petition. The comment period closed on November 21, 2016.

In response to Notice No. 162, TTB received one comment. The commenter, who describes himself as a past President of the Outer Coastal Plain Vineyard Association who was involved with the determination of the distinguishing features of the established Outer Coastal Plain AVA, supported the expansion of the Outer Coastal Plain AVA. The commenter stated his belief that the expansion petition contained ''valid name evidence, boundary evidence and distinctive features that are recognizable features of the Outer Coastal Plain,'' and he specifically cited as shared features the sandy loam and loamy sand soils, soil drainage, and the length of growing degree days. The commenter also stated his belief that the proposed expansion area should be added to the existing AVA. The comment did not raise any new issues concerning the proposed AVA expansion. TTB received no comments opposing the expansion of the Outer Coastal Plain AVA.

TTB Determination

After careful review of the petition and the comment received, TTB finds that the evidence provided by the petitioner sufficiently demonstrates that the proposed expansion area shares the characteristics of the established Outer Coastal Plain AVA and should also be recognized as part of that AVA. Accordingly, under the authority of the FAA Act, section 1111(d) of the Homeland Security Act of 2002, and parts 4 and 9 of the TTB regulations, TTB expands the 2.25 million-acre Outer Coastal Plain AVA to include the approximately 32,932-acre expansion area as described in Notice No. 162, effective 30 days from the publication date of this document.

Boundary Description

See the narrative description of the boundary of the AVA expansion in the regulatory text published at the end of this final rule.

Maps

The petitioner provided the required maps, and they are listed below in the regulatory text.

Impact on Current Wine Labels

Part 4 of the TTB regulations prohibits any label reference on a wine that indicates or implies an origin other than the wine's true place of origin. For a wine to be labeled with an AVA name or with a brand name that includes an AVA name, at least 85 percent of the wine must be derived from grapes grown within the area represented by that name, and the wine must meet the other conditions listed in § 4.25(e)(3) of the TTB regulations (27 CFR 4.25(e)(3)). If the wine is not eligible for labeling with an AVA name and that name appears in the brand name, then the label is not in compliance, and the bottler must change the brand name and obtain approval of a new label. Similarly, if the AVA name appears in another reference on the label in a misleading manner, the bottler would have to obtain approval of a new label. Different rules apply if a wine has a brand name containing an AVA name that was used as a brand name on a label approved before July 7, 1986. See § 4.39(i)(2) of the TTB regulations (27 CFR 4.39(i)(2)) for details.

The expansion of the Outer Coastal Plain AVA will not affect any other existing AVA, and bottlers using ''Outer Coastal Plain'' as an appellation of origin or in a brand name for wines made from grapes within the Outer Coastal Plain AVA will not be affected by this expansion. The expansion of the Outer Coastal Plain AVA will allow

vintners to use ''Outer Coastal Plain'' as an appellation of origin for wines made primarily from grapes grown within the expansion area if the wines meet the eligibility requirements for the appellation.

Regulatory Flexibility Act

TTB certifies that this regulation will not have a significant economic impact on a substantial number of small entities. The regulation imposes no new reporting, recordkeeping, or other administrative requirement. Any benefit derived from the use of an AVA name would be the result of a proprietor's efforts and consumer acceptance of wines from that area. Therefore, no regulatory flexibility analysis is required.

Executive Order 12866

It has been determined that this final rule is not a significant regulatory action as defined by Executive Order 12866 of September 30, 1993. Therefore, no regulatory assessment is required.

Drafting Information

Dana Register of the Regulations and Rulings Division drafted this final rule.

List of Subjects in 27 CFR Part 9

Wine.

The Regulatory Amendment

For the reasons discussed in the preamble, TTB amends title 27, chapter I, part 9, Code of Federal Regulations, as follows:

PART 9—AMERICAN VITICULTURAL AREAS

■ 1. The authority citation for part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

Subpart C—Approved American Viticultural Areas

■ 2. Section 9.207 is amended by:
■ a. Revising paragraphs (b) introductory text and (b)(6) and (7);
■ b. Adding paragraphs (b)(8) through (10);
■ c. Revising paragraphs (c)(16) and (17);
■ d. Redesignating paragraphs (c)(18) through (22) as paragraphs (c)(21) through (25); and
■ e. Adding new paragraphs (c)(18) through (20).

The revisions and additions read as follows:

§ 9.207 Outer Coastal Plain.

* * * * *

(b) *Approved maps.* The appropriate maps for determining the boundary of the Outer Coastal Plain viticultural area are 10 United States Geological Survey topographic maps. They are titled:

* * * * *

(6) Cape May, New Jersey, 1981, 1:100,000 scale;

(7) Dover, Delaware–New Jersey–Maryland, 1984, 1:100,000 scale;

(8) Freehold, New Jersey, 2014, 1:24,000 scale;

(9) Marlboro, New Jersey, 2014, 1:24,000 scale; and

(10) Keyport, New Jersey–New York, 2014, 1:24,000 scale.

(c) * * *

(16) Continue northeasterly on CR 537, crossing onto the Freehold, New Jersey, map, to the intersection of CR 537 (known locally as W. Main Street) and State Route 79 (known locally as S. Main Street) in Freehold; then

(17) Proceed northeasterly, then northerly, along State Route 79, crossing onto the Marlboro, New Jersey, map to the intersection of State Route 79 and Pleasant Valley Road in Wickatunk; then

(18) Proceed northeasterly, then southeasterly along Pleasant Valley Road to the road's intersection with Schank Road, south of Pleasant Valley; then

(19) Proceed easterly along Schank Road to the road's intersection with Holmdel Road; then

(20) Proceed northerly along Holmdel Road, crossing onto the Keyport, New Jersey–New York map, to the road's intersection with the Garden State Parkway, north of Crawford Corners; then

* * * * *

Signed: May 2, 2017.

John J. Manfreda,

Administrator.

Approved: October 19, 2017.

Timothy E. Skud,

Deputy Assistant Secretary (Tax, Trade, and Tariff Policy).

[FR Doc. 2017–26414 Filed 12–6–17; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Part 9

[Docket No. TTB–2016–0009; T.D. TTB–149; Re: Notice No. 163]

RIN 1513–AC34

Establishment of the Petaluma Gap Viticultural Area and Modification of the North Coast Viticultural Area

AGENCY: Alcohol and Tobacco Tax and Trade Bureau, Treasury.

ACTION: Final rule; Treasury decision.

SUMMARY: The Alcohol and Tobacco Tax and Trade Bureau (TTB) establishes the approximately 202,476-acre ''Petaluma Gap'' viticultural area in portions of Sonoma and Marin Counties in California. The viticultural area lies entirely within the larger existing North Coast viticultural area and partially within the established Sonoma Coast viticultural area. TTB also modifies the boundary of the North Coast viticultural area to eliminate a partial overlap with the Petaluma Gap viticultural area. TTB designates viticultural areas to allow vintners to better describe the origin of their wines and to allow consumers to better identify wines they may purchase.

DATES: This final rule is effective January 8, 2018.

FOR FURTHER INFORMATION CONTACT: Kaori Flores, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Box 12, Washington, DC 20005; phone (202) 453–1039.

SUPPLEMENTARY INFORMATION:

Background on Viticultural Areas

TTB Authority

Section 105(e) of the Federal Alcohol Administration Act (FAA Act), 27 U.S.C. 205(e), authorizes the Secretary of the Treasury to prescribe regulations for the labeling of wine, distilled spirits, and malt beverages. The FAA Act provides that these regulations should, among other things, prohibit consumer deception and the use of misleading statements on labels, and ensure that labels provide the consumer with adequate information as to the identity and quality of the product. The Alcohol and Tobacco Tax and Trade Bureau (TTB) administers the FAA Act pursuant to section 1111(d) of the Homeland Security Act of 2002, codified at 6 U.S.C. 531(d). The Secretary has delegated various

authorities through Treasury Department Order 120–01, dated December 10, 2013 (superseding Treasury Department Order 120–01, dated January 24, 2003), to the TTB Administrator to perform the functions and duties in the administration and enforcement of these provisions.

Part 4 of the TTB regulations (27 CFR part 4) allows the establishment of definitive viticultural areas and the use of their names as appellations of origin on wine labels and in wine advertisements. Part 9 of the TTB regulations (27 CFR part 9) sets forth standards for the preparation and submission of petitions for the establishment or modification of American viticultural areas (AVAs) and lists the approved AVAs.

Definition

Section 4.25(e)(1)(i) of the TTB regulations (27 CFR 4.25(e)(1)(i)) defines a viticultural area for American wine as a delimited grape-growing region having distinguishing features as described in part 9 of the regulations and a name and a delineated boundary as established in part 9 of the regulations. These designations allow vintners and consumers to attribute a given quality, reputation, or other characteristic of a wine made from grapes grown in an area to its geographic origin. The establishment of AVAs allows vintners to describe more accurately the origin of their wines to consumers and helps consumers to identify wines they may purchase. Establishment of an AVA is neither an approval nor an endorsement by TTB of the wine produced in that area.

Requirements

Section 4.25(e)(2) of the TTB regulations outlines the procedure for proposing an AVA and provides that any interested party may petition TTB to establish a grape-growing region as an AVA. Section 9.12 of the TTB regulations (27 CFR 9.12) prescribes standards for petitions for the establishment of AVAs. Petitions to establish an AVA must include the following:

- Evidence that the area within the proposed AVA boundary is nationally or locally known by the AVA name specified in the petition;
- An explanation of the basis for defining the boundary of the proposed AVA;
- A narrative description of the features of the proposed AVA that affect viticulture, such as climate, geology, soils, physical features, and elevation, that make the proposed AVA distinctive and distinguish it from adjacent areas outside the proposed AVA boundary;
- A copy of the appropriate United States Geological Survey (USGS) map(s) showing the location of the proposed AVA, with the boundary of the proposed AVA clearly drawn thereon; and
- A detailed narrative description of the proposed AVA boundary based on USGS map markings.

Petaluma Gap Petition

TTB received a petition from Patrick L. Shabram, on behalf of the Petaluma Gap Winegrowers Alliance, proposing the establishment of the ''Petaluma Gap'' AVA and the modification of the boundary of the established multi-county North Coast AVA (27 CFR 9.30). The proposed Petaluma Gap AVA is located in portions of Sonoma and Marin Counties, California. The proposed AVA covers approximately 202,476 acres and contains 80 commercially-producing vineyards covering a total of approximately 4,000 acres, as well as 9 bonded wineries. According to the petition, the distinguishing features of the proposed Petaluma Gap AVA include its topography and wind speed.

The proposed AVA lies in southern Sonoma County and northern Marin County, has a northwest-southeast orientation, and extends from the Pacific Ocean to San Pablo Bay. As proposed, a small portion of the Petaluma Gap AVA would overlap a portion of the established North Coast AVA. To eliminate the potential overlap, the petitioner also proposed modifying the boundary of the North Coast AVA to eliminate the potential overlap and place the proposed Petaluma Gap AVA entirely within the North Coast AVA. The proposed modification would increase the size of the 3 million-acre North Coast AVA by approximately 28,077 acres. The petition provided evidence that the proposed expansion area shares the main characteristic of the North Coast AVA—the marine climate influence that moderates growing season temperatures in the area. The expansion area was also shown to have similar growing degree day accumulations to the North Coast AVA and to be within the range of Winkler scale regions that characterizes the rest of the North Coast AVA.

The proposed Petaluma Gap AVA is located in the southern portion of the established Sonoma Coast AVA and shares the marine-influenced climate and coastal fog of the established AVA. As proposed, the Petaluma Gap AVA would also partially overlap the southwestern boundary of the established Sonoma Coast AVA (27 CFR 9.116), leaving the Marin County portion of the proposed AVA, consisting of approximately 68,130 acres, outside of the Sonoma Coast AVA. The petition did not propose to modify the boundary of the Sonoma Coast AVA for several reasons, including the lack of use of the name ''Sonoma Coast'' to describe lands in Marin County. Additionally, the evidence in the petition demonstrated that both the Sonoma County and the Marin County portions of the proposed Petaluma Gap AVA share similar topographic characteristics and similar wind speeds, so excluding Marin County entirely would have affected the integrity of the proposed AVA. Further, TTB notes that removing the proposed Petaluma Gap AVA from the Sonoma Coast AVA would potentially affect current label holders who use the ''Sonoma Coast'' appellation on their wines because wines made primarily from grapes grown in the region removed from the Sonoma Coast AVA would no longer be eligible to be labeled with that AVA as an appellation of origin.

According to the petition, the distinguishing features of the proposed Petaluma Gap AVA are its topography and wind speeds. The terrain consists of highlands characterized by low, rolling hills not exceeding 600 feet, except in a few places within the ridgelines that form the proposed northern, eastern, and southern boundaries. Within the proposed Petaluma Gap AVA, there are also small valleys and fluvial terraces, with flat land along the Petaluma River, especially east of the City of Petaluma and near the mouth of San Pablo Bay. The low elevations and gently rolling terrain of the proposed Petaluma Gap create a corridor that allows marine winds to flow relatively unhindered from the Pacific Ocean to San Pablo Bay, particularly during the mid-to-late afternoon. As a result, cool air and marine fog enter the vineyards during the time of day when temperatures would normally be at their highest, bringing heat relief to the vines.

To the north of the proposed Petaluma Gap AVA, the elevations are much higher, with elevations over 1,000 feet not uncommon in northern Sonoma County. The broad Santa Rosa Plain is also located north of the proposed AVA and has a much flatter topography than the proposed AVA. East of the proposed AVA, the higher elevations of Sonoma Mountain prevent much of the marine airflow that enters the Petaluma Gap from travelling farther east. East of Sonoma Mountain is the Sonoma Valley, which has lower elevations and flatter terrain than the proposed AVA.

To the south of the proposed AVA, the elevations can exceed 1,000 feet.

The low elevations and rolling hills of the proposed Petaluma Gap AVA also allow the marine air to enter the proposed AVA at higher speeds than found in the surrounding areas, where higher, steeper mountains disrupt the flow of air. Although marine breezes are present within the proposed Petaluma Gap AVA during most of the day, the wind speeds increase significantly in the afternoon hours because the inland temperatures increase, causing the hot air to rise and pull the cooler, heavier marine air in from the coast and create steady winds.

The effect of these prolonged high wind speeds on grapes is a reduction in photosynthesis to the extent that the grapes have to remain on the vine longer in order to reach a given sugar level (a longer ''hang time''), compared to the same grape varietal grown in a less windy location. Grapes grown in windy locations are also typically smaller and have thicker skins than the same varietal grown elsewhere. According to the petition, the smaller grape size, thicker skins, and longer hang time concentrate the flavor compounds in the fruit, allowing grapes that are harvested at lower sugar levels to still have the typical flavor characteristics of the grape varietal.

Notice of Proposed Rulemaking and Comments Received

TTB published Notice No. 163 in the **Federal Register** on October 28, 2016, (81 FR 74979), proposing to establish the Petaluma Gap AVA and modify the boundary of the North Coast AVA. In the document, TTB summarized the evidence from the petition regarding the name, boundary, and distinguishing features for the proposed viticultural area. For a description of the evidence relating to the name, boundary, and distinguishing features of the proposed viticultural area, and for a comparison of the distinguishing features of the proposed viticultural area to the surrounding areas, see Notice No. 163.

In Notice No. 163, TTB solicited comments on the accuracy of the name, boundary, climatic, and other required information submitted in support of the petition. In addition, given the proposed AVA's location within the existing North Coast AVA and in the southern portion of the Sonoma Coast AVA, TTB solicited comments on whether the evidence submitted in the petition regarding the distinguishing features of the proposed AVA sufficiently differentiates it from the two established AVAs. TTB also asked for comments on whether the geographical features of the proposed viticultural area are so distinguishable from the existing North Coast and Sonoma Coast AVAs that the proposed Petaluma Gap AVA should not be part of one or either established AVA.

Additionally, TTB asked for comments on the proposed modification of the North Coast AVA and whether the evidence presented in the proposed Petaluma Gap AVA petition was sufficient to warrant expansion of the North Coast AVA to include the entire proposed Petaluma Gap AVA. Finally, TTB asked for comments on whether the evidence submitted in the petition supported allowing the partial overlap between the proposed Petaluma Gap AVA and the established Sonoma Coast AVA. The comment period on Notice No. 163 closed on December 27, 2016.

In response to Notice No. 163, TTB received a total of 11 comments, all of which supported the establishment of the Petaluma Gap AVA and the expansion of the North Coast AVA boundary. Commenters were primarily local residents, vineyard owners, and members of the wine industry. The commenters generally supported the proposed AVA due to the rolling terrain and distinct microclimate, featuring distinct temperatures, moderate rainfall, the presence of fog, and wind gusts. Other comments emphasized the distinct flavor of the wines from the Petaluma Gap region and stated that establishing the Petaluma Gap AVA will help consumers to buy and identify wine accurately. Several comments received during the comment period stated that the proposed AVA has characteristics that are distinct from the larger Sonoma Coast AVA and warrant its recognition as a sub-AVA. However, none of the commenters specifically stated that the proposed Petaluma Gap AVA should be completely removed from the Sonoma Coast AVA. TTB received no comments in opposition of the Petaluma Gap AVA, as proposed, and no comments opposing the proposed North Coast AVA boundary modification or the proposed partial overlap with the Sonoma Coast AVA.

TTB Determination

After careful review of the petition and of the comments received in response to Notice No. 163, TTB finds that the evidence provided by the petitioner supports the establishment of the approximately 202,476-acre Petaluma Gap AVA and the modification of the boundary of the North Coast AVA. Accordingly, under the authority of the FAA Act, section 1111(d) of the Homeland Security Act of 2002, and part 4 of the TTB regulations, TTB establishes the ''Petaluma Gap'' AVA in Sonoma and Marin Counties, in California.

TTB has also determined that the land within the Petaluma Gap AVA will remain part of the larger North Coast AVA. The Petaluma Gap AVA shares the basic viticultural feature of the North Coast AVA, which consists of the marine influence that moderates growing season temperatures in the area. Therefore, TTB is recognizing the Petaluma Gap AVA as a distinct AVA within the larger North Coast AVA.

Furthermore, TTB modifies the boundary of the North Coast AVA as described in Notice No. 163. TTB has determined that the expansion area has the similar marine-influenced climate of the North Coast AVA. Therefore, TTB is expanding the North Coast to include all of the Petaluma Gap AVA. This change is effective 30 days from the date of publication of this document. TTB is also allowing the partial overlap of the Petaluma Gap AVA with the Sonoma Coast AVA. The Marin County portion of the Petaluma Gap AVA will remain outside of the Sonoma Coast AVA, while the Sonoma County portion will be within the Sonoma Coast AVA. TTB allows the partial overlap to remain, primarily because the name ''Sonoma Coast'' is associated only with the coastal region of Sonoma County and does not extend into Marin County.

Boundary Description

See the narrative boundary description of the Petaluma Gap AVA and the modified boundary of the North Coast AVA in the regulatory text published at the end of this final rule.

Maps

The petitioner provided the required maps, and they are listed below in the regulatory text.

Impact on Current Wine Labels

Part 4 of the TTB regulations prohibits any label reference on a wine that indicates or implies an origin other than the wine's true place of origin. With the establishment of this AVA, its name, ''Petaluma Gap,'' will be recognized as a name of viticultural significance under 27 CFR 4.39(i)(3). The text of the regulation clarifies this point. Once this final rule becomes effective, wine bottlers using the name ''Petaluma Gap'' in a brand name, including a trademark, or in another label reference as to the origin of the wine, will have to ensure that the product is eligible to use the viticultural name as an appellation of origin. The establishment of the Petaluma Gap AVA will allow vintners to use ''Petaluma Gap'' as an appellation

of origin for wines made from grapes grown within the Petaluma Gap AVA if the wines meet the eligibility requirements for the appellation.

The establishment of the Petaluma Gap AVA will not affect any existing viticultural area, and any bottlers using ''North Coast AVA'' as an appellation of origin or in a brand name for wines made from grapes grown within the North Coast AVA will not be affected by the establishment of this new AVA. The establishment of the AVA will allow vintners to use ''Petaluma Gap and ''North Coast'' as appellations of origin for wines made from grapes grown within the Petaluma Gap AVA if the wines meet the eligibility requirements for the appellation. Additionally, vintners would be able to use ''Sonoma Coast'' as an appellation of origin on wines made primarily from grapes grown within the Sonoma County portion of the Petaluma Gap AVA, if the wines meet the eligibility requirements for the appellation.

For a wine to be labeled with an AVA name or with a brand name that includes an AVA name, at least 85 percent of the wine must be derived from grapes grown within the area represented by that name, and the wine must meet the other conditions listed in 27 CFR 4.25(e)(3). If the wine is not eligible for labeling with an AVA name and that name appears in the brand name, then the label is not in compliance and the bottler must change the brand name and obtain approval of a new label. Similarly, if the AVA name appears in another reference on the label in a misleading manner, the bottler would have to obtain approval of a new label.

Different rules apply if a wine has a brand name containing an AVA name that was used as a brand name on a label approved before July 7, 1986. See 27 CFR 4.39(i)(2) for details.

Regulatory Flexibility Act

TTB certifies that this regulation will not have a significant economic impact on a substantial number of small entities. The regulation imposes no new reporting, recordkeeping, or other administrative requirement. Any benefit derived from the use of a viticultural area name would be the result of a proprietor's efforts and consumer acceptance of wines from that area. Therefore, no regulatory flexibility analysis is required.

Executive Order 12866

It has been determined that this rule is not a significant regulatory action as defined by Executive Order 12866 of September 30, 1993. Therefore, no regulatory assessment is required.

Drafting Information

Kaori Flores of the Regulations and Rulings Division drafted this final rule.

List of Subjects in 27 CFR Part 9

Wine.

The Regulatory Amendment

For the reasons discussed in the preamble, TTB amends title 27, chapter I, part 9, Code of Federal Regulations, as follows:

PART 9—AMERICAN VITICULTURAL AREAS

■ 1. The authority citation for part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

Subpart C—Approved American Viticultural Areas

■ 2. Section 9.30 is amended as follows:
■ a. The introductory text of paragraph (b) is revised;
■ b. The word ''and'' is removed from the end of paragraph (b)(2);
■ c. The period is removed from the end of paragraph (b)(3) and a semicolon is added in its place;
■ d. Paragraphs (b)(4) and (5) are added;
■ e. Paragraphs (c)(1) and (2) are revised;
■ f. Paragraphs (c)(3) through (24) are redesignated as paragraphs (c)(7) through (28); and
■ g. Paragraphs (c)(3) through (6) are added.

The revisions and additions read as follows:

§ 9.30 North Coast.

* * * * *

(b) *Approved maps.* The appropriate maps for determining the boundaries of the North Coast viticultural area are five U.S.G.S. maps. They are entitled:

* * * * *

(4) ''Tomales, CA,'' scale 1:24,000, edition of 1995; and

(5) ''Point Reyes NE., CA,'' scale 1:24,000, edition of 1995.

(c) * * *

(1) Then follow the Pacific coastline in a generally southeasterly direction for 9.4 miles, crossing onto the Tomales map, to Preston Point on Tomales Bay;

(2) Then northeast along the shoreline of Tomales Bay approximately 1 mile to the mouth of Walker Creek opposite benchmark (BM) 10 on State Highway 1;

(3) Then southeast in a straight line for 1.3 miles to the marked 714-foot peak;

(4) Then southeast in a straight line for 3.1 miles, crossing onto the Point Reyes NE map, to the marked 804-foot peak;

(5) Then southeast in a straight line 1.8 miles to the marked 935-foot peak;

(6) Then southeast in a straight line 12.7 miles, crossing back onto the Santa Rosa map, to the marked 1,466-foot peak on Barnabe Mountain;

* * * * *

■ 3. Add § 9.261 to read as follows:

§ 9.261 Petaluma Gap.

(a) *Name.* The name of the viticultural area described in this section is ''Petaluma Gap''. For purposes of part 4 of this chapter, ''Petaluma Gap'' is a term of viticultural significance.

(b) *Approved maps.* The 12 United States Geological Survey (USGS) 1:24,000 scale topographic maps used to determine the boundary of the Petaluma Gap viticultural area are titled:

(1) Cotati, Calif., 1954; photorevised 1980;

(2) Glen Elle, Calif., 1954; photorevised 1980;

(3) Petaluma River, Calif., 1954; photorevised 1980;

(4) Sears Point, Calif., 1951; photorevised 1968;

(5) Petaluma Point, Calif., 1959; photorevised 1980;

(6) Novato, Calif., 1954; photorevised 1980;

(7) Petaluma, Calif., 1953; photorevised 1981;

(8) Point Reyes NE., CA, 1995;

(9) Tomales, CA, 1995;

(10) Bodega Head, Calif., 1972;

(11) Valley Ford, Calif., 1954; photorevised 1971; and

(12) Two Rock, Calif., 1954; photorevised 1971.

(c) *Boundary.* The Petaluma Gap viticultural area is located in Sonoma and Marin Counties in California. The boundary of the Petaluma Gap viticultural area is as described in paragraphs (c)(1) through (48) of this section:

(1) The beginning point is on the Cotati map at the intersection of Grange Road, Crane Canyon Road, and the northern boundary of section 16, T6N/R7W. From the beginning point, proceed southeast in a straight line for 1 mile, crossing over Pressley Road, to the intersection of the 900-foot elevation contour and the eastern boundary of section 16, T6N/R7W; the

(2) Proceed east-southeasterly in a straight line for 0.5 mile, crossing onto the Glen Ellen map, to the terminus of an unnamed, unimproved road known locally as Summit View Ranch Road, just north of the southern boundary of section 15, T6N/R7N; then

(3) Proceed southeast in a straight line for 0.6 mile to the intersection of Crane

Creek and the 1,200-foot elevation contour, section 22, T6N/R7W; then

(4) Proceed southeast in a straight line for 2.9 miles to the marked 2,271-foot peak on Sonoma Mountain, T6N/R6W; then

(5) Proceed southeast in a straight line for 10.5 miles, crossing over the northeastern corner of the Petaluma River map and onto the Sears Point map, to the marked 682-foot summit of Wildcat Mountain; then

(6) Proceed south-southeasterly in a straight line for 3.3 miles to the intersection of State Highway 121 (also known locally as Arnold Drive) and State Highway 37 (also known locally as Sears Point Road); then

(7) Proceed east-northeasterly along State Highway 37/Sears Point Road for approximately 0.1 mile to Tolay Creek; then

(8) Proceed generally south along the meandering Tolay Creek for 3.9 miles, crossing onto the Petaluma Point map, to the mouth of the creek at San Pablo Bay; then

(9) Proceed southwesterly along the shore of San Pablo Bay for 2.7 miles, crossing the mouth of the Petaluma River, and continuing southeasterly along the bay's shoreline to Petaluma Point; then

(10) Proceed northwesterly in a straight line for 6.3 miles, crossing over the northeastern corner of the Novato map and onto the Petaluma River map, to the marked 1,558-foot peak of Burdell Mountain; then

(11) Proceed northwest in a straight line for 1.3 miles to the marked 1,193-foot peak; then

(12) Proceed west-southwesterly in a straight line for 2.2 miles, crossing onto the Petaluma map, to the marked 1,209-foot peak; then

(13) Proceed west-southwest in a straight line for 0.8 mile to the marked 1,296-foot peak; then

(14) Proceed west in a straight line for 1 mile to the marked 1,257-foot peak on Red Hill in section 31, T4N/R7W; then

(15) Proceed southwest in a straight line for 2.9 miles to the marked 1,532-foot peak on Hicks Mountain; then

(16) Proceed north-northwesterly in a straight line for 2.7 miles, crossing onto the Point Reyes NE map, to the marked 1,087-foot peak; then

(17) Proceed north-northwesterly in a straight line for 1.5 miles to the marked 1,379-foot peak; then

(18) Proceed west-northwesterly in a straight line for 2.9 miles to the marked 935-foot peak; then

(19) Proceed northwest in a straight line for 1.8 miles to the marked 804-foot peak; then

(20) Proceed west-northwesterly in a straight line for 3.1 miles, crossing onto the Tomales map, to the marked 741-foot peak; then

(21) Proceed northwesterly in a straight line for 1.3 miles to benchmark (BM) 10 on State Highway 1, at the mouth of Walker Creek in Tomales Bay; then

(22) Proceed southwesterly, then northwesterly along the shoreline of Tomales Bay to Sand Point, on Bodega Bay, and continuing northerly along the shoreline of Bodega Bay, crossing over the Valley Ford map and onto the Bodega Head map, circling the shoreline of Bodega Harbor to the Pacific Ocean and continuing northerly along the shoreline of the Pacific Ocean to the mouth of Salmon Creek, for a total of 19.5 miles; then

(23) Proceed easterly along Salmon Creek for 9.6 miles, crossing onto the Valley Ford map and passing Nolan Creek, to the second intermittent stream in the Estero Americano land grant, T6N/R10W; then

(24) Proceed east in a straight line for 1 mile to vertical angle benchmark (VABM) 724 in the Estero Americano land grant, T6N/R10W; then

(25) Proceed south-southeasterly in a straight line for 0.8 mile to BM 61 on an unmarked light duty road known locally as Freestone Valley Ford Road in the Cañada de Pogolimi land grant, T6N/R10W; then

(26) Proceed southeast in a straight line for 0.6 mile to the marked 448-foot peak in the Cañada de Pogolimi land grant, T6N/R10W; then

(27) Proceed southeast in a straight line for 0.1 mile to the northern terminus of an unnamed, unimproved road in the Cañada de Pogolimi land grant, T6N/R10W; then

(28) Proceed northeasterly, then southeasterly for 0.9 mile along the unnamed, unimproved road to the 400-foot elevation contour in the Cañada de Pogolimi land grant, T6N/R10W; then

(29) Proceed easterly along the meandering 400-foot elevation contour for 6.7 miles, crossing onto the Two Rocks map, to Burnside Road in the Cañada de Pogolimi land grant, T6N/R10W; then

(30) Proceed south on Burnside Road for 0.1 mile to an unnamed medium duty road known locally as Bloomfield Road in the Cañada de Pogolimi land grant,T6N/R9W; then

(31) Proceed southeast in a straight line for 0.6 mile to the marked 610-foot peak in the Blucher land grant, T6N/R9W; then

(32) Proceed east-southeasterly in a straight line for 0.8 mile to the marked 641-foot peak in the Blucher land grant, T6N/R9W; then

(33) Proceed northeast in a straight line for 1.2 miles, crossing through the intersection of an intermittent stream with Canfield Road, to the common Range 8/9 boundary; then

(34) Proceed southeast in a straight line for 0.5 mile to the marked 542-foot peak; then

(35) Proceed southeast in a straight line for 0.8 mile to the intersection of an unnamed, unimproved road (leading to four barn-like structures) known locally as Carniglia Lane and an unnamed medium duty road known locally as Roblar Road, T6N/R8W; then

(36) Proceed south in a straight line for 0.5 mile to the marked 678-foot peak, T6N/R8W; then

(37) Proceed east-southeast in a straight line for 0.8 mile to the marked 599-foot peak, T5N/R8W; then

(38) Proceed east-southeast in a straight line for 0.7 mile to the marked 604-foot peak, T5N/R8W; then

(39) Proceed east-southeast in a straight line for 0.9 mile, crossing onto the Cotati map, to the intersection of Meacham Road and an unnamed light duty road leading to a series of barn-like structures, T5N/R8W; then

(40) Proceed north-northeast along Meacham Road for 0.8 mile to Stony Point Road, T5N/R8W; then

(41) Proceed southeast along Stony Point Road for 1.1 miles to the 200-foot elevation contour, T5N/R8W; then

(42) Proceed north-northeast in a straight line for 0.5 mile to the intersection of an intermittent creek with U.S. Highway 101, T5N/R8W; then

(43) Proceed north along U.S. Highway 101 for 1.5 miles to State Highway 116 (also known locally as Graverstein Highway), T6N/R8W; then

(44) Proceed northeast in a straight line for 3.4 miles to the intersection of Crane Creek and Petaluma Hill Road, T6N/R7W; then

(45) Proceed easterly along Crane Creek for 0.8 mile to the intersection of Crane Creek and the 200-foot elevation line, T6N/R7W; then

(46) Proceed northwesterly along the 200-foot elevation contour for 1 mile to the intersection of the contour line and an intermittent stream just south of Crane Canyon Road, T6N/R7W; then

(47) Proceed east then northeasterly along the northern branch of the intermittent stream for 0.3 mile to the intersection of the stream with Crane Canyon Road, T6N/R7W; then

(48) Proceed northeasterly along Crane Canyon Road for 1.2 miles, returning to the beginning point.

Signed: June 14, 2017.

John J. Manfreda,

Administrator.

Approved: October 26, 2017.

Timothy E. Skud,

Deputy Assistant Secretary (Tax, Trade, and Tariff Policy).

[FR Doc. 2017–26410 Filed 12–6–17; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

29 CFR Part 2550

[Application Number D–11712; D–11713; D–11850]

ZRIN 1210–ZA27

18-Month Extension of Transition Period and Delay of Applicability Dates; Best Interest Contract Exemption (PTE 2016–01); Class Exemption for Principal Transactions in Certain Assets Between Investment Advice Fiduciaries and Employee Benefit Plans and IRAs (PTE 2016–02); Prohibited Transaction Exemption 84–24 for Certain Transactions Involving Insurance Agents and Brokers, Pension Consultants, Insurance Companies, and Investment Company Principal Underwriters (PTE 84–24); Correction

AGENCY: Employee Benefits Security Administration, Labor.

ACTION: Technical corrections.

SUMMARY: This document corrects two errors in the preamble of a document that appeared in the **Federal Register** on November 29, 2017.

DATES: *Issuance date:* The correction is issued December 7, 2017 without further action or notice.

FOR FURTHER INFORMATION CONTACT: Brian Shiker or Susan Wilker, (202) 693–8824, Office of Exemption Determinations, Employee Benefits Security Administration.

SUPPLEMENTARY INFORMATION:

I. Background

There is a clerical error in footnote 66 in FR Doc. 2017–25760 (published November 29, 2017 at 82 FR 56545), entitled ''*18-Month Extension of Transition Period and Delay of Applicability Dates; Best Interest Contract Exemption (PTE 2016–01); Class Exemption for Principal Transactions in Certain Assets Between Investment Advice Fiduciaries and Employee Benefit Plans and IRAs (PTE 2016–02); Prohibited Transaction Exemption 84–24 for Certain Transactions Involving Insurance Agents and Brokers, Pension Consultants, Insurance Companies, and Investment Company Principal Underwriters (PTE 84–24).*''

Footnote 66 is situated in the regulatory impact analysis section of the preamble. The textual discussion surrounding footnote 66 focuses on regulatory alternatives considered, but rejected by the Department of Labor (Department). Footnote 66 identifies certain public commenters who support a contingent or tiered delay, two regulatory alternatives the Department declined to adopt. Due to a clerical error, the footnote also inadvertently includes the names of public commenters who do not support a contingent or tiered delay. This document corrects that error.

In addition, there is text missing in the portion of the preamble that discusses the Congressional Review Act (CRA). The Department inadvertently omitted a discussion of the basis for making the delay effective more quickly than the 60-day period generally required by the CRA for major rules. This document corrects that error.

II. Correction of Errors

In FR Doc. 2017–25760 of November 29, 2017 (82 FR 56545), make the following preamble corrections:

1. On page 56557, second column, correct footnote 66 to read ''*See, e.g.,* Comment Letter #121 (HSBC North America Holdings Inc.); Comment Letter #124 (Morgan, Lewis & Bockius LLP).''

2. On page 56559, second column, add the following language to the end of Congressional Review Act discussion: ''Although the CRA generally requires that major rules become effective no sooner than 60 days after Congress receives the required report, the CRA allows the issuing agency to make a rule effective sooner, if the agency makes a good cause finding that such public procedure is impracticable, unnecessary, or contrary to the public interest. For the same reasons underlying the good cause finding in the April Delay Rule, the Department has made such a good cause finding for this rule. See 82 FR 16902, 16915 (April 7, 2017).''

Signed at Washington, DC, this 5th day of December, 2017.

Jeanne Klinefelter Wilson,

Acting Assistant Secretary, Employee Benefits Security Administration, Department of Labor.

[FR Doc. 2017–26478 Filed 12–5–17; 4:15 pm]

BILLING CODE 4510–29–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 950

[SATS No: WY–045–FOR; Docket ID: OSM–2013–0002; S1D1S SS08011000 SX064A000 189S180110; S2D2S SS08011000 SX064A000 18XS501520]

Wyoming Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule; approval of amendment with certain exceptions.

SUMMARY: We are issuing a final decision on an amendment to the Wyoming regulatory program (the ''Wyoming program'') under the Surface Mining Control and Reclamation Act of 1977 (''SMCRA'' or ''the Act''). Our decision approves in part and disapproves in part the amendment. Wyoming proposes both revisions of and additions to its coal rules and regulations concerning ownership and control, adds a provision concerning variable topsoil depths during reclamation, and addresses four deficiencies that were identified by the Office of Surface Mining Reclamation and Enforcement (OSMRE) during the review of a previous program amendment (WY–038–FOR; Docket ID No. OSM–2009–0012). Wyoming revised its program to be consistent with the corresponding Federal regulations and SMCRA, clarify ambiguities, and improve operational efficiency.

DATES: The effective date is January 8, 2018.

FOR FURTHER INFORMATION CONTACT: Jeffrey Fleischman, Chief, Denver Field Division, Telephone: 307–261–6550, Internet address: *jfleischman@OSMRE.gov.*

SUPPLEMENTARY INFORMATION:

I. Background on the Wyoming Program
II. Submission of the Proposed Amendment
III. Office of Surface Mining Reclamation and Enforcement's (OSMRE's) Findings
IV. Summary and Disposition of Comments
V. OSMRE's Decision
VI. Procedural Determinations

I. Background on the Wyoming Program

Section 503(a) of the Act permits a State to assume primacy for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its State program includes, among other things, State laws and regulations that govern surface coal

mining and reclamation operations in accordance with the Act and consistent with the Federal regulations. See 30 U.S.C. 1253(a)(1) and (7). On the basis of these criteria, the Secretary of the Interior conditionally approved the Wyoming program on November 26, 1980. You can find background information on the Wyoming program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Wyoming program in the November 26, 1980, **Federal Register** (45 FR 78637). You can also find later actions concerning Wyoming's program and program amendments at 30 CFR 950.12, 950.15, 950.16, and 950.20.

II. Submission of the Proposed Amendment

By letter dated January 8, 2013, Wyoming sent us a proposed amendment to its approved regulatory program (Administrative Record Docket ID No. OSM–2013–0002) under SMCRA (30 U.S.C. 1201 *et seq.*). Wyoming submitted the amendment to address required rule changes OSMRE identified in a letter to Wyoming dated October 2, 2009, under 30 CFR 732.17(c) (''732 letter''). These included changes to Wyoming's rules for ownership and control. The amendment also adds a provision concerning variable topsoil depths during reclamation, addresses four deficiencies that OSMRE identified in response to Wyoming's formally submitted revegetation rule package (WY–038–FOR; Docket ID No. OSM–2009–0012), and corrects numerous inaccurate citations to other sections of Wyoming's rules and regulations.

We announced receipt of the proposed amendment in the February 26, 2013, **Federal Register** (78 FR 13004). In the same document, we opened the public comment period and provided an opportunity for a public hearing or meeting on the amendment's adequacy (Administrative Record Document ID No. OSM–2013–0002–0001). We did not hold a public hearing or meeting because no one requested one. The public comment period ended on March 28, 2013. We received comments from two Federal agencies (discussed under ''IV. Summary and Disposition of Comments'').

During our review of the amendment, we identified concerns regarding Wyoming's proposed rule changes in response to the October 2, 2009, 732 letter including the omission of the term ''surface'' in its newly-proposed definition of ''Control or Controller'' at Chapter 1, Section 2(aa), the title for Chapter 2 of its rules concerning permit application requirements, and its revised rule at Chapter 2, Section 2(a)(ii)(A)(I) regarding the requirement that permit applications contain a complete statement of compliance; revisions to its rules concerning adjudication requirements and identification of interests at Chapter 2, Section 2(a)(i)(B); its rules at Chapter 12, Section 1(a)(x)(D)(I) regarding unanticipated events or conditions at remining sites; its final compliance review requirements at Chapter 12, Section 1(a)(viii)(B); its provisions concerning written agency decisions on challenges to ownership or control listings or findings at Chapter 12, Section 1(a)(xiv)(F); and its transfer, assignment, or sale of permit rights requirements at Chapter 12, Section 1(b)(ii). We notified Wyoming of these concerns by letter dated April 9, 2013 (Administrative Record Document ID No. OSM–2013–0002–0012).

We delayed final rulemaking to afford Wyoming the opportunity to submit new material to address the deficiencies. Wyoming responded in a letter dated July 2, 2013, that it could not currently submit additional formal revisions to the amendment due to the administrative rulemaking requirements for promulgation of revised substantive rules (Administrative Record Document ID No. OSM–2013–0002–0013). Specifically, Wyoming explained that the required changes would be considered substantive in nature and therefore the Department of Environmental Quality's (DEQ) Land Quality Division (LQD) is required to present the proposed rules to the LQD Advisory Board and then the Wyoming Environmental Quality Council for vetting. Following approval by the Governor, the rules may be submitted to OSMRE for final review. Wyoming could not submit formal changes, but it did submit informal responses to OSMRE's noted concerns. Therefore, we are proceeding to the final rule **Federal Register** document. Our concerns and Wyoming's responses thereto are explained in detail below.

III. OSMRE's Findings

30 CFR 732.17(h)(10) requires that State program amendments meet the criteria for approval of State programs set forth in 30 CFR 732.15, including that the State's laws and regulations are in accordance with the provisions of the Act and consistent with the requirements of 30 CFR part 700. In 30 CFR 730.5, OSMRE defines ''consistent with'' and ''in accordance with'' to mean (a) with regard to SMCRA, the State laws and regulations are no less stringent than, meet the minimum requirements of, and include all applicable provisions of the Act, and (b) with regard to the Federal regulations, the State laws and regulations are no less effective than the Federal regulations in meeting the requirements of SMCRA.

The following are the findings we made concerning the amendment under SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17. We are approving the amendment with certain exceptions as described below.

A. Minor Revisions to Wyoming's Rules

Wyoming proposed minor punctuation, grammatical, and codification changes to the following previously-approved rules. Many of the codification changes correct inaccurate citations and cross-references that resulted from Wyoming's proposed rule changes. No substantive changes to the text of these regulations were proposed. Because the proposed revisions to these previously approved rules are minor, we are approving the changes and find that they are no less effective than the corresponding Federal regulations at 30 CFR parts 700 through 887.

Chapter 2, Section 1(c)(v); minor grammatical and citation cross-reference changes;

Chapter 2, Section 3(c)(iii)(F), and (f); citation cross-reference changes;

Chapter 2, Section 3(i)(i)(A); minor grammatical change;

Chapter 2, Section 5(a)(viii)(B)(II) and (C); citation cross-reference changes;

Chapter 2, Section 5(a)(ix)(D)(I)(1.) and (2.); (II)(1.) and (2.); and (xvi)(A)(IV); citation cross-reference changes;

Chapter 2, Section 6(b)(iv)(A); citation cross-reference change;

Chapter 4, Section 2(c)(xi)(G)(II)(1.)(c.) and (xii)(A)(I); citation cross-reference changes;

Chapter 4, Section 2(d)(i)(J); citation cross-reference change;

Chapter 4, Section 2(d)(i)(M)(II); citation cross-reference changes;

Chapter 4, Section 2(d)(ii)(B)(I)(2.) and (D)(II); citation cross-reference changes;

Chapter 4, Section 2(d)(ii)(C)(II); punctuation and citation cross-reference changes;

Chapter 4, Section 2(f)(iii); citation cross-reference change; and

Chapter 4, Section 2(i); minor grammar and citation cross-reference changes.

B. Revisions to Wyoming's Rules That Have the Same Meaning as the Corresponding Provisions of the Federal Regulations.

1. Wyoming proposes additions and revisions to the following rules

containing language that is the same as or similar to the corresponding sections of the Federal regulations and/or SMCRA. Therefore we are approving them.

Chapter 1, Section 2(i); definition of ''Applicant violator system or AVS;'' [30 CFR 701.5];

Chapter 1, Section 2(co); definition of ''Notice of violation;'' [30 CFR 701.5];

Chapter 1, Section 2(cr); definition of ''Own, owner or ownership;'' [30 CFR 701.5];

Chapter 1, Section 2(cv); definition of ''Permit transfer, assignment or sale of permit rights;'' [30 CFR 701.5];

Chapter 1, Section 2(ez); definition of ''surface coal mining and reclamation operations;'' [30 CFR 700.5];

Chapter 2, Section 1(c); Permit applications; USGS topographic map scale requirement; [30 CFR 777.14(a)];

Chapter 2, Section 2(a)(i)(C) and (D); Permit Applications; adjudication requirements and identification of interests; [30 CFR 778.11(a)(2) and (b)(4)];

Chapter 2, Section 2(a)(i)(E); Permit Applications; adjudication requirements and identification of interests; [30 CFR 778.11(c) and (d)];

Chapter 2, Section 2(a)(ii)(A)(II); Permit Applications; adjudication requirements and statement of compliance; [30 CFR 778.14(a)(2)];

Chapter 2, Section 2(a)(ii)(A)(III); Permit Applications; adjudication requirements and statement of compliance; [30 CFR 778.14(b)];

Chapter 2, Section 2(a)(ii)(B); Permit Applications; adjudication requirements and statement of compliance; [30 CFR 778.14(c)];

Chapter 2, Section 2(a)(iv), (v)(A)(I)(2.) and (III); Permit Applications; adjudication requirements and statement of compliance; [30 CFR 778.15 and 778.16];

Chapter 4, Section 2(c)(v)(A); General Environmental Protection Performance Standards; topsoil, subsoil, and/or approved topsoil substitutes; [30 CFR 816/817.22(d)(1)(i)];

Chapter 4, Section 2(l)(ii)(F); Environmental Protection Performance Standards; unanticipated events or conditions at remining sites; [30 CFR 773.13(b)];

Chapter 12, Section 1(a)(viii); Permitting Procedures; final compliance review; [30 CFR 773.8(a), 773.9(b), 773.10(a) and 773.11(b)];

Chapter 12, Section 1(a)(viii)(A); Permitting Procedures; final compliance review; [30 CFR 773.9(a)];

Chapter 12, Section 1(a)(viii)(C); Permitting Procedures; final compliance review; [30 CFR 773.11(a)];

Chapter 12, Section 1(a)(ix)(A)–(C); Permitting Procedures; entry of information into AVS; [30 CFR 773.8(b) and (c)];

Chapter 12, Section 1(a)(ix)(D); Permitting Procedures; entry of information into AVS post-permit issuance; [30 CFR 774.11(a)(1)–(4)];

Chapter 12, Section 1(a)(ix)(E); Post-permit issuance requirements for regulatory authorities and other actions based on ownership, control, and violation information; [30 CFR 774.11(d)–(h)];

Chapter 12, Section 1(a)(ix)(F); Post-permit issuance requirements for regulatory authorities and other actions based on ownership, control, and violation information; [30 CFR 778.11(e)];

Chapter 12, Section 1(a)(x)(D)(II)–(IV); Eligibility for provisionally issued permits; [30 CFR 773.14(a), (b), and (c)];

Chapter 12, Section 1(a)(xiii)(A)–(C); Permitting Procedures; ownership or control challenges; [30 CFR 773.25(a)–(c)];

Chapter 12, Section 1(a)(xiv)(A)and(B); Permitting Procedures; ownership or control challenges; [30 CFR 773.26(a)–(d)];

Chapter 12, Section 1(a)(xiv)(D) and (E); Permitting Procedures; ownership or control challenges; [30 CFR 773.27(a)–(c)];

Chapter 12, Section 1(a)(xiv)(G)(I)–(IX); Permitting Procedures; improvidently issued coal mining permits; [30 CFR 773.21(a)–(e), 773.22(a)–(g) and 773.23(a)–(d)];

Chapter 12, Section 1(b); Permitting Procedures; procedural requirements relating to permitting applications; [30 CFR 774.17(b)]; and

Chapter 16, Section 2(j); Enforcement and AVS; [30 CFR 774.11(b)].

2. Wyoming proposed to remove the term ''surface'' throughout its rules in Chapters 1, 2, and 4 in an earlier rulemaking action (WY–038–FOR). OSMRE subsequently disapproved Wyoming's proposed deletions in a June 14, 2011, **Federal Register** notice (76 FR 34816, 34821) because they were less stringent than SMCRA and less effective than the corresponding Federal regulations. Wyoming now proposes to add the term ''surface'' back to its rules where it was previously removed. Wyoming's reinsertion of the term ''surface'' makes the following rules the same as or similar to the corresponding sections of the Federal regulations. Therefore we are approving them.

Chapter 1 (title); Authorities and Definitions for Surface Coal Mining Operations [30 CFR 701.3 and 701.5];

Chapter 1, Section 2(u)(ii); definition of ''Coal exploration;'' [30 CFR 701.5];

Chapter 1, Section 2(aw); definition of ''Existing structure;'' [30 CFR 701.5];

Chapter 1, Section 2(az); definition of ''Farm;'' [30 CFR 701.5];

Chapter 1, Section 2(br); definition of ''Imminent danger to the public;'' [30 CFR 701.5];

Chapter 1, Section 2(bz); definition of ''Joint agency approval;'' [30 CFR 761.17(d)];

Chapter 1, Section 2(ca); definition of ''Land use;'' [30 CFR 701.5];

Chapter 1, Section 2(cg); definition of ''Materially damage the quantity or quality of water;'' [30 CFR 701.5];

Chapter 1, Section 2(dd); definition of ''Probable hydrologic consequences;'' [30 CFR 780.21(f)];

Chapter 1, Section 2(df); definition of ''Property to be mined;'' [30 CFR 701.5];

Chapter 1, Section 2(ds); definition of ''Road(s);'' [30 CFR 701.5];

Chapter 1, Section 2(fi); definition of ''Trade secret;'' [30 CFR 772.15(b) and 773.6(d)(2) and (3)(i) and (ii)];

Chapter 1, Section 3(b)(i) and (c); Applicability; [30 CFR 701.11];

Chapter 2, Section 2(a); Providing applicant and operator information; [30 CFR 778.11(a)];

Chapter 2, Section 2(a)(iv); Status of unsuitability claims; [30 CFR 778.16(a)];

Chapter 2, Section 2(a)(v)(A)(I)(2.); Ground water and surface water quality monitoring; [30 CFR 780.21(i) and (j)];

Chapter 2, Section 2(a)(v)(A)(III); State engineer information (no Federal counterpart]; and

Chapter 4 (title); Environmental Protection Performance Standards for Surface Coal Mining Operations [30 CFR part 816].

3. *Chapter 1, Section 2(fs); Definition of ''Violation.''*

Item A.6 of OSMRE's October 2, 2009, 732 letter required Wyoming to adopt a State counterpart to the Federal definition of ''violation,'' when used in the context of the permit application information or permit eligibility requirements. The 732 letter states that in the 2000 rule (beginning at 65 FR 79605), the term was defined for the first time and separately from ''violation notice'' to distinguish action or inaction that constitutes a violation from the written notice of violation. The letter further explained that the definition added a new violation type at (2)(v), when the amount [of bond] forfeited and collected is insufficient for full reclamation, the regulatory authority is authorized to order reimbursement of the additional reclamation costs.

In response to Item A.6, Wyoming proposed a new rule at Chapter 1, Section 2(fs) that is substantively identical to the Federal definition of ''violation'' at 30 CFR 701.5. Wyoming also references its regulations pertaining to permit application information or

permit eligibility requirements in proposed Chapter 1, Section 2(fs). Referencing these rules in place of the corresponding Federal requirements in Sections 507 and 510(c) of SMCRA does not render the proposed definition less effective.

Similarly, Wyoming references its statutes pertaining to bond forfeiture and cessation orders at W.S. §§ 35–11–421, 422, and 437, respectively. Referencing these statutes in place of the corresponding Federal regulations in subsections (ii)(B) and (E) does not render the proposed rules less effective. Wyoming also explains in its Statement of Principal Reasons for Adoption (SOPR) that it did not provide a counterpart provision to subsection 2(v)(C) of the Federal definition regarding bond forfeiture sites that are covered by an alternative bonding system because Wyoming does not have an alternative bonding system approved under 30 CFR 800.11(e). Wyoming's proposed definition of ''violation'' is no less effective than the Federal definition at 30 CFR 701.5 and satisfies Item A.6 of OSMRE's October 2, 2009, 732 letter. Accordingly, we are approving it.

4. *Chapter 2, Section 1(a), Chapter 2, Section 2(a)(i)(G), and Chapter 12, Section 1(a)(xi); Certifying and updating existing permit application information.*

In response to Item K.1 of OSMRE's October 2, 2009, 732 letter, Wyoming revised its rule at Chapter 2, Section 1(a) and proposed new rules at Chapter 2, Section 2(a)(i)(G)(I)–(III) pertaining to permit application requirements and Chapter 12, Section 1(a)(xi) regarding permitting procedures that allow an applicant who has previously applied for a permit with the regulatory authority and who has information which is already in the AVS to update the information required under 30 CFR 778.9.

Wyoming's newly-proposed rules at Chapter 2, Section 2(a)(i)(G)(I)–(III) and Chapter 12, Section 1(a)(xi) include counterpart provisions to 778.9(a)(1)–(3) and (d), respectively. Wyoming's proposed revision to its existing rule at Chapter 2, Section 1(a) includes counterpart language to 778.9(b) that requires an applicant to swear or affirm, under oath and in writing, that all information the applicant provides in an application is accurate and complete. Wyoming also proposed to revise its existing rule to include counterpart language to 778.9(c) which states that the regulatory authority may establish a central file to house the applicant's identity information, rather than place duplicate information in each of the applicant's permit files, and will make the information available to the public upon request.

Wyoming's references to its regulations pertaining to required permit application information are consistent with references in the corresponding Federal requirements and do not render the newly-proposed rules less effective. Wyoming's proposed rule changes, taken together, satisfy the requirements specified in Item K.1 of OSMRE's October 2, 2009, 732 letter and are consistent with and no less effective than the Federal regulations at 30 CFR 778.9. For that reason, we are approving them.

5. *Chapter 2, Section 2(a)(i)(F); Providing applicant and operator information.*

Item K.3 of OSMRE's October 2, 2009, 732 letter instructs the reader to ''See LQD Rules and Regulations, Chapter 1, Section 2 and Chapter 2, Section 2'' regarding counterpart rules to the Federal requirements for providing applicant and operator permit history information at 30 CFR 778.12. The 732 letter indicates that this section was newly added in the 2000 rule and it was constructed from provisions in previous 778.13.

In response to Item K.3, Wyoming proposed new rules at Chapter 2, Section 2(a)(i)(F) that require each application for a surface coal mining permit to contain a complete identification of interests and permit history information required under 30 CFR 778.12.

Wyoming's proposed rule at Chapter 2, Section 2(a)(i)(F) includes counterpart provisions to 778.12(b), and (c), respectively. Wyoming's proposed rule language adds specificity to the extent that it requires each application for a surface coal mining and reclamation permit contain a list of any pending, current or previous permit applications held by the applicant and the operator's partner or principal shareholders who operate or previously operated a surface coal mining operation during the five year period preceding the date of the application. Wyoming's proposed rule language in subsection (F) is no less effective than the Federal requirements at 778.12(b) and (c) and satisfies the applicable requirements specified in Item K.3 of OSMRE's October 2, 2009, 732 letter. Accordingly, we are approving it.

6. *Chapter 12, Section 1(a)(x)(A)–(C), (xi) and (xii); Permitting procedures; Permit eligibility determinations.*

In response to Item E.6 of OSMRE's October 2, 2009, 732 letter Wyoming proposed new rules at Chapter 12, Section 1(a)(x)(A)–(C), (xi) and (xii) pertaining to permit eligibility determinations required under 30 CFR 773.12.

Wyoming's newly-proposed rules at Chapter 12, Section 1(a)(x)(A)–(C) include counterpart provisions for determining permit eligibility that are substantively identical to the Federal requirements at 773.12(a) and (b). Wyoming also references its statutes concerning permit eligibility and permanent ineligibility determinations for applicants at W.S. § 35–11–406(n) and (o), respectively. Wyoming's newly-proposed rule at Chapter 12, Section 1(a)(xi) includes counterpart language to the first part of 773.12(c) that requires an applicant to update, correct, or indicate that no change has occurred to existing permit application information required by Chapter 2, Section 2 following approval but prior to issuance of that permit. Lastly, Wyoming proposed a new rule at Chapter 12, Section 1(a)(xii) that includes counterpart language to the second part of 773.12(c) and subsection (d) which states that once the above requirements are met, the DEQ shall request a compliance history report from AVS to determine if there are any unabated or uncorrected violations that affect the applicant's permit eligibility in subsection (x) above. The DEQ shall request this report no more than five business days before a permit is issued. If the applicant is ineligible for a permit the DEQ shall send written notification of the decision and will detail the reasons for ineligibility and include notice of appeal rights.

Wyoming's references to its statutes and regulations pertaining to permit eligibility determinations are consistent with references in the corresponding Federal requirements and do not render the newly-proposed rules at Chapter 12, Section 1(a)(x)(A)–(C), (xi) and (xii) less effective. Wyoming's proposed rule changes, taken together, satisfy the requirements specified in Item E.6 of OSMRE's October 2, 2009, 732 letter and are consistent with and no less effective than the Federal regulations at 30 CFR 773.12. For that reason, we are approving them.

7. *Chapter 12, Section 1(a)(x)(D)(II)–(IV); Eligibility for provisionally issued permits.*

In response to Item E.8 of OSMRE's October 2, 2009, 732 letter, Wyoming proposed new rules at Chapter 12, Section 1(a)(x)(D) (II)–(IV) pertaining to eligibility requirements for provisionally issued permits under 30 CFR 773.14.

Wyoming's newly-proposed rule at Chapter 12, Section 1(a)(x)(D) (II) includes counterpart provisions to 773.14(a) regarding provisionally issued

permit eligibility for applicants who own or control a surface coal mining and reclamation operation with a notice of violation issued under Chapter 16 of Wyoming's rules for which the abatement period has not yet expired, or a violation that is unabated or uncorrected beyond the abatement or correction period.

Wyoming's newly-proposed rule at Chapter 12, Section 1(a)(x)(D) (III) includes counterpart language to 773.14(b)(3) and (4) and states that an applicant is eligible for a provisionally issued permit if the applicant is pursuing a good faith challenge to all pertinent ownership or control listings or findings under Chapter 12, Section 1, or administrative or judicial appeal of all pertinent ownership or control listings or findings, or contesting the validity of a violation unless there is an initial judicial decision affirming the listing or finding or the violation, and those decisions remain in force.

Lastly, Wyoming's newly-proposed rule at Chapter 12, Section 1(a)(x)(D)(IV) includes counterpart language to 773.14(b)(1), (b)(2), and (c) and states that a provisionally issued permit will be considered improvidently issued and the Division will begin procedures to suspend or rescind the permit as described in Section 1(a)(xiv)(G) if the violations are not abated within the specified abatement period, or the applicant, operator or operations that the operator or applicant own or control do not comply with the terms of an abatement plan or payment schedule for fees or penalties assessed. Suspension or rescission proceedings will also be initiated if, in the absence of a request for judicial review, the disposition of a challenge and any subsequent administrative review as discussed above affirms the validity of the violation or the ownership or control listing or finding, or if the initial judicial review decision discussed above affirms the validity of the violation or the ownership or control listing or finding.

Wyoming's references to its regulations pertaining to enforcement actions, ownership or control listings or findings, and improvidently issued permits are consistent with references in the corresponding Federal requirements and do not render the newly-proposed rules less effective. Wyoming's proposed rule changes, taken together, satisfy the requirements specified in Item E.8 of OSMRE's October 2, 2009, 732 letter and are consistent with and no less effective than the Federal regulations at 30 CFR 773.14. As a result, we are approving them.

8. *Chapter 16, Section 2(h); Post-permit issuance information requirements for permittees.*

In response to Item H.2 of OSMRE's October 2, 2009, 732 letter, Wyoming proposed revisions to its rules at Chapter 16, Section 2(h) to require that permittees provide or update all the ownership and control information required under Chapter 2 of its rules within 30 days of issuance of a cessation order as required by 30 CFR 774.12(a). In addition, Wyoming proposed language to be consistent with and no less effective than the Federal counterpart rules at 774.12(b) by stating that information does not need to be provided if a court of competent jurisdiction has granted a stay of the cessation order and that stay remains in effect.

Wyoming also proposed counterpart language to 774.12(c) which requires that within 60 days of any addition, departure or change in position of any person identified in Chapter 2, Section 2(a)(i)(E), the applicant or permittee shall provide the information required by that section and the date of any departure. Wyoming's counterpart provisions to 778.11(c) and (d) appear at Chapter 2, Section 2(a)(i)(E).

Item M of OSMRE's October 2, 2009, 732 letter addressing cessation orders under 30 CFR 843.11(g) notes that prior to the 2000 rule, this section required notification of those identified as owners and controllers when a cessation order was written. The 2000 rule changed the notification requirement from only those identified as owners and controllers, to a general notification of those persons listed in the cessation order that a cessation order has been issued.

In response to Item M, Wyoming proposed to revise its rule at Chapter 16, Section 2(h) by adding counterpart language to 843.11(g) that provides a general written notification to those persons listed or identified as an owner or controller of the operation in the cessation order that a cessation order has been issued.

Wyoming's references to its regulations pertaining to ownership or control information are consistent with references in the corresponding Federal requirements and do not render the newly-proposed rule less effective. Wyoming's proposed rule changes, taken together, satisfy the requirements specified in Items H.2 and M of OSMRE's October 2, 2009, 732 letter and are consistent with and no less effective than the Federal regulations at 30 CFR 774.12 and 843.11(g), respectively. Accordingly, we are approving them.

C. Revisions to Wyoming's Rules That Are Not the Same as the Corresponding Provisions of the Federal Regulations

1. *Chapters 1 and 2, Omission of the term ''Surface.''*

In a previous rulemaking action, Wyoming proposed to delete the definition of ''surface coal mining and reclamation operations'' in Chapter 1, Section 2, as well as the word ''surface'' throughout its rules in Chapters 1, 2, 4 and 5, respectively. OSMRE subsequently disapproved Wyoming's proposed deletions in a June 14, 2011, **Federal Register** notice (76 FR 34816, 34821).

In response, Wyoming proposed to reinsert its regulatory definition of ''surface coal mining and reclamation operations,'' which was approved in its November 26, 1980, original program approval, and is substantively identical to the Federal definitions found at Section 701(27) of SMCRA and 30 CFR 700.5, respectively. Wyoming also proposed to reinsert the term ''surface'' in its rules where it had been previously removed.

OSMRE replied in a letter dated April 9, 2013, that in order to maintain consistency with its rules and be no less effective than the corresponding Federal regulations at 30 CFR 701.5 and 778.14(a)(1), Wyoming must also include the term ''surface'' in its newly-proposed definition of ''Control or Controller'' at Chapter 1, Section 2(aa). In addition, Wyoming needs to reinsert the phrase ''For Surface Coal Mining Operations'' in the title for Chapter 2, and include the term ''surface'' in its revised rule at Chapter 2, Section 2(a)(ii)(A)(I) regarding the requirement that permit applications contain a complete statement of compliance.

Wyoming responded in a letter dated July 2, 2013, and stated that it will add the term ''surface'' to its rules as directed in the April 9, 2013, concern letter in a future rulemaking.

Based on the discussion above, we are not approving Wyoming's proposed rule changes that omit the term ''surface'' from its rules. We also acknowledge Wyoming's commitment to reinstate the term in a future rulemaking effort.

2. *Chapter 2, Section 2(a)(i)(B); Adjudication Requirements—Identification of Interests.*

Item K.3 of OSMRE's October 2, 2009, 732 letter instructs the reader to ''See LQD Rules and Regulations, Chapter 1, Section 2 and Chapter 2, Section 2'' regarding counterpart rules to the Federal requirements for providing applicant and operator permit history information at 30 CFR 778.12. The 732 letter indicates that this section was

newly added in the 2000 rule and it was constructed from provisions in previous § 778.13.

In response to Item K.3, Wyoming proposed to revise its rules at Chapter 2, Section 2(a)(i)(B) to identify additional organizational members in an application for a surface coal mining permit including owners of record of ten (10) percent or more of the business entity in question, as required under 30 CFR 778.11(b).

OSMRE replied in a letter dated April 9, 2013, that Wyoming's proposed rule at Chapter 2, Section 2(a)(i)(B) includes counterpart provisions to § 778.11(b)(1)–(3). In addition, Wyoming's counterpart language to § 778.11(b)(4) is found in proposed subsection (D). The language in these provisions, taken together, are consistent with and no less effective than the Federal regulations at 30 CFR 778.11(b). However, Wyoming's existing rule language in subsection (B) warrants the inclusion of additional clarifying language to be consistent with and no less effective than both the Federal counterpart rule at 30 CFR 778.12(a) and its proposed rule language in Subsection (F). Specifically, Wyoming needs to revise the language in subsection (B) to read ''* * * This shall also include a list of all the names under which the applicant, the applicant's partners or principal shareholders, and the operator and the operator's partners or principal shareholders operate or previously operated a surface coal mining operation in the United States within the five year period preceding the date of submission of the application * * *.'' Accordingly, we required Wyoming to further revise its proposed rule language to be no less effective than the Federal regulations at 30 CFR 778.12(a).

Wyoming responded in a letter dated July 2, 2013, and stated that it will draft a revised rule to be consistent with the Federal Regulations at 30 CFR 778.12(a) and add the term ''surface'' as discussed in Finding III.C.1. above in a future rule package.

Therefore, we are not approving Wyoming's revised rule at Chapter 2, Section 2(a)(i)(B). We also acknowledge Wyoming's commitment to revise the proposed rule language as discussed above in a future rulemaking effort.

3. *Chapter 12, Section 1(a)(x)(D)(I); Unanticipated Events or Conditions at Remining Sites.*

Item E.7 of OSMRE's October 2, 2009, 732 letter under ''application and permit review requirements'' instructs the reader to ''See LQD Coal Rules and Regulations, Chapter 5, Section 7'' regarding unanticipated events or conditions at remining sites. Chapter 5, Section 7 of Wyoming's rules includes a section on remining, but does not address permit eligibility and unanticipated events or conditions at remining sites. Consequently, OSMRE required that Wyoming submit counterpart rules to the Federal regulations at 773.13.

In response to Item E.7, Wyoming revised its rules at Chapter 4, Section 2(l)(ii)(F) to include a State counterpart to the Federal regulations at 30 CFR 773.13(b) that addresses permit eligibility and unanticipated events or conditions at remining sites. Wyoming also revised its rules at Chapter 12, Section 1(a)(x)(D)(I) to include a State counterpart to the Federal regulations at 30 CFR 773.13(a) which provides an exception to permit ineligibility for applicants with unabated violations that result from unanticipated events or conditions on lands eligible for remining.

OSMRE replied in a letter dated April 9, 2013, that Wyoming's newly-proposed rule language at Chapter 4, Section 2(l)(ii)(F) is consistent with and no less effective than the Federal regulations. However, unlike its newly-proposed rule at Subsection (F), Wyoming does not include the phrase ''event or'' in its proposed rule language at Chapter 12, Section 1(a)(x)(D)(I) which reads ''from an unanticipated condition at a surface coal mining and reclamation operation * * *.'' Thus, in order to maintain consistency with its own rules and be no less effective than the corresponding Federal regulation at 30 CFR 773.13(a), we required Wyoming to revise the proposed rule language to include the phrase ''event or.''

Wyoming responded in a letter dated July 2, 2013, and stated that Chapter 4, Section 2(l)(ii)(F) is part of a section that is entitled ''unanticipated conditions'' and that Subsection (F) is the only location where the ''event or'' language is found in the rules. For this reason, Wyoming believes that the rules in Chapter 12 follow the broader language of ''unanticipated conditions'' and therefore does not need the ''event or'' language as it would appear that this would merely be a synonymous term for ''unanticipated conditions.'' Accordingly, Wyoming does not agree that the rules in Chapter 12, Section 1(a)(x)(D)(I) are less effective than the Federal counterpart. However, Wyoming agreed that if during the final review the rules are still found less effective than the Federal counterpart, a revision to the rules will be made.

We disagree with Wyoming's rationale for not revising its rules. Specifically, Wyoming's claim that the phrase ''event or'' is synonymous with the phrase ''unanticipated conditions'' is erroneous. The Federal regulations at 30 CFR 701.5 define ''Unanticipated event or condition'' to mean ''an event or condition related to prior mining activity which arises from a surface coal mining and reclamation operation on lands eligible for remining and was not contemplated by the applicable permit.'' While Wyoming does not have a counterpart definition in its rules, the Federal definition clearly distinguishes between the two terms as demonstrated by the word ''or.'' Moreover, because this phrase has been defined, Wyoming's use of the phrase in its rules must be consistent with its use in the Federal regulations.

Based on the discussion above, we are not approving Wyoming's newly-proposed rule at Chapter 12, Section 1(a)(x)(D)(I). We also acknowledge Wyoming's willingness to revise the proposed rule language we are disapproving in a future rulemaking effort.

4. *Chapter 12, Section 1(a)(viii)(B); Final Compliance Review.*

In response to Item E.4 of OSMRE's October 2, 2009, 732 letter, Wyoming revised its rules at Chapter 12, Section 1(a)(viii)(B) to include State counterpart language to the Federal regulations at 30 CFR 773.10(a)–(c) that address an applicant or operator's permit history.

OSMRE replied in letter dated April 9, 2013, that Wyoming's newly-proposed rule language is consistent with and no less effective than the Federal regulations at 773.10(a) and (b). However, Wyoming's proposed rule at subsection (B) warrants the inclusion of additional clarifying language with respect to conducting additional ownership or control investigations to be consistent with and no less effective than the Federal counterpart rule at 30 CFR 773.10(c). Specifically, Wyoming needs to revise its proposed rule to read ''* * * if the applicant or operator does not have any previous mining experience, additional ownership or control investigations may be conducted under subsection (ix)(E) below to determine if someone else with mining experience controls the mining operation; and * * *.'' Subsection (ix)(E) of Wyoming's proposed rules includes counterpart language to 30 CFR 774.11(f) which is referenced in § 773.10(c). Accordingly, we required Wyoming to further revise its proposed rule language to be no less effective than the Federal regulations at 30 CFR 773.10(c). We also required Wyoming to replace the term ''regulatory authority'' in proposed subsection (B) with the appropriate State reference (*e.g.,* ''Division'') in order to maintain consistency throughout its rules.

Wyoming responded in a letter dated July 2, 2013, and stated that it will propose rule language, as detailed in OSMRE's April 9, 2013, letter to be consistent with the Federal Regulations at 30 CFR 773.10(c), and will add the previously defined clarifier ''Division'' to be consistent with the rest of the Chapter in a future rulemaking.

Therefore, we are not approving Wyoming's newly-proposed rule at Chapter 12, Section 1(a)(viii)(B). We also acknowledge Wyoming's commitment to revise the proposed rule language as discussed above in a future rulemaking effort.

5. *Chapter 12, Section 1(a)(xiv)(C); Permitting Procedures; Challenges to Ownership or Control Listings in AVS.*

In response to Item F.2 of OSMRE's October 2, 2009, 732 letter, Wyoming revised its rules at Chapter 12, Section 1(a)(xiv)(C) to include a State counterpart provision to the Federal regulations at 30 CFR 773.26(e) that allows a person who is unsure why he or she is shown in AVS as an owner or controller of a surface coal mining operation to request an informal explanation from OSMRE's AVS office. The provision requires a response to such a request within 14 days.

During OSMRE's review of the amendment, we found that Wyoming's proposed rule language clarifies that a person listed in AVS may request an informal explanation from the AVS office at any time, but does not include language requiring a response to such a request within 14 days. Consequently, we are not approving Wyoming's newly-proposed rule at Chapter 12, Section 1(a)(xiv)(C).

6. *Chapter 12, Section 1(a)(xiv)(F); Written Agency Decision on Challenges to Ownership or Control Listings or Findings.*

In response to Item F.4 of OSMRE's October 2, 2009, 732 letter, Wyoming revised its rules at Chapter 12, Section 1(a)(xiv)(F) to include State counterpart provisions to the Federal regulations at 30 CFR 773.28(a)–(f) that address the requirements for written agency decisions on challenges to ownership or control listings or findings.

OSMRE replied in a letter dated April 9, 2013, that Wyoming's newly-proposed rule language is consistent with and no less effective than the Federal regulations at § 773.28(a)–(d). However, Wyoming's proposed rule requires additional clarifying language with respect to appeals of written decisions to be consistent with and no less effective than the Federal counterpart rule at 30 CFR 773.28(e). Specifically, Wyoming's proposed language merely states that ''appeals of written decisions will be administered under the Department's Rules of Practice and Procedure,'' but does not require that ''all administrative remedies be exhausted under the procedures of the Wyoming Environmental Quality Act, the Department's Rules of Practice and Procedure, the Wyoming Administrative Procedure Act and Chapter 12 of these Rules and Regulations before seeking judicial review.''

Similarly, we noted that the last sentence of proposed subsection (F) is very general and only states that ''AVS shall be revised as necessary to reflect these decisions.'' Consequently, to be consistent with and no less effective than the Federal counterpart rule at 30 CFR 773.28(f) we required Wyoming to further revise subsection (F) to state that, ''following the Division's written decision or any decision by a reviewing administrative or judicial tribunal, the Division must review the information in AVS to determine if it is consistent with the decision. If it is not, the Division must promptly revise the information to reflect the decision.''

Wyoming responded in a letter dated July 2, 2013, and stated its belief that additional language discussing the exhaustion of remedies or referencing the appropriate Wyoming statutes is unnecessary. In particular, Wyoming explained that W.S. § 35–11–112 of the Environmental Quality Act details the powers and duties of the Environmental Quality Council, including the authority to ''conduct hearing in any case contesting the administration or enforcement of any law, rule, regulation, standard or order issued or administered by the department or any division thereof (W.S. § 35–11–112(a)(iii)).'' Wyoming also stated that the Rules of Practice and Procedure, as referenced in the proposed rule language, are the regulations which support the Environmental Quality Act, and notes that W.S. § 35–11–112(f) also requires that ''[a]ll proceedings of the council shall be conducted in accordance with the Wyoming Administrative Procedure Act.'' For these reasons, Wyoming believes that if the sections of the Environmental Quality Act and the rules are read together, they address OSMRE's concerns with regard to the exhaustion of remedies and lack of statutory reference.

We disagree with Wyoming's rationale for not revising its rules. Wyoming's lone reference to the Rules of Practice and Procedure in its proposed rule language is very general and misleading. For example, the exhaustion of administrative remedies is only discussed in the context of informal conferences that are held by the DEQ Director for appeals of decisions, orders, or notices by the LQD Administrator or assessment of penalty by the agency. There is no mention of or discussion regarding judicial review. Moreover, Wyoming's claim that the relational basis between the Environmental Quality Act, the Rules of Practice and Procedure, and the Wyoming Administrative Procedure Act serves to address the issues outlined in the concern letter is overly vague. To the contrary, Wyoming's explanation is precisely why additional clarifying language discussing the exhaustion of administrative remedies under specific state program procedures prior to seeking judicial review is necessary. We believe that it is not reasonable to expect a casual reader of the regulations to intuitively follow its complicated explanation regarding the relationship between the various Acts and procedures of the program and their application without providing more information.

Thus, Wyoming must revise its proposed rule language to address appeals of written agency decisions on challenges to ownership or control listings or findings and require that all administrative remedies must be exhausted under the procedures of the Wyoming Environmental Quality Act, the Department's Rules of Practice and Procedure, the Wyoming Administrative Procedure Act and Chapter 12 of its Rules and Regulations before any person who receives a written agency decision can seek judicial review.

Wyoming also agreed that additional language should be added to Chapter 12, Section l(a)(xiv)(F) to clarify that AVS must be reviewed in light of any decisions by reviewing tribunals to determine whether AVS properly reflected those decisions. Wyoming stated that draft language addressing this concern will be provided in a future rulemaking and will be consistent with the suggested revisions discussed in the concern letter.

Based on the discussion above, we are not approving Wyoming's newly-proposed rule at Chapter 12, Section 1(a)(xiv)(F) concerning written agency decisions on challenges to ownership or control listings or findings. We also acknowledge Wyoming's commitment to revise the proposed rule language to clarify that the Division must review the information in AVS to ensure consistency with decisions by reviewing administrative or judicial tribunals.

7. *Chapter 12, Section 1(b)(ii); Transfer, Assignment or Sale of Permit Rights (TAS).*

Item I. of OSMRE's October 2, 2009, 732 letter instructs the reader to ''See W.S. 35–11–408'' regarding TAS. The 732 letter states that the 2007 rule clarifies at (a) and (d) of 30 CFR 774.17 that at the regulatory authority's discretion, a prospective successor in interest, with sufficient bond coverage, may continue to mine during the TAS process. This recognizes that an acquiring entity only becomes the successor in interest to the rights granted under the permit (under 30 CFR 705.1) after the regulatory authority approves the transfer, assignment, or sale.

In response to the 732 letter, Wyoming proposed to revise its existing rule at Chapter 12, Section 1(b) to apply all procedural requirements of the Act and the regulations relating to review, public participation, and approval or disapproval of permit applications, and permit term and conditions to permit transfer, assignment or sale of permit rights.

Similarly, Wyoming proposed to revise subsection (b)(ii) by applying the requirements imposed by W.S. § 35–11–408 regarding procedures for permit transfers to the assignment or sale of permit rights.

Wyoming also revised subsection (b)(ii)(B) by adding a cross reference to its rules at Chapter 2, Section 2(a)(i) through (iii), which is the counterpart to 30 CFR 778, regarding permit application requirements for all legal, financial, compliance and related information. Finally, Wyoming added language to require that a potential transferee's statement of qualifications include the name, address and permit number of the existing permit holder, which is the counterpart to 30 CFR 774.17(b)(1)(i).

OSMRE replied in a letter dated April 9, 2013, that Wyoming's attempt to apply the ''permit transfer'' requirements in its statute at W.S. § 35–11–408 to its proposed revisions to Chapter 12, Section 1(b)(ii) is incomplete because the rules do not address many of the specific application approval requirements for a transfer, assignment, or sale of permit rights at 30 CFR 774.17.

For example, Wyoming's proposed rule changes do not include counterpart provisions to 30 CFR 774.17(b)(2) concerning advertisement requirements for newly-filed applications, subsection (d) regarding criteria for approval by the regulatory authority that allows a permittee to transfer, assign, or sell permit rights to a successor, subsection (e) concerning notification requirements, and subsection (f) regarding continued operation under an existing permit.

In addition, the language in W.S. § 35–11–408 and subsections (b)(ii)(A) and (B) of Wyoming's rules all refer to a ''potential transferee'' and do not address the assignment or sale of permit rights. Wyoming does not define ''potential transferee'' in its rules, nor does it have a counterpart to the Federal definition of ''successor in interest'' at 30 CFR 701.5 as it relates to transfer, assignment or sale of permit rights in 30 CFR 774.17. Accordingly, we required Wyoming to further revise its proposed rule language by submitting counterpart provisions to the specific transfer, assignment, or sale of permit rights requirements at 30 CFR 774.17(a)–(f). We also recommended that Wyoming submit a counterpart to the Federal definition of ''successor in interest'' at 30 CFR 701.5.

Wyoming responded in a letter dated July 2, 2013, and agreed that additional revisions to its proposed rule are necessary. Wyoming also stated that it will draft proposed revisions to the rules to address the concerns noted in the concern letter.

Therefore, we are not approving Wyoming's proposed rule changes at Chapter 12, Section 1(b)(ii) concerning TAS. We also acknowledge Wyoming's commitment to revise the proposed rule language as discussed above in a future rulemaking effort.

D. Removal of Required Amendments

1. *Required Amendment at 30 CFR 950.16(u); Public availability of permit applications and confidentiality.*

Wyoming's current rule at Chapter 2, Section 4(a)(xvii) regarding procedures for protecting the confidentiality of qualified archeological information was approved by OSMRE in an October 29, 1992, **Federal Register** (57 FR 48987) notice as being no less effective than the Federal regulations at 30 CFR 773.6(d)(3)(iii). However, in that same notice, we required Wyoming to further amend its regulations regarding procedures, including notice and opportunity to be heard for persons seeking disclosure, to ensure confidentiality of qualified information, which shall be clearly identified by the applicant and submitted separately from the remainder of the application as required by the Federal regulations at 30 CFR 773.13(d)(3). The Federal rules concerning public participation in permit processing were subsequently amended and redesignated as 30 CFR 773.6 in a **Federal Register** notice dated December 19, 2000 (65 FR 79663). Consequently, the Federal rules addressing confidentiality are now found at 30 CFR 773.6(d)(3).

In response to the required program amendment at 30 CFR 950.16(u), Wyoming proposed in a previous rulemaking action to further revise its rules at Chapter 2, Section 4(a)(xvii) regarding procedures for protecting the confidentiality of qualified archeological information by adding language clarifying that information related to the nature and location of archeological resources on public lands shall be submitted separately from other application materials. Wyoming also proposed language stating that requests to disclose confidential information shall be administered under the Department of Environmental Quality Rules of Practice and Procedure, the Wyoming Public Records Act, and the Wyoming Environmental Quality Act. Wyoming noted in its SOPR that the proposed revision was intended to clarify the procedures and identify the standards that apply to the administration of requests for confidential information that is submitted to the Land Quality Division. We found that although Wyoming's rationale for making the rule change was sound, the proposed language referencing its Public Records Act contained an incorrect citation wherein W.S. §§ 16–4–2001 thru 16–4–2005 (2007) was referenced rather than W.S. §§ 16–4–201 thru 16–4–205 (2007). For this reason, we did not approve Wyoming's proposed rule revision in a June 14, 2011, **Federal Register** notice (76 FR 34816, 34823) and the required program amendment at 30 CFR 950.16(u) remained outstanding.

Wyoming has now corrected the previously identified typographical error that resulted in the June 14, 2011, disapproval. We also note that Wyoming's counterpart provisions to 30 CFR 773.6(d)(3) regarding procedures to ensure confidentiality of qualified permit application information can be found in its existing statutes and other rules. For example, W.S. § 35–11–1101(a) of the referenced Wyoming Environmental Quality Act pertains to public availability of records and confidentiality and provides that any records, reports or information obtained under the Wyoming Environmental Quality Act or the rules, regulations and standards promulgated thereunder are available to the public, unless a satisfactory showing is made to the Director by any person that his records, reports or information or particular parts thereof would divulge trade secrets, if made public. If such a showing is satisfactorily made, the Director and administrators shall

consider the records, reports or information or particular portions thereof, confidential in the administration of the Act.

In addition, provisions of the referenced Department of Environmental Quality Rules of Practice and Procedure (Chapters 1 and 2 regarding General Rules and Contested Case Proceedings) and the Wyoming Public Records Act (W.S. §§ 16–4–201–205) fully explain the administrative procedures related to requests to disclose confidential information, including notice and opportunity to be heard, that apply to persons both seeking and opposing the disclosure of such information. These statutes and rules, taken together, include procedures that ensure the confidentiality of qualified confidential information, which shall be clearly identified by the applicant and submitted separately from the remainder of the application, and are no less effective than the Federal requirements regarding confidentiality at 30 CFR 773.6(d)(3). For these reasons, we are approving Wyoming's proposed rule change and are removing the required program amendment at 30 CFR 950.16(u).

2. *Required Amendments at 30 CFR 950.16(p); Fish and wildlife enhancement measures.*

In a July 8, 1992 **Federal Register** (57 FR 30124), we placed a required program amendment on Wyoming at 30 CFR 950.16(p). The required program amendment discussed two distinct items. The first item required Wyoming to revise its rules at former Chapter 2, Section 3(b)(iv)(A) or otherwise amend its program to specify that, when fish and wildlife enhancement measures are not included in a proposed permit application, the applicant must provide a statement explaining why such measures are not practicable. The second item required that the rule be revised to clarify that fish and wildlife enhancement measures are not limited to revegetation efforts.

In response to questions from OSMRE regarding the underlying rationale for not revising or amending its rules in response to 30 CFR 950.16(p), Wyoming explained that it informally submitted rule language [in a January 28, 1993, letter] that was intended to resolve the required program amendment. By letter dated April 12, 1993, OSMRE found that the proposed language was less effective than the Federal counterpart regulations, but Wyoming never attempted to revise the language and promulgate it anytime after the 1993 comment letter. Consequently, in a subsequent rulemaking action Wyoming chose not to draft specific language to address the required amendment at 30 CFR 950.16(p). Rather, Wyoming provided additional clarification and suggested that the current requirements of Chapter 2, Section 5(a)(viii)(B) (former Chapter 2, Section 3(b)(iv)(B)) and Chapter 4, Section 2(r) (former Chapter 4, Section 3(o)), respectively, addressed the required program amendment. In a June 14, 2011, **Federal Register** notice (76 FR 34816, 34823) we found that that the additional information provided by Wyoming and the accompanying rationale did not address the concerns expressed by OSMRE in the April 12, 1993, comment letter and we did not accept Wyoming's explanation for not revising or amending its rules in response to 30 CFR 950.16(p). Accordingly, the program deficiencies specified in 30 CFR 950.16(p) regarding fish and wildlife enhancement measures remained outstanding.

In response to that disapproval and the required program amendment at 30 CFR 950.16(p), Wyoming now proposes to revise its rules at Chapter 2, Section 5(a)(viii) to require that, when fish and wildlife enhancement measures are not included in a surface coal mining permit application, the applicant shall affirmatively demonstrate why such measures are not practicable. In addition, Wyoming proposes to revise subsection (A) by adding the phrase ''and other enhancement measures'' to clarify that enhancement of fish and wildlife resources are not limited to revegetation efforts, but also includes the fish and wildlife performance standards found at Chapter 4, Section 2(r) of Wyoming's rules. Wyoming's proposed revisions make its rules at Chapter 2, Section 5(a)(viii)(A) consistent with and no less effective than the Federal regulations at 30 CFR 780.16(b)(3)(ii) and 784.21(b)(3)(ii) respectively, and we are removing the required program amendment at 30 CFR 950.16(p).

IV. Summary and Disposition of Comments

Public Comments

We asked for public comments on the amendment (Administrative Record Document ID No. OSM–2013–0002–0001), but did not receive any.

Federal Agency Comments

Under 30 CFR 732.17(h)(11)(i) and section 503(b) of SMCRA, we requested comments on the amendment from various Federal agencies concerned with or having special expertise relevant to the Wyoming program amendment (Administrative Record No. WY–50–03). We received comments from two Federal agencies.

The United States Forest Service (USFS) commented in a February 27, 2013, email response (Administrative Record Document ID No. OSM–2013–0002–0010), and the Mine Safety and Health Administration (MSHA) commented in a March 1, 2013, letter (Administrative Record Document ID No. OSM–2013–0002–0011).

The USFS responded that its comment is reflective of its role as a Federal land managing agency in the coal permitting process. The USFS then stated its support for the clarification in the formal amendment on using variable topsoil depths to facilitate species diversity during reclamation.

MSHA responded that it reviewed the proposed changes in the formal amendment, concurs with the proposed revisions, and had no further comment.

Environmental Protection Agency (EPA) Concurrence and Comments

Under 30 CFR 732.17(h)(11)(i) and (ii), we are required to seek the views of the EPA on the program amendment and obtain the written concurrence from EPA for those provisions of the program amendment that relate to air or water quality standards issued under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*).

Under 30 CFR 732.17(h)(11)(i), OSMRE requested comments on the amendment from EPA (Administrative Record No. WY–50–03). EPA did not respond to our request. Because the amendment does not relate to air or water quality standards, written concurrence from the EPA is not necessary.

State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP)

Under 30 CFR 732.17(h)(4), we are required to request comments from the SHPO and ACHP on amendments that may have an effect on historic properties. Although the amendment will not have an effect on historic properties, on January 31, 2013, we requested comments on Wyoming's amendment from the SHPO and ACHP (Administrative Record Nos. WY–50–04 and WY–50–05), but neither responded to our request.

V. OSMRE's Decision

Based on the above findings, we approve, with certain exceptions, Wyoming's January 8, 2013, amendment. We do not approve the

following provisions or parts of provisions.

As discussed in Finding No. III.C.1, we are not approving Wyoming's proposed rule changes that omit the term ''surface'' from its rules in Chapters 1 and 2.

As discussed in Finding No. III.C.2, we are not approving Wyoming's revised rule at Chapter 2, Section 2(a)(i)(B) concerning requirements for providing applicant and operator permit history information.

As discussed in Finding No. III.C.3, we are not approving Wyoming's newly-proposed rule at Chapter 12, Section 1(a)(x)(D)(I) regarding unanticipated events or conditions at remining sites.

As discussed in Finding No. III.C.4, we are not approving Wyoming's newly-proposed rule at Chapter 12, Section 1(a)(viii)(B) concerning final compliance review of an applicant's or operator's permit history.

As discussed in Finding No. III.C.5, we are not approving Wyoming's newly-proposed rule at Chapter 12, Section 1(a)(xiv)(C) concerning challenges to ownership or control listings in AVS.

As discussed in Finding No. III.C.6, we are not approving Wyoming's newly-proposed rule at Chapter 12, Section 1(a)(xiv)(F) concerning written agency decisions on challenges to ownership or control listings or findings.

As discussed in Finding No. III.C.7, we are not approving Wyoming's proposed rule changes at Chapter 12, Section 1(b)(ii) regarding Transfer, Assignment or Sale of Permit Rights.

We are removing existing required amendments and approving, as discussed in: Finding No. III.D.1, Chapter 2, Section 4(a)(xvii) concerning public availability of permit applications and confidentiality; and Finding No. III.D.2, Chapter 2, Section 5(a)(viii)(A) concerning fish and wildlife enhancement measures.

To implement this decision, we are amending the Federal regulations at 30 CFR part 950, which codify decisions concerning the Wyoming program. In accordance with the Administrative Procedure Act, this rule will take effect 30 days after the date of publication. Section 503(a) of SMCRA requires that the State's program demonstrates that the State has the capability of carrying out the provisions of the Act and meeting its purposes. SMCRA requires consistency of State and Federal standards.

Effect of OSMRE's Decision

Section 503 of SMCRA provides that a State may not exercise jurisdiction under SMCRA unless the State program is approved by the Secretary. Similarly, 30 CFR 732.17(a) requires that any change of an approved State program be submitted to OSMRE for review as a program amendment. The Federal regulations at 30 CFR 732.17(g) prohibit any changes to approved State programs that are not approved by OSMRE. In the oversight of the Wyoming program, we will recognize only the statutes, regulations and other materials we have approved, together with any consistent implementing policies, directives and other materials. We will require Wyoming to enforce only the approved provisions.

VI. Procedural Determinations

Executive Order 12630—Takings

This rule does not have takings implications. This determination is based on the analysis performed for the counterpart Federal regulation.

Executive Order 12866—Regulatory Planning and Review

Pursuant to Office of Management and Budget (OMB) Guidance dated October 12, 1993, the approval of state program amendments is exempted from OMB review under Executive Order 12866.

Executive Order 12988—Civil Justice Reform

The Department of the Interior has reviewed this rule as required by section 3(a) of Executive Order 12988. The Department determined that this **Federal Register** notice meets the criteria of Section 3 of Executive Order 12988, which is intended to ensure that the agency review its legislation and proposed regulations to eliminate drafting errors and ambiguity; that the agency write its legislation and regulations to minimize litigation; and that the agency's legislation and regulations provide a clear legal standard for affected conduct rather than a general standard, and promote simplification and burden reduction. Because section 3 focuses on the quality of Federal legislation and regulations, the Department limited its review under this Executive Order to the quality of this **Federal Register** notice and to changes to the Federal regulations. The review under this Executive Order did not extend to the language of the State regulatory program or to the program amendment that the State of Wyoming drafted.

Executive Order 13132—Federalism

This rule is not a ''[p]olicy that [has] Federalism implications'' as defined by section 1(a) of Executive Order 13132 because it does not have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' Instead, this rule approves an amendment to the Wyoming program submitted and drafted by that State. OSMRE reviewed the submission with fundamental federalism principles in mind as set forth in sections 2 and 3 of the Executive Order and with the principles of cooperative federalism set forth in SMCRA. See, *e.g.,* 30 U.S.C. 1201(f). As such, pursuant to section 503(a)(1) and (7) (30 U.S.C. 1253(a)(1) and (7)), OSMRE reviewed the program amendment to ensure that it is ''in accordance with'' the requirements of SMCRA and ''consistent with'' the regulations issued by the Secretary pursuant to SMCRA.

Executive Order 13175—Consultation and Coordination With Indian Tribal Governments

In accordance with Executive Order 13175, we have evaluated the potential effects of this rule on Federally recognized Indian Tribes and have determined that the rule does not have substantial direct effects on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal government and Indian Tribes. The rule does not involve or affect Indian Tribes in any way.

Executive Order 13211—Regulations That Significantly Affect the Supply, Distribution, or Use of Energy

Executive Order 13211 of May 18, 2001, requires agencies to prepare a Statement of Energy Effects for a rule that is (1) considered significant under Executive Order 12866, and (2) likely to have a significant adverse effect on the supply, distribution, or use of energy. Because this rule is exempt from review under Executive Order 12866 and is not expected to have a significant adverse effect on the supply, distribution, or use of energy, a Statement of Energy Effects is not required.

National Environmental Policy Act

This rule does not require an environmental impact statement because section 702(d) of SMCRA (30 CFR U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C) *et seq.*).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal, which is the subject of this rule, is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), of the Small Business Regulatory Enforcement Fairness Act. This rule:

a. Does not have an annual effect on the economy of $100 million.

b. Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.

c. Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S. based enterprises to compete with foreign-based enterprises.

This determination is based upon the fact that the State submittal which is the subject of this rule is based upon counterpart Federal regulations for which an analysis was prepared and a determination made that the Federal regulation was not considered a major rule.

Unfunded Mandates

This rule will not impose an unfunded mandate on State, local, or tribal governments or the private sector of $100 million or more in any given year. This determination is based upon the fact that the State submittal, which is the subject of this rule, is based upon counterpart Federal regulations for which an analysis was prepared and a determination made that the federal regulation did not impose an unfunded mandate.

List of Subjects in 30 CFR Part 950

Intergovernmental relations, Surface mining, Underground mining.

Dated: September 19, 2017.

David Berry,

Regional Director, Western Region.

For the reasons set out in the preamble, 30 CFR part 950 is amended as set forth below:

PART 950—WYOMING

■ 1. The authority citation for part 950 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

■ 2. Section 950.15 is amended in the table by adding a new entry in chronological order by ''Date of Final Publication'' to read as follows:

§ 950.15 Approval of Wyoming regulatory program amendments.

* * * * *

Original amendment submission date	Date of final publication	Citation/description
*	*	* * * * * * *
January 8, 2013	December 7, 2017	Chapter 1 (Title); Chap. 1, Sec. 2(i); Chap. 1, Sec. 2(u)(ii); Chap. 1, Sec. 2(aw); Chap. 1, Sec. 2(az); Chap. 1, Sec. 2(br); Chap. 1, Sec. 2(bz); Chap. 1, Sec. 2(ca); Chap. 1, Sec. 2(cg); Chap. 1, Sec. 2(co); Chap. 1, Sec. 2(cr); Chap. 1, Sec. 2(cv); Chap. 1, Sec. 2(dd); Chap. 1, Sec. 2(df); Chap. 1, Sec. 2(ds); Chap. 1, Sec. 2(ez); Chap. 1, Sec. 2(fi); Chap. 1, Sec. 2(fs); Chap. 1, Sec. 3(b)(i) and (c); Chap. 2, Sec. 1(a); Chap. 2, Sec. 1(c); Chap. 2, Sec. 2(a); Chap. 2, Sec. 2(a)(i)(C)–(E); Chap. 2, Sec. 2(a)(i)(F); Chap. 2, Sec. 2(a)(i)(G); Chap. 2, Sec. 2(a)(ii)(A)(II) and (III); Chap. 2, Sec. 2(a)(ii)(B); Chap. 2, Sec. 2(a)(iv); Chap. 2, Sec. 2(a)(v)(A) (I)(2.) and (III); Chap. 2, Sec. 4(a)(xvii); Chap. 2, Sec. 5(a)(viii)(A); Chapter 4 (Title); Chap. 4, Sec. 2(c)(v)(A); Chap. 4, Sec. 2(l)(ii)(F); Chap. 12, Sec. 1(a)(viii); Chap. 12, Sec. 1(a) (viii)(A) and (C); Chap. 12, Sec. 1(a)(ix)(A)–(F); Chap. 12, Sec. 1(a)(x)(A)–(C); Chap. 12, Sec. 1(a)(x)(D) (II)–(IV); Chap. 12, Sec. 1(a)(xi); Chap. 12, Sec. 1(a)(xii); Chap. 12, Sec. 1(a)(xiii) (A)–(C); Chap. 12, Sec. 1(a)(xiv)(A, B, D, and E); Chap. 12, Sec. 1(a)(xiv)(G) (I)–(IX); Chap. 12, Sec. 1(b); Chap. 16, Sec. 2(h); Chap. 16, Sec. 2(j); also all minor punctuation, grammatical, and codification changes.

§ 950.16 [Amended]

■ 3. Section 950.16 is amended by removing and reserving paragraphs (p) and (u).

[FR Doc. 2017–26432 Filed 12–6–17; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2017–0595]

RIN 1625–AA09

Drawbridge Operation Regulation; Jamaica Bay, Queens, NY

AGENCY: Coast Guard, DHS.

ACTION: Temporary interim rule with request for comments.

SUMMARY: The Coast Guard is modifying the operating schedule that governs the Marine Parkway (Gil Hodges) Bridge across Jamaica Bay (Rockaway Inlet), mile 3.0, at Queens, NY. This temporary interim rule is necessary to accomodate Metropolitan Transportation Authority's (MTA) (the owner of the Marine Parkway Bridge) unexpected emergency repairs requiring a complete closure of the Bridge and an extension of time for their completion. The active deviation allows for opening of the bridge with two-hours of advance notice and expires at the 180th day. Existing federal

regulations do not allow back-to-back deviations.

DATES: This temporary interim rule is effective without actual notice from December 7, 2017 through 11:59 p.m. on May 25, 2018. For the purposes of enforcement, actual notice will be used from 12:01 a.m. on November 27, 2017 until December 7, 2017.

Comments and related material must reach the Coast Guard on or before February 5, 2018.

ADDRESSES: You may submit comments or view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov*. Type USCG–2017–0595 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking.

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 temporary final rule, call or email Judy K. Leung-Yee, Bridge Management Specialist, U.S. Coast Guard; telephone 212–514–4336, email *Judy.K.Leung-Yee@uscg.mil*.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

On July 6, 2017, we published a temporary deviation entitled, ''Drawbridge Operation Regulation; Marine Parkway Bridge, Jamaica Bay, Queens, NY'' in the **Federal Register** (82 FR 31255). Although we did not request public comments, we conducted a public outreach and received no objections to the temporary deviation. No complaints have been submitted during the current temporary deviation's operation.

The Coast Guard is issuing this temporary interim rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable. During the recent replacement/rehabilitation of lift span systems, water was discovered inside the power and communication cables from the main electrical rooms on the lower level of the towers to the machinery rooms at the tops of the towers. In addition, structural steel for riser conduit support is also in need of immediate repairs and/or replacement. We must modify the opration schedule of the Bridge by November 27, 2017 to allow the bridge owner to conduct emergency repairs, but we lack sufficient time to provide a reasonable comment period and then consider those comments before issuing the modification.

We are issuing this rule and under 5 U.S.C. 553(d)(3) and for the reasons stated above, the Coast Guard finds that good cause exists for making it effective in less than 30 days after publication in the **Federal Register**.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority 33 U.S.C. 499. The Coast Guard is modifying the operating schedule that governs the Marine Parkway Bridge across Jamaica Bay, mile 3.0, at Queens, New York. The Marine Parkway Bridge is a vertical lift bridge offering mariners a vertical clearance of 55 feet at mean high water and 59 feet at mean low water in the closed position.

The normal operating schedule for the Bridge is listed at 33 CFR 117.795(a). MTA, the bridge owner, has requested this modification as additional time is required to perform the emergency repairs as described above.

The waterway is transited by seasonal recreational traffic as well as commercial vessels, largely tug and barge combinations. The 55 foot vertical clearance while the bridge is in the closed position offers the bulk of commercial traffic sufficient room to transit under the bridge in the closed position. During the time period of October 2016 to October 2017, there have been twelve (12) scheduled bridge openings for commercial vessel transit, two of which were cancelled prior to operation. Vessels that can pass under the bridge without an opening may do so at all times. The bridge will not be able to open for emergencies. There is no immediate alternate route for vessels unable to pass through the bridge when in the closed position.

IV. Discussion of the Temporary Interim Rule

The Coast Guard has issued a Temporary Interim Rule from the operating schedule that governs the the Marine Parkway Bridge across Jamaica Bay, mile 3.0, at Queens, New York, in order to complete emergency repairs. The rule is necessary to accommodate the completion of the emergency repairs before the next boating season begins. This rule allows the bridge to remain in the closed position from 12:01 a.m. on November 27, 2017 through 11:59 p.m. on May 25, 2018.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the fact that the emergency bridge closure period is in the winter season and the majority of vessels will be able to successfully transit through the draw of the bridge without an opening.

B. Impact on Small Entities

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

While some owners or operators of vessels intending to transit the bridge

may be small entities, for the reasons stated in section V.A above, this interim rule will not have a significant economic impact on any vessel owner or operator due to the clearance level while in the closed position and the fact the rule would be applied during at a time of year when vessel traffic is at its lowest.

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Government

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

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a determination that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule simply promulgates the operating regulations or procedures for drawbridges. This action is categorically excluded from further review, under figure 2–1, paragraph (32)(e), of the Instruction. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

G. Protest Activities

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

VI. Public Participation and Request for Comments

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

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

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

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

List of Subjects in 33 CFR Part 117

Bridges.

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

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

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

■ 2. In § 117.795, effective from December 7, 2017 to 11:59 p.m. on May 25, 2018, suspend paragraph (a) and add paragraph (d) to read as follows:

§ 117.795 Jamaica Bay and connecting waterways.

* * * * *

(d) The draw of the Marine Parkway Bridge, mile 3.0 over Rockaway Inlet, will not open for the passage of the vessels. The drawbridge will return to its regular operating schedule on May 26, 2018.

Dated: November 21, 2017.

S.D. Poulin,

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

[FR Doc. 2017–26431 Filed 12–6–17; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2016–0592; FRL–9971–41–Region 3]

Approval and Promulgation of Air Quality Implementation Plans; Virginia; Amendment to Ambient Air Quality Standard for Ozone; Withdrawal

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of direct final rule.

SUMMARY: Due to adverse comments received, the Environmental Protection Agency (EPA) is withdrawing the October 16, 2017 direct final rule that approved a state implementation plan (SIP) revision submitted by the Commonwealth of Virginia to incorporate by reference the most recent federal ambient air quality standard for ozone into Virginia's SIP. EPA stated in the direct final rule that if EPA received adverse comments by November 15, 2017, the rule would be withdrawn and not take effect. EPA subsequently received adverse comments. EPA will address comments received in a subsequent final action based upon the proposed rulemaking action, also published on October 16, 2017. EPA will not institute a second comment period on this action.

DATES: The direct final rule published at 82 FR 47985 on October 16, 2017 is withdrawn as of December 7, 2017.

FOR FURTHER INFORMATION CONTACT: Gavin Huang, (215) 814–2042, or by email at *huang.gavin@epa.gov.*

SUPPLEMENTARY INFORMATION: On July 25, 2016, the Commonwealth of Virginia through the Virginia Department of Environmental Quality (VADEQ) submitted a formal revision to its SIP. The SIP revision sought to incorporate the 2015 ozone national ambient air quality standards (NAAQS) promulgated by EPA on October 26, 2015 (80 FR 65292) into the Virginia SIP. In the direct final rule published on October 16, 2017 (82 FR 47985), EPA stated that if EPA received adverse comments by November 15, 2017, the rule would be withdrawn and not take effect. EPA subsequently received adverse comments from anonymous commenters.

Because adverse comments were received, EPA is withdrawing the direct final rule approving the revisions to the Virginia SIP that incorporates the 2015 ozone NAAQS promulgated by EPA on October 16, 2017 (82 FR 47985). EPA will respond to the adverse comments in a separate final rulemaking action.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Ozone.

Dated: November 17, 2017.

Cosmo Servidio,

Regional Administrator, Region III.

■ Accordingly, the amendment to § 52.2420(c) published on October 16, 2017 (82 FR 47985), which was to become effective December 15, 2017, is withdrawn as of December 7, 2017.

[FR Doc. 2017–26303 Filed 12–6–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2017–0192; FRL–9971–04-Region 6]

Approval and Promulgation of Implementation Plans; Texas; Revisions to Emissions Banking and Trading Programs for Area and Mobile Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Pursuant to the Federal Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is approving revisions to the Texas State Implementation Plan (SIP) Emissions Banking and Trading Programs submitted on October 10, 2017. Specifically, we are approving revisions that clarify and expand the existing provisions for the generation and use of emission credits from area and mobile sources.

DATES: This rule is effective on January 8, 2018.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R06–OAR–2017–0192. All documents in the docket are listed on the *http://www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *http://www.regulations.gov* or in hard copy at the EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733.

FOR FURTHER INFORMATION CONTACT: Adina Wiley, 214–665–2115, *wiley.adina@epa.gov.*

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

I. Background

The background for this action is discussed in detail in our June 8, 2017 proposal (82 FR 26634). In that document we proposed to approve via parallel processing the proposed revisions to the Texas Emissions Banking and Trading Programs for the generation and use of emission credits from area and mobile sources. We preliminarily determined that the proposed revisions were consistent with the CAA and the EPA's regulations and guidance for emissions trading.

Under the EPA's ''parallel processing'' procedure, the EPA proposes a rulemaking action on a proposed SIP revision concurrently with the State's public review process. If the State's proposed SIP revision is not significantly changed, the EPA will finalize the rulemaking on the SIP revision as proposed after responding to any submitted comments. Final rulemaking action by the EPA will occur only after the final SIP revision has been fully adopted by the TCEQ and submitted formally to the EPA for approval as a revision to the Texas SIP. See 40 CFR part 51, Appendix V.

The TCEQ completed their state rulemaking process and adopted revisions on September 20, 2017. The TCEQ submitted these adopted changes as a revision to the Texas SIP on October 10, 2017. The EPA has evaluated the State's final SIP revision for any changes made from the time of proposal. Our evaluation indicates that the TCEQ made two types of revisions at adoption. First, the TCEQ made several non-substantive revisions to correct grammar, internal cross-references, and citations consistent with the *Texas Register* formatting guidance. The EPA has evaluated these non-substantive revisions and determined that they do not make any material changes to the regulations we proposed to approve. The TCEQ also made several substantive revisions at adoption that the EPA has evaluated and classified as logical outgrowth from our proposal. The EPA's evaluation of the adopted revisions is included in the ''Addendum to the Technical Support Document'' for EPA–R06–OAR–2017–0192, available in the rulemaking docket.

The EPA is proceeding with our final approval of the October 10, 2017, revisions to the Texas SIP, consistent with the parallel processing provisions

in 40 CFR part 51, Appendix V. We did not receive any comments regarding our proposal. As such, we are proceeding with our final approval because the submitted final regulations adopted by the state do not alter our rationale for proposal presented in our June 8, 2017 proposed rulemaking.

II. Final Action

The EPA has determined that the October 10, 2017, revisions to the Texas SIP are consistent with the CAA and the EPA's policy and guidance on emissions trading. Therefore, under section 110 of the Act, the EPA approves the following revisions to the Texas SIP that were adopted on September 20, 2017, and submitted to the EPA on October 10, 2017:

- Revisions to 30 TAC Section 101.300;
- Revisions to 30 TAC Section 101.302;
- Revisions to 30 TAC Section 101.303;
- Revisions to 30 TAC Section 101.304;
- Revisions to 30 TAC Section 101.306;
- Revisions to 30 TAC Section 101.370;
- Revisions to 30 TAC Section 101.372;
- Revisions to 30 TAC Section 101.373;
- Revisions to 30 TAC Section 101.374; and
- Revisions to 30 TAC Section 101.376.

III. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the revisions to the Texas regulations as described in the Final Action section above. The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and/or at the EPA Region 6 Office (please contact Adina Wiley for more information). Therefore, these materials have been approved by EPA for inclusion in the SIP, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference by the Director of the Federal Register in the next update to the SIP compilation (62 FR 27968, May 22, 1997).

IV. Statutory and Executive Order Reviews

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

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

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 5, 2018. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: December 1, 2017.

Samuel Coleman,

Acting Regional Administrator, Region 6.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart SS—Texas

■ 2. In § 52.2270(c) the table titled ''EPA Approved Regulations in the Texas SIP'' is amended by revising the entries for Sections 101.300, 101.302, 101.303, 101.304, 101.306, 101.370, 101.372, 101.373, 101.374, and 101.376 to read as follows:

§ 52.2270 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED REGULATIONS IN THE TEXAS SIP

State citation	Title/subject	State approval/ submittal date	EPA approval date	Explanation
*	*	*	*	*
Chapter 101—General Air Quality Rules				
*	*	*	*	*
Subchapter H—Emissions Banking and Trading				
Division 1—Emission Credit Program				
Section 101.300	Definitions	09/20/2017	12/7/2017, [Insert **Federal Register** citation].	
*	*	*	*	*
Section 101.302	General Provisions	09/20/2017	12/7/2017, [Insert **Federal Register** citation].	
Section 101.303	Emission Reduction Credit Generation and Certification.	09/20/2017	12/7/2017, [Insert **Federal Register** citation].	
Section 101.304	Mobile Emission Reduction Credit Generation and Certification.	09/20/2017	12/7/2017, [Insert **Federal Register** citation].	
*	*	*	*	*
Section 101.306	Emission Credit Use	09/20/2017	12/7/2017, [Insert **Federal Register** citation].	
*	*	*	*	*
Division 4—Discrete Emission Credit Program				
Section 101.370	Definitions	09/20/2017	12/7/2017, [Insert **Federal Register** citation].	
*	*	*	*	*
Section 101.372	General Provisions	09/20/2017	12/7/2017, [Insert **Federal Register** citation].	
Section 101.373	Discrete Emission Reduction Credit Generation and Certification.	09/20/2017	12/7/2017, [Insert **Federal Register** citation].	
Section 101.374	Mobile Discrete Emission Reduction Credit Generation and Certification.	09/20/2017	12/7/2017, [Insert **Federal Register** citation].	
*	*	*	*	*
Section 101.376	Discrete Emission Credit Use	09/20/2017	12/7/2017, [Insert **Federal Register** citation].	
*	*	*	*	*

* * * * *

[FR Doc. 2017–26342 Filed 12–6–17; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket ID FEMA–2017–0002; Internal Agency Docket No. FEMA–8509]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: This rule identifies communities where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP) that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the **Federal Register** on a subsequent date. Also, information identifying the current participation status of a community can be obtained from FEMA's Community Status Book (CSB). The CSB is available at *https://www.fema.gov/national-flood-insurance-program-community-status-book.*

DATES: *Effective Dates:* The effective date of each community's scheduled suspension is the third date (''Susp.'') listed in the third column of the following tables.

FOR FURTHER INFORMATION CONTACT: If you want to determine whether a particular community was suspended on the suspension date or for further information, contact Adrienne L. Sheldon, PE, CFM, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 400 C Street SW., Washington, DC 20472, (202) 212–3966.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase Federal flood insurance that is not otherwise generally available from private insurers. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits the sale of NFIP flood insurance unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. We recognize that some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue to be eligible for the sale of NFIP flood insurance. A notice withdrawing the suspension of such communities will be published in the **Federal Register**.

In addition, FEMA publishes a Flood Insurance Rate Map (FIRM) that identifies the Special Flood Hazard Areas (SFHAs) in these communities. The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may be provided for construction or acquisition of buildings in identified SFHAs for communities not participating in the NFIP and identified for more than a year on FEMA's initial FIRM for the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment procedures under 5 U.S.C. 553(b), are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications were made, this final rule may take effect within less than 30 days.

National Environmental Policy Act. FEMA has determined that the community suspension(s) included in this rule is a non-discretionary action and therefore the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) does not apply.

Regulatory Flexibility Act. The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, Section 1315, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless remedial action takes place.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This rule meets the applicable standards of Executive Order 12988.

Paperwork Reduction Act. This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

■ 1. The authority citation for part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.;* Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp.; p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp.; p. 376.

§ 64.6 [Amended]

■ 2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Region II				
New Jersey:				
Beverly, City of, Burlington County	340086	February 7, 1975, Emerg; December 23, 1977, Reg; December 21, 2017, Susp.	Dec. 21, 2017 ...	Dec. 21, 2017.
Bordentown, City of, Burlington County	340087	May 16, 1975, Emerg; February 17, 1982, Reg; December 21, 2017, Susp.	.....do *	Do.
Bordentown, Township of, Burlington County.	340088	August 8, 1975, Emerg; April 15, 1982, Reg; December 21, 2017, Susp.	.....do	Do.
Burlington, Township of, Burlington County.	340090	July 29, 1975, Emerg; February 17, 1982, Reg; December 21, 2017, Susp.	.....do	Do.
Chesterfield, Township of, Burlington County.	340091	June 13, 1975, Emerg; January 21, 1983, Reg; December 21, 2017, Susp.	.....do	Do.
Cinnaminson, Township of, Burlington County.	340092	November 19, 1971, Emerg; May 15, 1978, Reg; December 21, 2017, Susp.	.....do	Do.
Delanco, Township of, Burlington County.	340093	June 27, 1975, Emerg; September 28, 1979, Reg; December 21, 2017, Susp.	.....do	Do.
Delran, Township of, Burlington County	340094	March 24, 1972, Emerg; May 2, 1977, Reg; December 21, 2017, Susp.	.....do	Do.
Eastampton, Township of, Burlington County.	340095	March 24, 1972, Emerg; September 14, 1979, Reg; December 21, 2017, Susp.	.....do	Do.
Edgewater Park, Township of, Burlington County.	340096	December 10, 1974, Emerg; May 25, 1978, Reg; December 21, 2017, Susp.	.....do	Do.
Florence, Township of, Burlington County.	340098	September 5, 1975, Emerg; March 1, 1982, Reg; December 21, 2017, Susp.	.....do	Do.
Hainesport, Township of, Burlington County.	340099	June 20, 1975, Emerg; July 16, 1979, Reg; December 21, 2017, Susp.	.....do	Do.
Maple Shade, Township of, Burlington County.	340101	July 11, 1975, Emerg; December 18, 1979, Reg; December 21, 2017, Susp.	.....do	Do.
Medford, Township of, Burlington County.	340104	June 22, 1973, Emerg; August 15, 1983, Reg; December 21, 2017, Susp.	.....do	Do.
Medford Lakes, Borough of, Burlington County.	340103	January 3, 1975, Emerg; June 1, 1981, Reg; December 21, 2017, Susp.	.....do	Do.
Moorestown, Township of, Burlington County.	340105	February 11, 1972, Emerg; September 15, 1978, Reg; December 21, 2017, Susp.	.....do	Do.
Mount Holly, Township of, Burlington County.	340106	March 17, 1972, Emerg; August 1, 1979, Reg; December 21, 2017, Susp.	.....do	Do.
Mount Laurel, Township of, Burlington County.	340107	February 18, 1972, Emerg; March 2, 1981, Reg; December 21, 2017, Susp.	.....do	Do.
New Hanover, Township of, Burlington County.	340108	July 29, 1975, Emerg; May 11, 1979, Reg; December 21, 2017, Susp.	.....do	Do.
Riverton, Borough of, Burlington County	340114	March 31, 1972, Emerg; April 15, 1977, Reg; December 21, 2017, Susp.	.....do	Do.
Shamong, Township of, Burlington County.	340534	March 28, 1975, Emerg; June 15, 1979, Reg; December 21, 2017, Susp.	.....do	Do.
Southampton, Township of, Burlington County.	340115	January 14, 1972, Emerg; March 4, 1980, Reg; December 21, 2017, Susp.	.....do	Do.
Springfield, Township of, Burlington County.	340116	August 16, 1976, Emerg; January 28, 1983, Reg; December 21, 2017, Susp.	.....do	Do.
Washington, Township of, Burlington County.	340117	April 14, 1975, Emerg; December 15, 1981, Reg; December 21, 2017, Susp.	.....do	Do.
Willingboro, Township of, Burlington County.	340119	September 15, 1972, Emerg; July 2, 1979, Reg; December 21, 2017, Susp.	.....do	Do.
Woodland, Township of, Burlington County.	340551	February 19, 1976, Emerg; January 20, 1982, Reg; December 21, 2017, Susp.	.....do	Do.
Wrightstown, Borough of, Burlington County.	340120	December 16, 1975, Emerg; May 11, 1979, Reg; December 21, 2017, Susp.	.....do	Do.
Region IV				
Georgia:				
Camden County, Unincorporated Areas	130262	January 20, 1976, Emerg; June 1, 1984, Reg; December 21, 2017, Susp.	.....do	Do.
Effingham County, Unincorporated Areas.	130076	November 28, 1975, Emerg; March 18, 1987, Reg; December 21, 2017, Susp.	.....do	Do.
Kingsland, City of, Camden County	130238	June 23, 1975, Emerg; June 1, 1984, Reg; December 21, 2017, Susp.	.....do	Do.
Rincon, City of, Effingham County	130426	November 5, 1976, Emerg; February 19, 1987, Reg; December 21, 2017, Susp.	.....do	Do.
Saint Marys, City of, Camden County ...	130027	May 30, 1974, Emerg; June 1, 1984, Reg; December 21, 2017, Susp.	.....do	Do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Woodbine, City of, Camden County	130241	August 7, 1975, Emerg; June 1, 1984, Reg; December 21, 2017, Susp.	.....do	Do.
Kentucky:				
Anderson County, Unincorporated Areas.	210002	November 10, 1975, Emerg; May 15, 1986, Reg; December 21, 2017, Susp.	.....do	Do.
Berea, City of, Madison County	210156	April 22, 1975, Emerg; September 30, 1988, Reg; December 21, 2017, Susp.	.....do	Do.
Carroll County, Unincorporated Areas ..	210045	March 26, 1997, Emerg; September 1, 1998, Reg; December 21, 2017, Susp.	.....do	Do.
Carrollton, City of, Carroll County	210232	March 20, 1975, Emerg; September 4, 1985, Reg; December 21, 2017, Susp.	.....do	Do.
Clark County, Unincorporated Areas	210278	May 13, 1976, Emerg; December 4, 1986, Reg; December 21, 2017, Susp.	.....do	Do.
Frankfort, City of, Franklin County	210075	April 23, 1974, Emerg; July 2, 1981, Reg; December 21, 2017, Susp.	.....do	Do.
Franklin County, Unincorporated Areas	210280	January 23, 1976, Emerg; September 30, 1981, Reg; December 21, 2017, Susp.	.....do	Do.
Garrard County, Unincorporated Areas	210081	February 27, 1987, Emerg; September 1, 1989, Reg; December 21, 2017, Susp.	.....do	Do.
Georgetown, City of, Scott County	210208	June 25, 1975, Emerg; February 4, 1981, Reg; December 21, 2017, Susp.	.....do	Do.
Gratz, City of, Owen County	210321	June 18, 1976, Emerg; August 19, 1986, Reg; December 21, 2017, Susp.	.....do	Do.
Henry County, Unincorporated Areas ...	210110	December 20, 1978, Emerg; January 1, 1986, Reg; December 21, 2017, Susp.	.....do	Do.
Jessamine County, Unincorporated Areas.	210125	April 16, 1973, Emerg; August 1, 1978, Reg; December 21, 2017, Susp.	.....do	Do.
Lawrenceburg, City of, Anderson County.	210003	August 21, 1975, Emerg; December 14, 1979, Reg; December 21, 2017, Susp.	.....do	Do.
Lexington-Fayette Urban County Government, Fayette County.	210067	August 17, 1973, Emerg; September 28, 1979, Reg; December 21, 2017, Susp.	.....do	Do.
Madison County, Unincorporated Areas	210342	September 19, 1989, Emerg; September 28, 1990, Reg; December 21, 2017, Susp.	.....do	Do.
Mercer County, Unincorporated Areas ..	210306	November 22, 1974, Emerg; October 18, 1988, Reg; December 21, 2017, Susp.	.....do	Do.
Midway, City of, Woodford County	210477	N/A, Emerg; September 17, 2008, Reg; December 21, 2017, Susp.	.....do	Do.
Monterey, City of, Owen County	210295	April 20, 1976, Emerg; August 5, 1986, Reg; December 21, 2017, Susp.	.....do	Do.
Nicholasville, City of, Jessamine County	210126	June 11, 1975, Emerg; April 17, 1989, Reg; December 21, 2017, Susp.	.....do	Do.
Owen County, Unincorporated Areas ...	210186	May 2, 1997, Emerg; July 1, 1999, Reg; December 21, 2017, Susp.	.....do	Do.
Prestonville, City of, Carroll County	210047	August 2, 1976, Emerg; September 18, 1986, Reg; December 21, 2017, Susp.	.....do	Do.
Richmond, City of, Madison County	210157	June 20, 1975, Emerg; September 18, 1985, Reg; December 21, 2017, Susp.	.....do	Do.
Scott County, Unincorporated Areas	210207	August 14, 1975, Emerg; September 30, 1981, Reg; December 21, 2017, Susp.	.....do	Do.
Versailles, City of, Woodford County	210231	April 21, 1989, Emerg; May 1, 1990, Reg; December 21, 2017, Susp.	.....do	Do.
Wilmore, City of, Jessamine County	210311	January 17, 1975, Emerg; November 5, 1986, Reg; December 21, 2017, Susp.	.....do	Do.
Woodford County, Unincorporated Areas.	210230	March 30, 1973, Emerg; June 1, 1978, Reg; December 21, 2017, Susp.	.....do	Do.
Worthville, City of, Carroll County	210049	May 24, 1976, Emerg; July 17, 1986, Reg; December 21, 2017, Susp.	.....do	Do.
Mississippi:				
Biloxi, City of, Harrison County	285252	June 30, 1970, Emerg; September 11, 1970, Reg; December 21, 2017, Susp.	.....do	Do.
Gautier, City of, Jackson County	280332	November 13, 1986, Emerg; November 13, 1986, Reg; December 21, 2017, Susp.	.....do	Do.
Gulfport, City of, Harrison County	285253	May 29, 1970, Emerg; September 11, 1970, Reg; December 21, 2017, Susp.	.....do	Do.
Harrison County, Unincorporated Areas	285255	July 17, 1970, Emerg; June 15, 1978, Reg; December 21, 2017, Susp.	.....do	Do.
Jackson County, Unincorporated Areas	285256	June 30, 1970, Emerg; April 3, 1978, Reg; December 21, 2017, Susp.	.....do	Do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
South Carolina:				
Anderson, City of, Anderson County	450014	November 2, 1973, Emerg; December 16, 1980, Reg; December 21, 2017, Susp.	.....do	Do.
Anderson County, Unincorporated Areas.	450013	July 2, 1975, Emerg; January 2, 1981, Reg; December 21, 2017, Susp.	.....do	Do.
Arcadia Lakes, Town of, Richland County.	450171	May 27, 1975, Emerg; November 19, 1980, Reg; December 21, 2017, Susp.	.....do	Do.
Blythewood, Town of, Fairfield and Richland Counties.	450258	N/A, Emerg; November 30, 2011, Reg; December 21, 2017, Susp.	.....do	Do.
Cayce, City of, Lexington and Richland Counties.	450131	February 5, 1974, Emerg; May 1, 1980, Reg; December 21, 2017, Susp.	.....do	Do.
Clemson, City of, Anderson and Pickens Counties.	450238	September 22, 1980, Emerg; February 17, 1988, Reg; December 21, 2017, Susp.	.....do	Do.
Colleton County, Unincorporated Areas	450056	June 18, 1975, Emerg; April 17, 1987, Reg; December 21, 2017, Susp.	.....do	Do.
Columbia, City of, Lexington and Richland Counties.	450172	January 16, 1974, Emerg; September 2, 1981, Reg; December 21, 2017, Susp.	.....do	Do.
Cottageville, Town of, Colleton County	450253	N/A, Emerg; July 10, 2012, Reg; December 21, 2017, Susp.	.....do	Do.
Eastover, Town of, Richland County	450173	June 26, 1975, Emerg; September 30, 1988, Reg; December 21, 2017, Susp.	.....do	Do.
Edisto Beach, Town of, Colleton County	455414	March 19, 1971, Emerg; April 9, 1971, Reg; December 21, 2017, Susp.	.....do	Do.
Forest Acres, City of, Richland County	450174	July 19, 1974, Emerg; November 5, 1980, Reg; December 21, 2017, Susp.	.....do	Do.
Pickens, City of, Pickens County	450169	October 7, 1974, Emerg; June 25, 1976, Reg; December 21, 2017, Susp.	.....do	Do.
Pickens County, Unincorporated Areas	450166	April 2, 1974, Emerg; July 19, 1982, Reg; December 21, 2017, Susp.	.....do	Do.
Pendleton, Town of, Anderson County	450019	October 7, 1975, Emerg; May 15, 1980, Reg; December 21, 2017, Susp.	.....do	Do.
Richland County, Unincorporated Areas	450170	September 20, 1974, Emerg; November 4, 1981, Reg; December 21, 2017, Susp.	.....do	Do.
Seneca, City of, Oconee County	450158	July 24, 1975, Emerg; December 16, 1977, Reg; December 21, 2017, Susp.	.....do	Do.
Six Mile, Town of, Pickens County	450178	N/A, Emerg; May 8, 2008, Reg; December 21, 2017, Susp.	.....do	Do.
Walhalla, City of, Oconee County	450159	May 2, 1975, Emerg; June 17, 1986, Reg; December 21, 2017, Susp.	.....do	Do.
Walterboro, City of, Colleton County	450058	April 2, 1975, Emerg; April 17, 1987, Reg; December 21, 2017, Susp.	.....do	Do.
Williams, Town of, Colleton County	450059	February 3, 1976, Emerg; July 17, 1986, Reg; December 21, 2017, Susp.	.....do	Do.
Region VI				
Louisiana: Saint Bernard Parish, Unincorporated Areas.	225204	March 12, 1970, Emerg; March 13, 1970, Reg; December 21, 2017, Susp.	.....do	Do.
Texas:				
Bowie County, Unincorporated Areas ...	481194	February 17, 1981, Emerg; September 27, 1991, Reg; December 21, 2017, Susp.	.....do	Do.
Fort Bend County, Unincorporated Areas.	480228	March 19, 1987, Emerg; March 19, 1987, Reg; December 21, 2017, Susp.	.....do	Do.
Kendleton, City of, Fort Bend County ...	481551	N/A, Emerg; September 15, 2001, Reg; December 21, 2017, Susp.	.....do	Do.
Leary, City of, Bowie County	481142	May 28, 2010, Emerg; October 19, 2010, Reg; December 21, 2017, Susp.	.....do	Do.
Nash, City of, Bowie County	480058	April 7, 1975, Emerg; June 21, 1977, Reg; December 21, 2017, Susp.	.....do	Do.
Rosenberg, City of, Fort Bend County ..	480232	July 21, 1975, Emerg; December 4, 1984, Reg; December 21, 2017, Susp.	.....do	Do.
Texarkana, City of, Bowie County	480060	February 18, 1972, Emerg; March 1, 1979, Reg; December 21, 2017, Susp.	.....do	Do.
Wake Village, City of, Bowie County	480061	September 24, 1974, Emerg; October 15, 1985, Reg; December 21, 2017, Susp.	.....do	Do.

.....do =Ditto.
Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Dated: November 22, 2017.

Eric Letvin,

Deputy Assistant Administrator for Mitigation, Federal Insurance and Mitigation Administration, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2017–26328 Filed 12–6–17; 8:45 am]

BILLING CODE 9110–12–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 17–187, RM–11792; DA 17–1062]

Television Broadcasting Services; Anchorage, Alaska

AGENCY: Federal Communications Commission.

ACTION: Final rule, correction.

SUMMARY: The Federal Communications Commission published a document in the **Federal Register** of November 17, 2017, concerning the Commission's grant of the request by Gray Television License, LLC (Gray) to substitute channel 7 for channel 5 for station KYES–TV, Anchorage, Alaska. The document contained the incorrect effective date.

DATES: This rule is effective December 7, 2017.

FOR FURTHER INFORMATION CONTACT: Joyce Bernstein, *Joyce.Bernstein@fcc.gov,* Media Bureau, (202) 418–1647.

Correction

In the **Federal Register** of November 17, 2017, in FR Doc. 2017–24944, on page 54301, in the second column, correct the **DATES** caption to read:

DATES: This rule is effective December 7, 2017.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Division, Media Bureau.

[FR Doc. 2017–26312 Filed 12–6–17; 8:45 am]

BILLING CODE 6712–01–P

Proposed Rules

Federal Register
Vol. 82, No. 234
Thursday, December 7, 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 27

[Docket No. FAA–2017–1130; Notice No. 27–043–SC]

Special Conditions: Airbus Helicopters Model AS350B2 and AS350B3 Helicopters; Installation of Garmin International, Inc., Autopilot System

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: We propose special conditions for Airbus Helicopters Model AS350B2 and AS350B3 helicopters. These helicopters as modified by Garmin International, Inc., (Garmin) will have a novel or unusual design feature associated with the Garmin Flight Control (GFC) 600H autopilot with stability and control augmentation system (AP/SCAS). The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These proposed special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: Send your comments on or before January 22, 2018.

ADDRESSES: Send comments identified by docket number [FAA–2017–1130] using any of the following methods:

- *Federal eRegulations Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 8 a.m., and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: The FAA will post all comments it receives, without change, to *http://www.regulations.gov,* including any personal information the commenter provides. Using the search function of the docket Web site, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478), as well as at *http://DocketsInfo.dot.gov.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m., and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: George Harrum, Aerospace Engineer, FAA, Rotorcraft Standards Branch, Policy and Innovations Division, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–4087; email *George.Harrum@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data.

We will consider all comments we receive on or before the closing date for comments. We will consider comments filed late if it is possible to do so without incurring expense or delay. We may change these special conditions based on the comments we receive.

Background

On October 10, 2016, Garmin applied for a supplemental type certificate (STC) to install a GFC 600H AP/SCAS in Airbus Helicopters Model AS350B2 and AS350B3 helicopters. The Model AS350B2 and AS350B3 helicopters are 14 CFR part 27 normal category, single turbine engine, conventional helicopters designed for civil operation. These helicopter models are capable of carrying up to five passengers with one pilot and have a maximum gross weight of up to 5,220 pounds, depending on the model configuration. The major design features include a 3-blade, fully articulated main rotor, an anti-torque tail rotor system, a skid landing gear, and a visual flight rule basic avionics configuration.

Garmin proposes to modify these model helicopters by installing a SCAS with autopilot functions in 2 or 3 axes, depending on the number of servos installed. The possible failure conditions for this system, and their effect on the continued safe flight and landing of the helicopter, are more severe than those envisioned by the present rules. The present 14 CFR 27.1309(b) and (c) regulations do not adequately address the safety requirements for systems whose failures could result in ''catastrophic'' or ''hazardous/severe-major'' failure conditions, or for complex systems whose failures could result in ''major'' failure conditions. When these rules were promulgated, it was not envisioned that a normal category rotorcraft would use systems that are complex or whose failure could result in ''catastrophic'' or ''hazardous/severe-major'' effects on the rotorcraft. This is particularly true with the application of new technology, new application of standard technology, or other applications not envisioned by the rule that affect safety. The Garmin AP/SCAS controls rotorcraft flight control surfaces. Possible failure modes exhibited by this system could result in a catastrophic event.

Type Certification Basis

Under 14 CFR 21.101 and 21.115, Garmin must show that the Airbus Helicopters Model AS350B2 and AS350B3 helicopters, as changed, continue to meet the applicable provisions of the regulations incorporated by reference in Type Certificate No. H9EU or the applicable regulations in effect on the date of application for the change. The

regulations incorporated by reference in the type certificate are commonly referred to as the ''original type certification basis.'' The regulations incorporated by reference in Type Certificate No. H9EU are as follows:

14 CFR 21.29 and part 27 effective February 1, 1965, plus Amendments 27–1 through 27–10.

For aircraft incorporating mod. OP3369 (2370 kg/5225 lb mass extension), the following 14 CFR part 27 Amendments 27–1 through 27–40 are replacing the same requirement from the certification basis above: 27 § 1; § 21; § 25; § 27; § 33; § 45; § 51; § 65; § 71; § 73; § 75; § 79; § 141; § 143; § 173; § 175; § 177; § 241; § 301; § 303; § 305; § 307; § 309; § 321; § 337; § 339; § 341; § 351; § 471; § 473; § 501; § 505; § 521; § 547; § 549; § 563(b); § 571; § 602; § 661; § 663; § 695; § 723; § 725; § 727; § 737; § 751; § 753; § 801(b)(d); § 927(c); § 1041; § 1043; § 1045; § 1301; § 1501; § 1519; § 1529; § 1581; § 1583; § 1585; § 1587; § 1589.

For AS350B3 aircraft incorporating mod. OP–4605 (installation of a fuel system improving crashworthiness), 14 CFR 27.561(c) at Amendment 27–32 replaces the same requirement from the certification basis above for the following elements of the fuel tank lower structure affected by this modification: Cradles, longitudinal beams, X-stops and rods.

Additionally, Garmin must comply with the equivalent level of safety findings, exemptions, and special conditions prescribed by the Administrator as part of the certification basis.

The Administrator has determined the applicable airworthiness regulations (that is, 14 CFR part 27), as they pertain to this STC, do not contain adequate or appropriate safety standards for the Airbus Helicopters Model AS350B2 and AS350B3 helicopters because of a novel or unusual design feature. Therefore, we propose to prescribe these special conditions under § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the applicant apply for an STC to change any other model included on the same type certificate to incorporate the same or similar novel or unusual design feature, the special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, Garmin must show that the Airbus Helicopters Model AS350B2 and AS350B3 helicopters, as changed, comply with the noise certification requirements of 14 CFR part 36.

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38 and they become part of the type certification basis under § 21.101.

Novel or Unusual Design Features

The Airbus Helicopters Model AS350B2 and AS350B3 helicopter will incorporate the following novel or unusual design features: A GFC 600H AP/SCAS. This GFC 600H AP/SCAS performs non-critical control functions. The GFC 600H AP/SCAS is a two or three axis system with the following novel functions: Limit cueing, level mode, and hover assist.

Discussion

The proposed special condition clarifies the requirement to perform a proper failure analysis and also recognizes that the severity of failures can vary. Current industry standards and practices recognize five failure condition categories: Catastrophic, Hazardous, Major, Minor, and No-Safety Effect. The proposed special condition addresses the safety requirements for systems whose failures could result in catastrophic or hazardous/severe-major failure conditions and for complex systems whose failures could result in major failure conditions.

To comply with the provisions of the special conditions, we propose to require that Garmin provide the FAA with a systems safety assessment (SSA) for the final GFC 600H AP/SCAS installation configuration that will adequately address the safety objectives established by a functional hazard assessment (FHA) and a preliminary system safety assessment (PSSA), including the fault tree analysis (FTA). This will ensure that all failure conditions and their resulting effects are adequately addressed for the installed GFC 600H AP/SCAS. The SSA process, FHA, PSSA, and FTA are all parts of the overall safety assessment process discussed in FAA Advisory Circular 27–1B, *Certification of Normal Category Rotorcraft,* and Society of Automotive Engineers document Aerospace Recommended Practice 4761, *Guidelines and Methods for Conducting the Safety Assessment Process on Civil Airborne Systems and Equipment.*

These proposed special conditions would require that the GFC 600H AP/SCAS installed on Airbus Helicopters Model AS350B2 and Model AS350B3 helicopters meet the requirements to adequately address the failure effects identified by the FHA, and subsequently verified by the SSA, within the defined design integrity requirements.

Applicability

These special conditions are applicable to Airbus Helicopters Model AS350B2 and AS350B3 helicopters. Should Garmin apply at a later date for an STC to modify any other model included on Type Certificate Number H9EU to incorporate the same novel or unusual design feature, the special conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features on two model helicopters. It is not a rule of general applicability and affects only the applicant who applied to the FAA for approval of these features.

List of Subjects in 14 CFR Part 27

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Proposed Special Conditions

Accordingly, the Federal Aviation Administration (FAA) proposes the following special conditions as part of the type certification basis for Airbus Helicopters Model AS350B2 and AS350B3 helicopters modified by Garmin International, Inc. (Garmin).

Instead of the requirements of 14 CFR 27.1309(b) and (c), the following must be met for certification of the Garmin Flight Control 600H autopilot with stability and control augmentation system:

(a) The equipment and systems must be designed and installed so that any equipment and system does not adversely affect the safety of the rotorcraft or its occupants.

(b) The rotorcraft systems and associated components considered separately and in relation to other systems, must be designed and installed so that:

(1) The occurrence of any catastrophic failure condition is extremely improbable;

(2) The occurrence of any hazardous failure condition is extremely remote; and

(3) The occurrence of any major failure condition is remote.

(c) Information concerning an unsafe system operating condition must be provided in a timely manner to the crew to enable them to take appropriate corrective action. An appropriate alert must be provided if immediate pilot awareness and immediate or subsequent corrective

action is required. Systems and controls, including indications and annunciations, must be designed to minimize crew errors which could create additional hazards.

Issued in Fort Worth, Texas on November 29, 2017.

Larry M. Kelly,

Manager, Rotorcraft Standards Branch, Policy and Innovation Division, Aircraft Certification Service.

[FR Doc. 2017–26420 Filed 12–6–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 29

[Docket No. FAA–2017–1129; Notice No. 29–042–SC]

Special Conditions: Bell Helicopter Textron, Inc. (BHTI), Model 525 Helicopter; Mode Annunciation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: We propose special conditions for the BHTI Model 525 helicopter. This helicopter will have a novel or unusual design feature associated with fly-by-wire flight control system (FBW FCS) functions that affect the pilot awareness of the flight control modes while operating the helicopter. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These proposed special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: Send your comments on or before January 22, 2018.

ADDRESSES: Send comments identified by docket number [FAA–2017–XXXX] using any of the following methods:

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

☐ *Mail:* Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC, 20590–0001.

☐ *Hand Delivery of Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 8 a.m., and 5 p.m., Monday through Friday, except Federal holidays.

☐ *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: The FAA will post all comments it receives, without change, to *http://www.regulations.gov,* including any personal information the commenter provides. Using the search function of the docket Web site, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478), as well as at *http://DocketsInfo.dot.gov.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m., and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: George Harrum, Aerospace Engineer, Rotorcraft Standards Branch, Policy and Innovation Division, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone (817) 222–4087; email *George.Harrum@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data.

We will consider all comments we receive on or before the closing date for comments. We will consider comments filed late if it is possible to do so without incurring expense or delay. We may change these special conditions based on the comments we receive.

Background

On December 15, 2011, BHTI applied for a type certificate for a new transport category helicopter designated as the Model 525. The aircraft is a medium twin-engine rotorcraft. The design maximum takeoff weight is 20,500 pounds, with a maximum capacity of 19 passengers and a crew of 2.

The BHTI Model 525 helicopter will be equipped with a four-axis full authority digital FBW FCS that provides for aircraft control through pilot input and coupled flight director modes. Current regulations are inadequate in the area of pilot awareness of the flight control modes while operating the helicopter. The proposed special condition will require that suitable mode annunciation be provided to the flight crew for events that significantly change the operating mode of the system but do not merit the traditional warnings, cautions, and advisories.

Type Certification Basis

Under the provisions of 14 CFR 21.17, BHTI must show that the Model 525 helicopter meets the applicable provisions of part 29, as amended by Amendment 29–1 through 29–55 thereto. The BHTI Model 525 certification basis date is December 31, 2013, the effective date of application to the FAA.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* 14 CFR part 29) do not contain adequate or appropriate safety standards for the BHTI Model 525 because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same or similar novel or unusual design feature, the special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the BHTI Model 525 helicopter must comply with the noise certification requirements of 14 CFR part 36, and the FAA must issue a finding of regulatory adequacy under § 611 of Public Law 92–574, the ''Noise Control Act of 1972.''

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type-certification basis under § 21.17(a)(2).

Novel or Unusual Design Features

The BHTI Model 525 helicopter will incorporate the following novel or unusual design features: A four-axis full authority digital FBW FCS. Pilot control inputs, through the mechanically linked cockpit controls (cyclic, collective, directional pedals), are transmitted electrically to each of the three Flight Control Computers (FCCs). The pilot control input signals are then processed and transmitted to the hydraulic flight control actuators which affect control of

the main and tail rotors. The FCCs process the pilot control input signals depending on the flight control mode in affect.

Discussion

The current 14 CFR 29 standards do not provide adequate standards for pilot awareness of the flight control modes while operating the helicopter. The proposed special condition will require that suitable mode annunciation be provided to the flight crew for events that significantly change the operating mode of the system but do not merit the traditional warnings, cautions, and advisories.

Applicability

As discussed above, these special conditions are applicable to the BHTI Model 525 helicopter. Should BHTI apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, the special conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features on one model of rotorcraft. It is not a rule of general applicability.

List of Subjects in 14 CFR Part 29

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Proposed Special Conditions

Accordingly, the Federal Aviation Administration (FAA) proposes the following special conditions as part of the type certification basis for Bell Helicopter Textron, Inc., Model 525 helicopters:

Mode Annunciation: A means must be provided to indicate to the crew any mode that significantly changes or degrades the handling or operational characteristics of the rotorcraft.

Issued in Fort Worth, Texas on November 16, 2017.

Larry M. Kelly,

Manager, Rotorcraft Standards Branch, Policy and Innovation Division Aircraft Certification Service.

[FR Doc. 2017–26418 Filed 12–6–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Part 24

[Docket No. TTB–2016–0010; Notice No. 164B; Re: Notice No. 164 and Notice No. 164A]

RIN 1513–AB61

Wine Treating Materials and Related Regulations; Comment Period Extension

AGENCY: Alcohol and Tobacco Tax and Trade Bureau, Treasury.

ACTION: Notice of proposed rulemaking; extension of comment period.

SUMMARY: The Alcohol and Tobacco Tax and Trade Bureau (TTB) is extending for an additional 90 days the recently-reopened comment period for Notice No. 164, Wine Treating Materials and Related Regulations, a notice of proposed rulemaking published in the **Federal Register** on November 22, 2016. TTB is taking this action in response to a request from a wine industry trade association.

DATES: Written comments on Notice No. 164 are now due on or before April 9, 2018.

ADDRESSES: Please send your comments on Notice No. 164 to one of the following addresses:

- *https://www.regulations.gov* (via the online comment form for Notice No. 164 as posted within Docket No. TTB–2016–0010 at *Regulations.gov*, the Federal e-rulemaking portal);
- *U.S. Mail:* Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Box 12, Washington, DC 20005; or
- *Hand delivery/courier in lieu of mail:* Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Suite 400, Washington, DC 20005.

See the Public Participation section of Notice No. 164 for specific instructions and requirements for submitting comments.

FOR FURTHER INFORMATION CONTACT: Kara Fontaine, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Box 12, Washington, DC 20005; phone (202) 453–1039, ext. 103.

SUPPLEMENTARY INFORMATION: In Notice No. 164, a notice of proposed rulemaking published in the **Federal Register** on November 22, 2016 (81 FR 83752), the Alcohol and Tobacco Tax and Trade Bureau (TTB) requested public comment on amendments to its regulations pertaining to the production of wine and in particular in regard to the permissible treatments that may be applied to wine and to juice from which wine is made. TTB issued the proposed amendments in response to requests from wine industry members to authorize certain wine treating materials and processes not currently authorized by TTB regulations. In Notice No. 164, TTB invited comments on the proposed regulatory changes and the wine treatments and materials issues addressed in that document. The 60-day comment period for Notice No. 164 originally closed on January 23, 2017. In Notice No. 164A, published in the **Federal Register** on October 11, 2017 (82 FR 47167), TTB reopened the comment period for Notice No. 164 for an additional 90 days in response to industry member requests.

On October 24, 2017, TTB received a letter via the *Regulations.gov* Web site posting for Notice No. 164 from the Wine Institute, a large wine industry trade association based in San Francisco, California, requesting a 90-day extension of the comment period on the wine treating materials regulatory amendments proposed in Notice No. 164. In its letter, the Wine Institute stated that its members required additional time to consider the ''complex and far reaching'' proposals contained in Notice No. 164, as well as the document's request for input on other regulatory issues. The Wine Institute stated that TTB reopened the comment period for Notice No. 164 during the recent Northern California wildfires, which caused many of its members to experience calamitous personal and business losses. The Wine Institute also noted that TTB's proposal is open for comment during the holiday season, when many stakeholders will be unavailable due to commercial and family commitments. The Wine Institute's letter is posted as Comment 13 to Notice No. 164 within Docket No. TTB–2016–0010 on the *Regulations.gov* Web site at *https://www.regulations.gov*).

In response to this request, TTB is extending the comment period for Notice No. 164 for an additional 90 days. Therefore, comments on Notice No. 164 are now due on or before April 9, 2018. Comments on Notice No. 164 may be submitted as described above in the **ADDRESSES** section of this document.

Drafting Information

Kara Fontaine of the Regulations and Rulings Division drafted this notice.

Signed: November 17, 2017.

John J. Manfreda,

Administrator.

[FR Doc. 2017–26416 Filed 12–6–17; 8:45 am]

BILLING CODE 4810–31–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2015–0824; FRL–9971–63–Region 5]

Air Plan Approval; Ohio; Infrastructure SIP Requirements for the 2012 $PM_{2.5}$ NAAQS; Multistate Transport

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve elements of the State Implementation Plan (SIP) submission from Ohio regarding the infrastructure requirements of section 110 of the Clean Air Act (CAA) for the 2012 annual fine particulate matter ($PM_{2.5}$) National Ambient Air Quality Standard (NAAQS or standard). The infrastructure requirements are designed to ensure that the structural components of each state's air quality management program are adequate to meet the state's responsibilities under the CAA. This action pertains specifically to infrastructure requirements concerning interstate transport provisions.

DATES: Comments must be received on or before January 8, 2018.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2015–0824 at *http://www.regulations.gov,* or via email to *blakley.pamela@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the Web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Anthony Maietta, Environmental Protection Specialist, Control Strategies Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–8777, *maietta.anthony@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA. This supplementary information section is arranged as follows:

I. What is the background of this SIP submission?
II. What guidance is EPA using to evaluate this SIP submission?
III. EPA's Review
IV. What action is EPA taking?
V. Statutory and Executive Order Reviews

I. What is the background of this SIP submission?

This rulemaking addresses a submission from the Ohio Environmental Protection Agency (OEPA), describing its infrastructure SIP for the 2012 annual $PM_{2.5}$ NAAQS, dated December 4, 2015. Specifically, this rulemaking addresses the portion of the submission dealing with interstate pollution transport under CAA section 110(a)(2)(D)(i), otherwise known as the ''good neighbor'' provision. The requirement for states to make a SIP submission of this type arises from section 110(a)(1) of the CAA. Pursuant to section 110(a)(1), states must submit ''within 3 years (or such shorter period as the Administrator may prescribe) after the promulgation of a national primary ambient air quality standard (or any revision thereof),'' a plan that provides for the ''implementation, maintenance, and enforcement'' of such NAAQS. The statute directly imposes on states the duty to make these SIP submissions, and the requirement to make the submissions is not conditioned upon EPA's taking any action other than promulgating a new or revised NAAQS. Section 110(a)(2) includes a list of specific elements that ''[e]ach such plan'' submission must address. EPA commonly refers to such state plans as ''infrastructure SIPs.''

II. What guidance is EPA using to evaluate this SIP submission?

EPA highlighted the statutory requirement to submit infrastructure SIPs within 3 years of promulgation of a new NAAQS in a October 2, 2007, guidance document entitled ''Guidance on SIP Elements Required Under Sections 110(a)(1) and (2) for the 1997 8-hour Ozone and $PM_{2.5}$ National Ambient Air Quality Standards'' (2007 guidance). EPA has issued additional guidance documents and memoranda, including a September 13, 2013, guidance document titled ''Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2)'' (2013 guidance).

The most recent relevant document was a memorandum published on March 17, 2016, titled ''Information on the Interstate Transport ''Good Neighbor'' Provision for the 2012 Fine Particulate Matter National Ambient Air Quality Standards under Clean Air Act Section 110(a)(2)(D)(i)(I)'' (2016 memorandum). The 2016 memorandum describes EPA's past approach to addressing interstate transport, and provides EPA's general review of relevant modeling data and air quality projections as they relate to the 2012 annual $PM_{2.5}$ NAAQS. The 2016 memorandum provides information relevant to EPA Regional office review of the CAA section 110(a)(2)(D)(i)(I) ''good neighbor'' provision in infrastructure SIPs with respect to the 2012 annual $PM_{2.5}$ NAAQS. This rulemaking considers information provided in that memorandum.

The 2016 memorandum provides states and EPA Regional offices with future year annual $PM_{2.5}$ design values for monitors in the United States based on quality assured and certified ambient monitoring data and air quality modeling. The memorandum further describes how these projected potential design values can be used to help determine which monitors should be further evaluated to potentially address whether emissions from other states significantly contribute to nonattainment or interfere with maintenance of the 2012 annual $PM_{2.5}$ NAAQS at those sites. The 2016 memorandum explained that the pertinent year for evaluating air quality for purposes of addressing interstate transport for the 2012 $PM_{2.5}$ NAAQS is 2021, the attainment deadline for 2012 $PM_{2.5}$ NAAQS nonattainment areas classified as Moderate. Accordingly, because the available data included 2017 and 2025 projected average and maximum $PM_{2.5}$ design values

calculated through the CAMx photochemical model, the memorandum suggests approaches states might use to interpolate $PM_{2.5}$ values at sites in 2021.

For all but one monitor site in the eastern United States, the modeling data showed that monitors were expected to both attain and maintain the 2012 $PM_{2.5}$ NAAQS in both 2017 and 2025. The modeling results provided in the 2016 memorandum show that out of seven $PM_{2.5}$ monitors located in Allegheny County, Pennsylvania, one monitor is expected to be above the 2012 annual $PM_{2.5}$ NAAQS in 2017. Further, that monitor (ID number 420030064) is projected to be above the NAAQS only under the model's maximum projected conditions (used in EPA's interstate transport framework to identify maintenance receptors), and is projected to both attain and maintain the NAAQS (along with all Allegheny County monitors) in 2025. The memorandum therefore indicates that under such a condition (where EPA's photochemical modeling indicates an area will maintain the 2012 annual $PM_{2.5}$ NAAQS in 2025 but not attain in 2017) further analysis of the site should be performed to determine if the site may be a nonattainment or maintenance receptor in 2021 (the attainment deadline for moderate $PM_{2.5}$ areas). The memorandum also indicates that for certain states with incomplete ambient monitoring data, additional information including the latest available data, should be analyzed to determine whether there are potential downwind air quality problems that may be impacted by transported emissions. This rulemaking considers these analyses from Ohio, as well as additional analysis conducted by EPA during review of its submittal.

III. EPA's Review

This rulemaking proposes action on the portion of Ohio's December 4, 2015, SIP submission addressing the good neighbor provision requirements of CAA Section 110(a)(2)(D)(i). State plans must address four requirements of the good neighbor provisions (commonly referred to as ''prongs''), including:

—Prohibiting any source or other type of emissions activity in one state from contributing significantly to nonattainment of the NAAQS in another state (prong one);

—Prohibiting any source or other type of emissions activity in one state from interfering with maintenance of the NAAQS in another state (prong two);

—Prohibiting any source or other type of emissions activity in one state from interfering with measures required to prevent significant deterioration (PSD) of air quality in another state (prong three); and

—Protecting visibility in another state (prong four).

This rulemaking is evaluating the December 4, 2015 submission, specific to prongs one and two of Ohio's interstate transport provisions in its $PM_{2.5}$ infrastructure SIP. Prongs three and four will be evaluated in a separate rulemaking.

EPA has developed a consistent framework for addressing the prong one and two interstate transport requirements with respect to the $PM_{2.5}$ NAAQS in several previous Federal rulemakings. The four basic steps of that framework include: (1) Identifying downwind receptors that are expected to have problems attaining or maintaining the NAAQS; (2) identifying which upwind states contribute to these identified problems in amounts sufficient to warrant further review and analysis; (3) for states identified as contributing to downwind air quality problems, identifying upwind emissions reductions necessary to prevent an upwind state from significantly contributing to nonattainment or interfering with maintenance of the NAAQS downwind; and (4) for states that are found to have emissions that significantly contribute to nonattainment or interfere with maintenance of the NAAQS downwind, reducing the identified upwind emissions through adoption of permanent and enforceable measures. This framework was most recently applied with respect to $PM_{2.5}$ in the Cross-State Air Pollution Rule (CSAPR), designed to address both the 1997 and 2006 $PM_{2.5}$ standards, as well as the 1997 ozone standard.

Ohio's December 4, 2015, submission indicates that the Ohio SIP contains the following major programs related to the interstate transport of pollution: Ohio Administrative Code (OAC) Chapters 3745–16 (Stack Height Requirements); 3745–103 (Acid Rain Permits and Compliance); 3745–14 (Nitrogen Oxides—Budget Trading Program); and 3745–109 (Clean Air Interstate Rule). Ohio also indicates that sources in the state are complying with CSAPR. In addition, Ohio has responded to requests by the States of Indiana and West Virginia, implementing revisions to OAC 3724–18 (Hamilton County and Jefferson County) to alleviate modeled violations due, in part, to sources in Ohio.

Ohio's submittal also contains a technical analysis of its interstate transport of pollution relative to the 2012 annual $PM_{2.5}$ NAAQS prepared in October 2015. The technical analysis studied Ohio sources' contribution to monitored $PM_{2.5}$ air quality values in other states, and evaluated downwind areas which were most influenced by Ohio sources, and whether Ohio would need to take further steps to decrease its emissions (and therefore contribution) to those areas. Ohio's technical analysis considers CSAPR rule implementation, a review of then-current air quality design values, and other factors such as meteorology and state-wide emissions inventories. Through its technical analysis, Ohio determined that at the time of EPA's analysis of its CSAPR rule,[1] sources in Ohio were projected to contribute more than the 1% screening threshold toward $PM_{2.5}$ air quality at certain receptors $PM_{2.5}$ air quality problems in Alabama, Georgia, Illinois, Indiana, Iowa, Kentucky, New York, Pennsylvania, and West Virginia. Ohio then used that information to evaluate the distance and geography of the downwind states potentially impacted by Ohio emissions. Ohio also examined the most recent air quality in those downwind states. (Based on distance and topographical considerations, Ohio's analysis did not focus on potential contribution to areas not attaining the 2012 annual $PM_{2.5}$ NAAQS based on 2012–2014 monitor data in Alaska, California, Idaho, Nevada or Hawaii.)

Ohio completed its technical analysis before March 17, 2016, when, as discussed earlier, EPA released updated modeling projections for 2017 and 2025 annual $PM_{2.5}$ design values meant to assist states in implementation of their 2012 $PM_{2.5}$ NAAQS interstate transport SIPs. As discussed later, however, EPA's review of Ohio's submittal nevertheless concludes that the March 17, 2016, updated modeling projections data corroborate the findings of Ohio's technical analysis. In addition, certified annual $PM_{2.5}$ design values recorded since Ohio's submittal further confirm Ohio's technical analysis.

By looking at 2012–2014 annual $PM_{2.5}$ design values, CSAPR-modeled design values, emissions inventory data, and other factors, Ohio's technical analysis shows that monitored air quality values in states Ohio potentially contributes to have trended downward and were in most cases were already lower than the 2012 $PM_{2.5}$ NAAQS based on 2012–2014 air quality data (the newest data available at the time of Ohio's technical analysis and submittal). Table 1 shows

[1] Contained in the TSD for EPA's CSAPR rule (76 FR 48208). EPA's technical analysis included modeled emissions and air quality for 2012.

ambient monitoring data for the downwind states that Ohio identified as areas that could be affected by its emissions. The table contains county level annual average $PM_{2.5}$ design value data for 2012–2014. In addition, data used for EPA's expanded review of $PM_{2.5}$ design values that includes design values for 2009–2011, 2010–2012, 2011–2013, 2013–2015, and 2014–2016 is included in the technical support document (TSD) in the docket, ''[Technical Support Document for Docket #EPA–R05–OAR–2015–0824].'' The TSD for this action also looks at air quality trends in Illinois and Pennsylvania, areas that required further review because of either missing data or monitored values recently near or above the NAAQS, by showing the areas' 2012–2014, 2013–2015, and 2014–2016 design values as well as yearly annual means from 2014 through 2016 for certain counties based on AQS data. EPA's expanded review, as discussed throughout this action, supports Ohio's conclusions drawn from the data shown in Table 1.

TABLE 1—MONITORED $PM_{2.5}$ AIR QUALITY IN COUNTIES THAT OHIO POTENTIALLY CONTRIBUTES ONE PERCENT OR MORE TOWARD $PM_{2.5}$ CONCENTRATIONS

State	County	2012–2014 Annual $PM_{2.5}$ DV ($\mu g/m^3$)	2013–2015 Annual $PM_{2.5}$ DV ($\mu g/m^3$)	2014–2016 Annual $PM_{2.5}$ DV ($\mu g/m^3$)
Alabama	Jefferson	11.3	11	11.2
Alabama	Russell	10.7	10	9.7
Alabama	Pulaski	11.7	10.7	10.3
Georgia	Bibb	10.9	10.2	10.1
Georgia	Clayton	10.3	10	9.9
Georgia	Floyd	10.3	9.9	9.9
Georgia	Fulton	11	10.5	10.4
Georgia	Muscogee	10.2	9.6	9.6
Georgia	Wilkinson	10.6	10	9.9
Illinois	Champaign	N/A	N/A	N/A
Illinois	Cook	N/A	N/A	N/A
Illinois	Macon	N/A	N/A	N/A
Illinois	Madison	N/A	N/A	N/A
Illinois	Saint Clair	N/A	N/A	N/A
Indiana	Clark	11.8	11.4	10.6
Indiana	Dubois	10.9	10.6	9.8
Indiana	Lake	11.5	11	10.1
Indiana	Madison	9.8	9.6	9
Indiana	Marion	11.8	11.7	11.4
Indiana	Spencer	10.5	10.1	9.5
Indiana	Vanderburgh	10.9	10.7	10.1
Indiana	Vigo	10.6	10.3	9.7
Iowa	Muscatine	10.8	10.4	9.4
Kentucky	Bullitt	.....	.....	.....
New York	Bronx	10.3	9.4	9
Pennsylvania	Allegheny	13	12.6	12.8
Pennsylvania	Beaver	11.3	10.8	10.1
Pennsylvania	Cambria	11.6	11.7	10.7
Pennsylvania	Chester	9.9	10	9.6
Pennsylvania	Delaware	12.3	11.6	11.5
Pennsylvania	Lancaster	11.6	11.2	12.8
Pennsylvania	Lebanon	12.7	11.7	11.2
Pennsylvania	Northampton	10.5	10	9.3
Pennsylvania	Westmoreland	10.1	9.8	8.7
West Virginia	Brooke	11.1	11.2	10.5
West Virginia	Marshall	11.1	10.7	10.2
Texas	El Paso	11	9.9	9.4
Wisconsin	Eau Claire	7.9	7.5	7.1

* Value does not contain a complete year's worth of data.

In all areas where three years of certified data exist to determine annual $PM_{2.5}$ design values for 2012–2014, only three counties in Pennsylvania recorded values above the NAAQS: Allegheny, Delaware, and Lebanon counties (which will be discussed in detail below). Because of errors in protocol made during the recording and/or analysis of $PM_{2.5}$ air quality monitors in several states (for example, improper maintenance of an air quality monitor or not following proper laboratory analysis procedures), the data from those monitors could not be quality assured or certified for use in determining those areas' $PM_{2.5}$ design values. These data quality and certification issues were identified by EPA to have occurred between 2012 and 2015. Therefore, those states had missing annual $PM_{2.5}$ design values for certain three-year periods. The $PM_{2.5}$ monitoring data for the State of Illinois (the only state with data quality issues Ohio identified as contributing to) for all of 2012, 2013, and until July 2014 suffered from data quality/completion issues and therefore no current annual $PM_{2.5}$ design values exist for Illinois. By making corrections in protocol at laboratories that review $PM_{2.5}$ air monitor samples (for example, maintaining the laboratory's air temperature to within specified limits so as not to cause errors in PM sample analysis) and by rectifying other

deficiencies identified by EPA, we have determined that these quality control issues have been fully resolved for Illinois (and all states referenced in this analysis). While Illinois has resolved its quality control issues, it has still not recorded three full years of certified data to be able to determine annual $PM_{2.5}$ design values for its counties.

EPA considered available data from monitors in Illinois for its analysis of Ohio's submittal. As noted, there is only partial year Illinois data for 2014. However, our review looks at the most recent valid data available, which are Illinois' recorded 2015–2016 annual average mean values for monitors in each county, to determine whether data and downward trends demonstrated in other states in Ohio's technical analysis are also demonstrated in Illinois. As discussed below, generally the data show a steady decline in annual $PM_{2.5}$ concentrations across all sites in Illinois, with most counties' 2016 annual means well below the NAAQS. Table 2 shows the annual mean $PM_{2.5}$ values for 2015 and 2016.

TABLE 2—ANNUAL MEAN $PM_{2.5}$ VALUES FOR ILLINOIS, 2015–2016

County	2015 $PM_{2.5}$ Annual mean ($\mu g/m^3$)	2016 $PM_{2.5}$ Annual mean ($\mu g/m^3$)
Champaign	8.6	7.6
Cook	12.5	9.4
DuPage	9	7.8
Hamilton	8.2	7.8
Jersey	7.7	*7.9
Kane	8.9	8
Macon	8.7	7.8
Madison	10.4	9.1
McHenry	9.9	7.3
McLean	7.6	7.6
Peoria	8.6	7.6
Randolph	7.9	8
Rock Island	9.1	7.2
Sangamon	8.2	7.7
Saint Clair	10.7	10
Will	9.1	7.8
Winnebago	9.1	7.8

* Value does not contain a complete year's worth of data.

Based upon our expanded review of these data to include valid $PM_{2.5}$ design values for the years 2009–2011, 2010–2012, and 2011–2013 (located in the TSD) and despite not having three complete recent years of certified, quality-assured monitoring data or annual $PM_{2.5}$ design values—Illinois' air quality trends reflect what is shown across the nation: a general downward trend in ambient air concentrations, including at sites in the states that Ohio analyzed in its submittal. Only three Illinois counties reported 2010–2012 annual $PM_{2.5}$ design values above the NAAQS: Cook, Madison, and Saint Clair counties. In Cook County, the 2010–2012 design value (which is the latest certified design value for the county), was 12.7 $\mu g/m^3$, and despite a slight rise in 2015, the annual mean values have trended downward. Cook County's annual mean for that year was 9.4 $\mu g/m^3$, representing a significant decline in monitored ambient $PM_{2.5}$. For Madison County, the 2010–2012 $PM_{2.5}$ design value was 13.5 $\mu g/m^3$, and the 2014–2016 annual means show a trend downward from 12.9 $\mu g/m^3$ to 9.1 $\mu g/m^3$, a clear and continuous downward trend. For Saint Clair County, the 2010–2012 $PM_{2.5}$ design value was 12.2 $\mu g/m^3$, and the 2014–2016 annual means show a clear and continuous downward trend from 10.9 $\mu g/m^3$ to 10 $\mu g/m^3$. All other counties in Illinois were below the NAAQS, based both on their 2010–2012 $PM_{2.5}$ design values and their recorded 2014–2016 annual mean concentrations. Therefore, EPA expects that all counties in Illinois will attain and maintain the $PM_{2.5}$ NAAQS without the need for additional $PM_{2.5}$ reductions in Ohio.

Ohio found, and our review confirmed, that despite the fact that Ohio emissions potentially contribute to areas' monitored $PM_{2.5}$ air quality, all but two areas in Pennsylvania (Allegheny and Delaware counties) were attaining the 2012 annual $PM_{2.5}$ NAAQS based on 2012–2014 data. A review of 2013–2015 design values shows that all areas except for Allegheny County have attained the NAAQS. Our review also considers 2014–2016 design values, which show only Allegheny and Lancaster counties not meeting the NAAQS.

Ohio's technical analysis focused on its contribution to Allegheny County because, in addition to being the closest county with monitored $PM_{2.5}$ air quality above the NAAQS, it has the highest design values for the 2012 annual $PM_{2.5}$ NAAQS in all of the counties in Ohio's technical review. Ohio's technical review also looked at its impact on $PM_{2.5}$ air quality in Delaware, Lancaster, and Lebanon counties in Pennsylvania and while its contribution to these areas was less than for Allegheny, Ohio identified these counties as ones it may contribute to based on the 2012 CSAPR modeling.

EPA's review looked further into more recent and current $PM_{2.5}$ monitor data in those counties. In Delaware and Lebanon counties, not only do the most recent $PM_{2.5}$ monitor data show these counties are attaining the $PM_{2.5}$ NAAQS, EPA's $PM_{2.5}$ modeling data for 2017 and 2025 do not indicate any nonattainment or maintenance issues in these counties. There is a clear downward trend in $PM_{2.5}$ values in these counties. For Lancaster County, despite having a 2014–2016 design value that exceeds the NAAQS, there is a clear downward trend in the monitored $PM_{2.5}$ air quality data that supports EPA's $PM_{2.5}$ modeling that shows no nonattainment or maintenance problems for this county by 2021.

The modeling information contained in EPA's March 17, 2016 memorandum shows that one monitor in Alleghany County, PA (the Liberty monitor, 420030064) may have a maintenance issue in 2017, but is projected to both attain and maintain the NAAQS by 2025. A linear interpolation of the

modeled design values to 2021 shows that the monitor is likely to both attain and maintain the standard by 2021. Emissions and air quality data trends help to corroborate this interpolation.

Over the last decade, local and regional emissions reductions of primary $PM_{2.5}$, sulfur dioxide (SO_2), and nitrogen oxide (NO_X), have led to large reductions in annual $PM_{2.5}$ design values in Allegheny County, Pennsylvania. In 2007, all of Allegheny County's $PM_{2.5}$ monitors exceeded the level of the 2012 NAAQS (the 2005–2007 annual average design values ranged from 12.9–19.8 $\mu g/m^3$, as shown in Table 3). The 2014–2016 annual average $PM_{2.5}$ design values now show that only one monitor (Liberty, at 12.8 $\mu g/m^3$) exceeds the health-based annual $PM_{2.5}$ NAAQS of 12.0 $\mu g/m^3$.

Table 3. $PM_{2.5}$ Annual Design Values in $\mu g/m^3$.

Monitor	2005-2007	2006-2008	2007-2009	2008-2010	2009-2011	2010-2012	2011-2013	2012-2014	2013-2015	2014-2016
Avalon				16.3*	14.7*	13.4	11.4	10.6	10.6	10.4*
Lawrenceville	15.0	14.0	13.1	12.2	11.6	11.1	10.3	10.0	9.7	9.5
Liberty	19.8	18.3	17.0	16.0	15.0	14.8	13.4	13.0	12.6	12.8
South Fayette	12.9	11.8*	11.7	11.1	11.0	10.5	9.6	9.0	8.8	8.5*
North Park	13.0*	12.3*	11.3*	10.1*	9.7	9.4	8.8	8.5	8.5	8.2*
Harrison	15.0	14.2	13.7	13.0	12.4	11.7*	10.6	10.0	9.8	9.8
North Braddock	16.2	15.2	14.3	13.3	12.7	12.5	11.7*	11.4	11.2	11.0
Parkway East Near-Road										10.6*
Clairton	15.3	14.3	13.2	12.4	11.5*	10.9*	9.8*	9.5	9.8	9.8*

* Value does not contain a complete year's worth of data

The Liberty monitor is already close to attaining the NAAQS, and expected emissions reductions in the next four years will lead to additional reductions in measured $PM_{2.5}$ concentrations. There are both local and regional components to the measured $PM_{2.5}$ levels in Allegheny County and the greater Pittsburgh area. Previous CSAPR modeling showed that regional emissions from upwind states, particularly SO_2 and NO_X emissions, contribute to $PM_{2.5}$ nonattainment at the Liberty monitor. In recent years, large SO_2 and NO_X reductions from power plants have occurred in Pennsylvania and states upwind from the Greater Pittsburgh region. Ohio's submittal indicates that Pennsylvania's energy sector emissions of SO_2 will have decreased 166,000 tons between 2015–2017 as a result of CSAPR implementation. This is due to both the installation of emissions controls and retirements of electric generating units (EGUs) [see the TSD for more details]. Projected power plant closures and additional emissions controls in Pennsylvania and upwind states will help further reduce both direct $PM_{2.5}$ and $PM_{2.5}$ precursors. Regional emission reductions will continue to occur from current on-the-books Federal and state regulations such as the Federal on-road and non-road vehicle programs, and various rules for major stationary emissions sources.

In addition to regional emissions reductions and plant closures, additional local reductions to both direct $PM_{2.5}$ and SO_2 emissions are expected to occur and should also contribute to further declines in Allegheny County's $PM_{2.5}$ monitor concentrations. For example, significant SO_2 reductions have recently occurred at US Steel's integrated steel mill facilities in southern Allegheny County as part of a 1-hr SO_2 NAAQS SIP.[2] Reductions are largely due to declining sulfur content in the Clairton Coke Work's coke oven gas (COG). Because this COG is burned at US Steel's Clairton Coke Works, Irvin Mill, and Edgar Thompson Steel Mill, these reductions in sulfur content should contribute to much lower $PM_{2.5}$ precursor emissions in the immediate future. The Allegheny SO_2 SIP also projects lower SO_2 emissions resulting from vehicle fuel standards, reductions in general emissions due to declining population in the Greater Pittsburgh region and several shutdowns of significant sources of emissions in Allegheny County.

EPA modeling projections, the recent downward trend in local and upwind emissions reductions, the expected continued downward trend in emissions between 2017 and 2021, and the downward trend in monitored $PM_{2.5}$ concentrations all indicate that the Liberty monitor will attain and be able to maintain the 2012 annual $PM_{2.5}$ NAAQS by 2021.

[2] *http://www.achd.net/air/publichearing2017/SO2_2010_NAAQS_SIP_5-1-2017.pdf.*

In addition to local reductions projected to occur in Pennsylvania discussed above, Ohio indicated that its own state-wide SO_2 emissions from the energy generation sector will have decreased by 148,000 tons, or about 50 percent of its 2014 emissions, between 2015 and 2017 as a result of CSAPR implementation across Ohio. Thus, the submittal shows that because of reductions from CSAPR implementation in Ohio and across the CSAPR states, emissions have trended downward nearly universally among $PM_{2.5}$ air quality monitors. This trend is reinforced by looking at air quality data since Ohio's submittal, and by data in EPA's March 17, 2016, Memorandum.

The conclusions of Ohio's analysis are consistent with EPA's March 17, 2016, Memorandum. All areas that Ohio sources potentially contribute to are expected to attain and maintain the 2012 $PM_{2.5}$ NAAQS by 2021. Ohio's analysis shows that through permanent and enforceable measures currently contained in its SIP, implementation of CSAPR from 2015–2017 and beyond, and other emissions reductions occurring in Ohio and in other states, monitored $PM_{2.5}$ air quality in all identified areas that Ohio sources may impact will continue to improve, and that no further measures are necessary to satisfy Ohio's responsibilities under CAA section 110(a)(2)(D)(i)(I). Therefore, EPA is proposing that prongs one and two of the interstate pollution transport element of Ohio's infrastructure SIP are approvable.

IV. What action is EPA taking?

EPA is proposing to approve a portion of Ohio's December 4, 2015, submission certifying that the current Ohio SIP is sufficient to meet the required infrastructure requirements under CAA section 110(a)(2)(D)(i)(I), specifically prongs one and two, as set forth above. EPA is requesting comments on the proposed approval.

V. Statutory and Executive Order Reviews

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

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

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

List of Subjects in 40 CFR Part 52

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

Dated: November 17, 2017.

Robert A. Kaplan,

Acting Regional Administrator, Region 5.

[FR Doc. 2017–26291 Filed 12–6–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2016–0211 FRL–9971–60–Region 5]

Air Plan Approval; Indiana; Regional Haze Five-Year Progress Report State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve the Indiana regional haze progress report under the Clean Air Act as a revision to the Indiana State Implementation Plan (SIP). Indiana has satisfied the progress report requirements of the Regional Haze Rule. Indiana has also met the requirements for a determination of the adequacy of its regional haze plan with its negative declaration submitted with the progress report.

DATES: Comments must be received on or before January 8, 2018.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2016–0211 at *http://www.regulations.gov,* or via email to *Aburano.Douglas@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Michelle Becker, Life Scientist, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–3901, *Becker.Michelle@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA. This **SUPPLEMENTARY INFORMATION** section is arranged as follows:

I. Background
II. EPA's Analysis of Indiana's Regional Haze Progress Report and Adequacy Determination
III. What action is EPA taking?
IV. Statutory and Executive Order Reviews

I. Background

States are required to submit a progress report every five years that evaluates progress towards the Reasonable Progress Goals (RPGs) for each mandatory Class I Federal area within the State and in each mandatory Class I Federal area outside the State which may be affected by emissions from within the State. *See* 40 CFR 51.308(g). States are also required to submit, at the same time as the progress report, a determination of the adequacy of the State's existing regional haze SIP. *See* 40 CFR 51.308(h). The first progress report is due five years after the submittal of the initial regional haze SIP.

Indiana initially submitted its regional haze plan on January 14, 2011. The final corrected version was submitted on March 10, 2011. EPA finalized a limited approval of Indiana's regional haze plan into its SIP on June 11, 2012. 77 FR 32418. As part of the action, EPA also approved limits for the aluminum fabricating facility owned and operated by Alcoa, Inc. and located in Warrick County, Indiana, which were determined by EPA to satisfy the requirements for best available retrofit technology (BART).

Indiana submitted its five-year progress report on March 30, 2016. This is a report on progress made in the first implementation period towards RPGs for Class I areas outside of Indiana. Indiana does not have any Class I areas within its borders. This progress report SIP included a determination that Indiana's existing regional haze SIP requires no substantive revision to achieve the established regional haze visibility improvement and emissions reduction goals for 2018. EPA is proposing to approve Indiana's progress report on the basis that it satisfies the applicable requirements of the rule at 40 CFR 51.308.

II. EPA's Analysis of Indiana's Regional Haze Progress Report and Adequacy Determination

On March 30, 2016, Indiana submitted a revision to its regional haze SIP to address progress made in the first planning period towards RPGs for Class I areas that are affected by emissions from Indiana's sources. This progress report also included a determination of the adequacy of the state's existing regional haze SIP.

Even though Indiana has no Class I areas within its borders, the State reviewed technical analyses conducted by the Midwest Regional Planning Organization (MRPO) and other regional planning organizations (RPOs) to determine which Class I areas are affected by Indiana's emissions. The five relevant RPOs are the Mid-Atlantic and Northeastern Visibility Union (MANE–VU) for the Northeastern states, the Visibility Improvement State and Tribal Association of the Southeast (VISTAS), MRPO, the Central Regional Air Planning Association (CENRAP), and Western Regional Air Partnership (WRAP). The following Class I areas in other states were identified as possibly being impacted by Indiana sources (77 FR 3975, January 26, 2012):

Southeastern U.S. (VISTAS)—Sipsey Wilderness Area, AL; Mammoth Cave National Park, KY; Great Smoky Mountains National Park, NC and TN; James River Face Wilderness Area, VA; Shenandoah National Park, VA; and Dolly Sods/Otter Creek Wilderness Areas, WV

Eastern U.S. (MANE–VU)—Acadia National Park, ME; Moosehorn Wilderness Area, ME; Great Gulf Wilderness Area, NH; Brigantine Wilderness Area, NJ; and Lye Brook Wilderness Area, VT

Northern U.S. (MRPO and CENRAP)—Isle Royale National Park, MI; Seney National Wildlife Refuge, MI; Boundary Waters Canoe Area Wilderness Area, MN; and Voyageurs National Park, MN

South Central U.S. (CENRAP)—Hercules-Glades Wilderness Area, MO; Mingo Wilderness Area, MO; Caney Creek Wilderness Area, AR; and Upper Buffalo Wilderness Area, AR

A. Regional Haze Progress Report SIPs

The following section includes EPA's analysis of Indiana's progress report submittal and an explanation of the basis of our proposed approval.

1. Status of Implementation of All Measures Included in the Regional Haze SIP

In its progress report, Indiana summarized the implementation status of the control strategies that were included in its 2011 regional haze SIP, specifically, the status of the on-the-books emissions reduction measures in addition to reductions from federal regulatory programs such as: Tier 2 Vehicle Emissions and Gasoline Standards Rule; Heavy-Duty Diesel Engine and Highway Diesel Fuel Rule; Non-road Engine Diesel Fuel Rule (Tier 4); and Maximum Achievable Control Technology. In its regional haze strategy, Indiana did not rely on additional emissions controls from other states. Indiana also noted the following additional controls measures, which are expected to result in emissions reductions between 2011 and 2018, but were not relied upon in Indiana's Regional Haze SIP: 2010 SO_2 National Ambient Air Quality Standard (75 FR 35519, June 22, 2010); Mercury and Air Toxics Standard Rule (79 FR 68777, November 19, 2014); and Tier 3 Vehicle Emissions and Fuel Standard Program (79 FR 23414, April 28, 2014).

In its regional haze SIP, Indiana relied on the Clean Air Interstate Rule (CAIR) to meet the sulfur dioxide (SO_2) and nitrogen oxides (NO_X) BART requirements for its electric generating units (EGUs) as well as to ensure reasonable progress. Indiana's progress report describes the litigation regarding CAIR and Cross-State Air Pollution Rule (CSAPR) that has had a substantial impact on EPA's review of the regional haze SIPs of many states.

In 2005, EPA issued regulations allowing states to rely on CAIR to meet certain requirements of the Regional Haze Rule. *See* 70 FR 39104 (July 6, 2005).[1] A number of states, including Indiana, submitted regional haze SIPs consistent with these regulatory provisions. CAIR, however, was remanded (without vacatur) to EPA in 2008, *North Carolina* v. *EPA,* 550 F.3d 1176, 1178 (D.C. Cir. 2008), and replaced by CSAPR. 76 FR 48208 (August 8, 2011). Implementation of CSAPR was scheduled to begin on January 1, 2012, when CSAPR would have superseded the CAIR program. However, numerous parties filed petitions for review of CSAPR, and at the end of 2011, the D.C. Circuit issued an order staying CSAPR pending resolution of the petitions and directing EPA to continue to administer CAIR. Order of December 30, 2011, in *EME Homer City Generation, L.P.* v. *EPA,* D.C. Cir. No. 11–1302.

EPA finalized a limited approval of Indiana's regional haze SIP on June 11, 2012. 77 FR 39177. In a separate action, published on June 7, 2012, EPA finalized a limited disapproval of the Indiana regional haze SIP because of the state's reliance on CAIR to meet certain regional haze requirements, and issued a Federal Implementation Plan (FIP) to address the deficiencies identified in the limited disapproval of Indiana and other states' regional haze plans. 77 FR 33642. The FIP relied on CSAPR to meet certain regional haze requirements, notwithstanding that CSAPR was stayed at the time. Following additional litigation and the lifting of the stay, EPA began implementation of CSAPR on January 1, 2015.

Regarding the status of BART and reasonable progress control requirements for non-EGU sources in the state, one non-EGU source, the Alcoa facility in Warrick County, was identified as BART-eligible and shown to contribute significantly to visibility impairment at Class I areas in other states. EPA approved Indiana's alternative BART strategy of controlling emissions from a non-BART boiler unit in our June 11, 2012, limited approval of Indiana's regional haze SIP. 77 FR 34218.

EPA proposes to conclude that Indiana has adequately addressed the

[1] CAIR required certain states like Indiana to reduce emissions of sulfur dioxide (SO_2) and nitrogen oxides (NO_X) that significantly contribute to downwind nonattainment of the 1997 National Ambient Air Quality Standard (NAAQS) for fine particulate matter ($PM_{2.5}$) and ozone. *See* 70 FR 25162 (May 12, 2005).

status of control measures in its regional haze SIP. Indiana describes the implementation status of measures from its regional haze SIP, including the status of control measures to meet BART and reasonable progress requirements, the status of measures from on-the-book controls and the status of federal regulatory programs.

2. Summary of Emissions Reductions Achieved in the State Through Implementation of Measures

In its progress report, Indiana discusses the emissions reductions resulting from the control strategies included in its 2011 regional haze SIP. As described above, throughout the litigation surrounding CAIR and CSAPR, EPA continued to implement CAIR. Thus, CAIR was in effect through the end of 2014.

Indiana listed its EGUs' emissions of SO_2 and NO_X for 2005, 2009, and 2013, along with its CSAPR budgets. In the progress report, Indiana showed that 2013 state-wide SO_2 emissions from EGUs were 268,217 tons, below the CSAPR budget of 285,424 tons. Indiana also showed that 2013 state-wide NO_X emissions from EGUs were 103,048 tons, below the CSAPR budget of 109,726 tons. Indiana's SO_2 and NO_X EGU emissions for 2013 were 6% lower than the 2013 CSAPR budgets for both pollutants. Table 1 below summarizes the emission reductions reported by Indiana.

TABLE 1—INDIANA EGU EMISSIONS REPORTED TO THE CLEAN AIR MARKETS PROGRAM DIVISION (CAMD)

Year	NO_X (tons)	NO_X budget (tons)	SO_2 (tons)	SO_2 budget (tons)
2005	210,646	.....	870,812	.....
2009	113,601	.....	413,726	.....
2013	103,048	109,726	268,217	285,424

3. Assessment of Visibility Conditions and Changes for Each Mandatory Class I Federal Area in the State

Indiana noted in its progress report that it does not have any Class I areas within its boundaries, and as the applicable provisions pertain only to states containing Class I areas, no further discussion is necessary. EPA concurs, and proposes to conclude that Indiana has adequately addressed the applicable provisions of 40 CFR 51.308(g).

4. Analysis Tracking Emissions Changes of Visibility-Impairing Pollutants

In its progress report, Indiana tracked changes in emissions of visibility-impairing pollutants using its 2005 base emissions and projected 2018 emissions in its regional haze plan submitted in 2011. The progress report gives current annual emissions for SO_2 and NO_X that can be compared to the base emissions and 2018 projected emissions. Base emissions of SO_2 in 2005 were 956,031 tons, with a 64 percent reduction to 346,429 tons in 2014. Indiana reported 2011 SO_2 total emissions of 425,786 tons. The NO_X base emissions in 2005 were 283,059 tons, with a 42 percent reduction to 164,520 tons in 2014. Indiana reported 2011 NO_X emissions of 180,674 tons.

Indiana noted that SO_2 emissions have been reduced considerably between 2005 and 2014, based on actual reported emissions. These reductions were due primarily to regulations focused on reducing SO_2 emissions from coal-burning power plants and other large sources, such as various types of boilers and incinerators, which are the largest emitters of SO_2.

The actual decrease in NO_X emissions was not as substantial as the decrease in SO_2 emissions between 2005 and 2014. This is because the NO_X SIP call which significantly reduced NO_X emissions took place in 2004 (before the examined timeframe of 2005–2014), and NO_X emissions from sources other than EGUs combined are much higher than NO_X emissions from EGUs alone. Actual NO_X emissions reported from contributing sources in Indiana decreased incrementally over the first five-year timeframe (2005–2009) by 38%. The NO_X emissions reduction between 2010 and 2014 decreased by only 13%, due to increases in NO_X emissions from point, mobile, and non-road sources in 2010 and 2011; but total NO_X emissions decreased by 42% between 2004 and 2014. These reductions show that Indiana is in line with improvements predicted by the modeling for 2012 and will likely exceed visibility improvements anticipated by 2018. Table 2 below summarizes the actual SO_2 and NO_X emission from contributing sources in Indiana between 2005 and 2014.

TABLE 2—ACTUAL (REPORTED) SO_2 AND NO_X EMISSIONS FROM CONTRIBUTING SOURCES IN INDIANA

Year	SO_2 (tons)	NO_X (tons)
2005	956,031	283,059
2006	920,251	260,810
2007	797,900	276,402
2008	669,936	273,903
2009	480,884	174,828
2010	480,628	187,988
2011	425,786	180,674
2012	343,124	171,136
2013	340,786	165,778
2014	346,429	164,520

EPA concurs and proposes to conclude that Indiana has adequately addressed the applicable provisions of 40 CFR 51.308.

5. Assessment of Any Significant Changes in Anthropogenic Emissions

In its progress report, Indiana indicated that no significant changes in anthropogenic emissions have impeded progress in reducing emissions and improving visibility in Class I areas impacted by Indiana sources. As mentioned above, Indiana acknowledges in its progress report that there was an increase in total NO_X emissions from contributing sources in Indiana in 2010 and 2011. To address this potential concern, Indiana points out that NO_X emissions began to decrease once again in 2012, and continued to decrease every subsequent year through 2014. Indiana also states that the decrease in SO_2 and NO_X emissions between from 2005 and 2009 was so significant that the slight increase of NO_X in 2010 and 2011 had no actual impact in the overall progress made from 2005 to 2014. For these reasons, Indiana does not consider the increase of NO_X emission in 2010 and 2011 a problem that has or will impede future visibility progress in

states with Class I areas potentially impacted by Indiana sources.

EPA concurs and proposes to conclude that Indiana has adequately addressed the applicable provisions of 40 CFR 51.308.

6. Assessment of Whether the Implementation Plan Elements and Strategies Are Sufficient To Enable Other States To Meet RPGs

In its progress report, Indiana states that it has implemented, or expects to implement by 2018, all controls from its regional haze plan. The state noted in the progress report that its emissions are on track for the 2018 goals, including reductions that are ahead of pace for the key pollutants, SO_2 and NO_X. Indiana assessed each of the areas identified in the MRPO report as being impacted by Indiana sources using information provided by the MRPO, technical documents from the other RPOs, and letters received from other states indicating their decisions regarding reasonable progress goals.

Indiana's long term strategy relied on the emission reductions from CAIR, a program that has now been replaced by CSAPR. At the present time, the requirements of CSAPR apply to sources in Indiana under the terms of a FIP. The Regional Haze Rule requires an assessment of whether the current ''implementation plan'' is sufficient to enable the states to meet all established reasonable progress goals. 40 CFR 51.308(g). The term ''implementation plan'' is defined for purposes of the Regional Haze Rule to mean ''any [SIP], [FIP], or Tribal Implementation Plan.'' 40 CFR 51.301. EPA is considering measures in any applicable FIP, as well as those in a state's regional haze SIP, in assessing the adequacy of the ''existing implementation plan'' under 40 CFR 51.308(g)(6) and (h).

EPA applies this requirement as an assessment of emissions and visibility trends and other readily available information. Indiana determined that its regional haze SIP is sufficient to enable other States to meet the RPGs for the Class I areas impacted by the State's emissions. EPA proposes to conclude that Indiana has adequately addressed the applicable provisions of 40 CFR 51.308.

7. Review of the State's Visibility Monitoring Strategy

Indiana's progress report states there are no Class I areas within its borders and thus finds that the State is not required to have a visibility monitoring strategy in place. EPA concurs, and proposes to conclude that Indiana has adequately addressed the requirements for a monitoring strategy for regional haze and propose to determine no further modifications to the monitoring strategy are required.

B. Determination of Adequacy of Existing Regional Haze Plan

In its progress report, Indiana submitted a negative declaration to EPA regarding the need for additional actions or emission reductions in Indiana beyond those already in place and those to be implemented by 2018 according to Indiana's regional haze plan.

Indiana determined that its regional haze plan is adequate to meet the Regional Haze Rule requirements and expects Class I areas affected by Indiana to achieve the reasonable progress goals. EPA finds that the state is on track to meet the visibility improvement and emission reduction goals.

Because monitored visibility values and emission trends indicate that Class I areas impacted by Indiana's sources are meeting or exceeding the RPGs for 2018, and are expected to continue to meet or exceed the RPGs for 2018, EPA proposes to conclude that Indiana has adequately addressed the provisions under 40 CFR 51.308(h).

C. Public Participation

On January 14, 2016, Indiana provided an opportunity for Federal Land Managers (FLMs) to review the revision to Indiana's SIP reporting on progress made during the first implementation period toward RPGs for Class I areas outside the state that are affected by emissions from Indiana's sources. Comments were received from the U.S. Forest Service and National Park Service. Indiana's progress report, in Appendix D, includes the FLM comments and the State's responses to the comments.

On February 19, 2016, Indiana published notification for a request for public hearing and solicitation for full public comment on the draft progress report in widely distributed publications. A public hearing was not requested, and no comments were received.

EPA proposes to find that Indiana has addressed the applicable requirements in 51.308(i) regarding FLM consultation.

III. What action is EPA taking?

EPA is proposing to approve Indiana's Regional Haze five-year progress report, submitted March 30, 2016, as meeting the applicable regional haze requirements as set forth in 40 CFR 51.308(g) and 51.308(h).

IV. Statutory and Executive Order Reviews

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

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

In addition, the SIP is not approved to apply on any Indian reservation land

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

List of Subjects in 40 CFR Part 52

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

Dated: November 17, 2017.

Robert A. Kaplan,

Acting Regional Administrator, Region 5.

[FR Doc. 2017–26304 Filed 12–6–17; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R6–ES–2017–0089; FXES11130900000C6–178–FF09E42000]

Endangered and Threatened Wildlife and Plants; Possible Effects of Court Decision on Grizzly Bear Recovery in the Conterminous United States

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Regulatory review; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), are seeking public comment on a recent D.C. Circuit Court of Appeals ruling, *Humane Society of the United States, et al.* v. *Zinke et al.,* 865 F.3d 585 (D.C. Cir. 2017), that may impact our June 30, 2017, final rule delisting the Greater Yellowstone Ecosystem (GYE) grizzly bear Distinct Population Segment (DPS). In *Humane Society of the United States, et al.* v. *Zinke et al.,* the court opined that the Service had not evaluated the status of the remainder of the listed entity of wolves in light of the Western Great Lakes (WGL) wolf DPS delisting action and what the effect of lost historical range may have on the status of the WGL wolf DPS. We also describe in this notice our strategy to recover grizzly bears (*Ursus arctos horribilis*) in the lower 48 States of the United States and provide a brief recovery update for each ecosystem.

DATES: We will accept comments received or postmarked by the end of the day on January 8, 2018.

ADDRESSES: *Comment submission:* You may submit comments by one of the following methods:

- *U.S. mail or hand-delivery:* Public Comments Processing, ATTN: FWS–R6–ES–2017–0089, U.S. Fish and Wildlife Service, MS: BPHC, 5275 Leesburg Pike, Falls Church, Virginia 22041–3803.
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments to Docket No. FWS–R6–ES–2017–0089.

FOR FURTHER INFORMATION CONTACT: Hilary Cooley, Grizzly Bear Recovery Coordinator, U.S. Fish and Wildlife Service, University Hall, Room 309, Missoula, MT 59812; by telephone (406) 243–4903. Persons who use a telecommunications device for the deaf may call the Federal Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION:

Background

In 1975, the Service listed the grizzly bear (*Ursus arctos horribilis*) under the Endangered Species Act (ESA; 16 U.S.C. 1531 *et seq.*) as threatened in the lower 48 United States (40 FR 31734, July 28, 1975). On June 30, 2017, the Service published a final rule (82 FR 30502, June 30, 2017; RIN 1018–BA41) designating the GYE population of grizzly bears as a DPS, finding that the DPS was recovered, and removing that DPS from the Federal List of Endangered and Threatened Wildlife. The final rule became effective on July 31, 2017, and remains in effect. Grizzly bears in the remaining area of the lower 48 States remain listed as threatened under the ESA as amended. The status of any grizzly bear population may be changed only through formal rulemaking.

On August 1, 2017, the Court of Appeals for the District of Columbia Circuit issued a ruling, *Humane Society of the United States, et al.* v. *Zinke et al.,* 865 F.3d 585 (D.C. Cir. 2017), that affirmed the prior judgement of the district court vacating the 2011 delisting rule for wolves in the Western Great Lakes (WGL) (76 FR 81666, December 28, 2011). The 2011 rule designated the gray wolf population in Minnesota, Wisconsin, and Michigan, as well as portions of six surrounding States, as the WGL DPS, determined that the WGL DPS was recovered, and delisted the WGL as a DPS.

This court opinion may impact the GYE final rule, which also designated a portion of an already-listed entity as a DPS and then revised the listed entity by removing the DPS due to recovery. Therefore, we are reviewing the potential implications for the GYE final rule in light of the *Humane Society* ruling. We are seeking public comment on this subject (see Request for Public Comments). Below we summarize our recovery strategy to assist the public in providing public comment on the impacts that *Humane Society* might have on grizzly bear.

Recovery Strategy

The grizzly bear was originally distributed in various habitats throughout Western North America from Central Mexico to the Arctic Ocean. Current distribution in the lower 48 States consists of five small populations with an estimated total population of 1,800 bears. The 1993 Grizzly Bear Recovery Plan (USFWS 1993, p. 15) identified seven grizzly bear ecosystems, including five with either self-perpetuating or existing populations and two additional areas, the Bitterroot Mountains in Idaho and the San Juan Mountains in Colorado, where grizzly bears are known to have existed in the recent past. While no resident population currently exists in the Bitterroot Ecosystem, that ecosystem contains adequate habitat to sustain a population. The Recovery Plan suggests that further evaluation is needed on the status of the San Juan Mountains, where no grizzly bears exist today (USFWS 1993, p.16).

The Service's overarching vision for recovery of grizzly bears in the lower 48 States, to recover and delist populations individually in each of the ecosystems as recovery is achieved, was outlined in the Recovery Plan (USFWS 1993, pp. 16, 33) and further discussed in our 2011 5-year status review (USFWS 2011, pp. 12–14). The review also found that the lower-48-State listing is consistent with our 1996 DPS Policy and recommended that the current entity, on the whole, should retain its threatened status (USFWS 2011, p. 104). We recognized that sufficient evidence exists to support multiple DPSs within the lower-48-State listing, but indicated that further subdivision of the lower-48-State listing was unnecessary at the time (USFWS 2011, p. 14). Prior to the 5-year status review, the Service had attempted to delist the GYE grizzly bear population as a DPS (72 FR 14866, March 29, 2007). That determination was subsequently vacated by the Federal District Court for the District of Montana (*Greater Yellowstone Coalition* v. *Servheen et al.,* 672 F.Supp. 2d 1105 (D. Mont. 2009), and the vacatur was upheld by the Ninth Circuit in *Greater*

Yellowstone Coalition v. *Servheen, et al.,* 665 F.3d 1015 (9th Cir. 2011).

The 2011 5-year status review also committed to an evaluation of potential DPSs within the lower-48-State listing to determine whether they are near the point where rulemaking is warranted or appropriate (*e.g.,* when recovery is achieved and delisting may be warranted; or when listing funds become available to address those populations for which we determined that reclassifying to endangered status was warranted but precluded) (USFWS 2011, p. 14). The GYE was the first ecosystem to achieve recovery and was the first population to be delisted.

Recovery Status

There are approximately 1,800 grizzly bears in the lower 48 States. The population and legal status under the ESA of each ecosystem is as follows:

(1) The GYE: Had approximately 695 bears in 2016 (Van Manen and Harodson 2017, p. 3)—delisted due to recovery July 31, 2017 (82 FR 30502, June 30, 2017);

(2) The Northern Continental Divide Ecosystem: Had approximately 960 bears in 2014 (Costello *et al.* 2017, p. 2)—still listed as threatened (likely biologically recovered, although no decision has been made);

(3) The Selkirk Ecosystem: Had approximately 70–80 bears in 2016 (Kasworm *et al.* 2017)—still listed as threatened;

(4) The Cabinet Yaak Ecosystem: Had approximately 56 bears in 2016 (Kasworm *et al.* 2017)—warranted-but-precluded for uplisting to endangered (August 22, 2017, court order);

(5) The North Cascades Ecosystem (NCE): Contains no confirmed grizzly bears in the United States (U.S. DOI 2016) and an estimated 6 individuals in the adjacent British Columbia portion of the NCE (MFLNRO 2012)—warranted-but-precluded for endangered status (81 FR 87264, December 2, 2016);

(6) The Bitterroot Ecosystem: Currently unoccupied (IGBC 2015)—Nonessential Experimental Population Area (65 FR 69624, November 17, 2000).

Next Steps and Timing

The Service is evaluating the Court's ruling in *Humane Society of the United States, et al.* v. *Zinke et al.,* in the context of our final determination regarding the GYE grizzly bear final rule (82 FR 30502, June 30, 2017) to consider what impact, if any, the D.C. Circuit Court of Appeal ruling has on the GYE grizzly bear final rule and what further evaluation should be considered regarding the issues raised in *Humane Society.* We will address public comments and notify the public of our conclusions by March 31, 2018. The GYE final delisting rule will remain in effect during this review process, and the status of grizzly bears throughout the rest of the range will remain unchanged.

Request for Public Comments

We invite written comments on the manner in which the *Humane Society* decision may affect the GYE grizzly bear final rule (82 FR 30502, June 30, 2017). Specifically, we are interested in public input on whether the *Humane Society* opinion affects the GYE grizzly bear final rule and what, if any, further evaluation the Service should consider regarding the remaining grizzly bear populations and lost historical range in light of the Service's decision regarding the GYE grizzly bear.

We request comments from any interested party that pertain to the issues raised in the preceding paragraph only. We will consider all comments received by the date specified in **DATES**. You must submit your comments and supporting materials by one of the methods listed in **ADDRESSES**. We will not consider comments sent by email or fax, or written comments sent to an address other than the one listed in **ADDRESSES**.

Public Availability of Comments

If you submit a comment via *http://www.regulations.gov,* your entire comment—including any personal identifying information—will be posted on the Web site. If you submit a hardcopy comment that includes personal identifying information, you may request that we withhold this information from public review, but we cannot guarantee that we will be able to do so. We will post all hardcopy comments on *http://www.regulations.gov.* Comments and materials we receive will be available for public inspection at *http://www.regulations.gov,* or by appointment, during normal business hours, at the Grizzly Bear Recovery Office (see **FOR FURTHER INFORMATION CONTACT**).

References Cited

A complete list of all reference cited herein is available at *https://www.regulations.gov* in Docket No. FWS–R6–ES–2017–0089, or upon request from the Grizzly Bear Recovery Office (see **FOR FURTHER INFORMATION CONTACT**).

Authority: This document is published under the authority of the Endangered Species Act, as amended (16 U.S.C. 1531 *et seq.*).

Dated: November 1, 2017.

Stephen Guertin,

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

[FR Doc. 2017–25995 Filed 12–6–17; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Chapter III

[Docket No. 170925942–7999–01]

RIN 0648–BH30

International Fisheries; Pacific Tuna Fisheries; Revised 2018 Commercial Fishing Restrictions for Pacific Bluefin Tuna in the Eastern Pacific Ocean; 2018 Catch Limit

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

ACTION: Proposed rule; request for comments.

SUMMARY: The National Marine Fisheries Service (NMFS) is proposing regulations under the Tuna Conventions Act to revise trip limits on the commercial catch of Pacific bluefin tuna applicable to 2018. U.S. commercial fishing vessels are subject to a biennial limit for 2017 and 2018. Preliminary estimates indicate that the catch limit in 2018 is approximately 120 metric tons (mt). To avoid exceeding the biennial limit, NMFS is proposing a 1-mt trip limit—except for large-mesh drift gillnet vessels, which would be subject to a 2-mt trip limit—throughout 2018 or until the 2018 catch limit is reached and the fishery is closed. This action is necessary to contribute to the rebuilding of Pacific bluefin tuna and for the United States to satisfy its obligations as a member of the Inter-American Tropical Tuna Commission (IATTC).

DATES: Comments on the proposed rule and supporting documents must be submitted in writing by January 8, 2018.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2017–0128, by either of the following methods:

• *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2017-0128,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.

• *Mail:* Submit written comments to Celia Barroso, NMFS West Coast Region Long Beach Office, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802. Include the identifier ''NOAA–NMFS–2017–0128'' in the comments.

Instructions: Comments must be submitted by one of the above methods to ensure they are received, documented, and considered by NMFS. Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.) submitted voluntarily by the sender will be publicly accessible. Do not submit confidential business information, or otherwise sensitive or protected information. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

Copies of the draft Regulatory Impact Review (RIR) and other supporting documents are available via the Federal eRulemaking Portal: *http://www.regulations.gov,* docket NOAA–NMFS–2017–0128, or contact with the Regional Administrator, Barry A. Thom, NMFS West Coast Region, 1201 NE., Lloyd Blvd., Suite 1100, Portland, OR 97232–1274, or *RegionalAdministrator.WCRHMS@noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Celia Barroso, NMFS, 562–432–1850, *Celia.Barroso@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Background on the IATTC

The United States is a member of the IATTC, which was established in 1949 and operates under the Convention for the Strengthening of the IATTC Established by the 1949 Convention between the United States of America and the Republic of Costa Rica (Antigua Convention). See: *https://www.iattc.org/PDFFiles2/Antigua_Convention_Jun_2003.pdf.*

The IATTC consists of 21 member nations and four cooperating non-member nations, and facilitates scientific research into, as well as the conservation and management of, tuna and tuna-like species in the IATTC Convention Area (Convention Area). The Convention Area is defined as waters of the eastern Pacific Ocean (EPO) within the area bounded by the west coast of the Americas and by 50° N. latitude, 150° W. longitude, and 50° S. latitude. The IATTC maintains a scientific research and fishery monitoring program, and regularly assesses the status of tuna, shark, and billfish stocks in the EPO to determine appropriate catch limits and other measures deemed necessary to promote sustainable fisheries and prevent the overexploitation of these stocks.

International Obligations of the United States Under the Convention

As a Party to the Antigua Convention and a member of the IATTC, the United States is legally bound to implement decisions of the IATTC. The Tuna Conventions Act (16 U.S.C. 951 *et seq.*) directs the Secretary of Commerce, in consultation with the Secretary of State and, with respect to enforcement measures, the U.S. Coast Guard, to promulgate such regulations as may be necessary to carry out the United States' obligations under the Antigua Convention, including recommendations and decisions adopted by the IATTC. The authority of the Secretary of Commerce to promulgate such regulations has been delegated to NMFS.

Pacific Bluefin Tuna Stock Status

In 2011, NMFS determined overfishing was occurring on Pacific bluefin tuna (76 FR 28422, May 17, 2011), which is considered a single Pacific-wide stock. Based on the results of a 2012 stock assessment conducted by the International Scientific Committee for Tuna and Tuna-like Species in the North Pacific Ocean (ISC), NMFS determined Pacific bluefin tuna was not only subject to overfishing, but was also overfished (78 FR 41033, July 9, 2013). Based on the results of the 2016 ISC stock assessment, NMFS determined that Pacific bluefin tuna continued to be overfished and subject to overfishing (82 FR 18434, April 19, 2017).

Implementation of IATTC Resolution on Pacific Bluefin Tuna in 2017

Recognizing the need to reduce fishing mortality of Pacific bluefin tuna, the IATTC has adopted catch limits, which were implemented by NMFS, in the Convention Area since 2012 (see 80 FR 38986, July 8, 2015). At its resumed 90th Meeting in October 2016, the IATTC adopted Resolution C–16–08. Resolution C–16–08 set a biennial limit of 600 metric tons (mt) for 2017 and 2018 applicable to commercial vessels of each member or cooperating non-member, except Mexico, with a historical record of Pacific bluefin tuna catch from the EPO (such as the United States). Total catch is not to exceed 425 mt in a single year.

In accordance with a Pacific Fishery Management Council (Council) recommendation, NMFS implemented the catch limits in Resolution C–16–08 with a 25-mt trip limit until catch is within 50 mt of the annual limit (*i.e.,* annual limit is 425 mt in 2017) and a 2-mt trip limit when catch is within 50 mt of the annual limit (82 FR 18704, April 21, 2017). Although these trip limits were intended to assist with inseason management of the fishery, the annual limit was exceeded in 2017. The catch rate was more rapid than anticipated, which caused the annual limit to be exceeded before the fishery was closed on August 28, 2017 (82 FR 40720). This series of events prompted NMFS and the Council to reconsider management measures for 2018 to avoid exceeding the biennial limit.

Council Recommendation for the Implementation of Resolution C–16–08 in 2018

At its September 2017 meeting, the Council recommended that NMFS establish a 1-mt trip limit throughout all of 2018 to avoid exceeding the biennial limit by only allowing vessels (*e.g.,* drift gillnet, surface hook-and-line) to land Pacific bluefin tuna in small quantities. In this rule, NMFS is proposing a 1-mt trip limit applicable to all commercial U.S. vessels—except drift gillnet, which would be subject to a 2-mt trip limit—because it minimizes the potential to waste fish by forcing discards of any amount over the trip limit (also called ''regulatory bycatch''), while preventing a derby-style fishery by larger fishing operations that was difficult to monitor in 2017. Landings by gear-type from 2007–2016 indicate that while a majority of landings by vessels other than purse seine have been less than 1 mt, some landings exceeded 1 mt (of 909 landings of Pacific bluefin tuna from vessels other than purse seine, 11 exceeded 1 mt, including one landing that exceeded 2 mt). Specifically, all but one of the landings that exceeded 1 mt were by drift gillnet vessels. In such cases, a 1-mt trip limit would result in regulatory bycatch. Based on historical fishing patterns, it is unlikely that the annual limit in 2018 would be exceeded with these trip limits because landings by vessels other than purse seine rarely exceeded 2 mt and total annual landings by vessels other than purse seine have not exceeded 40 mt. Additionally, as heard in testimony by the Council's Highly Migratory Species Advisory Subpanel at the September 2017 Council meeting, the coastal purse seine vessels that opportunistically target

Pacific bluefin tuna are not likely to target Pacific bluefin tuna under a trip limit as small as 1 mt.

Also at its September 2017 meeting, the Council recommended reopening the fishery for the remainder of 2017 to allow incidentally caught Pacific bluefin tuna to be landed and for proper record keeping for stock assessment purposes. NMFS, in consultation with the U.S. Department of State, decided not to act on that recommendation because re-opening the fishery after exceeding the 2017 annual limit was not contemplated under Resolution C–16–08. Lastly, fisheries likely to discard Pacific bluefin tuna during the remainder of 2017 include the drift gillnet fishery, which has logbook and observer requirements where discard information should be collected.

2018 Catch Limit

Preliminary estimates indicate that U.S. commercial vessels have already caught 480 mt of Pacific bluefin tuna in 2017. In accordance with regulations at 50 CFR 300.25(g)(2)(ii) and based on the preliminary estimates, the 2018 catch limit will be approximately 120 mt. NMFS continues to gather data on commercial catches of Pacific bluefin tuna. NMFS will publish the specific 2018 catch limit with the final rule to revise the 2018 commercial Pacific bluefin tuna regulations.

In accordance with the April 2017 final rule implementing Resolution C–16–08 (82 FR 18704) and regulations at 50 CFR 300.25(g), when NMFS determines that the catch limit is expected to be reached in 2018 (based on landings receipts, data submitted in logbooks, and other available fishery information), NMFS will prohibit commercial fishing for, or retention of, Pacific bluefin tuna for the remainder of the calendar year. NMFS will also publish a notice in the **Federal Register** announcing that the targeting, retaining, transshipping, or landing of Pacific bluefin tuna will be prohibited on a specified effective date through the end of that calendar year. Upon that effective date, a commercial fishing vessel of the United States may not be used to target, retain on board, transship, or land Pacific bluefin tuna captured in the Convention Area during the period specified in the announcement. However, any Pacific bluefin tuna already on board a fishing vessel on the effective date may be retained on board, transshipped, and/or landed, to the extent authorized by applicable laws and regulations, provided that any bluefin on board are landed within 14 days after the effective date.

Proposed Regulations

This proposed rule would revise the trip limits for U.S. commercial vessels that catch Pacific bluefin tuna in the Convention Area for 2018. NMFS proposes that a 1-mt trip limit applicable to all U.S. commercial vessels except large-mesh drift gillnet vessels and a 2-mt trip limit applicable to large-mesh drift gillnet vessels would be in effect throughout all of 2018 or until the fishery is closed through the end of the 2018 calendar year because the annual limit is reached.

To conform to the requirements of 1 CFR 21.8, NMFS also proposes to insert ''NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE'' into the heading of 50 CFR, chapter III.

Classification

After consulting with the Department of State, the NMFS Assistant Administrator has determined that this proposed rule is consistent with the Tuna Conventions Act and other applicable laws.

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

Additionally, although there are no new collection-of-information requirements associated with this action that are subject to the Paperwork Reduction Act, existing collection-of-information requirements associated with the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species (HMS FMP) still apply. These requirements have been approved by the Office of Management and Budget under Control Number 0648–0204. 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.

Pursuant to the Regulatory Flexibility Act (RFA), 5 U.S.C. 605(b), the Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The rationale for the certification is provided in the following paragraphs.

The U.S. Small Business Administration (SBA) defines a ''small business'' (or ''small entity'') as one with annual revenue that meets or is below an established size standard. Under 5 CFR 200.2, for all businesses primarily engaged in the commercial fishing industry (NAICS 11411), the small business size standard for Regulatory Flexibility Act (RFA) compliance purposes only is $11 million in annual gross receipts.

The small entities the proposed action would directly affect are all U.S. commercial fishing vessels that may target (*e.g.,* coastal pelagic purse seine vessels) or incidentally catch (*e.g.,* drift gillnet) Pacific bluefin tuna in the Convention Area; however, not all vessels that have participated in this fishery decide to do so every year. U.S. commercial catch of Pacific bluefin tuna from the IATTC Convention Area is primarily made in waters off of California by the coastal pelagic small purse seine fleet, which targets Pacific bluefin tuna opportunistically, and other fleets (*e.g.,* California large-mesh drift gillnet, surface hook-and-line, west coast longline, and Hawaii's pelagic fisheries) that catch Pacific bluefin tuna in small quantities, such as incidentally.

Revenues of coastal purse seine vessels are not expected to be significantly altered as a result of this rule, which is applicable to 2018 only. Since 2006, the average annual revenue per vessel from all finfish fishing activities for the U.S. purse seine fleet that have landed Pacific bluefin tuna has been less than $11 million, whether considering an individual vessel or per vessel average. Since 2006, in years Pacific bluefin tuna was landed, purse seine vessels that caught Pacific bluefin tuna had an average ex-vessel revenue of about $1.7 million per vessel (based on all species landed). Annually, from 2011 to 2015, the number of small coastal pelagic purse seine vessels that landed Pacific bluefin tuna in the Convention Area ranged from zero to five. In 2011 and 2012, fewer than three vessels targeted Pacific bluefin tuna; therefore, their landings and revenue are confidential. In 2013, the coastal purse seine fishery did not land Pacific bluefin tuna. In 2014 and 2015, four and five vessels landed Pacific bluefin tuna, respectively. In 2014, eight purse seine vessels fishing in the Convention Area landed HMS in California, but only four of them were involved in landing roughly 401 mt of Pacific bluefin tuna, worth about $588,000, in U.S. West Coast ports. Similarly, in 2015, 11 vessels fishing in the Convention Area landed HMS in California, but only 5 vessels landed approximately 86 mt of Pacific bluefin tuna, worth about $75,000. The revenue derived from Pacific bluefin tuna is a fraction of the overall revenue for coastal pelagic purse

seine vessels (3.9 percent annually from 2006–2015) as they typically harvest other species, including Pacific sardine, Pacific mackerel, squid, and anchovy. The value of Pacific bluefin tuna in coastal pelagic purse seine fishery from 2006–2015 was $1.31/kilogram. This amount is negligible relative to the fleet's annual revenue resulting from other species.

Since 2006, the average annual revenue per vessel from all finfish fishing activities for the U.S. fleet with landings of Pacific bluefin tuna in small quantities, such as from incidental catch, has been less than $11 million. These vessels include drift gillnet, surface hook-and-line, and longline gear-types. The revenues of these vessels are also not expected to be significantly altered by the rule. From 2011 to 2015, the number of drift gillnet, surface hook-and-line, and longline vessels that participated in this fishery range from 11 to 12, 1 to 50, and 1 to 8, respectively. During these years, vessels with gears other than purse seine landed an annual average of 6.3 mt of Pacific bluefin tuna, worth approximately $32,600. Of these landings, only one trip by a drift gillnet vessel exceeded 2 mt, and other vessels using gear other than purse seine did not exceed 1 mt per trip. As a result, it is anticipated that proposed reduced trip limits will not have a significant impact on these vessels. However, if reduced trip limits are not imposed throughout 2018, it is possible that the 2018 catch limit will be met or exceeded and the fishery closed. If the fishery is closed before the calendar year, regulatory discards by these fleets are likely. Such a scenario would result in a greater impact to the fleet that catches Pacific bluefin tuna in small quantities, as opposed to the coastal purse seine fleet, which would simply cease targeting of Pacific bluefin tuna. Additionally, by imposing reduced trip limits in 2018, it is likely that all incidentally caught fish could enter the U.S. market and be accounted for instead of being discarded in the event of a fishery closure. This could result in a greater conservation benefit for the overfished Pacific bluefin stock.

Although there are no disproportionate impacts between small and large business entities because all affected business entities are small, the impacts among the business entities will be different. Implementation of the reduced trip limit for 2018 in this proposed action would impose a greater economic impact on the U.S. coastal purse seine fleet. Prior to the implementation of a 25-mt trip limit in 2015, these vessels landed an average of 30 mt per trip, and are capable of landing over 70 mt in a single trip (based on landings from purse seine vessels targeting Pacific bluefin in the EPO from 2004–2014). It is possible that the purse seine fleet would not fish for Pacific bluefin tuna if the trip limit is 2 mt or less. Under the current regulations at 50 CFR 300.25(g)(2) and taking into account the 2017 catch, which exceeded the 2017 annual limit by at least 50 mt, a total of about 120 mt is available to U.S. commercial vessels in 2018. Under the current regulations at 50 CFR 300.25(g)(3), NMFS would need to reduce the trip limit from 25 mt to 2 mt when catch reaches approximately 70 mt (*i.e.,* catch is within 50 mt of the annual limit). Consequently, any reduced profitability for the coastal purse seine fleet during 2018 as a result of the proposed action is not significant.

Because each affected vessel is a small business, there are no disproportional affects to small versus large entities. Based on profitability analysis above, the proposed action, if adopted, will not have significant adverse economic impacts on these small business entities. As a result, an Initial Regulatory Flexibility Analysis is not required and was not prepared for this proposed rule.

List of Subjects in 50 CFR Part 300

Administrative practice and procedure, Fish, Fisheries, Fishing, Marine resources, Reporting and recordkeeping requirements, Treaties.

Dated: November 29, 2017.

Alan D. Risenhoover,

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

For the reasons set out in the preamble, 50 CFR chapter III is proposed to be amended as follows:

CHAPTER III—INTERNATIONAL FISHING AND RELATED ACTIVITIES, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

■ 1. The heading for chapter III is revised to read as set forth above.

PART 300—INTERNATIONAL FISHERIES REGULATIONS

Subpart C—Eastern Pacific Tuna Fisheries

■ 2. The authority citation for part 300, subpart C, continues to read as follows:

Authority: 16 U.S.C. 951 *et seq.*

■ 3. In § 300.25, revise paragraph (g)(3) to read as follows:

§ 300.25 Fisheries management.

* * * * *

(g) * * *

(3) In 2018, a 1 metric ton trip limit will be in effect, except for vessels using large-mesh (14 inch or greater stretched mesh) drift gillnet gear. In 2018, a 2 metric ton trip limit will be in effect for vessels using large-mesh drift gillnet gear.

* * * * *

[FR Doc. 2017–26146 Filed 12–6–17; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 82, No. 234
Thursday, December 7, 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

Forest Service

Malheur National Forest, Blue Mountain Ranger District and Umatilla National Forest, North Fork John Day Ranger District; Oregon; Ragged Ruby Project

AGENCY: Forest Service, USDA.

ACTION: Notice to extend the public scoping period for the Ragged Ruby Project for two proposed forest plan amendments.

SUMMARY: The Malheur National Forest is issuing this notice to advise the public of a 30-day extension to the public scoping period on the project-specific forest plan amendments proposed as part of the Ragged Ruby Project. This extension is for two amendments for connectivity and harvest in late and old structure stands, which includes identification of the applicable planning rule provisions that are likely to be directly related to the amendment.

DATES: Comments concerning the scope of the analysis must be received by January 8, 2018.

ADDRESSES: Comments may be submitted by any one of the following methods:

• *Electronic Submissions:* Comments can be filed electronically at: *comments-pacificnorthwest-malheur-bluemountain@fs.fed.us.* Electronic comments must be submitted as part of the email message or as an attachment in plain text (.txt), Microsoft Word (.doc), rich text format (.rtf), or portable document format (.pdf). Emails submitted to addresses other than the one listed above, or in formats other than those listed or containing viruses, will be rejected.

• *Mail:* Written, specific comments must be submitted to Dave Halemeier, District Ranger, Blue Mountain Ranger District, c/o Sasha Fertig, P.O. Box 909, John Day, OR 97845, or FAX at 541–575–3319.

Instructions: Comments sent by any other method or to any other address or individual, or received after the end of the comment period may not be considered by the Malheur National Forest. All comments received are part of the public record and will generally be posted for public viewing 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.

This opportunity for comment applies only to the project-specific forest plan amendments described below in the **SUPPLEMENTARY INFORMATION** section. Previously submitted comments will be considered and should not be resubmitted. Previous commenters will have eligibility to object under 26 CFR 218.5.

FOR FURTHER INFORMATION CONTACT: Sasha Fertig, NEPA Planner, Blue Mountain Ranger District, Malheur National Forest, 541–575–3061 or *sashafertig@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday. The full Ragged Ruby Project Scoping Package and Addendum is available on the Malheur National Forest Web site: *https://www.fs.usda.gov/project/?project=49392.*

SUPPLEMENTARY INFORMATION: The original Ragged Ruby Project Notice of Intent (NOI) was published in the **Federal Register** on March 24, 2017 (82 FR 15020). The 2012 Planning Rule, as amended, requires identification in the initial notice of the amendment of the substantive provisions that are likely to be directly related to the amendment (36 CFR 219.8 through 219.11). During project development following the original NOI, the project's interdisciplinary team identified the need for a project-specific forest plan amendment to the Malheur National Forest Land and Resource Management Plan (forest plan), as amended by the Decision Notice for the Revised Continuation of Interim Management Direction Establishing Riparian, Ecosystem and Wildlife Standards for Timber Sales (Eastside Screens).

The original NOI did not identify the need for this amendment to the Eastside Screens, Standard 6(d)(3)(a), or the applicable substantive provisions. The original NOI also did not identify the applicable substantive provisions for the project-specific forest plan amendment to the Eastside Screens, Standard 6(d) to allow harvest in late and old structure stands.

Standard 6(d)(3)(a) provides direction to maintain or enhance the current level of connectivity between late and old structure (LOS) and old growth Management Area 13 (MA13) stands by maintaining connections between them as described in the Eastside Screens. This amendment is being proposed to allow upland restoration activities that would reduce stand density, increase tree spatial heterogeneity, protect old trees, and shift species composition to a higher proportion of early seral species (*e.g.,* western white pine, western larch, and ponderosa pine), limiting the ability to connect all LOS and MA13 stands as directed in the Eastside Screens. Wildlife corridors would be provided between all MA13 stands, some LOS stands, and to adjacent watersheds; however, not all LOS stands would be connected due to LOS stand sizes and position on the landscape.

The updated information described in this notice is provided in the Ragged Ruby Project Scoping Package Addendum, now available on the Forest's Web site: *https://www.fs.usda.gov/project/?project=49392.*

Dated: Novmeber 16, 2017.

Chris French,

Associate Deputy Chief, National Forest System.

[FR Doc. 2017–26377 Filed 12–6–17; 8:45 am]

BILLING CODE 3411–15–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meetings of the Arkansas Advisory Committee to the U.S. Commission on Civil Rights

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 that the Arkansas Advisory Committee (Committee) will hold meetings on Wednesday, January 10, 2018 at 12 p.m. Central time. The Committee will continue discussion and preparations to study civil rights and criminal justice in the state.

DATES: The meeting will take place on Wednesday, January 10, 2018 at 12 p.m. Central time.

Public Call Information:

- Wednesday January 10, 2018:
- Dial: 877–719–9801, Conference ID: 7938515.

FOR FURTHER INFORMATION CONTACT: Melissa Wojnaroski, DFO, at *mwojnaroski@usccr.gov* or 312–353–8311.

SUPPLEMENTARY INFORMATION: Members of the public can listen to these discussions. These meetings are available to the public through the above call in numbers. Any interested member of the public may call this number and listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. The conference call operator will ask callers to identify themselves, the organization they are affiliated with (if any), and an email address prior to placing callers into the conference room. Callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. 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 also entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be mailed to the Regional Programs Unit, U.S. Commission on Civil Rights, 55 W. Monroe St., Suite 410, Chicago, IL 60615. They may also be faxed to the Commission at (312) 353–8324, or emailed to Corrine Sanders at *csanders@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at (312) 353–8311.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Unit Office, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Arkansas Advisory Committee link (*https://www.facadatabase.gov/committee/meetings.aspx?cid=236*). Click on ''meeting details'' and then ''documents'' to download. 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

Welcome and Roll Call
Civil Rights in Arkansas: Criminal Justice
Future Plans and Actions
Public Comment
Adjournment

Dated: December 1, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017–26350 Filed 12–6–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

Agency: U.S. Census Bureau.

Title: 2017–2019 Business Research & Development Survey (BRDS).

OMB Control Number: 0607–0912.

Form Number(s): BRD–1.

Type of Request: Revision of a currently approved collection.

Number of Respondents: 45,000.

Average Hours per Response: 3 hours and 18 minutes.

Burden Hours: 148,600.

Needs and Uses: The Census Bureau is requesting clearance to conduct the Business Research and Development Survey (BRDS) for the 2017–2019 survey years with the revisions outlined in this document. Companies are the major performers of research and development (R&D) in the United States, accounting for over 70 percent of total U.S. R&D outlays each year. A consistent business R&D information base is essential to government officials formulating public policy, industry personnel involved in corporate planning, and members of the academic community conducting research. To develop policies designed to promote and enhance science and technology, past trends and the present status of R&D must be known and analyzed. Without comprehensive business R&D statistics, it would be impossible to evaluate the health of science and technology in the United States or to make comparisons between the technological progress of our country and that of other nations.

The National Science Foundation Act of 1950 as amended authorizes and directs the National Science Foundation (NSF) ''. . . to provide a central clearinghouse for the collection, interpretation, and analysis of data on scientific and engineering resources and to provide a source of information for policy formulation by other agencies of the Federal government.'' One of the methods used by NSF to fulfill this mandate is the BRDS—the primary federal source of information on R&D in the business sector. NSF together with the Census Bureau, the collecting and compiling agent, analyze the data and publish the resulting statistics.

NSF has published annual R&D statistics collected from the Survey of Industrial Research and Development (1953–2007) and the Business R&D and Innovation Survey (BRDIS) (2008–2016) for 63 years. The results of the surveys are used to assess trends in R&D expenditures by industry sector, investigate productivity determinants, formulate science and tax policy, and compare individual company performance with industry averages. This survey is the Nation's primary source for international comparative statistics on business R&D spending.

The BRDS will continue to collect the following types of information:

- R&D expense based on accounting standards.
- Worldwide R&D of domestic companies.
- Business segment detail.
- R&D related capital expenditures.
- Detailed data about the R&D workforce.
- R&D strategy and data on the potential impact of R&D on the market.
- R&D directed to application areas of particular national interest.
- Data measuring intellectual property protection activities.

The following changes will be made to the 2017–2019 BRDS compared to the 2016 BRDIS:

- Removed four innovation questions from Section 1.
- Moved Capital Expenditures questions from Section 2 to their own section, Section 4.
- Added a Yes/No question to determine if any capital expenditures were reimbursed by others.

• Reinstated question on Intellectual Property Protection in Section 7 which had been collected in previous years.

From 2008–2015, the BRDIS collected R&D and innovation data from companies with five or more employees. In 2016, the BRDIS collected R&D and innovation data from companies with at least one paid employee. Beginning with the 2017 survey (collected in 2018), the BRDS will no longer collect innovation data, and only companies with at least 10 paid employees will be in scope. The Census Bureau will continue to collect R&D data from companies with fewer than 10 employees, and innovation data from all companies, however, beginning in 2017, these data will be collected on a new survey, the Annual Business Survey. Accordingly, we are also changing the name of the collection to the Business Research and Development Survey—dropping Innovation (BRDS).

Information from the BRDS will continue to support the America COMPETES Reauthorization Act of 2010 as well as other R&D-related initiatives introduced during the clearance period. Other initiatives that have used BRDS statistics include: The Science of Science and Innovation Policy (NSF); and Rising Above the Gathering Storm (National Research Council).

Policy officials from many Federal agencies rely on these statistics for essential information. Businesses and trade organizations rely on BRDS data to benchmark their industry's performance against others. For example, total U.S. R&D expenditures statistics have been used by the Bureau of Economic Analysis (BEA) to update the National Income and Product Accounts (NIPAs) and, in fact, the BEA recently has recognized and incorporated R&D as fixed investment in the NIPA. Accurate R&D data are needed to continue the development and effect subsequent updates to this detailed satellite account. Also, NSF, BEA and the Census Bureau periodically update a data linking project that utilizes BRDS data to augment global R&D investment information that is obtained from BEA's Foreign Direct Investment (FDI) and U.S. Direct Investment Abroad (USDIA) surveys. Further, the Census Bureau links data collected by BRDS with other statistical files. At the Census Bureau, historical company-level R&D data are linked to a file that contains information on the outputs and inputs of companies' manufacturing plants. Researchers are able to analyze the relationships between R&D funding and other economic variables by using micro-level data.

Individuals and organizations access the survey statistics via the Internet in annual InfoBriefs published by NSF's National Center for Science and Engineering Statistics (NCSES) that announce the availability of statistics from each cycle of BRDS and detailed statistical table reports that contain all of the statistics NSF produces from BRDS. Information about the kinds of projects that rely on statistics from BRDS is available from internal records of NSF's NCSES. In addition, survey statistics are regularly cited in trade publications and many researchers use the survey statistics from these secondary sources without directly contacting NSF or the Census Bureau.

Affected Public: Business or other for-profit.

Frequency: Annually.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13, United States Code, Sections 8(b), 131, and 182; Title 42, United States Code, Sections 1861–76 (National Science Foundation Act of 1950, as amended).

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Sheleen Dumas,

Departmental PRA Lead, Office of the Chief Information Officer.

[FR Doc. 2017–26385 Filed 12–6–17; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–50–2017]

Foreign-Trade Zone (FTZ) 98—Birmingham, Alabama, Authorization of Production Activity, Brose Tuscaloosa, Inc., (Automotive Seats, Drives and Door Frames), Vance, Alabama

On August 2, 2017, Brose Tuscaloosa, Inc. submitted a notification of proposed production activity to the FTZ Board for its facility within FTZ 98 in Vance, Alabama.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (82 FR 37191, August 9, 2017). On November 30, 2017, the applicant was notified of the FTZ Board's decision that no further review of the activity is warranted at this time. The production activity described in the notification was authorized, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.14.

Dated: December 1, 2017.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2017–26379 Filed 12–6–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews

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

SUMMARY: The Department of Commerce (the Department) has received requests to conduct administrative reviews of various antidumping and countervailing duty orders and findings with October anniversary dates. In accordance with the Department's regulations, we are initiating those administrative reviews.

DATES: Applicable December 7, 2017.

FOR FURTHER INFORMATION CONTACT: Brenda E. Brown, Office of AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230, telephone: (202) 482–4735.

SUPPLEMENTARY INFORMATION:

Background

The Department has received timely requests, in accordance with 19 CFR 351.213(b), for administrative reviews of various antidumping and countervailing duty orders and findings with October anniversary dates.

All deadlines for the submission of various types of information, certifications, or comments or actions by the Department discussed below refer to the number of calendar days from the applicable starting time.

Notice of No Sales

If a producer or exporter named in this notice of initiation had no exports, sales, or entries during the period of review (POR), it must notify the Department within 30 days of publication of this notice in the **Federal Register**. All submissions must be filed electronically at *http://access.trade.gov*

in accordance with 19 CFR 351.303.[1] Such submissions are subject to verification in accordance with section 782(i) of the Tariff Act of 1930, as amended (the Act). Further, in accordance with 19 CFR 351.303(f)(1)(i), a copy must be served on every party on the Department's service list.

Respondent Selection

In the event the Department limits the number of respondents for individual examination for administrative reviews initiated pursuant to requests made for the orders identified below, the Department intends to select respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports during the period of review. We intend to place the CBP data on the record within five days of publication of the initiation notice and to make our decision regarding respondent selection within 30 days of publication of the initiation **Federal Register** notice. Comments regarding the CBP data and respondent selection should be submitted seven days after the placement of the CBP data on the record of this review. Parties wishing to submit rebuttal comments should submit those comments five days after the deadline for the initial comments.

In the event the Department decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Act:

In general, the Department has found that determinations concerning whether particular companies should be ''collapsed'' (*i.e.,* treated as a single entity for purposes of calculating antidumping duty rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, the Department will not conduct collapsing analyses at the respondent selection phase of this review and will not collapse companies at the respondent selection phase unless there has been a determination to collapse certain companies in a previous segment of this antidumping proceeding (*i.e.,* investigation, administrative review, new shipper review, or changed circumstances review). For any company subject to this review, if the Department determined, or continued to treat, that company as collapsed with others, the Department will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, the Department will not collapse companies for purposes of respondent selection. Parties are requested to (a) identify which companies subject to review previously were collapsed, and (b) provide a citation to the proceeding in which they were collapsed. Further, if companies are requested to complete the Quantity and Value (Q&V) Questionnaire for purposes of respondent selection, in general each company must report volume and value data separately for itself. Parties should not include data for any other party, even if they believe they should be treated as a single entity with that other party. If a company was collapsed with another company or companies in the most recently completed segment of this proceeding where the Department considered collapsing that entity, complete Q&V data for that collapsed entity must be submitted.

Deadline for Withdrawal of Request for Administrative Review

Pursuant to 19 CFR 351.213(d)(1), a party that has requested a review may withdraw that request within 90 days of the date of publication of the notice of initiation of the requested review. The regulation provides that the Department may extend this time if it is reasonable to do so. In order to provide parties additional certainty with respect to when the Department will exercise its discretion to extend this 90-day deadline, interested parties are advised that the Department does not intend to extend the 90-day deadline unless the requestor demonstrates that an extraordinary circumstance has prevented it from submitting a timely withdrawal request. Determinations by the Department to extend the 90-day deadline will be made on a case-by-case basis.

Separate Rates

In proceedings involving non-market economy (NME) countries, the Department begins with a rebuttable presumption that all companies within the country are subject to government control and, thus, should be assigned a single antidumping duty deposit rate. It is the Department's policy to assign all exporters of merchandise subject to an administrative review in an NME country this single rate unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate.

To establish whether a firm is sufficiently independent from government control of its export activities to be entitled to a separate rate, the Department analyzes each entity exporting the subject merchandise. In accordance with the separate rates criteria, the Department assigns separate rates to companies in NME cases only if respondents can demonstrate the absence of both *de jure* and *de facto* government control over export activities.

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. For these administrative reviews, in order to demonstrate separate rate eligibility, the Department requires entities for whom a review was requested, that were assigned a separate rate in the most recent segment of this proceeding in which they participated, to certify that they continue to meet the criteria for obtaining a separate rate. The Separate Rate Certification form will be available on the Department's Web site at *http://enforcement.trade.gov/nme/nme-sep-rate.html* on the date of publication of this **Federal Register** notice. In responding to the certification, please follow the ''Instructions for Filing the Certification'' in the Separate Rate Certification. Separate Rate Certifications are due to the Department no later than 30 calendar days after publication of this **Federal Register** notice. The deadline and requirement for submitting a Certification applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers who purchase and export subject merchandise to the United States.

Entities that currently do not have a separate rate from a completed segment of the proceeding [2] should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. In addition, companies that received a separate rate in a completed segment of the proceeding that have subsequently made changes, including, but not

[1] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011).

[2] Such entities include entities that have not participated in the proceeding, entities that were preliminarily granted a separate rate in any currently incomplete segment of the proceeding (*e.g.,* an ongoing administrative review, new shipper review, *etc.*) and entities that lost their separate rate in the most recently completed segment of the proceeding in which they participated.

limited to, changes to corporate structure, acquisitions of new companies or facilities, or changes to their official company name,[3] should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. The Separate Rate Status Application will be available on the Department's Web site at *http://enforcement.trade.gov/nme/nme-sep-rate.html* on the date of publication of this **Federal Register** notice. In responding to the Separate Rate Status Application, refer to the instructions contained in the application. Separate Rate Status Applications are due to the Department no later than 30 calendar days of publication of this **Federal Register** notice. The deadline and requirement for submitting a Separate Rate Status Application applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers that purchase and export subject merchandise to the United States.

For exporters and producers who submit a separate-rate status application or certification and subsequently are selected as mandatory respondents, these exporters and producers will no longer be eligible for separate rate status unless they respond to all parts of the questionnaire as mandatory respondents.

Initiation of Reviews

In accordance with 19 CFR 351.221(c)(1)(i), we are initiating administrative reviews of the following antidumping and countervailing duty orders and findings. We intend to issue the final results of these reviews not later than October 31, 2018.

	Period to be reviewed
Antidumping Duty Proceedings	
Australia: Certain Hot-Rolled Steel Flat Products A–602–809	3/22/16–9/30/17
BlueScope Steel, Ltd.	
BlueScope Steel Americas, Inc	
Steelscape LLC	
Brazil: Carbon and Certain Alloy Steel Wire Rod A–351–832	10/1/16–9/30/17
ArcelorMittal Brasil SA	
Siderurgica Norte Brasil SA	
Sinobras	
Villares Metals SA	
Votorantim Siderurgia	
Brazil: Hot-Rolled Steel Flat Products A–351–845	3/22/16–9/30/17
Aperam South America	
ArcelorMittal Brasil	
CSN—Companhia Siderurgica Nacional	
CSS—Companhia Siderurgica Suape	
Marcegaglia do Brasil	
Usiminas—Usinas Siderurgicas de Minas Gerais SA	
Japan: Certain Hot-Rolled Steel Flat Products A–588–874	3/22/16–9/30/17
Hanwa Co., Ltd	
Hitachi Metals, Ltd	
Honda Trading Canada, Inc	
JFE Steel Corporation	
JFE Shoji Trade America	
Kanematsu Corporation	
Kobe Steel, Ltd	
Mitsui & Co., Ltd	
Miyama Industry Co., Ltd	
Nippon Steel & Sumitomo Metal Corporation	
Nippon Steel & Sumikin Logistics Co., Ltd	
Nisshin Steel Co., Ltd	
Okaya & Co., Ltd	
Panasonic Corporation	
Saint-Gobain KK	
Shinsho Corporation	
Sumitomo Corporation	
Suzukaku Corporation	
Tokyo Steel Manufacturing Co., Ltd	
Toyota Tsusho Corporation Nagoya	
Mexico: Carbon and Certain Alloy Steel Wire Rod A–201–830	10/1/16–9/30/17
ArcelorMittal Mexico, S.A. de C.V	
ArcelorMittal Las Truchas, S.A. de C.V	
Deacero S.A.P.I. de C.V	
Ternium Mexico S.A. de C.V	
Republic of Korea: Hot-Rolled Steel Flat Products A–580–883	3/22/16–9/30/17
Daewood International Corp	
Dongbu Steel Co., Ltd	
Dongkuk Industries Co., Ltd	
Hyundai Steel Co	
Marubeni-Itochu Steel Korea	
POSCO	
POSCO Processing & Service Co	
Soon Hong Trading Co	
Sungjin Co	
The Netherlands: Hot-Rolled Steel Flat Products A–421–813	3/22/16–9/30/17
Tata Steel Ijmuiden BV	
The People's Republic of China: Certain Passenger Vehicle and Light Truck Tires[4] A–570–016	8/1/16–7/31/17
Cheng Shin Tire & Rubber (China) Co., Ltd.	
Shandong Haolong Rubber Tire Co., Ltd.	
The People's Republic of China: Certain Steel Nails[5] A–570–909	8/1/16–7/31/17

[3] Only changes to the official company name, rather than trade names, need to be addressed via a Separate Rate Application. Information regarding new trade names may be submitted via a Separate Rate Certification.

	Period to be reviewed
The People's Republic of China: Electrolytic Managanese Dioxide A–570–919	10/1/16–9/30/17
Shenzhen Pengcheng South Industry and Trade Co., Ltd.	
The People's Republic of China: Multilayered Wood Flooring[6] A–570–970	12/1/15–11/30/16
Den Hua Sen Tai Wood Co. Ltd	
Hangzhou Hanje Tec Co. Ltd	
The People's Republic of China: Steel Wire Garment Hangers A–570–918	10/1/16–9/30/17
Da Sheng Hanger Ind. Co., Ltd	
Hangzhou Qingqing Mechanical Co. Ltd	
Hangzhou Yingqing Material Co. Ltd	
Hangzhou Yinte	
Hong Kong Wells Ltd. (USA)	
Hong Kong Wells Ltd	
Shanghai Guoxing Metal Products Co. Ltd	
Shanghai Jianhai International Trade Co. Ltd	
Shanghai Wells Hanger Co., Ltd	
Shangyu Baoxiang Metal Manufactured Co. Ltd	
Shaoxing Andrew Metal Manufactured Co. Ltd	
Shaoxing Dingli Metal Clotheshorse Co. Ltd	
Shaoxing Gangyuan Metal Manufactured Co. Ltd	
Shaoxing Guochao Metallic Products Co., Ltd	
Shaoxing Liangbao Metal Manufactured Co. Ltd	
Shaoxing Meideli Hanger Co. Ltd	
Shaoxing Shunji Metal Clotheshorse Co., Ltd	
Shaoxing Tongzhou Metal Manufactured Co. Ltd	
Shaoxing Zhongbao Metal Manufactured Co. Ltd	
Zhejiang Lucky Cloud Hanger Co. Ltd	
Turkey: Hot-Rolled Steel Flat Products A–489–826	3/22/16–9/30/17
Agir Haddecilik A.S	
Colakoglu Dis Ticaret A.S	
Colakoglu Metalurji, A.S	
Eregrli Demir ve Celik Fabrikalari T.A.S	
Gazi Metal Mamulleri Sanayi Ve Ticaret A.S	
Habas Industrial and Medical Gases Production Industries Inc	
Habas Sinai ve Tibbi Gazlar Istihsal Endustrisi	
Iskenderun Iron & Steel Works Co	
MMK Atakas Metalurji	
Ozkan Iron and Steel Ind	
Toscelik Profile and Sheet Ind. Co. Tosyali Holding	
Countervailing Duty Proceedings	
Brazil: Carbon and Certain Alloy Steel Wire Rod C–351–833	1/1/16–12/31/16
ArcelorMittal Brasil SA	
Sinobras—Siderurgica Norte Brasil SA	
Villares Metals SA	
Votorantim Siderurgia	
Brazil: Hot-Rolled Steel Flat Products C–351–846	1/15/16–12/31/16
Companhia Siderurgica Nacional S.A	
Republic of Korea: Hot-Rolled Steel Flat Products C–580–884	8/12/16–12/31/16
DCE Inc	
Dong Chuel America Inc	
Dongbu Steel Co., Ltd	
Dongkuk Industries Co., Ltd	
Hyewon Sni Corporation (H.S.I.)	
Hyundai Steel Company	
POSCO	
Soon Hong Trading Co., Ltd	
Sung-A Steel Co., Ltd	
Turkey: Oil Country Tubular Goods[7] C–489–817	1/1/16–12/31/16
Borusan Mannesmann Boru Sanayi ve Ticaret A.S	
Borusan Istikbal Ticaret	
Cayirova Boru San A.S	
Cayirova Boru Sanayi ve Ticaret A.S	
HG Tubulars Canada Ltd	
Yucel Boru Ihracat ve Pazarlama A.S	
Yucelboru Ihracat, Ithalat	
Suspension Agreements	
Russia: Uranium A–821–802	10/1/16–9/30/17

Duty Absorption Reviews

During any administrative review covering all or part of a period falling

[4] The companies listed above were misspelled in the initiation notice that published on October 16, 2017 (82 FR 48051). The correct spelling of the companies is listed in this notice.

[5] In the initiation that published on October 16, 2017 (82 FR 48051), the Department incorrectly identified that an administrative review was initiated on the antidumping duty order of Certain Steel Nails from the PRC for R-Time Group Inc.; Unicore Tianjin Fasteners Co. Ltd.; Anjing Caiquing Hardware Co., Ltd.; and Nanjing Caiquing Hardware Co. Ltd. The Department is now correcting that notice: The Department is initiating administrative reviews on the antidumping duty order of Certain Steel Nails from the PRC for the following companies: (1) Ri-Time Group Inc.; (2) Unicorn Tianjin Fasteners Co. Ltd.; (3) Nanjing Caiqing Hardware Co., Ltd.; (4) Hebei Handform Plastic Products Co. Ltd.; (5) Hebei Minghao Imp. & Exp. Co. Ltd.; (6) Hengtuo Metal Products Co. Ltd; (7) Shandong Dinglong Import & Export Co., Ltd; (8) Nanjing Toua Hardware & Tools Co., Ltd.; and (9) Hebei Minmetals Co. Ltd.

[6] The companies listed above were inadvertently omitted from the initiation notice that published on February 13, 2017 (82 FR 10457).

[7] In the initiation notice that published on November 13, 2017 (82 FR 52268) the Department inadvertently duplicated the list of companies for Oil Country Tubular Goods from Tukey and included Tosyali Dis Ticaret A.S. in the initiation.

between the first and second or third and fourth anniversary of the publication of an antidumping duty order under 19 CFR 351.211 or a determination under 19 CFR 351.218(f)(4) to continue an order or suspended investigation (after sunset review), the Secretary, if requested by a domestic interested party within 30 days of the date of publication of the notice of initiation of the review, will determine whether antidumping duties have been absorbed by an exporter or producer subject to the review if the subject merchandise is sold in the United States through an importer that is affiliated with such exporter or producer. The request must include the name(s) of the exporter or producer for which the inquiry is requested.

Gap Period Liquidation

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant provisional-measures ''gap'' period, of the order, if such a gap period is applicable to the POR.

Administrative Protective Orders and Letters of Appearance

Interested parties must submit applications for disclosure under administrative protective orders in accordance with the procedures outlined in the Department's regulations at 19 CFR 351.305. Those procedures apply to administrative reviews included in this notice of initiation. Parties wishing to participate in any of these administrative reviews should ensure that they meet the requirements of these procedures (*e.g.,* the filing of separate letters of appearance as discussed at 19 CFR 351.103(d)).

Factual Information Requirements

The Department's regulations identify five categories of factual information in 19 CFR 351.102(b)(21), which are summarized as follows: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by the Department; and (v) evidence other than factual information described in (i)–(iv). These regulations require any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct. The regulations, at 19 CFR 351.301, also provide specific time limits for such factual submissions based on the type of factual information being submitted. Please review the final rule, available at *http://enforcement.trade.gov/frn/2013/1304frn/2013-08227.txt,* prior to submitting factual information in this segment.

Any party submitting factual information in an antidumping duty or countervailing duty proceeding must certify to the accuracy and completeness of that information.[8] Parties are hereby reminded that revised certification requirements are in effect for company/government officials as well as their representatives. All segments of any antidumping duty or countervailing duty proceedings initiated on or after August 16, 2013, should use the formats for the revised certifications provided at the end of the *Final Rule*.[9] The Department intends to reject factual submissions in any proceeding segments if the submitting party does not comply with applicable revised certification requirements.

Extension of Time Limits Regulation

Parties may request an extension of time limits before a time limit established under Part 351 expires, or as otherwise specified by the Secretary. *See* 19 CFR 351.302. In general, an extension request will be considered untimely if it is filed after the time limit established under Part 351 expires. For submissions which are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. on the due date. Examples include, but are not limited to: (1) Case and rebuttal briefs, filed pursuant to 19 CFR 351.309; (2) factual information to value factors under 19 CFR 351.408(c), or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2), filed pursuant to 19 CFR 351.301(c)(3) and rebuttal, clarification and correction filed pursuant to 19 CFR 351.301(c)(3)(iv); (3) comments concerning the selection of a surrogate country and surrogate values and rebuttal; (4) comments concerning U.S. Customs and Border Protection data; and (5) quantity and value questionnaires. Under certain circumstances, the Department may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, the Department will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. This modification also requires that an extension request must be made in a separate, stand-alone submission, and clarifies the circumstances under which the Department will grant untimely-filed requests for the extension of time limits. These modifications are effective for all segments initiated on or after October 21, 2013. Please review the final rule, available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to submitting factual information in these segments.

These initiations and this notice are in accordance with section 751(a) of the Act (19 U.S.C. 1675(a)) and 19 CFR 351.221(c)(1)(i).

Dated: December 1, 2017.

James Maeder,

Senior Director performing the duties of Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2017–26383 Filed 12–6–17; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–900]

Diamond Sawblades and Parts Thereof From the People's Republic of China: Initiation of Anti-Circumvention Inquiry

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

SUMMARY: In response to a request from Diamond Sawblades Manufacturers' Coalition (the petitioner), the Department of Commerce (the Department) is initiating an anti-circumvention inquiry to determine whether certain imports of diamond sawblades and parts thereof (diamond sawblades) comprised of cores and

However, as noted in that initiation notice, this company was excluded from the CVD order as a result of litigation. *See Oil Country Tubular Goods from the Republic of Turkey: Amendment of Countervailing Duty Order,* 82 FR 46483 (October 26, 2017). This notice serves as a correction.

[8] *See* section 782(b) of the Act.

[9] *See Certification of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Final Rule*); *see also* the frequently asked questions regarding the *Final Rule,* available at *http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

segments produced in the People's Republic of China (PRC) and joined into finished diamond sawblades in, and exported from, Thailand are circumventing the antidumping duty order on diamond sawblades from the PRC.

DATES: Applicable December 7, 2017.

FOR FURTHER INFORMATION CONTACT: Yang Jin Chun, 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.

SUPPLEMENTARY INFORMATION:

Background

Effective January 23, 2009, the Department published the antidumping duty order on diamond sawblades from the PRC.[1] On August 9, 2017, the petitioner filed a request for a circumvention ruling, requesting that the Department issue a determination of circumvention and suspend liquidation of certain diamond sawblades exported from Thailand.[2] Specifically, the petitioner requests a circumvention ruling for three companies, Diamond Tools Technology (Diamond Tools), Bosun Tools (Thailand) Co., Ltd. (Bosun), and Kingthai Diamond Tools (Kingthai).[3] The petitioner requests that, in the alternative, and to the extent that the Department decides it to be more appropriate, the Department address circumvention issues in a changed circumstances review.[4]

On September 22, 2017, we received a letter from Bosun Tools Co., Ltd. (Bosun China) and its affiliate Bosun Tools (Thailand) Co., Ltd. (Bosun Thailand) (collectively Bosun), arguing that Bosun Thailand has not engaged in the alleged activity of joining cores and segments made in the PRC and exporting them to the United States. Bosun claims that the petitioner did not support its allegation with any evidence with respect to Bosun. Bosun explains that the petitioner did not cite to record evidence supporting its allegation of limited manufacturing operations at Bosun Thailand, although the affiliation between Bosun China and Bosun Thailand is on the public record in the last completed administrative review of the order.[5]

On October 2, 2017, the Department issued a supplemental questionnaire to the petitioner requesting additional information.[6] On October 16, 2017, the petitioner submitted its response to the Department's supplemental questionnaire.[7] On October 26, 2017, Diamond Tools submitted its opposition to the petitioner's request for a circumvention ruling. In it, Diamond Tools denies that it circumvented the antidumping duty order on diamond sawblades from the PRC. Diamond Tools contends that the Department determined in the investigation that the country in which the cores and segments are joined is the country of origin.[8] Diamond Tools argues that the U.S. Court of International Trade upheld the Department's decision with respect to the country of origin in the investigation.[9]

Scope of the Order

The products covered by the order are all finished circular sawblades, whether slotted or not, with a working part that is comprised of a diamond segment or segments, and parts thereof, regardless of specification or size, except as specifically excluded below. Within the scope of the order are semi-finished diamond sawblades, including diamond sawblade cores and diamond sawblade segments. Diamond sawblade cores are circular steel plates, whether or not attached to non-steel plates, with slots. Diamond sawblade cores are manufactured principally, but not exclusively, from alloy steel. A diamond sawblade segment consists of a mixture of diamonds (whether natural or synthetic, and regardless of the quantity of diamonds) and metal powders (including, but not limited to, iron, cobalt, nickel, tungsten carbide) that are formed together into a solid shape (from generally, but not limited to, a heating and pressing process).

Sawblades with diamonds directly attached to the core with a resin or electroplated bond, which thereby do not contain a diamond segment, are not included within the scope of the order. Diamond sawblades and/or sawblade cores with a thickness of less than 0.025 inches, or with a thickness greater than 1.1 inches, are excluded from the scope of the order. Circular steel plates that have a cutting edge of non-diamond material, such as external teeth that protrude from the outer diameter of the plate, whether or not finished, are excluded from the scope of the order. Diamond sawblade cores with a Rockwell C hardness of less than 25 are excluded from the scope of the order. Diamond sawblades and/or diamond segment(s) with diamonds that predominantly have a mesh size number greater than 240 (such as 250 or 260) are excluded from the scope of the order.

Merchandise subject to the order is typically imported under heading 8202.39.00.00 of the Harmonized Tariff Schedule of the United States (HTSUS). When packaged together as a set for retail sale with an item that is separately classified under headings 8202 to 8205 of the HTSUS, diamond sawblades or parts thereof may be imported under heading 8206.00.00.00 of the HTSUS. On October 11, 2011, the Department included the 6804.21.00.00 HTSUS classification number to the customs case reference file, pursuant to a request by CBP.[10]

The tariff classification is provided for convenience and customs purposes; however, the written description of the scope of the order is dispositive.

Merchandise Subject to the Anti-Circumvention Inquiry

This anti-circumvention inquiry covers diamond sawblades exported from Thailand to the United States that are produced by Diamond Tools from cores and segments of PRC origin. If warranted, the Department may, based

[1] *See Diamond Sawblades and Parts Thereof from the People's Republic of China and the Republic of Korea: Antidumping Duty Orders,* 74 FR 57145 (November 4, 2009).

[2] *See* the Letter from the petitioner, ''Diamond Sawblades and Parts Thereof from the People's Republic of China: Request for Circumvention Ruling Pursuant to Section 781(b) of the Tariff Act of 1930 or in the Alternative a Changed Circumstances Review Pursuant to Section 751(b) of the Act,'' dated August 9, 2017 (the petitioner's circumvention ruling request), as amended in ''Supplemental Submission Regarding Request for Circumvention Ruling Pursuant to Section 781(b) of the Tariff Act of 1930 or in the Alternative a Changed Circumstances Review Pursuant to Section 751(b) of the Act,'' dated September 14, 2017 (supplement to the petitioner's circumvention ruling request).

[3] *See* Supplement to the petitioner's circumvention ruling request at 10–12.

[4] *See* the petitioner's circumvention ruling request at 22.

[5] *See* Bosun's Response to DSMC's Request for Anti-Circumvention Inquiry dated September 22, 2017.

[6] *See* the Department's supplemental questionnaire to the petitioner dated October 2, 2017.

[7] *See* the petitioner's supplemental response dated October 16, 2017 (the petitioner's supplemental response).

[8] *See* Diamond Tools' letter, ''Diamond Sawblades & Parts Thereof from the People's Republic of China: Response to Request by Diamond Sawblades Manufacturers' Coalition for Anti-Circumvention Ruling'' dated October 26, 2017 at 3 (citing *Final Determination of Sales at Less Than Fair Value and Final Partial Affirmative Determination of Critical Circumstances: Diamond Sawblades and Parts Thereof from the People's Republic of China,* 71 FR 29303 (May 22, 2006) (*Final Determination—China*), and accompanying Issues and Decision Memorandum (I&D Memo) at Comment 4).

[9] *Id.* at 4 (citing *Advanced Tech. & Materials Co.* v. *United States,* No. 09–00511, slip op. 11–122, 2011 Ct. Intl. Trade LEXIS 136, *1 at *9-*15 (Ct. Int'l Trade Oct. 12, 2011)).

[10] *See Diamond Sawblades and Parts Thereof from the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review,* 76 FR 76128 (December 6, 2011).

on additional evidence it receives from interested parties regarding potential anti-circumvention of the *PRC Sawblades Order* by other Thai companies, consider conducting additional inquiries concurrently.

The petitioner requests that the Department treat diamond sawblades assembled in Thailand with cores and segments from the PRC as subject merchandise under the scope of the antidumping duty order on diamond sawblades from the PRC.

Initiation of Anti-Circumvention Inquiry

Section 781(b)(1) of The Tariff Act of 1930, as amended (the Act), provides that the Department may find circumvention of an antidumping or countervailing duty order if: (A) Merchandise imported into the United States is of the same class or kind as any merchandise produced in a foreign country that is the subject of an antidumping or countervailing duty order or finding; (B) before importation into the United States, such imported merchandise is completed or assembled in another foreign country from merchandise which is subject to the order or merchandise which is produced in the foreign country that is subject to the order; (C) the process of assembly or completion in the foreign country referred to in section (B) is minor or insignificant; (D) the value of the merchandise produced in the foreign country to which the AD or CVD order applies is a significant portion of the total value of the merchandise exported to the United States; and (E) the administering authority determines that action is appropriate to prevent evasion of such order or finding. As discussed below, the petitioner provided information available to them with respect to these criteria.[11]

A. Merchandise of the Same Class or Kind

The petitioner claims that, in accordance with section 781(b)(1)(A)(i) of the Act, diamond sawblades exported from Thailand to the United States are identical to diamond sawblades exported from the PRC to the United Sates subject to the antidumping duty order. The petitioner contends that, because cores, segments, and diamond sawblades are all one class or kind of subject merchandise, a process that simply transforms one of these items to another should not serve as an avenue for PRC producers to evade the antidumping duty order.[12]

B. Completion of Merchandise in a Third Country Before Importation Into the United States

The petitioner contends that, in Thailand, cores made in the PRC are being joined to segments made in the PRC and undergo a minor welding operation and minor processing before they are imported into the United States.[13] The petitioner claims that PRC producers with facilities in Thailand for which it requests an anti-circumvention inquiry are as follows: Bosun Tools Co., Ltd., Hebei Jikai Group, and Wuhan Wanbang Laser Diamond Tools Co., Ltd.[14] The petitioner also notes that, pursuant to an investigation under the Enforce and Protect Act, CBP recently issued a Notice of Interim Measures finding a reasonable suspicion that Diamond Tools was evading the order.[15]

C. Minor or Insignificant Process

The petitioner explains that, in accordance with section 781(b)(1)(C) of the Act, the Department considers whether the assembly or completion that occurs in the other foreign country is minor or insignificant. The petitioner states that, under section 781(b)(2)(A)-(E) of the Act, the Department considers five factors to determine whether the process of assembly or completion is minor or insignificant. The petitioner alleges that, based on these factors, the completion of the merchandise in Thailand is minor and insignificant.[16]

1. Level of Investment in Thailand

The petitioner argues that there is little evidence of any significant level of investment in Thailand for production activities beyond joining cores and segments and laser welding.[17] In other words, according to the petitioner, diamond sawblades production facilities in Thailand are not sophisticated enough to produce segments. The petitioner explains that the production of segments is a complex process that requires detailed expertise in metallurgy and technical experience in bonding of diamond powders and metal powders in the production process and the performance of diamond sawblades for particular applications. The petitioner claims that only highly skilled technicians can perform such production processes, while laser-welding is a highly-automated process that essentially only requires a person who can operate a keyboard.[18] The petitioner claims further that other methods of joining cores and segments, *e.g.,* silver soldering or sintering, are even less sophisticated than laser-welding.[19]

The petitioner distinguishes the level of capital investment between segment production and laser-welding. The petitioner explains that segment production requires significant capital investment for equipment such as weighing scales, mixing equipment, granulating equipment, cold pressing equipment, sintering presses, inspecting equipment, and radius grinding equipment. The petitioner claims that, in particular, the induction and resistance presses used in segment production represent a substantial capital investment. The petitioner contends that the capital investment required for joining cores and segments is essentially limited to a piece of laser-welding equipment.

The petitioner distinguishes the level of costs between segment production and joining cores and segments. According to the petitioner, the production cost for finished diamond sawblades segments may represent approximately 70 percent of the cost of producing a finished diamond sawblade, whereas joining cores and segments typically accounts for a much smaller percentage of the cost of production, often as low as 0.5 percent of the cost of a finished diamond

[11] *See* section 781(b)(1) of the Act.

[12] *See* the petitioner's circumvention ruling request at 13–14 and Exhibit 9 for U.S. imports of diamond sawblades from the PRC and Thailand under the same HTSUS subheadings.

[13] *See* the petitioner's circumvention ruling request at 14–15 and Exhibits 10–12. *See also* the petitioner's supplemental response at 2–6 and Exhibits 5–6.

[14] *See* the petitioner's circumvention ruling request at 14–15 and Exhibits 1, 4, and 5. *See also* supplement to the petitioner's circumvention ruling request at 10 for Wuhan Wanbang Laser Diamond Tools Co., Ltd.

[15] *See* the petitioner's circumvention ruling request at 9 and Exhibit 8 (where the petitioner cites to Memorandum from Troy P. Riley, Executive Director, Trade Remedy & Law Enf't Directorate, to Yan Li, Diamond Tools Tech., ''re: Notice of interim measures taken as to Diamond Tools Technology LLC concerning a reasonable suspicion as to evasion of the antidumping duty order on Diamond Sawblades from the People's Republic of China,'' dated June 27, 2017 (Notice of Interim Measures).

[16] *See* the petitioner's circumvention ruling request at 16.

[17] *See* the petitioner's circumvention ruling request at 16–18 and Exhibits 8, 10, 11, and 12. *See also* the petitioner's supplemental response at 9–10 and Exhibits 5–6.

[18] *See* the petitioner's circumvention ruling request at 16–17.

[19] The Department considers that this portion of the petitioner's circumvention ruling request is relevant to the consideration contained in section 781(b)(2)(C) (''the nature of the production process in the foreign country'').

sawblade.[20] The petitioner also asserts that laser welding requires a relatively small capital investment because the only piece of machinery needed to join cores and segments through laser welding is a laser welder itself.[21]

The petitioner argues that, for these reasons, the joining operations require very minimal investment.[22]

2. Level of Research and Development

The petitioner argues that, because laser-welding is a highly-automated process and other methods of joining cores and segments are less sophisticated than laser-welding, entities joining the PRC cores and segments in Thailand do not, and do not need to, invest in research and development in Thailand.[23]

3. Nature of Production Process

The petitioner states that there is very minimal additional processing done in Thailand to diamond sawblades produced in the PRC and exported to Thailand and later re-exported to the United States. The petitioner reiterates that joining cores and segments is a highly automated process and, compared to segment production, welding of cores and segments is a minimal step in the overall production process.[24] As mentioned above, the petitioner explains that the production of segments is a complex process that requires detailed expertise in metallurgy and technical experience in bonding of diamond powders and metal powders in the production process and the performance of diamond sawblades for particular applications. The petitioner claims that only highly skilled technicians can perform such production processes, while laser-welding is a highly-automated process that essentially only requires a person who can operate a keyboard.[25] The petitioner claims further that other methods of joining cores and segments, *e.g.,* silver soldering or sintering, are even less sophisticated than laser-welding.

4. Extent of Production Facilities in Thailand

The petitioner explains that, before the imposition of the antidumping duty order on diamond sawblades from the PRC in 2009, Thailand had very minimal exports of diamond sawblades to the United States. The petitioner contends that little, if any, of the increase of exports of diamond sawblades from Thailand—from $1.8 million in 2006 to $5.8 million in 2012 to $11.4 million in 2013 to $41.7 million in 2016—is due to an increase in production facilities in Thailand.[26] The petitioner explains that evidence indicates very limited investment in building facilities in Thailand for production of diamond sawblades.[27]

5. Value of Processing in Thailand

The petitioner reiterates that the joining of cores and segments constitutes a small portion of the cost and represents the smallest portion of the production costs of diamond sawblades imported into the United States. The petitioner provides information indicating that cores and segments produced in the PRC represent the vast majority of the value of the products exported to the United States.[28]

D. Value of Merchandise Produced in the PRC Is a Significant Portion of the Total Value of the Merchandise Exported to the United States

The petitioner explains that the value of the segments and cores produced in China represent the vast majority of the value of the products exported to the United States.[29] Further, the petitioner states that the cost breakdown of a typical finished diamond sawblade shows that manufacture of the segments and the core comprise the bulk of its value.[30]

E. Additional Factors To Consider in Determining Whether Action Is Necessary

Section 781(b)(3) of the Act directs the Department to consider additional factors in determining whether to include merchandise assembled or completed in a foreign country within the scope of the order, such as: ''(A) the pattern of trade, including sourcing patterns, (B) whether the manufacturer or exporter of the merchandise . . . is affiliated with the person who uses the merchandise . . . to assemble or complete in the foreign country the merchandise that is subsequently imported into the United States, and (C) whether imports into the foreign country of the merchandise . . . have increased after the initiation of the investigation which resulted in the issuance of such order or finding.'' The petitioner claims an increase of the imports of diamond sawblades from Thailand from $0.4 million in 2005, before the investigation, to $4 million at the time of the imposition of the antidumping duty order in 2009 to $40.5 million in 2015 and $41.7 million in 2016 represents a noticeable shift in patterns of trade since the Department issued the antidumping duty order. Moreover, the petitioner provided import statistics showing a significant increase in U.S. imports of diamond sawblades from Thailand between 2005 and 2015 and in particular, massive increases in imports between 2010–2015.[31]

The petitioner argues that there is evidence of affiliation between PRC producers and their Thai counterparts that are engaged in circumvention of the antidumping duty order. For example, the petitioner claims that Wuhan Wanbang Laser Diamond Tools Co., Ltd., has established an affiliate in Thailand, *i.e.,* Diamond Tools Technology (Thailand), for which CBP determined that there is a reasonable suspicion that Diamond Tools has entered merchandise into the United States through evasion.[32] The petitioner explains that PRC producers of diamond sawblades, *e.g.,* Bosun Tools Co., Ltd. have opened facilities in Thailand.[33]

Analysis of the Allegation

Based on our analysis of the petitioner's anti-circumvention allegation and the information provided therein, we find that an anti-circumvention inquiry of the antidumping duty order on diamond

[20] *See* the petitioner's circumvention ruling request at 17. The Department considers that this portion of the petitioner's circumvention ruling request is relevant to the consideration contained in section 781(b)(1)(D) (''the value of the merchandise produced in the foreign country to which the antidumping order applies is a significant portion of the total value of the merchandise exported to the United States'').

[21] *See* the petitioner's supplemental response at 9–10 and Exhibits 5.

[22] *See* the petitioner's circumvention ruling request at 16–18. *See also* the petitioner's supplemental response at 9–10 and Exhibits 5–6.

[23] *See* the petitioner's circumvention ruling request at 18. *See also* the petitioner's supplemental response at 10–12 and Exhibits 5–6.

[24] *See* the petitioner's circumvention ruling request at 18. *See also* the petitioner's supplemental response at 12–14 and Exhibits 5, 6, 11, and 12.

[25] *See* the petitioner's circumvention ruling request at 16–17.

[26] *See* the petitioner's circumvention ruling request at 19 and Exhibit 9. *See also* the petitioner's supplemental response at 14–16 and Exhibit 7.

[27] *See* the petitioner's circumvention ruling request at 19. *See also* the petitioner's supplemental response at 14–16 and Exhibit 9.

[28] *See* the petitioner's circumvention ruling request at 19–20. *See also* the petitioner's supplemental response at 16–17 and Exhibits 5–6.

[29] *See* the petitioner's circumvention ruling request at 20.

[30] *See* the petitioner's supplemental response at 7.

[31] *See* the petitioner's circumvention ruling request at Exhibit 9.

[32] *See* the petitioner's circumvention ruling request at 21–22.

[33] *See* the petitioner's circumvention ruling request at Exhibit 8 and supplement to the petitioner's circumvention ruling request at 10 for Wuhan Wanbang Laser Diamond Tools Co., Ltd., and Diamond Tools Technology (Thailand) as an example.

sawblades from the PRC is warranted with respect to Diamond Tools. If warranted, the Department may, based on additional evidence it receives from interested parties regarding potential anti-circumvention of the *PRC Sawblades Order* by other Thai companies, consider conducting additional inquiries concurrently.

With regard to whether the merchandise from Thailand is of the same class or kind as the merchandise produced in the PRC, the petitioner presented information to the Department indicating that, in accordance with section 781(b)(1)(A) of the Act, the merchandise being produced in and/or exported from Thailand is of the same class or kind as diamond sawblades produced in the PRC, which is subject to the antidumping duty order.[34] Consequently, we find that the petitioner provided sufficient information in its request regarding the class or kind of merchandise to support the initiation of this anti-circumvention inquiry.

With regard to completion or assembly of merchandise in a foreign country, in accordance with section 781(b)(1)(B) of the Act, the petitioner also presented to us two affidavits and the CBP Notice of Interim Measures indicating that diamond sawblades exported from Thailand to the United States by Diamond Tools are produced in Thailand using cores and segments produced and exported from the PRC.[35] We find that the information presented by the petitioner regarding this criterion supports its request to initiate this anti-circumvention inquiry with respect to Diamond Tools.

The Department finds that the petitioner sufficiently addressed the factors described in section 781(b)(1)(C) and (2) of the Act regarding whether the process of assembly or completion of finished diamond sawblades in Thailand is minor or insignificant with respect to Diamond Tools. In particular, the petitioner provided information indicating that: (1) The level of investment in the production facilities is minimal when compared with the level of investment for the facilities used in the production of segments; (2) there is little or no research and development taking place in Thailand; (3) the joining process involves the highly automated laser-welding, or other simpler joining methods, of cores and segments produced in the PRC and subject to the antidumping duty order; (4) the production facilities in Thailand are more limited than facilities in the PRC; and (5) the value of the processing performed in Thailand is a small proportion of the value of the diamond sawblades imported into the United States. In addition, according to the petitioner, in an ongoing investigation under the Enforce and Protect Act, CBP has issued an interim measure stating that there is a reasonable suspicion that Diamond Tools has entered subject merchandise into the United States through evasion of the antidumping duty order on diamond sawblades from the PRC.[36]

With respect to the value of the merchandise produced in the PRC, pursuant to section 781(b)(1)(D) of the Act, the petitioner provided information indicating that the value of cores and segments produced in the PRC represents the vast majority of the value of the products exported to the United States.[37] We find that the evidence presented by the petitioner address the requirements of this factor, as discussed above, for the purposes of initiating this anti-circumvention inquiry.[38]

In the final determinations of the antidumping duty investigations of diamond sawblades from the PRC and the Republic of Korea (Korea), we determined that the country in which cores and segments are joined is the country of origin of the finished diamond sawblades based on our factual findings that ''the attachment process imparts the essential quality of the diamond sawblade, coupled with the substantial capital investment and technical expertise that is required for the attachment process.'' [39] In making these factual findings, we relied on specific information provided by respondents in the investigations.[40] The CIT upheld our decisions with respect to the country of origin.[41] However, we do not have sufficient information on the record indicating whether substantial investments have been made to the Thai companies in question for the joining process in Thailand. Also, we do not have sufficient information on the record about the technical expertise required for the joining process in Thailand.[42] Moreover, our findings in the *Final Determinations* were made in the context of a country-of-origin determination, whereas we are considering the petitioner's request under the anti-circumvention provisions of the statute contained in section 781(b) of the Act. Therefore, we do not find the *Final Determinations* foreclose initiation of an anti-circumvention inquiry.

Finally, with respect to the additional factors listed under section 781(b)(3) of the Act, we find that the petitioner presented evidence indicating that shipments of finished diamond sawblades from Thailand to the United States increased since the imposition of the antidumping duty order, further supporting initiation of these anti-circumvention inquiries.[43] Accordingly, in accordance with section 781(b) of the Act, we are initiating a formal anti-circumvention inquiry concerning the antidumping duty order on diamond sawblades from the PRC with respect to Diamond Tools.

In connection with this anti-circumvention inquiry, in order to determine, among other things: (1) The extent to which PRC-sourced cores and segments are further processed into finished diamond sawblades in Thailand before the finished diamond sawblades are exported to the United States; and (2) whether the process of turning PRC-sourced cores and segments into finished diamond sawblades is minor or insignificant, the Department intends to issue questionnaires to solicit information from Diamond Tools related to these factors. The Department also intends to issue questionnaires to solicit information from Diamond Tools concerning its shipments of finished diamond sawblades to the United States

[34] *See* the petitioner's circumvention ruling request at 13–14 and Exhibit 9.

[35] *See* the petitioner's circumvention ruling request at 14–15 and Exhibits 9–12. *See also* the petitioner's supplemental response at 2–6 and Exhibits 5, 6, and 9.

[36] *See* the petitioner's circumvention ruling request at 9 and Exhibit 8. *See also* the petitioner's supplemental response at 5–6 and Exhibit 9.

[37] *See* the petitioner's circumvention ruling request at 20. *See also* the petitioner's supplemental response at 16–17 and Exhibits 5–6.

[38] *See, e.g.,* the petitioner's supplemental response at Exhibits 5–6 and 9.

[39] *See Final Determination—China* and accompanying I&D Memo at Comment 4, and *Notice of Final Determination of Sales at Less Than Fair Value and Final Determination of Critical Circumstances: Diamond Sawblades and Parts Thereof from the Republic of Korea,* 71 FR 29310 (May 22, 2006) (*Final Determination—Korea*), and accompanying I&D Memo at Comment 3 (collectively, *Final Determinations*).

[40] *Id.*

[41] *See Advanced Tech. & Materials Co.* v. *United States,* No. 09–00511, slip op. 11–122, at 7–10 (Ct. Int'l Trade Oct. 12, 2011) (upholding *Final Determinations—China*), and *Diamond Sawblades Manufacturers Coalition* v. *United States,* 06–00248, slip op. 13–130, at 23–25 (Ct. Intl Trade Oct. 24, 2013) (upholding *Final Determinations—Korea*).

[42] *See Clearon Corp.* v. *United States,* No. 13–00073, slip op. 14–88, at 33, 2014 WL 3643332, at *14 (Ct. Int'l Trade July 24, 2014) (''Although Commerce can and does take into consideration its policies and methodologies as expressed in different administrative case precedent when making its determination, it cannot take the factual information underlying those decisions into consideration unless those facts are properly on the record of the proceeding before it.'').

[43] *See* the petitioner's circumvention ruling request at Exhibit 9.

and the origin of the imported cores and segments being joined into finished diamond sawblades. Failure to respond completely to the Department's requests for information may result in the application of partial or total facts available pursuant to section 776(a) of the Act, which may include adverse inferences pursuant to section 776(b) of the Act.

Based on these allegations, we are initiating an anti-circumvention inquiry concerning the antidumping duty order on diamond sawblades from the PRC, pursuant to section 781(b) of the Act and 19 CFR 351.225(h), with respect to such merchandise from Thailand as described above. Because we are initiating this anti-circumvention inquiry, we are not initiating a changed circumstances review.

While we believe sufficient factual information has been submitted by the petitioner to support the initiation of an anti-circumvention inquiry, we do not find that the record supports the simultaneous issuance of a preliminary ruling. An anti-circumvention inquiry is typically complicated by its nature and can require information regarding production in both the country subject to the order and the third country in which the production of finished merchandise is completed. As we explained above, the Department intends to request additional information regarding the statutory criteria to determine whether shipments of finished diamond sawblades from Thailand are circumventing the antidumping duty order on diamond sawblades from the PRC. Thus, with further development of the record required before a preliminary ruling can be issued, the Department does not find it appropriate to issue a preliminary ruling at this time.

Notification to Interested Parties

In accordance with 19 CFR 351.225(e), the Department finds that the issue of whether a product is included within the scope of an order cannot be determined based solely upon the application and the descriptions of the merchandise. Accordingly, the Department will notify by mail all parties on the Department's scope service list of the initiation of this anti-circumvention inquiry. In addition, in accordance with 19 CFR 351.225(f)(1)(i) and (ii), in this notice of initiation issued under 19 CFR 351.225(e), we have included a description of the product that is the subject of this anti-circumvention inquiry (*i.e.,* diamond sawblades finished in Thailand by the joining of cores and segments from the PRC) and an explanation of the reasons for the Department's decision to initiate an anti-circumvention inquiry, as provided above. In accordance with 19 CFR 351.225(l)(2), if the Department issues a preliminary affirmative determination, we will then instruct CBP to suspend liquidation and require a cash deposit of estimated antidumping duties at the applicable rate for each unliquidated entry of the merchandise at issue, entered or withdrawn from warehouse for consumption on or after the date of initiation of the inquiry.

The Department will establish a schedule for questionnaires and comments on the issues. In accordance with section 781(f) of the Act and 19 CFR 351.225(f)(5), the Department intends to issue its final determination within 300 days of the date of publication of this initiation.

This notice is published in accordance with section 781(b) of the Act and 19 CFR 351.225(h).

Dated: December 1, 2017.

Gary Taverman,

Deputy Assistant Secretaryfor Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2017–26398 Filed 12–6–17; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–831]

Fresh Garlic From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Results of Administrative Review and Notice of Amended Final Results

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

SUMMARY: On September 19, 2017, the United States Court of International Trade (the CIT) entered final judgment sustaining the Department of Commerce's (the Department) second remand results pertaining to 18th administrative review of the antidumping duty order on fresh garlic from the People's Republic of China (PRC) for Hebei Golden Trading Co., Ltd. (Golden Bird) and Shenzhen Xinboda Industrial Co., Ltd. (Xinboda). The Department is notifying the public that the final judgment in this case is not in harmony with the final results and partial rescission of the 18th antidumping duty administrative review and that the Department has amended the dumping margins found for Xinboda and Golden Bird.

DATES: Applicable September 29, 2017.

FOR FURTHER INFORMATION CONTACT: Chien-Min Yang, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–5484.

SUPPLEMENTARY INFORMATION:

Background

On June 30, 2014, the Department published the *Final Results* pertaining to mandatory respondents Golden Bird and Xinboda, along with other exporters.[1] In the *Final Results,* the Department selected the Philippines as the primary surrogate country and relied on total adverse facts available (AFA) with respect to Golden Bird and found that the company was part of the PRC-wide entity.[2] The Department calculated a rate of $1.82 per kilogram for Xinboda.

On November 30, 2015, the CIT remanded for the Department to: (1) Consider evidence on the record concerning Golden Bird's independence from government control to determine whether the company is entitled to separate rate status based solely on that evidence, and if so, to determine an appropriate dumping margin specific to Golden Bird, taking into consideration the Department's sustained determination to select total AFA and applying the law extant at the time of the *Final Results;* (2) reconsider its surrogate country selection in the light of the Court's ruling concerning its interpretation of ''significant producer.'' [3]

On February 29, 2016, the Department filed the *Final Remand Results.*[4] In accordance with the *Final Remand Results,* the Department found, under protest, that Golden Bird is not part of the PRC wide entity and assigned a new separate AFA rate of $2.24 per kilogram, which represented Xinboda's highest transaction-specific margin from the instant administrative review.[5] The Department continued to find that the Philippines was a significant producer, taking into account the ''comparative''

[1] *See Fresh Garlic from the People's Republic of China: Final Results and Partial Rescission of the 18th Antidumping Duty Administrative Review; 2011–2012,* 79 FR 36721 (June 30, 2014) (*Final Results*), and accompanying Issues and Decision Memorandum (IDM).

[2] *See* IDM.

[3] *See Fresh Garlic Producers Association* v. *United States,* 121 F. Supp. 3d 1313 (CIT 2015).

[4] *See* Memorandum to The File, ''Final Results of Redetermination Pursuant to Remand: Fresh Garlic from the People's Republic of China,'' (February 29, 2016) (*Final Remand Results*).

[5] *Id.* at 6.

analysis required by the Court and the specific facts of this case.[6]

On July 7, 2016, the CIT again remanded the Department's selection of the Philippines as a surrogate country.[7] Per the Court's instructions, the Department reconsidered its surrogate country selection and, under protest, selected Ukraine as the primary surrogate country.[8] The calculations performed with the new surrogate values resulted in a weighted-average dumping margin of $2.19 per kilogram for Xinboda. Since the Department recalculated a margin for Xinboda with a new surrogate country and new surrogate values, we updated Golden Bird's separate AFA rate to reflect Xinboda's highest-transaction specific margin using the new surrogate values. Accordingly, Golden Bird was assigned an updated AFA rate of $2.76 per kilogram.

On September 19, 2017, the CIT sustained the Department's *Second Remand Results* with respect to the eighteenth administrative review of the AD order on fresh garlic from China.[9]

Timken Notice

In its decision in *Timken,*[10] as clarified by *Diamond Sawblades,*[11] the Court of Appeals for the Federal Circuit held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended (the Act), the Department must publish a notice of a court decision that is not ''in harmony'' with a Department determination and must suspend liquidation of entries pending a ''conclusive'' court decision. The CIT's September 19, 2017, final judgment sustaining the *Second Remand Results* constitutes a final decision of the Court that is not in harmony with the Department's *Final Results.*[12] This notice is published in fulfillment of the *Timken* publication requirements.

Amended Final Results

Because there is now a final court decision, we are amending the *Final Results* with respect to the dumping margins calculated for Xinboda and Golden Bird. Based on the *Second Remand Results,* as affirmed by the CIT, the revised dumping margin for Xinboda, from November 1, 2011, through October 31, 2012, is $2.19 per kilogram. The separate AFA rate for Golden Bird from November 1, 2011, through October 31, 2012, is $2.76 per kilogram.

Because the CIT's ruling was not appealed, it represents a final and conclusive court decision, and accordingly the Department will instruct Customs and Border Protection (CBP) to assess antidumping duties on unliquidated entries of subject merchandise based on the revised dumping margins summarized above.

Cash Deposit Requirements

The Department will not update the cash deposit requirements for Golden Bird and Xinboda as they each have later-determined rates from subsequent administrative reviews.

Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(e)(1), 751(a)(1), and 777(i)(1) of the Act.

Dated: December 4, 2017.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2017–26384 Filed 12–6–17; 8:45 am]

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[6] *Id.* at 6–11.

[7] *See Fresh Garlic Producers Association* v. *United States,* 180 F. Supp. 3d 1233 (CIT 2016).

[8] *See* Memorandum to The File, ''Final Results of Redetermination Pursuant to Remand: Fresh Garlic from the People's Republic of China, Fresh Garlic Producers Association, et al., v. United States, U.S. Court of International Trade, Consol. Ct. No. 14–00180, Slip Op. 16–68,'' (January 10, 2017) (*Second Remand Results*).

[9] *See Fresh Garlic Producers Association* v. *United States,* CIT Slip Op. 17–127, Consol. Ct. No. 14–00180 (September 19, 2017) (Slip Op. 17–127).

[10] *See Timken Co.* v. *United States,* 893 F.2d 337, 341 (Fed. Cir. 1990) (*Timken*).

[11] *See Diamond Sawblades Mfrs. Coalition* v. *United States,* 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

[12] *See Final Results.*

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–869]

Diffusion-Annealed, Nickel-Plated Flat-Rolled Steel Products From Japan: Final Results of Antidumping Duty Administrative Review; 2015–2016

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

SUMMARY: On June 6, 2017, the Department of Commerce (the Department) published in the **Federal Register** the preliminary results of the administrative review of the antidumping duty order on diffusion-annealed, nickel-plated flat-rolled steel products (nickel-plated, flat-rolled steel) from Japan. The review covers two producers/exporters of the subject merchandise, Toyo Kohan Co., Ltd (Toyo Kohan) and Nippon Steel & Sumitomo Metals Corporation (NSSMC). The period of review (POR) is May 1, 2015, through April 30, 2016. As a result of our analysis of the comments and information received, these final results differ from the preliminary results of review. For the final weighted-average dumping margin, *see* the ''Final Results of Review'' section, below. Further, we continue to find that NSSMC had no reviewable shipments of subject merchandise during the POR.

DATES: Applicable December 7, 2017.

FOR FURTHER INFORMATION CONTACT: Madeline Heeren, 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) 482–9179.

SUPPLEMENTARY INFORMATION:

Background

On June 6, 2017, the Department published the *Preliminary Results.*[1] A summary of the events that occurred since the Department published these results, as well as a full discussion of the issues raised by parties for these final results, may be found in the Issues and Decision Memorandum, which is hereby adopted by this notice.[2]

Scope of the Order

The diffusion-annealed, nickel-plated flat-rolled steel products included in this order are flat-rolled, cold-reduced steel products, regardless of chemistry; whether or not in coils; either plated or coated with nickel or nickel-based alloys and subsequently annealed (*i.e.,* ''diffusion-annealed''); whether or not painted, varnished or coated with plastics or other metallic or nonmetallic substances; and less than or equal to 2.0 mm in nominal thickness. For purposes of this order, ''nickel-based alloys'' include all nickel alloys with other metals in which nickel accounts for at least 80 percent of the alloy by volume.

Imports of merchandise included in the scope of this order are classified primarily under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7212.50.0000 and 7210.90.6000, but may also be classified under HTSUS subheadings

[1] *See Diffusion-Annealed, Nickel-Plated Flat-Rolled Steel Products from Japan: Preliminary Results of Antidumping Duty Administrative Review, Preliminary Determination of No Shipments; 2015–2016,* 82 FR 26046 (June 6, 2017) (*Preliminary Results*) and accompanying Preliminary Decision Memorandum.

[2] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the Administrative Review of the Antidumping Duty Order on Diffusion-Annealed, Nickel-Plated Flat-Rolled Steel Products from Japan; 2015–2016,'' dated concurrently with and hereby adopted by this notice (Issues and Decision Memorandum).

7210.70.6090, 7212.40.1000, 7212.40.5000, 7219.90.0020, 7219.90.0025, 7219.90.0060, 7219.90.0080, 7220.90.0010, 7220.90.0015, 7225.99.0090, or 7226.99.0180. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this order is dispositive.

Final Determination of No Shipments

In the *Preliminary Results,* the Department determined that NSSMC had no shipments during the POR.[3] Following publication of the *Preliminary Results,* we received no comments from interested parties regarding this determination. As a result, and because the record contains no evidence to the contrary, we find that NSSMC made no shipments during the POR. Accordingly, consistent with the Department's practice, we intend to instruct U.S. Customs and Border Protection (CBP) to liquidate any existing entries of merchandise produced by NSSMC, but exported by other parties without their own rate, at the all-others rate.[4]

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this administrative review are addressed in the Issues and Decision Memorandum. A list of the issues raised by parties is attached to this notice as an Appendix. The Issues and Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov* and it is available to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/index.html.* The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Results

Based on our review of the record and comments received from interested parties, we made certain changes to the margin calculations for Toyo Kohan. For a discussion of these changes, *see* Issues and Decision Memorandum.

Final Results of the Review

The final weighted-average dumping margins are as follows for the period May 1, 2015, through April 30, 2016:

Producer or exporter	Weighted-average dumping margin (percent)
Toyo Kohan Co., Ltd	1.59

Disclosure

We will disclose the calculations performed to parties in this proceeding within five days of the date of publication of this notice, in accordance with 19 CFR 351.224(b).

Duty Assessment

The Department shall determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review pursuant to section 751(a)(2)(C) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.212(b).

For Toyo Kohan, because its weighted-average dumping margin is not zero or *de minimis* (*i.e.,* less than 0.5 percent), the Department has calculated importer-specific *ad valorem* duty assessment rates. We calculated importer-specific *ad valorem* antidumping duty rates by aggregating the total amount of dumping calculated for the importer's examined sales and dividing each of these amounts by the total entered value associated with those sales. We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review where an importer-specific assessment is above *de minimis.* Pursuant to 19 CFR 351.106(c)(2), we will instruct CBP to liquidate without regard to antidumping duties any entries for which the importer-specific assessment rate is zero or *de minimis.*

As noted in the ''Final Determinaton of No Shipments'' section, above, the Department will instruct CBP to liquidate any existing entries of merchandise produced by NSSMC but exported by other parties, at the rate for the intermediate reseller, if available, or at the all-others rate.[5] We intend to issue assessment instructions directly 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 this notice for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication of these final results, as provided by section 751(a)(2) of the Act: (1) The cash deposit rate for Toyo Kohan will be the rate established in the final results of this administrative review; (2) for merchandise exported by manufacturers 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 manufacturer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the manufacturer of the subject merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 45.42 percent, the all-others rate established in the antidumping investigation.[6] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during the period of review. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties did occur and the subsequent assessment of doubled antidumping duties.

Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written

[3] *See Preliminary Results,* 82 FR at 26047, and accompanying Preliminary Decision Memorandum, at 2–3.

[4] *See, e.g., Magnesium Metal from the Russian Federation: Preliminary Results of Antidumping Duty Administrative Review,* 75 FR 26922, 26923 (May 13, 2010), unchanged in *Magnesium Metal from the Russian Federation: Final Results of Antidumping Duty Administrative Review,* 75 FR 56989, 56990 (September 17, 2010).

[5] For a full discussion of this practice, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003)

[6] *See Diffusion-Annealed, Nickel-Plated Flat-Rolled Steel Products from Japan: Antidumping Duty Order,* 79 FR 30816, 30817 (May 29, 2014) (*Order*).

notification of the return/destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(h).

Dated: December 1, 2017.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix I

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. List of Issues
III. Background
IV. Scope of the Order
V. Discussion of the Issues
Comment 1: Classification of EP Sales as CEP Sales
Comment 2: Using Lower of Cost Method or Market Rule for Overrun Production Costs
Comment 3: The Department Should Correct Certain Clerical Errors in its *Preliminary Results*
VI. Recommendation

[FR Doc. 2017–26380 Filed 12–6–17; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–831]

Fresh Garlic From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Results of Administrative Review and Notice of Amended Final Results

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

SUMMARY: On September 19, 2017, the United States Court of International Trade (the CIT) entered final judgment sustaining the Department of Commerce's (the Department) remand results pertaining to 19th antidumping duty administrative review of the antidumping duty order on fresh garlic from the People's Republic of China (PRC) for Hebei Golden Trading Co., Ltd. (Golden Bird) and Shenzhen Xinboda Industrial Co., Ltd. (Xinboda), and certain non-examined separate rate companies. The Department is notifying the public that the final judgment in this case is not in harmony with the final results and partial rescission of the 19th antidumping duty administrative review, and that the Department has assigned Xinboda and other non-examined separate rate companies Jinxiang Richfar Fruits & Vegetables Co, Ltd. (Jinxiang Richfar); Qingdao Lianghe International Trade Co., Ltd. (Qingdao Lianghe); Shandong Chenhe International Trading Co., Ltd. (Shandong Chenhe); and Weifang Hongqiao International Logistics Co., Ltd. (Weifang Hongqiao) a dumping margin of $2.19 per kilogram.

DATES: Applicable September 29, 2017.

FOR FURTHER INFORMATION CONTACT: Chien-Min Yang, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–5484.

SUPPLEMENTARY INFORMATION:

Background

On June 15, 2015, the Department published the *Final Results* pertaining to mandatory respondents Golden Bird and Jinxiang Hejia Co., Ltd. (Hejia), along with other exporters, including non-examined separate rate companies Xinboda, Jinxiang Richfar, Qingdao Lianghe, Shandong Chenhe, and Weifang Hongqiao.[1] The period of review (POR) is November 1, 2012, through October 31, 2013. In the *Final Results,* the Department relied on total adverse facts available (AFA) with respect to Golden Bird and Hejia, and found Golden Bird and Hejia to be part of the PRC-wide entity.[2] The Department assigned a rate of $1.82 per kilogram for Xinboda and the other non-examined separate rate companies.[3]

On July 27, 2016, the CIT remanded for the Department to consider evidence on the record concerning Golden Bird's independence from government control to determine whether the company is entitled to separate rate status.[4] The Court ordered the Department to select a separate rate for the non-examined companies ''by either employing a different reasonable method to calculate the separate rate, such as reopening the record to examine new mandatory respondents, reopening the record to collect information from which to calculate a reliable separate rate, or if it results in a non-punitive rate for separate respondents, adjusting the separate rate assigned based on the results of remand pursuant to {*Fresh Garlic Producers Association* v. *United States,* 180 F. Supp. 3d 1233 (CIT 2016), arising out of the eighteenth administrative review of the AD order on fresh garlic from the PRC (*FGPA II*)}.'' [5]

On April 28, 2017, the Department filed the *Final Remand Results,* continuing to find Golden Bird ineligible for a separate rate.[6] For non-examined separate companies, the Department determined that it would establish their rate by applying the updated separate rate determined in the remand of the 18th administrative review, pursuant to *FGPA II.*[7]

On July 17, 2017, the CIT sustained the Department's *Final Remand Results* as to Golden Bird.[8] On September 19, 2017, the CIT sustained the Department's *Final Remand Results* as to the separate rate applied to non-examined companies.[9] Thus, the calculations performed with the new surrogate values resulted in a weighted-average dumping margin of $2.19 per kilogram and was assigned to Xinboda, Jinxiang Richfar, Qingdao Lianghe, Shandong Chenhe, and Weifang Hongqiao.

Timken Notice

In its decision in *Timken,*[10] as clarified by *Diamond Sawblades,*[11] the Court of Appeals for the Federal Circuit held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended (the Act), the Department must publish a notice of a court decision that is not ''in harmony'' with a Department determination and must suspend liquidation of entries pending a ''conclusive'' court decision. The CIT's September 19, 2017, final judgment sustaining the *Final Remand Results*

[1] *See Fresh Garlic from the People's Republic of China: Final Results and Partial Rescission of the 19th Antidumping Duty Administrative Review; 2012–2013,* 80 FR 34141 (June 15, 2015) (*Final Results*), and accompanying Issues and Decision Memorandum (IDM).

[2] *See* IDM.

[3] *Id.*

[4] *See Shenzhen Xinboda Industrial Co., Ltd., et al.,* v. *United States,* CIT Slip Op. 16–74, Consol. Ct. No. 15–00179 (July 27, 2016) (*Garlic 19 Remand*) at 30.

[5] *Id.* at 30–31.

[6] *See* Memorandum to The File, ''Final Results of Redetermination Pursuant to Remand: Fresh Garlic from the People's Republic of China, Shenzhen Xinboda Industrial Co., Ltd., et al. v. United States, U.S. Court of International Trade, Consol. Ct. No. 15–00179, Slip Op. 16–74'' (April 28, 2016).

[7] *Id.*

[8] *See Hebei Golden Bird Trading Co., Ltd., et al.,* v. *United States,* CIT Slip Op. 17–86, Ct. No. 15–00182 (July 17, 2017).

[9] *See Fresh Garlic Producers Association, et al.,* v. *United States,* CIT Slip Op. 17–127, Consol. Ct. No. 14–00180 (September 19, 2017) (Slip Op. 17–127).

[10] *See Timken Co.* v. *United States,* 893 F.2d 337, 341 (Fed. Cir. 1990) (*Timken*).

[11] *See Diamond Sawblades Mfrs. Coalition* v. *United States,* 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

constitutes a final decision of the Court that is not in harmony with the Department's *Final Results.*[12] This notice is published in fulfillment of the *Timken* publication requirements.

Amended Final Results

Because there is now a final court decision, we are amending the *Final Results* with respect to the dumping margin calculated for Xinboda. Based on the *Final Remand Results,* as affirmed by the CIT, the revised dumping margin for Xinboda, from November 1, 2011, through October 31, 2012, is $2.19 per kilogram. The $2.19 per kilogram dumping margin also applies to the following separate rate companies: Jinxiang Richfar, Qingdao Lianghe, Shandong Chenhe, and Weifang Hongqiao.

Because the CIT's ruling was not appealed, it represents a final and conclusive court decision, and the Department will instruct Customs and Border Protection (CBP) to assess antidumping duties on unliquidated entries of subject merchandise based on the revised dumping margins summarized above.

Cash Deposit Requirements

The Department will issue revised cash deposit instructions to CBP, adjusting the cash deposit rate for Jinxiang Richfar and Shandong Chenhe to $2.19/kg, effective September 29, 2017. The Department will not update the cash deposit requirements for Xinboda, Qingdao Lianghe, and Weifang Hongqiao as they each have later-determined rates from *Fresh Garlic From the People's Republic of China: Final Results and Partial Rescission of the 21st Antidumping Duty Administrative Review; 2014–2015,* 82 FR 27230 (June 14, 2017).

Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(e)(1), 751(a)(1), and 777(i)(1) of the Act.

Dated: December 4, 2017.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2017–26388 Filed 12–6–17; 8:45 am]

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[12] *See Final Results.*

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–831]

Fresh Garlic From the People's Republic of China: Preliminary Results, Preliminary Rescission, and Final Rescission, in Part, of the 22nd Antidumping Duty Administrative Review and Preliminary Results of the New Shipper Reviews; 2015–2016

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

SUMMARY: The Department of Commerce (the Department) is conducting the 22nd administrative review of the antidumping duty order on fresh garlic from the People's Republic of China (PRC) and two concurrent new shipper reviews. The period of review (POR) for the administrative and new shipper reviews is November 1, 2015, through October 31, 2016. The Department preliminarily determines that mandatory respondent, Shandong Jinxiang Zhengyang Import & Export Co., Ltd. (Zhengyang) sold subject merchandise to the United States at less than normal value (NV). We also preliminarily find that the review request made by the Coalition for Fair Trade in Garlic (the CFTG) was not valid, and accordingly have preliminarily rescinded the review with respect to seven companies, including the other mandatory respondent, Zhengzhou Harmoni Spice Co., Ltd. (Harmoni). The Department also preliminarily determines that the new shipper reviews respondents, Qingdao Joinseafoods Co., Ltd. and Join Food Ingredient Inc. (collectively, Join) and Zhengzhou Yudi Shengjin Agricultural Trade Co., Ltd. (Yudi), each made sales of subject merchandise at less than normal value. We invite interested parties to comment on these preliminary results.

DATES: Applicable December 7, 2017.

FOR FURTHER INFORMATION CONTACT: Kathryn Wallace or Alexander Cipolla, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–6251 or (202) 482–4956.

Scope of the Order

The merchandise covered by the order includes all grades of garlic, whole or separated into constituent cloves. Fresh garlic that are subject to the order are currently classified under the Harmonized Tariff Schedule of the United States (HTSUS) 0703.20.0010, 0703.20.0020, and 0703.20.0090. Although the HTSUS numbers are provided for convenience and customs purposes, the written product description remains dispositive. For a full description of the scope of this order, please see ''Scope of the Order'' in the accompanying Preliminary Decision Memorandum.[1]

Partial Rescission of Administrative Review

On January 13, 2017, the Department initiated a review of 35 companies in this administrative review.[2] On April 13, 2017, review requests were timely withdrawn for six companies.[3] In addition, as discussed in the accompanying Issues and Decision Memorandum, one of the companies for which the review request was timely rescinded is a part of the QTF-Entity, which submitted a separate rate application. Accordingly, this company remains subject to review. Moreover, the Department inadvertently initiated a review of one company without a request. The Department is, therefore, partially rescinding this administrative review with respect to the companies listed in Appendix I, in accordance with 19 CFR 351.213(d)(1).

Preliminary Rescission of Administrative Review

In addition, as discussed in depth at ''Preliminary Rescission of Administrative Review'' in the accompanying Preliminary Decision Memorandum, the Department has preliminarily determined that the review request from the CFTG was invalid, and is preliminarily rescinding the administrative review with respect to the companies listed in Appendix II.

Methodology

The Department is conducting these reviews in accordance with section 751(a)(1)(B) and 751(a)(2)(B) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.214. Export prices were

[1] *See* Memorandum, ''Decision Memorandum for the Preliminary Results, Preliminary Rescission, and Final Rescission, In Part, of the 2015–2016 Antidumping Duty Administrative Review and Preliminary Results of the New Shipper Reviews: Fresh Garlic from the People's Republic of China'' (November 30, 2017) (Preliminary Decision Memorandum).

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 82 FR 4294 (January 13, 2017) (*Initiation Notice*). For a list of the 35 companies, *see* 82 FR 4296–4297.

[3] *See* Petitioners' Letter, ''22nd Administrative Review of the Antidumping Duty Order on Fresh Garlic from the People's Republic of China—Petitioners' Withdrawal of Certain Requests for Administrative Review,'' (April 13, 2017).

calculated in accordance with section 772(a) of the Act; constructed export prices were calculated in accordance with section 772(b) of the Act. Because the PRC is a non-market economy (NME) within the meaning of section 771(18) of the Act, NV has been calculated in accordance with section 773(c) of the Act.

For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum, which is hereby adopted by this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov,* and is available to all parties in the Central Records Unit, room B8024 of the main 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 versions of the Preliminary Decision Memorandum are identical in content.

Preliminary Determination of No Shipments

As discussed at ''Preliminary Determination of No Shipments'' in the accompanying Preliminary Decision Memorandum, 14 companies timely filed ''no shipment'' certifications stating that they had no entries into the United States of subject merchandise during the POR. However, no review requests were submitted for five of these companies. Moreover, review requests were timely withdrawn for two of these companies. In addition, two of these companies are a part of the QTF-entity, which filed a separate rate certification, as discussed at ''Separate Rate Status of the QTF-Entity'' in the accompanying Issues and Decision Memorandum.

Accordingly, the Department, consistent with its practice, requested that U.S. Customs and Border Protection (CBP) conduct a query of potential shipments made by the remaining five companies. Based on the certifications by the remaining companies and our analysis of CBP information, we preliminarily determine that the companies listed in Appendix IV did not have any reviewable transactions during the POR. In addition, the Department finds that consistent with its refinement to its assessment practice in NME cases, further discussed below, it is appropriate not to preliminarily rescind the administrative review, in part, in these circumstances, but rather to complete the administrative review with respect to these five companies, and issue appropriate instructions to CBP based on the final results of the administrative review.[4]

Verification

As provided in section 782(i) of the Act, we intend to verify the information provided by respondents using standard verification procedures, including on-site inspection of the producer's and exporter's facilities, and examination of relevant sales and financial records. Our verification results will be outlined in the verification report for the respective respondents after completion of the verification.

Preliminary Determination of Separate Rates for Non-Selected Companies

In accordance with section 777A(c)(2)(B) of the Act, the Department employed a limited examination methodology, as it determined that it would not be practicable to examine individually all companies for which a review request was made.[5] There were six exporters of subject merchandise from the PRC that have demonstrated their eligibility for a separate rate but were not selected for individual examination in this review. These six exporters are listed in Appendix III.

Neither the Act nor the Department's regulations address the establishment of the rate applied to individual companies not selected for examination where the Department limited its examination in an administrative review pursuant to section 777A(c)(2) of the Act. The Department's practice in cases involving limited selection based on exporters accounting for the largest volume of imports has been to look to section 735(c)(5) of the Act for guidance, which provides instructions for calculating the all-others rate in an investigation. Section 735(c)(5)(A) of the Act instructs the Department to use rates established for individually investigated producers and exporters, excluding any rates that are zero, *de minimis,* or based entirely on facts available in investigations. In the administrative review, Zhengyang is the only reviewed respondent that received a weighted-average margin. Therefore, for the preliminary results, the Department has preliminarily determined to assign Zhengyang's margin to the non-selected separate-rate companies.

PRC-Wide Entity

The Department's policy regarding conditional review of the PRC-wide entity applies to this administrative review.[6] 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, and the Department did not self-initiate, a review of the PRC-wide entity for this POR, the entity is not under review and the entity's rate (*i.e.,* $4.71/kg) is not subject to change.[7] Aside from the no shipments companies discussed below, and the companies for which the review is being rescinded, the Department considers all other companies for which a review was requested, and which did not preliminarily qualify for a separate rate, to be part of the PRC-wide entity. For additional information, *see* the Preliminary Decision Memorandum.

Preliminary Results of Administrative Review

The Department preliminarily determines that the following weighted-average dumping margins exist for the administrative review covering the period November 1, 2015, through October 31, 2016:

[4] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694, 65694–95 (October 24, 2011); *see also* ''Assessment Rates'' section below.

[5] *See* Memorandum, ''Administrative Review of the Antidumping Duty Order on Fresh Garlic from the People's Republic of China: Respondent Selection Memorandum,'' dated March 7, 2017.

[6] *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).

[7] *See Fresh Garlic from the People's Republic of China: Final Results and Partial Rescission of the 13th Antidumping Duty Administrative Review and New Shipper Reviews,* 74 FR 29174 (June 19, 2009).

Exporter	Weighted-average margin (dollars per kilogram)
Shandong Jinxiang Zhengyang Import & Export Co., Ltd	2.69
Jining Shunchang Import & Export Co., Ltd	2.69
Jinxiang Feiteng Import & Export Co., Ltd	2.69
Qingdao Sea-Line International Trading Co., Ltd	2.69
Shenzhen Bainong Co., Ltd	2.69
Shenzhen Xinboda Industrial Co., Ltd	2.69
Weifang Hongqiao International Logistics Co., Ltd	2.69

Preliminary Results of New Shipper Reviews

The Department preliminarily determines that the following weighted-average dumping margins exist for the new shipper review covering the period November 1, 2015, through October 31, 2016:

Exporter	Weighted-average margin (dollars per kilogram)
Qingdao Joinseafoods Co., Ltd. and Join Food Ingredient Inc.	2.20
Zhengzhou Yudi Shengjin Agricultural Trade Co., Ltd	3.19

Disclosure, Public Comment and Opportunity To Request a Hearing

The Department intends to disclose the calculations used in our analyses to parties in this review within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Case briefs or other written comments may be submitted by interested parties no later than seven days after the date on which the final verification report is issued in these proceedings and rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs.[8] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[9] Any electronically filed document must be received successfully in its entirety by the Department's electronic records system, ACCESS, by the date and time it is due.

Pursuant to 19 CFR 351.310, any interested party may request a hearing within 30 days of publication of this notice. Hearing requests should contain the following information: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Oral presentations will be limited to issues raised in the case and rebuttal briefs. If a party requests a hearing, the Department 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. Parties should confirm by telephone the date, time, and location of the hearing.

The Department intends to issue the final results of these reviews, 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

Upon issuance of the final results, the Department will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review, in accordance with 19 CFR 351.212(b). For the companies for which this review is rescinded, antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(l)(i). The Department intends to issue appropriate assessment instructions with respect to the companies for which this review is rescinded to CBP 15 days after the publication of this notice. For the remaining companies subject to review, the Department will direct CBP to assess rates based on the per-unit (*i.e.,* per kilogram) amount on each entry of the subject merchandise during the POR. The Department intends to issue assessment instructions to CBP 15 days after the publication date of the final results of review.

Pursuant to the Department's assessment practice in NME cases, for merchandise that was not reported in the U.S. sales databases submitted by an exporter individually examined during this review, but that entered under the case number of that exporter (*i.e.,* at the individually-examined exporter's cash deposit rate), the Department will instruct CBP to liquidate such entries at the NME-wide rate. In addition, 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.[10]

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this 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 sections 751(a)(2) of the Act: (1) For the companies listed

[8] *See* 19 CFR 351.309. *See also* 19 CFR 351.303 (for general filing requirements).

[9] *See* 19 CFR 351.309(c)(2).

[10] For a full discussion of this practice, *see Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011).

above, the cash deposit rate will be the rate established in these final results of review (except, if the rate is zero or *de minimis,* then zero cash deposit will be required for that company); (2) for previously investigated or reviewed PRC and non-PRC exporters not listed above that have separate rates, the cash deposit rate will continue to be the exporter-specific rate published for the most recent period; (3) for all PRC exporters of subject merchandise which have not been found to be entitled to a separate rate, the cash deposit rate will be the PRC-wide rate of 4.71 U.S. dollars per kilogram; 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 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 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 preliminary results in accordance with sections 751(a)(1) and 777(i) of the Act, and 19 CFR 351.213(h) and 351.221(b)(4).

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 of Enforcement and Compliance.

Appendix I

Companies for Which Administrative Reviews Have Been Rescinded

1. Jining Alpha Food Co., Ltd.
2. Jining Yongjia Trade Co., Ltd.
3. Jinxiang Hejia Co., Ltd.
4. Qingdao Joinseafoods Co., Ltd. and Join Food Ingredient Inc.
5. Zhengzhou Yudi Shengjin Agricultural Trade Co., Ltd.
6. Jinxiang Shengtai Fruits & Vegetables Co., Ltd.

Appendix II

Companies for Which Administrative Reviews Have Been Preliminarily Rescinded

1. Jinxiang Jinma Fruits Vegetables Products Co., Ltd
2. Juxian Huateng Food Co., Ltd.
3. Qingdao Hailize (Sea-Line) International Trading Co., Ltd.
4. Qingdao Jiuyihongrun Foods Co., Ltd.
5. Qingdao Ritai Food Co., Ltd.
6. Zhengzhou Harmoni Spice Co. Ltd.
7. Zhonglian Nongchan Co., Ltd.

Appendix III

Non-Selected Separate Rate Companies

1. Jining Shunchang Import & Export Co., Ltd.
2. Jinxiang Feiteng Import & Export Co., Ltd.
3. Qingdao Sea-Line International Trading Co., Ltd.
4. Shenzhen Bainong Co., Ltd.
5. Shenzhen Xinboda Industrial Co., Ltd.
6. Weifang Hongqiao International Logistics Co., Ltd.

Appendix IV

Companies That Have Certified No Shipments

1. Jinan Farmlady Trading Co., Ltd.
2. Jining Shengtai Fruits & Vegetables Co., Ltd.
3. Jining Yifa Garlic Produce Co., Ltd.
4. Jinxiang Richfar Fruits & Vegetables Co., Ltd.
5. Shijiazhuang Goodman Trading Co., Ltd.

[FR Doc. 2017–26378 Filed 12–6–17; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–904]

Certain Activated Carbon From the People's Republic of China: Notice of Partial Rescission of Antidumping Duty Administrative Review; 2016–2017

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

SUMMARY: On June 7, 2017, the Department of Commerce (the Department) published a notice of initiation of an administrative review of the antidumping duty order on certain activated carbon from the People's Republic of China (PRC). Based on the timely withdrawal of the requests for review of certain companies, we are now rescinding this administrative review for the period April 1, 2016 through March 31, 2017, with respect to 184 companies.

DATES: Effective December 7, 2017.

FOR FURTHER INFORMATION CONTACT: John Anwesen or Jinny Ahn, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0131 or (202) 482–0339, respectively.

SUPPLEMENTARY INFORMATION:

Background

On April 27, 2007, the Department published in the **Federal Register** the antidumping duty order on certain activated carbon from the PRC.[1] On April 3, 2017, the Department published a notice of opportunity to request an administrative review of the antidumping duty order on certain activated carbon from the PRC for the April 1, 2016, through March 31, 2017 period of review (POR).[2]

On April 14, 2017, Shanxi Sincere Industrial Co., Ltd. (Shanxi Sincere) requested a review of itself.[3] On April 26, 2017, Tancarb Activated Carbon Co., Ltd. (Tancarb) requested a review of itself.[4] On April 28, 2017, Calgon Carbon Corporation and Cabon Norit Americas Inc. (the petitioners) requested an administrative review of 207 companies; [5] Beijing Pacific Activated Carbon Products Co., Ltd. (Beijing Pacific) requested a review of itself; [6] and Carbon Activated Corporation (CA Corporation) requested reviews of Carbon Activated Tinanjin Co., Ltd. (CA Tianjin), Ningxia Mineral & Chemical Limited, Shanxi Sincere, Tancarb, and Tianjin Maijin Industries Co., Ltd.[7] On May 1, 2017, Carbon Activated Tianjin Co., Ltd. (CA Tianjin),[8] Datong Juqiang Activated Carbon Co., Ltd. (Datong Juqiang),[9] Jilin Bright Future Chemicals Company, Ltd. (Jilin Bright Future),[10]

[1] *Notice of Antidumping Duty Order: Certain Activated Carbon from the People's Republic of China,* 72 FR 20988, dated April 27, 2017.

[2] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review,* 82 FR 16163, dated April 3, 2017.

[3] *See* Shanxi Sincere's submission, ''Certain Activated Carbon from the People's Republic of China Request for Administrative Review,'' dated April 14, 2017.

[4] *See* Tancarb's submission, ''Activated Carbon from the People's Republic of China: Request for Administrative Review,'' dated April 26, 2017.

[5] *See* the petitioners' submission, ''Certain Activated Carbon from the People's Republic of China—Petitioners' Request for Initiation of Tenth Administrative Review,'' dated April 28, 2017 (Petitioners' Request for Review).

[6] *See* Beijing Pacific's submission, ''Activated Carbon from the People's Republic of China: Administrative Review Request,'' dated April 28, 2107.

[7] *See* CA Corporation's submission, ''Activated Carbon from the People's Republic of China Request for Administrative Review,'' dated April 28, 2017.

[8] *See* CA Tianjin's submission, ''Activated Carbon from the People's Republic of China Request for Administrative Review,'' dated May 1, 2017.

[9] *See* Datong Juqiang's submission, ''Certain Activated Carbon from the People's Republic of China; Request for Antidumping Administrative Review,'' dated May 1, 2017.

[10] *See* Jilin Bright Future's submission, ''Activated Carbon from the People's Republic of China Request for Antidumping Administrative Review,'' dated May 1, 2017.

Ningxia Mineral & Chemical Lmited (Ningxia Mineral),[11] Shanxi Dapu International Trade Co., Ltd. (Shanxi Dapu),[12] Shanxi DMD Corporation (Shanxi DMD),[13] and Shanxi Industry Technology Trading Co., Ltd. (Shanxi ITT),[14] respectively, requested reviews of themselves individually.

On June 7, 2017, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.221(c)(1)(i), the Department published in the **Federal Register** notice of initiation of an administrative review of the order on certain activated carbon from the PRC with respect to 209 companies.[15] On September 5, 2017, the petitioners withdrew their request for an administrative review for 185 companies.[16] In the list of companies for which the petitioners withdrew their review request, Shanxi Dapu was the only company for which a party other than the petitioners had requested a review.

Partial Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), the Department will rescind an administrative review, in whole or in part, if the party that requested the review withdraws its request within 90 days of the publication of the notice of initiation of the requested review. In this case, the petitioners timely withdrew their review request, in part, by the 90-day deadline. Out of the 185 companies for which the petitioners withdrew their review request, one company requested an administrative review of the antidumping duty order for itself. Therefore, we are rescinding the administrative review of the antidumping duty order on certain activated carbon from the PRC for the period April 1, 2016, through March 31, 2017, with respect to the 184 companies for which all review requests were withdrawn, in accordance with 19 CFR 351.213(d)(1). The review will continue with respect to the remaining 24 companies for which reviews were requested.[17]

Assessment

The Department will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries. For the companies for which this review is rescinded, antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions directly to CBP 15 days after publication of this notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Department's presumption that reimbursement of the antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Notification Regarding Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We intend to issue and publish this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(d)(4).

Dated: December 4, 2017.

James Maeder,

Senior Director performing the duties of the Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Attachment

1. Beijing Embrace Technology Co., Ltd.
2. Beijing Pacific Activated Carbon Products Co., Ltd.
3. Carbon Activated Tianjin Co., Ltd.
4. Datong Juqiang Activated Carbon Co., Ltd.
5. Datong Municipal Yunguang Activated Carbon Co., Ltd.
6. Jacobi Carbons AB
7. Jilin Bright Future Chemicals Company, Ltd.
8. Meadwestvaco (China) Holding Co., Ltd.
9. Ningxia Guanghua A/C Co., Ltd.
10. Ningxia Guanghua Activated Carbon Co., Ltd.
11. Ningxia Guanghua Cherishmet Activated Carbon Co., Ltd.
12. Ningxia Huahui Activated Carbon Co., Ltd.
13. Ningxia Jirui Activated Carbon
14. Ningxia Mineral & Chemical Limited
15. Shanxi Dapu International Trade Co., Ltd.
16. Shanxi DMD Corporation
17. Shanxi Industry Technology Trading Co., Ltd.
18. Shanxi Sincere Industrial Co., Ltd.
19. Sinoacarbon International Trading Co, Ltd.
20. Tancarb Activated Carbon Co., Ltd.
21. Tangshan Solid Carbon Co., Ltd.
22. Tianjin Channel Filters Co., Ltd.
23. Tianjin Jacobi International Trading Co. Ltd.
24. Tianjin Maijin Industries Co., Ltd.

[FR Doc. 2017–26386 Filed 12–6–17; 8:45 am]

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[11] *See* Ningxia Mineral's submission, ''Activated Carbon from the People's Republic of China Request for Antidumping Administrative Review,'' dated May 1, 2017.

[12] In the *Initiation Notice,* we listed both Shanxi Dapu International Co., Ltd. and Shanxi Dapu International Trade Co., Ltd. because both company names had been requested to be reviewed by various interested parties; however, the former name was a result of a typographical error in Shanxi Dapu's request for review and the correct name of the company for which a review was requested is Shanxi Dapu International Trade Co., Ltd. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 82 FR 26444 (June 7, 2017) (*Initiation Notice*); *see also* Petitioners' Request for Review and Shanxi Dapu's submission, ''Activated Carbon from the People's Republic of China Request for Administrative Review,'' dated May 1, 2017. We are continuing the review with respect to Shanxi Dapu International Trade Co., Ltd.

[13] *See* Shanxi DMD's submission, ''Activated Carbon from the People's Republic of China Request for Administrative Review,'' dated May 1, 2017.

[14] *See* Shanxi ITT's submission, '' Activated Carbon from the People's Republic of China Request for Administrative Review,'' dated May 1, 2017.

[15] *See Initiation Notice.*

[16] *See* the petitioners' submission, ''10th Administrative Review of Certain Activated Carbon from the People's Republic of China—Petitioners' Withrdrawal of Certain Requests for Administrative Review,'' dated September 5, 2017.

[17] For a list of these companies, *see* Attachment. Because in the *Initiation Notice* Shanxi Dapu was listed twice, the review will continue with respect to 24 companies—not 25.

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–971]

Multilayered Wood Flooring From the People's Republic of China: Preliminary Results of Countervailing Duty Administrative Review, Rescission of Review, in Part, and Intent To Rescind the Review, in Part; 2015

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

SUMMARY: The Department of Commerce (Department) preliminarily determines that countervailable subsidies are being provided to producers and exporters of multilayered wood flooring (wood flooring) from the People's Republic of China (PRC). The period of review (POR) is January 1, 2015, through December 31, 2015.

DATES: Applicable December 7, 2017.

FOR FURTHER INFORMATION CONTACT: Dennis McClure or Jesus Saenz, AD/

CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: 202–482–5973 or 202–482–8184, respectively.

SUPPLEMENTARY INFORMATION:

Background

On December 8, 2011, the Department issued a countervailing duty (CVD) order on multilayered wood flooring from the PRC.[1] Several interested parties requested that the Department conduct an administrative review of the countervailing duty order, and on February 13, 2017, the Department published in the **Federal Register** a notice of initiation of an administrative review of the *Order* for 113 producers/exporters for the POR.[2]

Scope of the Order

The product covered by the *Order* is wood flooring from the PRC. For a complete description of the scope of this administrative review, *see* the Preliminary Decision Memorandum.[3]

Rescission of Administrative Review, in Part

Pursuant to 19 CFR 351.213(d)(1), the Secretary will rescind an administrative review, in whole or in part, if the parties that requested a review withdraw the request within 90 days of the date of publication of the notice of initiation of the requested review. This review was initiated on February 13, 2017. Both Dalian Penghong Floor Products Co., Ltd. (Dalian Penghong) and the petitioner withdrew their request for a review of Dalian Penghong on March 27, 2017, which was within the 90-day deadline.[4] Therefore, because there are no remaining requests to review this company, in accordance with 19 CFR 351.213(d)(1), and consistent with our practice, we are rescinding this review with respect to Dalian Penghong.

Intent To Rescind Administrative Review, in Part

We received timely filed no-shipment certifications from four companies.[5] The Department issued no-shipment inquiries to Customs Border Protection (CBP) requesting any information that may contradict the no-shipment claims. We have not received information to date from CBP that contradicts Changbai Mountain's, Jiangsu Yuhui's, Jiaxing Hentong Wood's, and Zhejiang Shuimojiangnan's claims of no sales, shipments, or entries of subject merchandise to the United States during the POR.[6] Because these companies timely filed their no-shipment certifications and CBP has not provided information that contradicts the companies' claims, we preliminarily intend to rescind the review of these companies. Absent any evidence of shipments being placed on the record, pursuant to 19 CFR 351.213(d)(3), we intend to rescind the administrative review of these companies in the final results of review.

Jiangsu Keri Wood and Linyi Bonn also timely filed no-shipment certifications.[7] However, both companies subsequently withdrew their no-shipment submissions.[8] Therefore, we are continuing to include Linyi Bonn and Jiangsu Keri Wood in this administrative review for purposes of the preliminary results.

Methodology

The Department is conducting this countervailing duty (CVD) review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (Act). For each of the subsidy programs found countervailable, we preliminarily determine that there is a subsidy, *i.e.,* a financial contribution by an ''authority'' that confers a benefit to the recipient, and that the subsidy is specific.[9] For a full description of the methodology underlying our preliminary 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 building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the Internet at *http://enforcement.trade.gov/frn/index.html.* The signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content. A list of topics discussed in the Preliminary Decision Memorandum is included as an Appendix to this notice.

In making these preliminary results, the Department relied, in part, on facts otherwise available.[10] For further information, *see* ''Provision of Electricity for Less Than Adequate Remuneration (LTAR)'' in the Preliminary Decision Memorandum.

Rate for Non-Selected Companies Under Review

There are 105 companies for which a review was requested and not rescinded, and which were not selected as mandatory respondents. For these companies, we are preliminarily applying the rate of mandatory respondent, Fine Furniture (Shanghai) Limited (Fine Furniture), which is above *de minimis.* For further information on the calculation of the non-selected rate, refer to the section in

[1] *See Multilayered Wood Flooring from the People's Republic of China: Countervailing Duty Order,* 76 FR 76693 (December 8, 2011) (*Order*).

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 82 FR 10457 (February 13, 2017) (*Initiation Notice*).

[3] *See* Memorandum, ''Decision Memorandum for the Preliminary Determination in the Countervailing Duty Administrative Review of Multilayered Wood Flooring from the People's Republic of China: 2015'' (Preliminary Decision Memorandum), dated concurrently with, and hereby adopted by, this notice.

[4] *See* Dalian Penghong Floor Products Co., Ltd.'s Letter, ''Multilayered Wood Flooring from the People's Republic of China Withdrawal of Request for Review,'' dated March 27, 2017; *see also* Coalition for American Hardwood Parity's (Petitioner) Letter, ''Partial Withdrawal of Request for Administrative Review'' dated March 27, 2017.

[5] *See* Changbai Mountain Development and Protection Zone Hongtu Wood Industrial Co., Ltd.'s (Changbai Mountain) and Jiangsu Yuhui International Trade Co., Ltd.'s (Jiangsu Yuhui) Letter, ''Multilayered Wood Flooring from the People's Republic of China: No Shipments Certification,'' dated March 1, 2017; Jiaxing Hengtong Wood Co., Ltd.'s (Jiaxing Hengtong Wood) Letter, ''Multilayered Wood Flooring from the People's Republic of China: No Sales Certification,'' dated March 13, 2017; Zhejiang Shuimojiangnan New Material Technology Co., Ltd.'s (Zhejiang Shuimojiangnan) Letter, ''Multilayered Wood Flooring from the People's Republic of China: No Sales Certification,'' dated March 13, 2017.

[6] *See* Memorandum, ''Release of U.S. Customs and Border Protection Information Relating to No Shipment Claims Made in the 2015 Administrative Review of Multilayered Wood Flooring from the People's Republic of China,'' dated September 25, 2017, (stating that the CBP no-shipment data query identified entries of subject merchandise by Jiangsu Keri Wood, but did not identify entries of subject merchandise by Changbai Mountain, Jiangsu Yuhui, Jiaxing Hentong Wood, and Zhejiang Shuimojiangnan).

[7] *See* Jiangsu Keri Wood Co., Ltd.'s (Jiangsu Keri Wood) Letter, ''Multilayered Wood Flooring from the People's Republic of China: No Shipments Certification,'' dated March 2, 2017; Linyi Bonn Flooring Manufacturing Co., Ltd.'s (Linyi Bonn) Letter, ''Multilayered Wood Flooring from the People's Republic of China: No Shipments Certification,'' dated March 3, 2017.

[8] *See* Jiangsu Keri Wood's Letter, ''Multilayered Wood Flooring from the People's Republic of China: Comments on No Shipments Letter,'' dated September 29, 2017; Linyi Bonn's Letter, ''Multilayered Wood Flooring from the People's Republic of China: Withdrawal of No Shipments Certification,'' dated June 12, 2017.

[9] *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.

[10] *See* section 776(a) of the Act.

the Preliminary Decision Memorandum entitled, ''Preliminary *Ad Valorem* Rate for Non-Selected Companies Under Review.''

Preliminary Results of the Review

In accordance with 19 CFR 351.221(b)(4)(i), we calculated a countervailable subsidy rate for each of the mandatory respondents, Jiangsu Senmao Bamboo Wood Industry Co., Ltd. (Jiangsu Senmao) and Fine Furniture, and their cross-owned affiliates where applicable.

We preliminarily find the countervailable subsidy rates for the mandatory respondents under review to be as follows:

Producer/exporter	Subsidy rate (percent)
Jiangsu Senmao Bamboo Wood Industry Co., Ltd	* 0.06
Fine Furniture (Shanghai) Limited	0.89
A&W (Shanghai) Woods Co., Ltd	0.89
Anhui Boya Bamboo & Wood Products Co., Ltd	0.89
Anhui Longhua Bamboo Product Co., Ltd	0.89
Anhui Suzhou Dongda Wood Co., Ltd	0.89
Baishan Huafeng Wood Product Co., Ltd	0.89
Baiying Furniture Manufacturer Co., Ltd	0.89
Benxi Wood Company	0.89
Changzhou Hawd Flooring Co., Ltd	0.89
Cheng Hang Wood Co., Ltd	0.89
Chinafloors Timber (China) Co. Ltd	0.89
Dalian Dajen Wood Co., Ltd	0.89
Dalian Huade Wood Product Co., Ltd	0.89
Dalian Huilong Wooden Products Co., Ltd	0.89
Dalian Jaenmaken Wood Industry Co., Ltd	0.89
Dalian Jiahong Wood Industry Co., Ltd	0.89
Dalian Jiuyuan Wood Industry Co., Ltd	0.89
Dalian Kemian Wood Industry Co., Ltd	0.89
Dalian Xinjinghua Wood Co., Ltd	0.89
Dongtai Fuan Universal Dynamics, LLC	0.89
Dongtai Zhangshi Wood Industry Co. Ltd	0.89
Dunhua City Dexin Wood Industry Co., Ltd	0.89
Dunhua City Hongyuan Wood Industry Co., Ltd	0.89
Dunhua City Jisen Wood Industry Co., Ltd	0.89
Dunhua City Wanrong Wood Industry Co., Ltd	0.89
Dunhua Shengda Wood Industry Co., Ltd	0.89
Fu Lik Timber (HK) Co., Ltd	0.89
Fusong Jinlong Wooden Group Co., Ltd	0.89
Fusong Qianqiu Wooden Product Co., Ltd	0.89
GTP International Ltd	0.89
Guangdong Yihua Timber Industry Co., Ltd	0.89
Guangzhou Homebon Timber Manufacturing Co., Ltd	0.89
Guangzhou Panyu Kangda Board Co., Ltd	0.89
Guangzhou Panyu Southern Star Co., Ltd	0.89
HaiLin LinJing Wooden Products, Ltd	0.89
HaiLin XinCheng Wooden Products, Ltd	0.89
Hangzhou Dazhuang Floor Co., Ltd	0.89
Hangzhou Hanje Tec Co., Ltd	0.89
Hangzhou Huahi Wood Industry Co., Ltd	0.89
Huber Engineering Wood Corp	0.89
Hunchun Forest Wolf Wooden Industry Co., Ltd	0.89
Hunchun Xingjia Wooden Flooring Inc	0.89
Hunchun Forest Wolf Wooden Industry Co., Ltd	0.89
Hunchun Xingjia Wooden Flooring Inc	0.89
Huzhou Chenghang Wood Co., Ltd	0.89
Huzhou City Nanxun Guangda Wood Co., Ltd	0.89
Huzhou Fulinmen Imp. & Exp. Co., Ltd	0.89
Huzhou Fuma Wood Co., Ltd	0.89
Huzhou Fuma Wood Bus. Co., Ltd	0.89
Huzhou Jesonwood Co., Ltd	0.89
Huzhou Muyun Wood Co., Ltd	0.89
Huzhou Sunergy World Trade Co., Ltd	0.89
Jiashan Huijiale Decoration Material Co., Ltd	0.89
Jiafeng Wood (Suzhou) Co., Ltd	0.89
Jiangsu Guyu International Trading Co., Ltd	0.89
Jiangsu Kentier Wood Co., Ltd	0.89
Jiangsu Keri Wood Co., Ltd	0.89
Jiangsu Mingle Flooring Co	0.89
Jiangsu Simba Flooring Co., Ltd	0.89
Jiashan On-Line Lumber Co., Ltd	0.89
Jilin Forest Industry Jinqiao Flooring Group Co., Ltd	0.89
Jilin Xinyuan Wooden Industry Co., Ltd	0.89
Karly Wood Product Limited	0.89
Kember Flooring, Inc	0.89

Producer/exporter	Subsidy rate (percent)
Kemian Wood Industry (Kunshan) Co., Ltd	0.89
Kingman Floors Co., Ltd	0.89
Les Planchers Mercier, Inc	0.89
Linyi Anying Wood Co., Ltd	0.89
Linyi Bonn Flooring Manufacturing Co., Ltd	0.89
Linyi Youyou Wood Co., Ltd	0.89
Metropolitan Hardwood Floors, Inc	0.89
Mudanjiang Bosen Wood Industry Co., Ltd	0.89
Nakahiro Jyou Sei Furniture (Dalian) Co., Ltd	0.89
Pinge Timber Manufacturing (Zhejiang) Co., Ltd	0.89
Power Dekor Group Co., Ltd. (Exp)	0.89
Qingdao Barry Flooring Co., Ltd	0.89
Shandong Kaiyuan Wood Industry Co., Ltd	0.89
Shanghai Anxin (Weiguang) Timber Co., Ltd	0.89
Shanghai Eswell Timber Co., Ltd	0.89
Shanghai Lairunde Wood Co., Ltd	0.89
Shanghai Lizhong Wood Products Co., Ltd./	
The Lizhong Wood Industry Limited Company of Shanghai	0.89
Shanghai New Sihe Wood Co., Ltd	0.89
Shanghai Shenlin Corporation	0.89
Shenyang Haobainian Wooden Co., Ltd	0.89
Shenzhenshi Huanwei Woods Co., Ltd	0.89
Sino-Maple (Jiangsu) Co., Ltd	0.89
Suzhou Dongda Wood Co., Ltd	0.89
Tongxiang Jisheng Import and Export Co., Ltd	0.89
Vicwood Industry (Suzhou) Co. Ltd	0.89
Xiamen Yung De Ornament Co., Ltd	0.89
Xuzhou Antop International Trade Co., Ltd	0.89
Xuzhou Shenghe Wood Co., Ltd	0.89
Yekalon Industry, Inc. (Exp)	0.89
Yihua Lifestyle Technology Co., Ltd	0.89
Yingyi-Nature (Kunshan) Wood Industry Co., Ltd	0.89
Yixing Lion-King Timber Industry	0.89
Zhejiang Biyork Wood Co., Ltd	0.89
Zhejiang Dadongwu Green Home Wood Co., Ltd	0.89
Zhejiang Desheng Wood Industry Co., Ltd	0.89
Zhejiang Fudeli Timber Industry Co., Ltd	0.89
Zhejiang Fuerjia Wooden Co., Ltd	0.89
Zhejiang Fuma Warm Technology Co., Ltd	0.89
Zhejiang Haoyun Wooden Co., Ltd	0.89
Zhejiang Longsen Lumbering Co., Ltd	0.89
Zhejiang Simite Wooden Co., Ltd	0.89
Zhejiang Shiyou Timber Co., Ltd	0.89

* *De minimis*.

Disclosure and Public Comment

We will disclose to parties in this proceeding the calculations performed in reaching the preliminary results within five days of publication of these preliminary results.[11] Interested parties may submit written comments (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.[12] 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) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance within 30 days of the date of publication of this notice. Requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; and (3) a list of issues parties intend to discuss. Issues raised in the hearing will be limited to those raised in the respective case and rebuttal briefs. If a request for a hearing is made, the Department intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, at a date and time to be determined.[13] Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

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 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 the parties in their comments, within 120 days after publication of these preliminary results.

Assessment Rates

Consistent with section 751(a)(1) of the Act, upon issuance of the final results, the Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries covered by

[11] *See* 19 CFR 351.224(b).

[12] *See* 19 CFR 351.309(c)(1)(ii) and 351.309(d)(1).

[13] *See* 19 CFR 351.310.

this review. We intend to issue instructions to CBP 15 days after publication of the final results of this review. For Dalian Penghong for which this review is rescinded, the Department will instruct CBP to assess countervailing duties on all appropriate entries at a rate equal to the cash deposit of estimated countervailing duties required at the time of entry, or withdrawal from warehouse, for consumption, during the period January 1, 2015, through December 31, 2015, in accordance with 19 CFR 351.212(c)(l)(i). The Department intends to issue appropriate assessment instructions directly to CBP 15 days after publication of this notice.

Cash Deposit Requirements

In accordance with section 751(a)(1) of the Act, the Department intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts shown for each of the respective companies listed above. For all non-reviewed firms, we will instruct CBP to continue to collect cash deposits at the most recent company-specific or all-others rate applicable to the company. These cash deposit requirements, when imposed, shall remain in effect until further notice.

This administrative review and notice are in accordance with sections 751(a)(1) and 777(i) of the Act and 19 CFR 351.213.

Dated: December 1, 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
  A. Case History
  B. Postponement of Preliminary Results
  C. Period of Review
  D. Rescission of Review, In Part
  E. Intent to Rescind, in Part, the Administrative Review
III. Scope of the Order
IV. Use of Facts Otherwise Available and Application of Adverse Inferences
V. Subsidies Valuation
  A. Allocation Period
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  C. Denominators
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VI. Analysis of Programs
  A. Programs Preliminarily Determined to Be Countervailable
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VII. Preliminary *Ad Valorem* Rate for Non-Selected Companies Under Review
VIII. Recommendation

[FR Doc. 2017–26381 Filed 12–6–17; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–469–816]

Carbon and Alloy Steel Wire Rod From Spain: Amended Preliminary Determination of Sales at Less Than Fair Value

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

SUMMARY: On October 31, 2017, the Department of Commerce (Department) published in the **Federal Register** the preliminary determination of the less-than-fair-value investigation of carbon and alloy steel wire rod (wire rod) from Spain. The Department is amending its preliminary determination to correct a significant ministerial error.

DATES: Applicable December 7, 2017.

FOR FURTHER INFORMATION CONTACT: Chelsey Simonovich, 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) 482–1979.

SUPPLEMENTARY INFORMATION:

Background

On October 31, 2017, the Department published in the **Federal Register** the *Preliminary Determination* [1] of the less-than-fair-value investigation of wire rod from Spain. On November 6, 2017, Global Steel Wire S.A., CELSA Atlantic S.A., and Compañía Española de Laminación (collectively, CELSA) alleged that the Department made a significant ministerial error in the *Preliminary Determination*.[2]

Scope of the Investigation

The product covered by this investigation is wire rod from Spain. For a full description of the scope of this investigation, *see* the ''Scope of the Investigation,'' in the Appendix to this notice.

Significant Ministerial Error

A ministerial error is defined in 19 CFR 351.224(f) as ''an error in addition, subtraction, or other arithmetic function, clerical error resulting from inaccurate copying, duplication, or the like, and any other similar type of unintentional error which the Secretary considers ministerial.'' A significant ministerial error is defined in 19 CFR 351.224(g) as a ministerial error, the correction of which, singly or in combination with other errors, would result in: (1) A change of at least five absolute percentage points in, but not less than 25 percent of, the weighted-average dumping margin calculated in the original (erroneous) preliminary determination; or (2) a difference between a weighted-average dumping margin of zero or *de minimis* and a weighted-average dumping margin of greater than *de minimis* or vice versa. Further, 19 CFR 351.224(e) provides that the Department ''will analyze any comments received and, if appropriate, correct any significant ministerial error by amending the preliminary determination.''

Ministerial Error Allegation

CELSA alleges that the Department double-counted the international freight expenses in the calculation of U.S. net prices, increasing the amount deducted for international movement costs, and increasing the dumping margin. CELSA maintains that correcting this error results in a decrease of more than five absolute percentage points in, but not less than 25 percent of, the weighted-average dumping margin, thereby meeting the definition of ''significant'' pursuant to 19 CFR 351.224(g)(1).[3] Additionally, CELSA alleges that the Department has misclassified direct selling expenses in the United States as indirect selling expenses incurred in Spain.

We find that the Department unintentionally included international freight expenses twice when adjusting U.S. price for movement expense in the margin calculation program.[4] The Department also unintentionally entered a variable used to capture indirect selling expenses in Spain in the program calculation for direct selling expenses in the United States.[5] These errors constitute ministerial errors

[1] *See Carbon and Alloy Steel Wire Rod from the Republic of Spain: Preliminary Affirmative Determination of Sales at Less Than Fair Value, and Preliminary Determination of Critical Circumstances, In Part,* 82 FR 50390 (October 31, 2017) (*Preliminary Determination*).

[2] *See* CELSA's November 6, 2017 letter, ''Antidumping Duty Investigation of Carbon and Alloy Steel Wire Rod from Spain: Significant Ministerial Errors Contained in the Preliminary Determination'' (Ministerial Error Allegation).

[3] *See* Ministerial Error Allegation.

[4] *See* Department Memorandum: ''Preliminary Determination Calculation for Global Steel Wire Rod, CELSA Atlantic S.A., and Compania Espanola de Laminacion in the Antidumping Duty Investigation of Certain Carbon and Alloy Steel Wire Rod from Spain,'' dated October 24, 2017, at 8.

[5] *Id.*

within the meaning of 19 CFR 351.224(f).[6] Moreover, correcting these ministerial error changes the margin from 20.25 percent to 10.61 percent, thereby making these errors significant ministerial errors within the meaning of 19 CFR 351.224(g)(1).[7]

Amended Preliminary Determination

We are amending the *Preliminary Determination* to reflect the correction of ministerial errors made in the margin calculation for CELSA. In addition, because the ''All-Others'' rate in the *Preliminary Determination* was based on the estimated weighted-average dumping margin calculated for CELSA,[8] we are, consistent with section 735(c)(5)(A) of the Tariff Act of 1930, as amended (the Act), also amending the ''All-Others'' rate. As a result of the correction of the ministerial error, the revised weighted-average dumping margins are as follows:

Exporter/manufacturer	Weighted-average dumping margin (percent)
Global Steel Wire S.A./ CELSA Atlantic S.A./ Compañía Española de Laminación	10.61
All-Others	10.61

Amended Cash Deposits and Suspension of Liquidation

The collection of cash deposits and suspension of liquidation will be revised according to the rates established in this amended preliminary determination, in accordance with section 733(d) and (f) of the Act and 19 CFR 351.224. Because the rates are decreasing from the *Preliminary Determination,* the amended cash deposit rates will be effective retroactively to October 31, 2107, the date of publication of the *Preliminary Determination* notice in the **Federal Register**.

International Trade Commission Notification

In accordance with section 733(f) of the Act, we notified the International Trade Commission of our amended preliminary determination.

[6] *See* DOC Memorandum: ''Allegation and Analysis of Ministerial Error in the Preliminary Determination,'' dated concurrently with this memorandum (Ministerial Error Analysis Memorandum).

[7] *See* DOC Memorandum: ''Amended Preliminary Determination Calculation for CELSA,'' dated concurrently with this memorandum (Amended Calculation Memo).

[8] *See Preliminary Determination,* 82 FR at 50390.

Disclosure

We intend to disclose the calculations performed to parties in this proceeding within five days after public announcement of the amended preliminary determination, in accordance with 19 CFR 351.224.

This amended preliminary determination is issued and published in accordance with sections 733(f) and 777(i) of the Act and 19 CFR 351.224(e).

Dated: December 1, 2017.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix—Scope of the Investigation

The products covered by this investigation are certain hot-rolled products of carbon steel and alloy steel, in coils, of approximately round cross section, less than 19.00 mm in actual solid cross-sectional diameter. Specifically excluded are steel products possessing the above-noted physical characteristics and meeting the Harmonized Tariff Schedule of the United States (HTSUS) definitions for (a) stainless steel; (b) tool steel; (c) high-nickel steel; (d) ball bearing steel; or (e) concrete reinforcing bars and rods. Also excluded are free cutting steel (also known as free machining steel) products (*i.e.,* products that contain by weight one or more of the following elements: 0.1 percent or more of lead, 0.05 percent or more of bismuth, 0.08 percent or more of sulfur, more than 0.04 percent of phosphorous, more than 0.05 percent of selenium, or more than 0.01 percent of tellurium). All products meeting the physical description of subject merchandise that are not specifically excluded are included in this scope.

The products under investigation are currently classifiable under subheadings 7213.91.3011, 7213.91.3015, 7213.91.3020, 7213.91.3093; 7213.91.4500, 7213.91.6000, 7213.99.0030, 7227.20.0030, 7227.20.0080, 7227.90.6010, 7227.90.6020, 7227.90.6030, and 7227.90.6035 of the HTSUS. Products entered under subheadings 7213.99.0090 and 7227.90.6090 of the HTSUS also may be included in this scope if they meet the physical description of subject merchandise above. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this proceeding is dispositive.

[FR Doc. 2017–26401 Filed 12–6–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–880]

Polytetrafluoroethylene Resin From India: Postponement of Preliminary Determination in the Countervailing Duty Investigation

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

DATES: Applicable December 7, 2017.

FOR FURTHER INFORMATION CONTACT: Toby Vandall at (202) 482–1664, or Aimee Phelan at (202) 482–0697, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On October 18, 2017, the Department of Commerce (the Department) initiated a countervailing duty (CVD) investigation of imports of polytetrafluoroethylene resin (PTFE resin) from India.[1] Currently, the preliminary determination is due no later than December 22, 2017.

Postponement of Preliminary Determination

Section 703(b)(1) of the Tariff Act of 1930, as amended (the Act), requires the Department to issue the preliminary determination in a countervailing duty investigation within 65 days after the date on which the Department initiated the investigation. However, section 703(c)(1) of the Act permits the Department to postpone the preliminary determination until no later than 130 days after the date on which the Department initiated the investigation if: (A) The petitioner [2] makes a timely request for a postponement; or (B) the Department concludes that the parties concerned are cooperating, that the investigation is extraordinarily complicated, and that additional time is necessary to make a preliminary determination. Under 19 CFR 351.205(e), the petitioner must submit a request for postponement 25 days or more before the scheduled date of the preliminary determination and must state the reasons for the request. The Department will grant the request unless

[1] *See Polytetrafluoroethylene Resin from India: Initiation of Countervailing Duty Investigation,* 82 FR 49592 (October 26, 2017) (*Initiation Notice*).

[2] The petitioner is The Chemours Company FC LLC.

it finds compelling reasons to deny the request.

On November 27, 2017, the petitioner submitted a timely request that the Department postpone the preliminary CVD determination.[3] The petitioner stated that it requests postponement because of the complexity of the investigation and the schedule.[4] Further, the petitioner stated that ''the deadlines for responding to Sections II and III of the questionnaire fall after the scheduled preliminary determination. Without extending the preliminary determination, Chemours would be unable to comment on the responses or suggest follow-up questions prior to a preliminary determination. The Department would be similarly unable to issue supplemental questionnaires.'' [5]

In accordance with 19 CFR 351.205(e), the petitioner has stated the reasons for requesting a postponement of the preliminary determination, and the Department finds no compelling reason to deny the request. Therefore, in accordance with section 703(c)(1)(A) of the Act, the Department is postponing the deadline for the preliminary determination to no later than 130 days after the date on which this investigation was initiated, *i.e.,* to February 26, 2018.[6] Pursuant to section 705(a)(1) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determination of this investigation will continue to be 75 days after the date of the preliminary determination.

This notice is issued and published pursuant to section 703(c)(2) of the Act and 19 CFR 351.205(f)(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 for Enforcement and Compliance.

[FR Doc. 2017–26382 Filed 12–6–17; 8:45 am]

BILLING CODE 3510–DS–P

[3] *See* Letter from the petitioner, ''Polytetrafluoroethylene (PTFE) Resin from India: Petitioner's Request for Extension of the Countervailing Duty Investigation Preliminary Determination,'' (November 27, 2017).

[4] *Id.*

[5] *Id.*

[6] Postponing the preliminary determination to 130 days after initiation would place the deadline on Sunday, February 25, 2018. The Department's practice dictates that where a deadline falls on a weekend or Federal holiday, the appropriate deadline is the next business day. *See Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended,* 70 FR 24533 (May 10, 2005).

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Board of Overseers of the Malcolm Baldrige National Quality Award

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of Open Meeting.

SUMMARY: The Board of Overseers of the Malcolm Baldrige National Quality Award (Board) will meet in open session on Wednesday, December 6, 2017. The purpose of this meeting is to review and discuss the work of the private sector contractor, which assists the Director of the National Institute of Standards and Technology (NIST) in administering the Malcolm Baldrige National Quality Award (Award), and information received from NIST and from the Chair of the Judges Panel of the Malcolm Baldrige National Quality Award in order to make such suggestions for the improvement of the Award process as the Board deems necessary. Details on the agenda are noted in the **SUPPLEMENTARY INFORMATION** section of this notice.

DATES: The meeting will be held on Wednesday, December 6, 2017, from 8:30 a.m. Eastern time until 4:00 p.m. Eastern time. The meeting will be open to the public.

ADDRESSES: The meeting will be held at the National Institute of Standards and Technology, 100 Bureau Drive, Building 101, Lecture Room D, Gaithersburg, Maryland 20899. Please note admittance instructions under the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: Robert Fangmeyer, Director, Baldrige Performance Excellence Program, National Institute of Standards and Technology, 100 Bureau Drive, Mail Stop 1020, Gaithersburg, Maryland 20899–1020, telephone number (301) 975–2360, or by email at *robert.fangmeyer@nist.gov.*

SUPPLEMENTARY INFORMATION:

Authority: 15 U.S.C. 3711a(d)(2)(B) and the Federal Advisory Committee Act, as amended, 5 U.S.C. App.

Pursuant to the Federal Advisory Committee Act, as amended, 5 U.S.C. App., notice is hereby given that the Board will meet in open session on Wednesday, December 6, 2017, from 8:30 a.m. Eastern time until 4:00 p.m. Eastern time. The Board is currently composed of eleven members selected for their preeminence in the field of organizational performance excellence and appointed by the Secretary of Commerce. The Board consists of a balanced representation from U.S. service, manufacturing, small business, nonprofit, education, and health care industries. The Board includes members familiar with the quality, performance improvement operations, and competitiveness issues of manufacturing companies, service companies, small businesses, nonprofits, health care providers, and educational institutions. The purpose of this meeting is to review and discuss the work of the private sector contractor, which assists the NIST Director in administering the Award, and information received from NIST and from the Chair of the Judges Panel of the Malcolm Baldrige National Quality Award in order to make such suggestions for the improvement of the Award process as the Board deems necessary. The Board shall make an annual report on the results of Award activities to the Director of NIST, along with its recommendations for the improvement of the Award process. The agenda will include: Report from the Judges Panel of the Malcolm Baldrige National Quality Award, Baldrige Program Business Plan Status Report, Baldrige Foundation Fundraising Update, Products and Services Update, and Recommendations for the NIST Director. The agenda may change to accommodate Board business. The final agenda will be posted on the NIST Baldrige Performance Excellence Web site at *http://www.nist.gov/baldrige/community/overseers.cfm.* The meeting will be open to the public.

Individuals and representatives of organizations who would like to offer comments and suggestions related to the Board's affairs are invited to request a place on the agenda. On December 6, 2017 approximately one-half hour will be reserved in the afternoon for public comments, and speaking times will be assigned on a first-come, first-served basis. The amount of time per speaker will be determined by the number of requests received, but is likely to be about 3 minutes each. The exact time for public comments will be included in the final agenda that will be posted on the Baldrige Web site at *http://www.nist.gov/baldrige/community/overseers.cfm.* Questions from the public will not be considered during this period. 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 the Baldrige Performance Excellence Program, NIST,

100 Bureau Drive, Mail Stop 1020, Gaithersburg, Maryland, 20899–1020, via fax at 301–975–4967 or electronically by email to *robyn.verner@nist.gov.*

All visitors to the National Institute of Standards and Technology site must pre-register to be admitted. Please submit your name, time of arrival, email address and phone number to Robyn Verner no later than 8:00 a.m. Eastern Time, Wednesday, December 6, 2017 and she will provide you with instructions for admittance. Non-U.S. citizens must submit additional information and should contact Ms. Verner for instructions. Ms. Verner's email address is *robyn.verner@nist.gov* and her phone number is (301) 975–2361. 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. Verner or visit: *http://www.nist.gov/public_affairs/visitor/.*

Pursuant to 41 CFR 102–3.150(b), this **Federal Register** notice for this meeting is being published fewer than 15 calendar days prior to the meeting as exceptional circumstances exist. It is imperative that the meeting be held on December 6, 2017 to accommodate the scheduling priorities of the key participants. Notice of the meeting is also posted on the National Institute of Standards and Technology's Web site at: *https://www.nist.gov/baldrige/how-baldrige-works/baldrige-community/board-overseers.*

Kevin Kimball,

NIST Chief of Staff.

[FR Doc. 2017–26455 Filed 12–5–17; 11:15 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF864

Endangered and Threatened Species; Take of Anadromous Fish

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

ACTION: Notice; availability of evaluation of joint state/tribal harvest plan and request for comment.

SUMMARY: Notice is hereby given that the Sauk-Suiattle Indian Tribe, Swinomish Indian Tribal Community, Upper Skagit Indian Tribe, and the Skagit River System Cooperative and the Washington Department of Fish and Wildlife have jointly submitted a steelhead fishery resource management plan (RMP) to NMFS pursuant to the limitation on take prohibitions for actions conducted under Limit 6 of the 4(d) Rule for salmon and steelhead promulgated under the Endangered Species Act (ESA). The plan proposes to manage the harvest of natural-origin Skagit River (Washington State) steelhead as an independent steelhead management unit within the ESA-listed Puget Sound steelhead demographic population segment (DPS). The Plan proposes to implement these Skagit River steelhead fisheries pursuant to *U.S.* v. *Washington.* This document serves to notify the public of the availability for comment of the proposed evaluation and pending determination of the Secretary of Commerce (Secretary) as to whether the RMP meets the criteria under Limit 6 of the 4(d) Rule and as to whether implementation of the RMP will appreciably reduce the likelihood of survival and recovery of ESA-listed Puget Sound steelhead and Puget Sound Chinook salmon.

DATES: Comments must be received at the appropriate address (see **ADDRESSES**) no later than 5:00 p.m. Pacific time on January 8, 2018.

ADDRESSES: Written comments on the proposed evaluation and pending determination should be addressed to James Dixon, NMFS Sustainable Fisheries Division, 510 Desmond Drive, Suite 103, Lacey, WA 98503. Comments may be submitted by email. The mailbox address for providing email comments is: *skagit-steelhead-harvest-plan.wcr@noaa.gov.* Include in the subject line of the email comment the following identifier: Comments on Skagit River Steelhead Harvest Plan.

The documents are available on the Internet at *www.westcoast.fisheries.noaa.gov.* Comments received will also be available for public inspection, by appointment, during normal business hours by calling (360) 753–9579.

FOR FURTHER INFORMATION CONTACT: James Dixon at (360) 534–9329 or by email at *james.dixon@noaa.gov.*

SUPPLEMENTARY INFORMATION:

ESA-Listed Species Covered in This Notice

Steelhead (*Oncorhynchus mykiss*): Threatened, naturally produced and artificially propagated Puget Sound.

Chinook salmon (*O. tshawytscha*): Threatened, naturally produced and artificially propagated Puget Sound.

Background

The Sauk-Suiattle Indian Tribe, Swinomish Indian Tribal Community, Upper Skagit Indian Tribe, and the Skagit River System Cooperative and the Washington Department of Fish and Wildlife have jointly submitted a steelhead fishery RMP to NMFS pursuant to the limitation on take prohibitions for actions conducted under Limit 6 of the 4(d) Rule for salmon and steelhead promulgated under the Endangered Species Act (ESA). The plan was submitted in November of 2016, pursuant to limit 6 of the 4(d) Rule for ESA-listed salmon and steelhead. The RMP would manage the harvest of Skagit River natural-origin steelhead in the Skagit River and in the terminal marine area of the Skagit River (Marine Area 8).

As required by the ESA 4(d) Rule (65 FR 42422, July 10, 2000, as updated in 70 FR 37160, June 28, 2005), the Secretary is seeking public comment on this proposed evaluation and pending determination as to whether the RMP meets the criteria under Limit 6 of the 4(d) Rule and as to whether implementation of the RMP will appreciably reduce the likelihood of survival and recovery of ESA-listed Puget Sound steelhead and Puget Sound Chinook.

Authority

Under section 4 of the ESA, the Secretary of Commerce is required to adopt such regulations as he deems necessary and advisable for the conservation of species listed as threatened. The ESA salmon and steelhead 4(d) Rule (65 FR 42422, July 10, 2000, as updated in 70 FR 37160, June 28, 2005) specifies categories of activities that contribute to the conservation of listed salmonids and sets out the criteria for such activities. Limit 6 of the updated 4(d) Rule (50 CFR 223.203(b)(6)) further provides that the prohibitions of paragraph (a) of the updated 4(d) Rule (50 CFR 223.203(a)) do not apply to activities associated with a joint state/tribal artificial propagation plan provided that the joint plan has been determined by NMFS to be in accordance with the salmon and steelhead 4(d) Rule (65 FR 42422, July 10, 2000, as updated in 70 FR 37160, June 28, 2005).

Dated: November 29, 2017.

Angela Somma,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2017–26354 Filed 12–6–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF871

Marine Mammals; File No. 21339

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that Kerri Smith, University of Texas at El Paso, 500 West University Ave., El Paso, Texas 79968, has applied in due form for a permit to receive, import and export marine mammal specimens for scientific research.

DATES: Written, telefaxed, or email comments must be received on or before January 8, 2018.

ADDRESSES: The application and related documents are available for review by selecting ''Records Open for Public Comment'' from the ''Features'' box on the Applications and Permits for Protected Species (APPS) home page, *https://apps.nmfs.noaa.gov,* and then selecting File No. 21339 from the list of available applications.

These documents are also available upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376.

Written comments on this application should be submitted to the Chief, Permits and Conservation Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713–0376, or by email to *NMFS.Pr1Comments@noaa.gov.* Please include the File No. 21339 in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Jennifer Skidmore, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*) and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

The applicant proposes to receive, import, and export samples from up to 150 Sowerby's beaked whale (*Mesoplodon bidens*) and 130 samples from 13 other species of non-ESA listed cetaceans. The objectives of this research are to: (a) Investigate life history characteristics of these species using stable isotope analysis; and (b) improve techniques of stable isotope analysis in marine mammal studies. Samples would include bone, teeth, baleen, and muscle tissue from museum and research collections. No takes of live animals would be authorized under this permit. The permit would be valid for up to five years after issuance.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: December 4, 2017.

Julia Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2017–26391 Filed 12–6–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Department of the Navy

[Docket ID: USN–2017–HQ–0004]

Submission for OMB Review; Comment Request

AGENCY: Department of the Navy, DoD.

ACTION: 30-Day information collection notice.

SUMMARY: The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by January 8, 2018.

ADDRESSES: Comments and recommendations on the proposed information collection should be emailed to Ms. Jasmeet Seehra, DoD Desk Officer, at *Oira_submission@omb.eop.gov.* Please identify the proposed information collection by DoD Desk Officer and the Docket ID number and title of the information collection.

FOR FURTHER INFORMATION CONTACT: Fred Licari, 571–372–0493.

SUPPLEMENTARY INFORMATION:

Title, Associated Form and OMB Number: Navy Access Control Management System (NACMS) and the U.S. Marine Corps Biometric and Automated Access Control System (BAACS); the associated Form is SECNAV 5512/1 Department of the Navy Local Population ID Card/Base Access Pass Registration Form; OMB Control Number 0703–0061.

Type of Request: Revision of a currently approved collection.

Number of Respondents: 4.9 million.

Responses per Respondent: 1.

Annual Responses: 4.9 million.

Average Burden per Response: 10 minutes.

Annual Burden Hours: 816,667.

Needs and Uses: The information collection requirement is necessary to control physical access to Department of Defense (DoD), Department of the Navy (DON) or U.S. Marine Corps Installations/Units controlled information, installations, facilities, or areas over which DoD, DON or U.S. Marine Corps has security responsibilities by identifying or verifying an individual through the use of biometric databases and associated data processing/information services for designated populations for purposes of protecting U.S./Coalition/allied government/national security areas of responsibility and information; to issue badges, replace lost badges and retrieve passes upon separation; to maintain visitor statistics; collect information to adjudicate access to facility; and track the entry/exit of personnel.

Affected Public: Individuals or Households; Business or other for-profit; Not-for-profit institutions.

Frequency: Daily.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name, Docket ID number and title for this **Federal Register** document. The general policy for comments and other submissions

from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

DoD Clearance Officer: Mr. Frederick Licari.

Written requests for copies of the information collection proposal should be sent to Mr. Licari at WHS/ESD Directives Division, 4800 Mark Center Drive, East Tower, Suite 03F09, Alexandria, VA 22350–3100.

Dated: December 4, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2017–26372 Filed 12–6–17; 8:45 am]

BILLING CODE 5001–06–P

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Request for Comments on the Draft Fiscal Year 2018 Through Fiscal Year 2022 Strategic Plan

AGENCY: Defense Nuclear Facilities Safety Board (DNFSB).

ACTION: Notice and request for comment.

SUMMARY: The DNFSB is requesting public comments on its draft Fiscal Year 2018 through Fiscal Year 2022 Strategic Plan (Draft Strategic Plan).

DATES: The public may comment on this plan from December 4, 2018 to December 17, 2018. All comments must be received or postmarked by December 16, 2018.

ADDRESSES: You may send written comments by any of the following methods:

Email: strategicplan@dnfsb.gov

Mail: DNFSB, Re: Draft Strategic Plan, 625 Indiana Avenue NW., Suite 700, Washington, DC 20004.

Instructions: All comments must reference the specific section of the Draft Strategic Plan to which the comment applies. Please be as specific as possible regarding comments to the Draft Strategic Plan, and present the reasoning for the proposed change.

FOR FURTHER INFORMATION CONTACT: Katherine Herrera, Deputy General Manager, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue NW., Suite 700, Washington, DC 20004–2901, (202) 369–7000.

SUPPLEMENTARY INFORMATION: Pursuant to Section 230.16 of the Office of Management and Budget (OMB) Circular A–11, the DNFSB is seeking public comment on its Draft Strategic Plan. The Draft Strategic Plan will be posted on the DNFSB Web site at *https://www.dnfsb.gov* from December 4, 2018 to December 17, 2018.

Dated: November 27, 2017.

Sean Sullivan,

Chairman.

[FR Doc. 2017–26387 Filed 12–6–17; 8:45 am]

BILLING CODE 3670–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2017–ICCD–0153]

Agency Information Collection Activities; Comment Request; HBCU All Star Student Program

AGENCY: Department of Education (ED), Office of the Secretary (OS).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before February 5, 2018.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2017–ICCD–0153. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 216–32, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Elyse Jones, 202–453–5627.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: HBCU All Star Student Program.

OMB Control Number: 1894–0016.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 202.

Total Estimated Number of Annual Burden Hours: 706.

Abstract: This program was designed to recognize current HBCU students for their dedication to academics, leadership and civic engagement. Nominees were asked to submit a nomination package containing a signed nomination form, unofficial transcripts, short essay, resume, and endorsement letter. Items in this package provide the tools necessary to select current HBCU students who are excelling academically and making differences in their community.

Stephanie Valentine,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2017–26429 Filed 12–6–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Commission Staff Attendance

The Federal Energy Regulatory Commission (Commission) hereby gives notice that members of the Commission's staff may attend the

following meeting related to the transmission planning activities of the Northern Tier Transmission Group, whose members include NorthWestern Corporation, Deseret Generation & Transmission Cooperative, Inc., Portland General Electric Company, Idaho Power Company, PacifiCorp, and MATL LLP:

Northern Tier Transmission Group
Quarter 8 Stakeholder Meeting
December 7, 2017 10:00 a.m.—1:45 p.m. (Mountain Standard Time)

The above-referenced meeting will be held at: UAMPS Offices, 155 N 400 West, Suite 480, Salt Lake City, UT 84103.

The above-referenced meeting is open to stakeholders.

Further information may be found at this link.

The discussions at the meeting described above may address matters at issue in the following proceeding:

Docket Nos. ER18–61–000, *Portland General Electric Company*
ER18–62–000, *MATL LLP*
ER18–63–000, *Idaho Power Company*
ER18–66–000, *PacifiCorp*
ER18–67–000, *Portland General Electric Company*
ER18–69–000, *NorthWestern Corporation*
ER18–72–000, *Deseret Generation & Transmission Cooperative, Inc.*

For more information, contact Navin Shekar (*navin.shekar@ferc.gov,* 202–502–6297), or Patricia Dalton (*patricia.dalton@ferc.gov,* 202–502–8044) at the Office of Energy Market Regulation, Federal Energy Regulatory Commission.

Dated: December 1, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–26395 Filed 12–6–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER18–365–000]

Access Energy Solutions, 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 Access Energy Solutions, 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 21, 2017.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: December 1, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–26394 Filed 12–6–17; 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 has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP18–210–000.
Applicants: Transcontinental Gas Pipe Line Company.
Description: § 4(d) Rate Filing: Negotiated Rates—Cherokee AGL—Replacement Shippers—Dec 2017 to be effective 12/1/2017.
Filed Date: 11/30/17.
Accession Number: 20171130–5094.
Comments Due: 5 p.m. ET 12/12/17.

Docket Numbers: RP18–211–000.
Applicants: Northern Natural Gas Company.
Description: § 4(d) Rate Filing: 20171130 Negotiated Rate to be effective 12/1/2017.
Filed Date: 11/30/17.
Accession Number: 20171130–5096.
Comments Due: 5 p.m. ET 12/12/17.

Docket Numbers: RP18–212–000.
Applicants: Gulf Crossing Pipeline Company LLC.
Description: § 4(d) Rate Filing: Amendments to Neg Rate Agmts (Devon 10, Enterprise 12, BP 37) to be effective 11/30/2017.
Filed Date: 11/30/17.
Accession Number: 20171130–5108.
Comments Due: 5 p.m. ET 12/12/17.

Docket Numbers: RP18–213–000.
Applicants: Texas Gas Transmission, LLC.
Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmts (RE Gas 35433, 34955 to BP 36803, 36804) to be effective 12/1/2017.
Filed Date: 11/30/17.
Accession Number: 20171130–5110.
Comments Due: 5 p.m. ET 12/12/17.

Docket Numbers: RP18–214–000.
Applicants: Mojave Pipeline Company, L.L.C.
Description: § 4(d) Rate Filing: Annual Fuel and L&U Filing 2018 to be effective 1/1/2018.
Filed Date: 11/30/17.
Accession Number: 20171130–5118.
Comments Due: 5 p.m. ET 12/12/17.

Docket Numbers: RP18–215–000.
Applicants: Gulf South Pipeline Company, LP.
Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmts (PH 41455 to NextEra 48678, Texla 48792) to be effective 12/1/2017.
Filed Date: 11/30/17.

Accession Number: 20171130–5119.
Comments Due: 5 p.m. ET 12/12/17.
Docket Numbers: RP18–216–000.
Applicants: Gulf South Pipeline Company, LP.
Description: § 4(d) Rate Filing: Cap Rel Neg Rate Agmts (Atlanta Gas 8438 to various eff 12–1–17) to be effective 12/1/2017.
Filed Date: 11/30/17.
Accession Number: 20171130–5120.
Comments Due: 5 p.m. ET 12/12/17.
Docket Numbers: RP18–217–000.
Applicants: Rockies Express Pipeline LLC.
Description: § 4(d) Rate Filing: Neg Rate 2017–11–30 BP(2), Encana to be effective 12/1/2017.
Filed Date: 11/30/17.
Accession Number: 20171130–5151.
Comments Due: 5 p.m. ET 12/12/17.
Docket Numbers: RP18–218–000.
Applicants: Trailblazer Pipeline Company LLC.
Description: § 4(d) Rate Filing: Neg Rate 2017–11–30 Morgan Stanley to be effective 12/1/2017.
Filed Date: 11/30/17.
Accession Number: 20171130–5152.
Comments Due: 5 p.m. ET 12/12/17.
Docket Numbers: RP18–219–000.
Applicants: Nautilus Pipeline Company, L.L.C.
Description: § 4(d) Rate Filing: Nautilus Changes to FT–2 3.8 to be effective 1/1/2018.
Filed Date: 11/30/17.
Accession Number: 20171130–5176.
Comments Due: 5 p.m. ET 12/12/17.
Docket Numbers: RP18–220–000.
Applicants: Nautilus Pipeline Company, L.L.C.
Description: § 4(d) Rate Filing: Nautilus contact info change to be effective 1/1/2018.
Filed Date: 11/30/17.
Accession Number: 20171130–5183.
Comments Due: 5 p.m. ET 12/12/17.
Docket Numbers: RP18–221–000.
Applicants: Equitrans, L.P.
Description: § 4(d) Rate Filing: Non-Conforming Negotiated Rate Gathering Agreements to be effective 6/9/2010.
Filed Date: 11/30/17.
Accession Number: 20171130–5212.
Comments Due: 5 p.m. ET 12/12/17.
Docket Numbers: RP18–222–000.
Applicants: Destin Pipeline Company, L.L.C.
Description: § 4(d) Rate Filing: Negotiated Rate Agreements Schedule to be effective 1/1/2018.
Filed Date: 11/30/17.
Accession Number: 20171130–5230.
Comments Due: 5 p.m. ET 12/12/17.
Docket Numbers: RP18–223–000.
Applicants: Gulf South Pipeline Company, LP.
Description: § 4(d) Rate Filing: Amendments to Neg Rate Agmts (Entergy 35233–6, Mobile 38531–5) to be effective 6/1/2016.
Filed Date: 12/1/17.
Accession Number: 20171201–5017.
Comments Due: 5 p.m. ET 12/13/17.

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: December 1, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–26393 Filed 12–6–17; 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: ER14–696–006.
Applicants: Entergy Services, Inc.
Description: Compliance filing: LBA Compliance Errata ER14–696 12–1–2017 to be effective 12/19/2013.
Filed Date: 12/1/17.
Accession Number: 20171201–5251.
Comments Due: 5 p.m. ET 12/22/17.
Docket Numbers: ER14–697–007.
Applicants: Entergy Services, Inc.
Description: Compliance filing: LBA Compliance Errata ER14–697 12–1–2017 to be effective. 12/19/2013.
Filed Date: 12/1/17.
Accession Number: 20171201–5254.
Comments Due: 5 p.m. ET 12/22/17.
Docket Numbers: ER14–699–007
Applicants: Entergy Services, Inc.
Description: Compliance filing: LBA Compliance Errata ER14–699 11–30–2017 to be effective 12/19/2013.
Filed Date: 12/1/17.
Accession Number: 20171201–5258.
Comments Due: 5 p.m. ET 12/22/17.
Docket Numbers: ER14–702–006.
Applicants: Entergy Arkansas, Inc.
Description: Compliance filing: LBA Compliance Errata ER14–702 12–1–2017 to be effective 12/19/2013.
Filed Date: 12/1/17.
Accession Number: 20171201–5054.
Comments Due: 5 p.m. ET 12/22/17.
Docket Numbers: ER14–703–006.
Applicants: Entergy Services, Inc.
Description: Compliance filing: LBA Compliance Errata ER14–701 12–1–2017 to be effective 12/19/2013.
Filed Date: 12/1/17.
Accession Number: 20171201–5156.
Comments Due: 5 p.m. ET 12/22/17.
Docket Numbers: ER14–703–007.
Applicants: Entergy Services, Inc.
Description: Compliance filing: LBA Compliance Errata ER14–703 12–1–2017 to be effective 12/19/2013.
Filed Date: 12/1/17.
Accession Number: 20171201–5165.
Comments Due: 5 p.m. ET 12/22/17.
Docket Numbers: ER14–704–006.
Applicants: Entergy Services, Inc.
Description: Compliance filing: LBA Compliance Errata ER14–704 12–1–2017 to be effective 12/19/2013.
Filed Date: 12/1/17.
Accession Number: 20171201–5182.
Comments Due: 5 p.m. ET 12/22/17.
Docket Numbers: ER14–2952–005.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Report Filing: 2017–12–01_PIPP SSR Refund Report Plan to be effective N/A.
Filed Date: 12/1/17.
Accession Number: 20171201–5059.
Comments Due: 5 p.m. ET 12/22/17.
Docket Numbers: ER17–558–001.
Applicants: Louisville Gas and Electric Company.
Description: Compliance filing: Compliance Filing OATT Att G NOA to be effective 2/15/2017.
Filed Date: 12/1/17.
Accession Number: 20171201–5114.
Comments Due: 5 p.m. ET 12/22/17.
Docket Numbers: ER18–192–001.
Applicants: Dynegy Oakland, LLC.
Description: Tariff Amendment: Deferral of Commission Action to Permit Ongoing Settlement Discussions to be effective 12/31/9998.
Filed Date: 12/1/17.
Accession Number: 20171201–5161.
Comments Due: 5 p.m. ET 12/22/17.
Docket Numbers: ER18–363–000.
Applicants: Florida Power & Light Company.
Description: § 205(d) Rate Filing: FPL–FPUC-Original Service Agreement No. 337–NITSA and NOA to be effective 1/1/2018.

Filed Date: 11/30/17.
Accession Number: 20171130–5214.
Comments Due: 5 p.m. ET 12/21/17.
Docket Numbers: ER18–364–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2017–11–30_Revisions to LRZ for the States of Louisiana and Texas to be effective 12/1/2017.
Filed Date: 11/30/17.
Accession Number: 20171130–5223.
Comments Due: 5 p.m. ET 12/21/17.
Docket Numbers: ER18–365–000.
Applicants: Access Energy Solutions, LLC.
Description: Baseline eTariff Filing: Market Based Rate Tariff to be effective 1/29/2018.
Filed Date: 12/1/17.
Accession Number: 20171201–5002.
Comments Due: 5 p.m. ET 12/22/17.
Docket Numbers: ER18–366–000.
Applicants: Midcontinent Independent System Operator, Inc., Ameren Illinois Company.
Description: § 205(d) Rate Filing: 2017–12–1_SA 2022 Ameren-Kirkwood 1st Rev WDS to be effective 11/1/2017.
Filed Date: 12/1/17.
Accession Number: 20171201–5056.
Comments Due: 5 p.m. ET 12/22/17.
Docket Numbers: ER18–367–000.
Applicants: Midcontinent Independent System Operator, Inc., Ameren Illinois Company.
Description: § 205(d) Rate Filing: 2017–12–1_Ameren-RECC WCA/UCA/WDS to be effective 1/1/2018.
Filed Date: 12/1/17.
Accession Number: 20171201–5067.
Comments Due: 5 p.m. ET 12/22/17.
Docket Numbers: ER18–368–000.
Applicants: Southern California Edison Company.
Description: § 205(d) Rate Filing: LGIA Arlington Solar, LLC Service Agreement No. 205, TOT781 to be effective 1/31/2018.
Filed Date: 12/1/17.
Accession Number: 20171201–5137.
Comments Due: 5 p.m. ET 12/22/17.
Docket Numbers: ER18–369–000.
Applicants: Southern California Edison Company.
Description: Tariff Cancellation: Notices of Cancellation GIA and Distrib Serv Agmt Ellwood Storage Project to be effective 1/23/2018.
Filed Date: 12/1/17.
Accession Number: 20171201–5140.
Comments Due: 5 p.m. ET 12/22/17.
Docket Numbers: ER18–370–000.
Applicants: Southern California Edison Company.
Description: § 205(d) Rate Filing: TO Tariff Amendment New Appendix XI to be effective 3/31/2018.
Filed Date: 12/1/17.
Accession Number: 20171201–5188.
Comments Due: 5 p.m. ET 12/22/17.
Docket Numbers: ER18–371–000.
Applicants: ISO New England Inc., New England Power Pool Participants Committee.
Description: Installed Capacity Requirements, Hydro-Quebec Interconnection Capability Credits and Related Values for 2018/2019, 2019/2020 and 2010/2021 Annual Reconfiguration Auctions of ISO New England, Inc., et al.
Filed Date: 12/1/17.
Accession Number: 20171201–5189.
Comments Due: 5 p.m. ET 12/22/17.
Docket Numbers: ER18–372–000.
Applicants: Southern California Edison Company.
Description: § 205(d) Rate Filing: Memorandum of Agreement on the Pacific Direct Current Intertie to be effective 2/1/2018.
Filed Date: 12/1/17.
Accession Number: 20171201–5244.
Comments Due: 5 p.m. ET 12/22/17.
Docket Numbers: ER18–373–000.
Applicants: American Transmission Systems, Incorporated, PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: ATSI submits Engineering and Construction Services Agreement SA No. 4716 to be effective 1/31/2018.
Filed Date: 12/1/17.
Accession Number: 20171201–5253.
Comments Due: 5 p.m. ET 12/22/17.

Take notice that the Commission received the following qualifying facility filings:

Docket Numbers: QF18–30–000.
Applicants: Flambeau Solar Partners, LLC.
Description: Refund Report of Flambeau Solar Partners, LLC.
Filed Date: 12/1/17.
Accession Number: 20171201–5209.
Comments Due: 5 p.m. ET 12/22/17.

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: December 1, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–26392 Filed 12–6–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Western Area Power Administration

Loveland Area Projects—Rate Order No. WAPA–179

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of order concerning firm electric service and sale of surplus products formula rates.

SUMMARY: The Deputy Secretary of Energy confirmed and approved Rate Order No. WAPA–179 and Rate Schedules L–F11 and L–M2, placing firm electric service and sale of surplus products formula rates for the Western Area Power Administration (WAPA) Loveland Area Projects (LAP) into effect on an interim basis (Provisional Formula Rates).

DATES: The Provisional Formula Rate Schedules L–F11 and L–M2 are effective on the first day of the first full billing period beginning on or after January 1, 2018, and will remain in effect through December 31, 2022, pending confirmation and approval by Federal Energy Regulatory Commission (FERC) on a final basis or until superseded.

FOR FURTHER INFORMATION CONTACT: Mr. Michael D. McElhany, Regional Manager, Rocky Mountain Region, Western Area Power Administration, 5555 East Crossroads Boulevard, Loveland, CO 80538–8986, telephone (970) 461–7201, or Mrs. Sheila D. Cook, Rates Manager, Rocky Mountain Region, Western Area Power Administration, 5555 East Crossroads Boulevard, Loveland, CO 80538–8986, telephone (970) 461–7211, email *scook@wapa.gov.*

SUPPLEMENTARY INFORMATION:

Firm Electric Service

On December 2, 2014, the Deputy Secretary of Energy approved, on an interim basis, Rate Schedule L–F10 under Rate Order No. WAPA–167 for a 5-year period beginning January 1, 2015, and ending December 31, 2019 (79 FR 72663–72670 (Dec. 8, 2014)).[1] This rate

[1] FERC confirmed and approved Rate Order WAPA–167 on a final basis on June 25, 2015, in Docket No. EF15–4–000. See *United States*

schedule is formula-based, providing for adjustments to the Drought Adder component.[2] On January 1, 2017, the Drought Adder component of the LAP effective rate schedule was adjusted downward, recognizing repayment of drought costs included in the Drought Adder component of the approved formula rates. Under Rate Schedule L–F10 with adjusted Drought Adder component as of January 1, 2017, the composite rate is 36.56 mills per kilowatt-hour (mills/kWh) (a Base component of 29.90 mills/kWh and a Drought Adder component of 6.66 mills/kWh), the firm energy rate is 18.28 mills/kWh, and the firm capacity rate is $4.79 per kilowatt-month (kWmonth).

Effective January 1, 2018, WAPA is adjusting the overall composite rate, which is reflected in adjustments to the formula-based charge components. The Drought Adder component will go down to zero and the Base component will be adjusted upward to reflect present costs attributed to both charge components. Rate Schedule L–F10 is being superseded by Rate Schedule L–F11. Under Rate Schedule L–F11, the Provisional Formula Rates for firm electric service will result in a composite rate of 31.44 mills/kWh (a Base component of 31.44 mills/kWh and a Drought Adder component of 0 mills/kWh), the firm energy rate will be 15.72 mills/kWh, and the firm capacity rate will be $4.12/kWmonth. This is a 14 percent decrease when compared to the LAP firm electric rates under Rate Schedule L–F10.

Sale of Surplus Products

On August 12, 2016, the Deputy Secretary of Energy approved, on an interim basis, Rate Schedule L–M1 under Rate Order No. WAPA–174, for a 5-year period beginning October 1, 2016, and ending September 30, 2021 (81 FR 56632–56652 (August 22, 2016)).[3] This Rate Schedule is formula-based, providing for LAP Marketing to sell LAP surplus energy and capacity products; currently reserves, regulation, and frequency response. If LAP surplus products are available, the charge for each product will be determined based on market rates plus administrative costs. The customer will be responsible for acquiring transmission service necessary to deliver the product(s), for which a separate charge may be incurred. Rate Schedule L–M1 is being superseded by Rate Schedule L–M2. Rate Schedule L–M2 will include ''energy'' as a fourth surplus product offered under this rate schedule.

Legal Authority

By Delegation Order No. 00–037.00B, effective November 19, 2016, the Secretary of Energy delegated: (1) The authority to develop power and transmission rates to the Administrator of WAPA; (2) the authority to confirm, approve, and place such rates into effect on an interim basis to the Deputy Secretary of Energy; and (3) the authority to confirm, approve, and place into effect on a final basis, to remand, or to disapprove such rates to FERC. Federal rules (10 CFR part 903) govern DOE procedures for public participation in power rate adjustments.

Under Delegation Order Nos. 00–037.00B and 00–001.00F and in compliance with 10 CFR part 903 and 18 CFR part 300, I hereby confirm, approve, and place Rate Order No. WAPA–179, which provides the formula rates for LAP firm electric service and sale of surplus products, into effect on an interim basis. The new Rate Schedules L–F11 and L–M2 will be submitted to FERC for confirmation and approval on a final basis.

Dated: November 30, 2017.

Dan Brouillette,

Deputy Secretary of Energy.

DEPARTMENT OF ENERGY

DEPUTY SECRETARY

In the matter of: Western Area Power Administration Rate Adjustment for the Loveland Area Projects

Rate Order No. WAPA–179

ORDER CONFIRMING, APPROVING, AND PLACING THE LOVELAND AREA PROJECTS FIRM ELECTRIC SERVICE AND SALE OF SURPLUS PRODUCTS FORMULA RATES INTO EFFECT ON AN INTERIM BASIS

The firm electric service and sale of surplus products rates for the Loveland Area Projects (LAP) set forth in this order are established in accordance with section 302 of the Department of Energy (DOE) Organization Act (42 U.S.C. 7152). This Act transferred to, and vested in, the Secretary of Energy the power marketing functions of the Secretary of the Department of the Interior and the Bureau of Reclamation (Reclamation) under the Reclamation Act of 1902 (ch. 1093, 32 Stat. 388), as amended and supplemented by subsequent laws, particularly section 9(c) of the Reclamation Act of 1939 (43 U.S.C. 485h(c)) and section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), and other acts that specifically apply to the projects involved.

By Delegation Order No. 00–037.00B, effective November 19, 2016, the Secretary of Energy delegated: (1) the authority to develop power and transmission rates to the Administrator of Western Area Power Administration (WAPA); (2) the authority to confirm, approve, and place such rates into effect on an interim basis to the Deputy Secretary of Energy; and (3) the authority to confirm, approve, and place into effect on a final basis, to remand, or to disapprove such rates to the Federal Energy Regulatory Commission (FERC). Federal rules (10 CFR part 903) govern DOE procedures for public participation in power rate adjustments.

Acronyms, Terms, and Definitions

As used in this Rate Order, the following acronyms, terms, and definitions apply:

Base: A fixed revenue requirement that includes O&M expenses, investments and replacements, interest on investments and replacements, normal timing power purchases (purchases due to operational constraints, not associated with drought), and transmission costs.

Capacity: The electric capability of a generator, transformer, transmission circuit, or other equipment. It is expressed in kilowatts.

Capacity Rate: The rate which sets forth the charges for capacity. It is expressed in dollars per kilowatt-month and applied to each kilowatt of the Contract Rate of Delivery (CROD).

Composite Rate: The Power Repayment Study (PRS) rate for commercial firm power, which is the

Department of Energy, Western Area Power Administration (Loveland Area Projects), 151 FERC ¶ 62,222.

[2] The Drought Adder component is a formula-based revenue requirement that includes future purchase power above timing purchases, previous purchase power drought deficits, and interest on the purchase power drought deficits. *See* 72 FR 64061 (November 14, 2007). The Drought Adder was added as a component to the energy and capacity rates in Rate Order No. WAPA–134, which was approved by the Deputy Secretary on an interim basis on November 14, 2007, (72 FR 64061). FERC confirmed and approved Rate Order WAPA–134 on a final basis on May 16, 2008, in Docket No. EF08–5181. See *United States Department of Energy, Western Area Power Administration (Loveland Area Projects),* 123 FERC ¶ 62,137. WAPA reviews the Drought Adder component each September to determine if drought costs differ from those projected in the Power Repayment Study and whether an adjustment to the Drought Adder component is necessary. *See* 72 FR 64065. The Drought Adder component may be adjusted downward using the approved annual Drought Adder adjustment process, whereas an incremental upward adjustment to the Drought Adder component greater than the equivalent of 2 mills/kWh requires a public rate process. *See* 72 FR 64065.

[3] FERC confirmed and approved Rate Order WAPA–174 on a final basis on March 9, 2017, in Docket Nos. EF16–5–000 and EF16–5–001. See *United States Department of Energy, Western Area Power Administration (Loveland Area Projects),* 158 FERC ¶ 62,181.

total annual revenue requirement for capacity and energy divided by the total annual energy sales. It is expressed in mills per kilowatt-hour and used only for comparison purposes.

Customer: An entity with a contract that is receiving firm electric service from WAPA.

Deficits: Deferred or unrecovered annual and/or interest expenses.

DOE Order RA 6120.2: An order outlining power marketing administration financial reporting and rate-making procedures.

Drought Adder: A formula-based revenue requirement that includes future purchase power above timing purchases, previous purchase power drought deficits, and interest on the purchase power drought deficits.

Energy: Measured in terms of the work it is capable of doing over a period of time. Electric energy is expressed in kilowatt-hours.

Energy Charge: The charge under the rate schedule for energy. It is expressed in mills per kilowatt-hour and applied to each kilowatt-hour delivered to each Customer.

Firm: A type of product and/or service always available at the time requested by a Customer.

FY: Fiscal year; October 1 to September 30.

kW: Kilowatt—the electrical unit of capacity that equals 1,000 watts.

kWh: Kilowatt-hour—the electrical unit of energy that equals 1,000 watts in 1 hour.

kWmonth: Kilowatt-month—the electrical unit of the monthly amount of capacity.

mills/kWh: Mills per kilowatt-hour—the unit of charge for energy (equal to one tenth of a cent or one thousandth of a dollar).

MW: Megawatt—the electrical unit of capacity that equals 1 million watts or 1,000 kilowatts.

Non-timing Power Purchases: Power purchases that are not related to operational constraints such as management of endangered species, species habitat, water quality, navigation, control area purposes, etc.

O&M: Operation and Maintenance.

P-SMBP: The Pick-Sloan Missouri Basin Program.

P-SMBP—ED: Pick-Sloan Missouri Basin Program—Eastern Division.

P-SMBP—WD: Pick-Sloan Missouri Basin Program—Western Division.

Power: Capacity and energy.

Power Factor: The ratio of real to apparent power at any given point and time in an electrical circuit. Generally, it is expressed as a percentage.

Preference: The provisions of Reclamation Law that require WAPA to first make Federal Power available to certain entities. For example, section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)) states that preference in the sale of Federal Power shall be given to municipalities and other public corporations or agencies and also to cooperatives and other nonprofit organizations financed in whole or in part by loans made under the Rural Electrification Act of 1936.

Provisional Formula Rate: A formula rate confirmed, approved, and placed into effect on an interim basis by the Deputy Secretary of Energy.

Ratesetting PRS: The Power Repayment Study used for the rate adjustment period.

Regions: WAPA's Rocky Mountain Region (RMR) and Upper Great Plains Region (UGP).

Revenue Requirement: The revenue required by the PRS to recover annual expenses (such as O&M, purchase power, transmission service expenses, interest, and deferred expenses) and repay Federal investments and other assigned costs.

Effective Date

The Provisional Formula Rate Schedules L–F11 and L–M2 will take effect on the first day of the first full billing period beginning on or after January 1, 2018, and will remain in effect through December 31, 2022, pending approval by FERC on a final basis or until superseded.

Public Notice and Comment

WAPA followed the Procedures for Public Participation in Power and Transmission Rate Adjustments and Extensions, 10 CFR part 903, in developing these rates and schedules. The steps WAPA took to involve interested parties in the rate process were:

1. A **Federal Register** notice, published on July 3, 2017 (82 FR 30856) (Proposal FRN), announced the proposed rates for LAP and began the 90-day public consultation and comment period.

2. On July 5, 2017, WAPA emailed letters to LAP Preference Customers and interested parties transmitting a copy of the Proposal FRN.

3. On August 22, 2017, at 9 a.m. (MDT), WAPA held a public information forum at the Denver Embassy Suites, 7000 Yampa Street, Denver, Colorado. WAPA provided updates to the proposed firm electric service and sale of surplus products formula rates for both LAP and P-SMBP—ED. WAPA also answered questions and gave notice that more information was available in the customer rate brochure.

4. On August 22, 2017, at 11 a.m. (MDT), following the public information forum, at the same location, WAPA held a public comment forum to provide an opportunity for customers and other interested parties to comment for the record. No oral or written comments were received at this forum.

5. On August 23, 2017, at 9 a.m. (CDT), WAPA held a public information forum at the Holiday Inn, 100 West 8th Street, Sioux Falls, South Dakota. WAPA provided updates to the proposed firm electric service and sale of surplus product formula rates for both the P-SMBP—ED and LAP. WAPA also answered questions and gave notice that more information was available in the customer rate brochure.

6. On August 23, 2017, at 11 a.m. (CDT), following the public information forum, at the same location, a public comment forum was held. The comment forum gave the public an opportunity to comment for the record. Two oral comments were received at this forum.

7. WAPA provided a website that contains all dates, customer letters, presentations, FRNs, customer brochure, and other information about this rate process. The website is located at *https://www.wapa.gov/regions/RM/rates/Pages/2018-Rate-Adjustment-Firm-Power.aspx.*

8. During the 90-day consultation and comment period, which ended on October 2, 2017, WAPA received two oral comments (from the August 23 public comment forum). The comments and WAPA's responses are addressed below. All comments have been considered in the preparation of this Rate Order.

Two representatives of the following organizations made oral comments:

Mid-West Electric Consumers Association, Colorado

Missouri River Energy Services, South Dakota

Project Descriptions

Loveland Area Projects

The Post–1989 General Power Marketing and Allocation Criteria (Criteria), published in the **Federal Register** on January 31, 1986 (51 FR 4012), integrated the resources of the P-SMBP—WD and the Fryingpan-Arkansas Project (Fry-Ark). This operational and contractual integration, known as LAP, allowed an increase in marketable resource, simplified contract administration, and established a blended rate for LAP power sales. WAPA markets LAP power in northeastern Colorado, east of the

Continental Divide in Wyoming, west of the 101st meridian in Nebraska, and most of Kansas.

The P-SMBP—WD and Fry-Ark retain separate financial status. For this reason, separate PRSs are prepared annually for each project. These PRSs are used to determine the sufficiency of the firm electric service rate to generate adequate revenue to repay project investment and costs during each project's prescribed repayment period. The revenue requirement of the Fry-Ark PRS is combined with the P-SMBP—WD revenue requirement, derived from the P-SMBP PRS, to develop one rate for LAP firm electric sales.

Pick-Sloan Missouri Basin Program—Western Division

The P-SMBP, originally the Missouri River Basin Project, was authorized by Congress in section 9 of the Flood Control Act of December 22, 1944 (Pub. L. 534, 58 Stat. 887, 891). This multipurpose program provides flood control, irrigation, navigation, recreation, preservation and enhancement of fish and wildlife, and power generation. Multipurpose projects have been developed on the Missouri River and its tributaries in Colorado, Montana, Nebraska, North Dakota, South Dakota, and Wyoming.

In addition to the multipurpose water projects authorized by section 9 of the Flood Control Act of 1944, certain other existing projects have been integrated with the P-SMBP for power marketing, operation, and repayment purposes. The Colorado-Big Thompson, Kendrick, Riverton, and Shoshone Projects were combined with the P-SMBP in 1954, followed by the North Platte Project in 1959. These projects are referred to as the ''Integrated Projects'' of the P-SMBP.

The Flood Control Act of 1944 also authorized the inclusion of the Fort Peck Project with the P-SMBP for operation and repayment purposes. The Riverton Project was reauthorized as a unit of P-SMBP in 1970. Together the P-SMBP—WD and the Integrated Projects have 19 power plants.

The P-SMBP is marketed by two Regions. The RMR, with a regional office in Loveland, Colorado, markets the Western Division power of P-SMBP through LAP to approximately 75 customers. The UGP Region, with a regional office in Billings, Montana, markets power from the Eastern Division of P-SMBP to approximately 340 customers.

The adjustment to the P-SMBP—ED rate is in a separate formal rate process, which is documented in Rate Order No. WAPA–180. Rate Order No. WAPA–180 is also scheduled to go into effect on the first day of the first full billing period on or after January 1, 2018.

Fryingpan-Arkansas Project

Fry-Ark is a trans-mountain diversion development in southeastern Colorado authorized by the Act of Congress on August 16, 1962 (Pub. L. 87–590, 76 Stat. 389, as amended by Title XI of the Act of Congress on October 27, 1974 (Pub. L. 93–493, 88 Stat. 1486, 1497)). The Fry-Ark diverts water from the Fryingpan River and other tributaries of the Roaring Fork River in the Colorado River Basin on the Western Slope of the Rocky Mountains to the Arkansas River on the Eastern Slope of the Rocky Mountains. The water diverted from the Western Slope, together with regulated Arkansas River water, provides supplemental irrigation and M&I water supplies, and produces hydroelectric power. Flood control, fish and wildlife enhancement, and recreation are other important purposes of Fry-Ark. The only generating facility in Fry-Ark is the Mt. Elbert Pumped-Storage powerplant on the Eastern Slope.

Power Repayment Study—Firm Electric Service Rate

WAPA prepares PRSs each FY to determine if revenues will be sufficient to repay, within the required time, all costs assigned to the LAP. Repayment criteria are based on WAPA's applicable laws and legislation, as well as policies including DOE Order RA 6120.2. To meet the Cost Recovery Criteria outlined in DOE Order RA 6120.2, revised PRSs and rate adjustments have been developed to demonstrate sufficient revenues will be collected under the Provisional Formula Rates to meet future obligations. The revenue requirement and composite rate for LAP firm electric service are being reduced, as indicated in Table 1:

TABLE 1—COMPARISON OF REVENUE REQUIREMENTS AND COMPOSITE RATES

Firm Electric Service	Existing requirements (January 1, 2017)	Provisional requirements (January 1, 2018)	Percent Change
LAP Revenue Requirement (million $)	$74.5	$64.1	−14%
LAP Composite Rate (mills/kWh)	36.56	31.44	−14%

Under the existing rate methodology, rates for LAP firm electric service are designed to recover an annual revenue requirement that includes power investment repayment, aid to irrigation repayment, interest, purchase power, O&M, and other expenses within the allowable period. The annual revenue requirement continues to be allocated equally between capacity and energy.

Existing and Provisional Formula Rates

The existing Rate Schedule L–F10 and provisional Rate Schedule L–F11 continue to be formula-based, with Base and Drought Adder components, and provide for an annual incremental upward adjustment to the Drought Adder up to 2 mills/kWh. An incremental increase to the Drought Adder component greater than 2 mills/kWh, requires a public process. The Drought Adder may be adjusted downward pursuant to the formula, by using the approved annual Drought Adder adjustment process. A comparison of the existing and Provisional Formula Rates for LAP firm electric service is listed in Table 2:

TABLE 2—COMPARISON OF EXISTING AND PROVISIONAL FORMULA RATES

Firm Electric Service	Existing Charges Under Rate Schedule L–F10 With Modified Drought Adder As of January 1, 2017	Provisional Charges Under Rate Schedule L–F11 As of January 1, 2018	Percent Change
Firm Energy Rate (mills/kWh)	18.28	15.72	−14%
Firm Capacity Rate ($/kWmonth)	$4.79	$4.12	−14%

Under Rate Schedule L–M2, the Provisional Formula Rate will consist of a charge for products listed in the rate schedule that will be determined at the time of the sale based on market rates, plus administrative costs.

Certification of Rates

WAPA's Administrator certified that the Provisional Formula Rates for LAP firm electric service under Rate Schedule L–F11 and sale of surplus products under Rate Schedule L-M2 are the lowest possible rates consistent with sound business principles. The Provisional Formula Rates were developed following administrative policies and applicable laws.

LAP Firm Electric Service Rate Discussion

According to Reclamation Law, WAPA is required to establish power rates sufficient to recover O&M, purchased power and interest expenses, and repay power investment and irrigation aid.

The Criteria, published in the **Federal Register** on January 31, 1986 (51 FR 4012), operationally and contractually integrated the resources of the P-SMBP—WD and Fry-Ark (thereafter referred to as LAP). A blended rate was established for the sale of LAP firm electric service.

P-SMBP—WD

The P-SMBP—WD portion of the revenue requirement was developed from the revenue requirement calculated in the P-SMBP Ratesetting PRS. The P-SMBP—WD revenue requirement decreased approximately 14 percent from the previous revenue requirement primarily as a result of the Drought Adder component being reduced to zero, as the P-SMBP drought-related debts are projected to be fully repaid in 2018. The Base component costs for the P-SMBP—WD have increased primarily due to inflationary annual and capital cost increases associated with incorporating three new out-year projections into the 5-year cost evaluation period into the P-SMBP Ratesetting PRS. The revenue requirements for P-SMBP—WD are as follows:

TABLE 3—SUMMARY OF P-SMBP—WD REVENUE REQUIREMENTS ($000)

Current Revenue Requirement (Jan 2017):	
(29.80 mills/kWh × 1,988,000,000 kWh)	$59,242
Provisional Decrease:	
Base: 2.41 mills/kWh × 1,988,000,000 kWh	5,129
Drought Adder: −6.66 mills/kWh × 1,988,000,000 kWh	−13,578
	−8,449
Provisional Revenue Requirement (29.80 − 4.25 = 25.55 mills/kWh × 1,988,000,000 kWh)	50,793

Fry-Ark

The Fry-Ark portion of the revenue requirement was developed from the revenue requirement calculated in the Fry-Ark Ratesetting PRS. The Fry-Ark revenue requirement decreased approximately 13 percent due to the Base component costs decreasing, even though the three new out-year projections for annual expenses and capital costs within the 5-year cost evaluation period include inflation. This decrease is caused by the annual expense projections in the current Fry-Ark Ratesetting PRS being an average of $0.3 million per year lower than the annual expense projections in the previous Fry-Ark Ratesetting PRS. In addition to lower annual expenses, ancillary service revenue projections have increased an average of $1.1 million per year over the previous projections; resulting in a net revenue increase of approximately $1.4 million per year. This net revenue helps offset the revenue requirement for firm electric service. The revenue requirements for Fry-Ark are as follows:

TABLE 4—SUMMARY OF FRY-ARK REVENUE REQUIREMENTS ($000)

Current Revenue Requirement (Jan 2017)	$15,328
Provisional Decrease:	
Base	−1,978
Drought Adder	0
	−1,978
Provisional Revenue Requirement	13,350

The net effect of the P-SMBP—WD and Fry-Ark adjustments to the Drought Adder and Base components results in an overall decrease to the LAP revenue requirement. The following Table 5 compares LAP existing revenue

requirements to the proposed revenue requirements:

TABLE 5—SUMMARY OF LAP REVENUE REQUIREMENTS ($000)

	Existing (January 2017)	Provisional (January 2018)
P-SMBP—WD	$59,242	$50,793
Fry-Ark	15,328	13,350
Total LAP	74,571	64,144

As a part of the current and provisional rate schedules, WAPA provides for a formula-based adjustment of the Drought Adder component of up to 2 mills/kWh. The 2 mills/kWh cap places a limit on the amount the Drought Adder component can be adjusted relative to associated drought costs to recover costs attributable to the Drought Adder formula rate for any one-year cycle. Continuing to identify the firm electric service revenue requirement using Base and Drought Adder components will assist WAPA in the presentation of future impacts of droughts, demonstrate repayment of drought-related costs in the PRSs, and allow WAPA to be more responsive to changes caused by drought-related expenses. WAPA will continue to charge and bill its Preference Customers firm electric service rates for energy and capacity, which are the sum of the Base and Drought Adder components.

Under Rate Schedule L–F11, WAPA will continue to identify its firm electric service revenue requirement using Base and Drought Adder components. The Base component is a fixed revenue requirement for each project that includes annual O&M expenses, investment repayment and associated interest, normal timing power purchases, and transmission costs. Normal timing power purchases are purchases due to operational constraints (e.g., management of endangered species habitat, water quality, navigation, control area purposes, etc.) and are not associated with drought. WAPA cannot adjust the Base component without a public process.

The Drought Adder component is a formula-based revenue requirement that includes costs attributable to the drought conditions in the Regions. The Drought Adder component includes costs associated with future Non-timing Power Purchases to meet firm electric service contractual obligations not covered with available system generation due to a drought, previously incurred deficits due to purchased power debt that resulted from Non-timing Power Purchases made during a drought, and the interest associated with drought debt. The Drought Adder component is designed to repay the drought debt within 10 years from the time the debt was incurred, using balloon-payment methodology. For example, the drought debt incurred in FY 2009 will be repaid by FY 2019.

The annual revenue requirement calculation will continue to be summarized by the following formula: Annual Revenue Requirement = Base Revenue Requirement + Drought Adder Revenue Requirement. Under this Provisional Rate, the LAP annual revenue requirement equals $64.1 million and is comprised of a Base revenue requirement of $64.1 million plus a Drought Adder revenue requirement of $0. A comparison of the existing and provisional charge components is listed in Table 6:

TABLE 6—SUMMARY OF LAP CHARGE COMPONENTS

	Existing Charges Under Rate Schedule L–F10 with Modified Drought Adder As of January 1, 2017			Provisional Charges Under Rate Schedule L–F11 As of January 1, 2018			Percent Change
	Base Component	Drought Adder Component	Total Charge	Base Component	Drought Adder Component	Total Charge	
Firm Capacity (/kWmonth)	$3.92	$0.87	$4.79	$4.12	$0	$4.12	−14
Firm Energy (mills/kWh)	14.95	3.33	18.28	15.72	0	15.72	−14

WAPA reviews its firm electric service rates annually. WAPA will review the Base and Drought Adder components after the annual PRSs are complete, generally in the first quarter of the calendar year. If an adjustment to the Base component is necessary, or if an incremental upward adjustment to the Drought Adder component greater than the equivalent of 2 mills/kWh to the PRS Composite Rate is necessary, WAPA will initiate a public process pursuant to 10 CFR part 903 prior to making an adjustment.

In accordance with the approved annual Drought Adder adjustment process, WAPA will review the Drought Adder component annually in early summer to determine if drought costs differ from those projected in the PRSs. In October, WAPA will determine if a change to the Drought Adder component is necessary, either incremental or decremental. Any adjustments to the Drought Adder component, up to 2 mills/kWh, will be implemented in the following January billing cycle. Although decremental adjustments to the Drought Adder component will occur as drought costs are repaid, the adjustments cannot result in a negative Drought Adder component. Implementing the Drought Adder component adjustment on January 1 of each year will help keep the drought deficits from escalating as quickly, will lower the interest expense due to drought deficits, will demonstrate responsible deficit management, and will provide prompt drought deficit repayments.

Statement of Revenue and Related Expenses

The following Table 7 provides a summary of projected revenue and expense data for the Fry–Ark firm electric service revenue requirement through the 5–year provisional rate approval period:

TABLE 7—FRY-ARK COMPARISON OF 5-YEAR RATE PERIOD (FY 2018–2022) TOTAL REVENUES AND EXPENSES

	Existing Rate ($000)	Provisional Rate ($000)	Difference ($000)
Total Revenues [1]	$89,012	$84,359	$ −4,653
Revenue Distribution:			
Expenses:			
O&M	32,322	31,334	−988
Purchase Power	691	724	33
Transmission [1]	12,663	12,248	−415
Interest	16,080	14,779	−1,301
Total Expenses	61,756	59,085	−2,671
Principal Payments:			
Capitalized Expenses (deficits)	0	0	0
Original Project and Additions	21,757	14,893	−6,864
Replacements	5,499	10,381	4,882
Total Principal Payments [2]	27,256	25,274	−1,982
Total Revenue Distribution	89,012	84,359	−4,653

[1] Excludes $7,033M of pass-through transmission revenue and expense projections related to network service contract No. 13–RMR–2368 with Public Service Company of Colorado.

[2] The difference in principal payments is due to changes between the FY15 and FY18 work plans, as well as the decrease in revenue being available for repayment during the 5-year period due to the revenue requirement decrease.

The summary of P-SMBP—WD projected revenues and expenses for the 5–year provisional rate approval period is included in the P-SMBP Statement of Revenue and Related Expenses that is part of Rate Order No. WAPA–180.

Sale of Surplus Products Discussion

The existing Rate Schedule L–M1 is formula-based, providing for LAP Marketing to sell LAP surplus energy and capacity products; currently reserves, regulation, and frequency response. If LAP surplus products are available, the charge will be determined at the time of the sale based on market rates, plus administrative costs. The customer will be responsible for acquiring transmission service necessary to deliver the product(s), for which a separate charge may be incurred. Rate Schedule L–M1 is being superseded by Rate Schedule L–M2. Rate Schedule L–M2 will include ''energy'' as a fourth surplus product offered under this rate schedule.

Basis for Rate Development

WAPA is lowering the overall charges for firm electric service by 14 percent, by reducing the Drought Adder component to zero and increasing the Base component to reflect present costs. The Provisional Formula Rates under Rate Schedule L–F11 will provide sufficient revenue to pay all annual costs, including interest expenses, and repay investments and irrigation aid within the allowable periods. In addition, WAPA is modifying language in the Sale of Surplus Products rate schedule to include ''energy'' as a fourth surplus product offered under this rate schedule. This change will be included in a new Rate Schedule L–M2.

Comments

WAPA received two oral comments during the public consultation and comment period. The comments expressed have been paraphrased, where appropriate, without compromising the meaning of the comments.

A. *Comment:* Both customer representatives supported the rate adjustment as proposed, and emphasized the need for continued cost control regarding the Base component.

Response: WAPA is committed to keeping the power rates at the lowest possible rates while maintaining sound business principles.

Availability of Information

Information about this rate adjustment, including the customer rate brochure, PRSs, comments, letters, memorandums, and other supporting materials that were used to develop the Provisional Formula Rates, is available for inspection and copying at the Rocky Mountain Regional Office, 5555 East Crossroads Boulevard, Loveland, Colorado. Many of these documents are also available on WAPA's Web site at *https://www.wapa.gov/regions/RM/rates/Pages/2018-Rate-Adjustment-Firm-Power.aspx.*

RATEMAKING PROCEDURE REQUIREMENTS

Environmental Compliance

In compliance with the National Environmental Policy Act (NEPA) of 1969, 42 U.S.C. 4321–4347; the Council on Environmental Quality Regulations for implementing NEPA (40 CFR parts 1500–1508); and DOE NEPA Implementing Procedures and Guidelines (10 CFR part 1021), WAPA has determined that this action is categorically excluded from the preparation of an environmental assessment or an environmental impact statement. A copy of the categorical exclusion determination is available on WAPA's Web site at *https://www.wapa.gov/regions/RM/environment/Pages/CX2017.aspx.* Look for file entitled ''LAP WAPA–179 FES Rate Adjustment.''

Determination Under Executive Order 12866

WAPA has an exemption from centralized regulatory review under Executive Order 12866; accordingly, no

clearance of this notice by the Office of Management and Budget is required.

Submission to the Federal Energy Regulatory Commission

The Provisional Formula Rates herein confirmed, approved, and placed into effect on an interim basis, together with supporting documents, will be submitted to FERC for confirmation and final approval.

ORDER

In view of the foregoing, and under the authority delegated to me, I confirm and approve on an interim basis, effective the first full billing period on or after January 1, 2018, Rate Schedules L–F11 and L–M2 for the Loveland Area Projects of the Western Area Power Administration. These rate schedules shall remain in effect on an interim basis, pending the Federal Energy Regulatory Commission's confirmation and approval of them, or substitute rates, on a final basis through December 31, 2022, or until superseded.

Dated: November 30, 2017
Dan Brouillette
Deputy Secretary of Energy

Rate Schedule L–F11
(Supersedes Rate Schedule L–F10)

UNITED STATES DEPARTMENT OF ENERGY

WESTERN AREA POWER ADMINISTRATION

ROCKY MOUNTAIN REGION

Loveland Area Projects

FIRM ELECTRIC SERVICE

(Approved Under Rate Order No. WAPA–179)

Effective

The first day of the first full billing period beginning on or after January 1, 2018, and extending through December 31, 2022, or until superseded by another rate schedule, whichever occurs earlier.

Available

Within the marketing area served by the Loveland Area Projects; parts of Colorado, Kansas, Nebraska, and Wyoming.

Applicable

To the firm electric service delivered at specific point(s) of delivery, as established by contract.

Character

Alternating current, 60 hertz, three phase, delivered and metered at the voltages and points established by contract.

Formula Rate and Charge Components

Rate = Base component + Drought Adder component

Monthly Charge as of January 1, 2018, under the Rate:

CAPACITY CHARGE:

$4.12 per kilowatt per month (kWmonth) of billing capacity.

ENERGY CHARGE:

15.72 mills per kilowatt-hour (kWh) of monthly entitlement.

BILLING CAPACITY:

Unless otherwise specified by contract, the billing capacity will be the seasonal contract rate of delivery.

Base Component: A fixed revenue requirement that includes operation and maintenance expense, investments and replacements, interest on investments and replacements, normal timing power purchases (purchases due to operational constraints, not associated with drought), and transmission costs. Any proposed change to the Base component will require a public process.

The Base revenue requirement is $64.1 million and the charges under the formulas are:

$$\text{Base Capacity} = \frac{50\% \text{ X Base Revenue Requirement}}{\text{Firm Billing Capacity}} = \$4.12/\text{kWmonth}$$

$$\text{Base Energy} = \frac{50\% \text{ X Base Revenue Requirement}}{\text{Annual Energy}} = 15.72 \text{ mills/kWh}$$

Drought Adder Component: A formula-based revenue requirement that includes future purchase power above timing purchases, previous purchase power drought deficits, and interest on the purchase power drought deficits. As of January 1, 2018, the Drought Adder component revenue requirement is $0.0 million and the charges under the formulas are:

$$\text{Drought Adder Capacity} = \frac{50\% \text{ X Drought Adder Revenue Requirement}}{\text{Firm Billing Capacity}} = \$0.00/\text{kWmonth}$$

$$\text{Drought Adder Energy} = \frac{50\% \text{ X Drought Adder Revenue Requirement}}{\text{Annual Energy}} = 0.00 \text{ mills/kWh}$$

Annual Drought Adder Adjustment Process: The Drought Adder component may be adjusted annually using the above formulas for any costs attributed to drought of less than or equal to the equivalent of 2 mills/kWh to the Power Repayment Study (PRS) composite rate. Any planned incremental adjustment to the Drought Adder component greater than the equivalent of 2 mills/kWh to the PRS composite rate will require a public process.

The annual review process is initiated in early summer when WAPA reviews the Drought Adder component and provides notice of any estimated change to the Drought Adder component charge under the formula. In October, WAPA will make a final determination of any change to the Drought Adder component charge, either incremental or decremental. If a Drought Adder component change is required, a modified Drought Adder revenue requirement and the associated charges will become effective the following January 1 and will be identified in a Drought Adder modification update. WAPA will inform customers of updates by letter and post updates to WAPA's external website.

Adjustments

For Transformer Losses: If delivery is made at transmission voltage but metered on the low-voltage side of the substation, the meter readings will be increased to compensate for transformer losses as provided for in the contract.

For Power Factor: None. The customer will be required to maintain a power factor at all points of measurement between 95-percent lagging and 95-percent leading.

Rate Schedule L–M2

(Supersedes Rate Schedule L–M1)

UNITED STATES DEPARTMENT OF ENERGY

WESTERN AREA POWER ADMINISTRATION

ROCKY MOUNTAIN REGION

Loveland Area Projects

SALE OF SURPLUS PRODUCTS

(Approved Under Rate Order No. WAPA–179)

Effective

The first day of the first full billing period beginning on or after January 1, 2018, and extending through December 31, 2022, or until superseded by another rate schedule, whichever occurs earlier.

Applicable

This rate schedule applies to Loveland Area Projects (LAP) Marketing and is applicable to the sale of the following LAP surplus energy and capacity products: energy, frequency response, regulation, and reserves. If any of the above LAP surplus products are available, LAP can make the product(s) available for sale, providing entities enter into separate agreement(s) with LAP Marketing which will specify the terms of sale(s).

Formula Rate

The charge for each product will be determined at the time of the sale based on market rates, plus administrative costs. The customer will be responsible for acquiring transmission service necessary to deliver the product(s), for which a separate charge may be incurred.

[FR Doc. 2017–26375 Filed 12–6–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Western Area Power Administration

Pick-Sloan Missouri Basin Program—Eastern Division—Rate Order No. WAPA–180

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of order concerning firm power, firm peaking power, and sale of surplus product formula rates.

SUMMARY: The Deputy Secretary of Energy confirmed and approved Rate Order No. WAPA–180 and Rate Schedules P-SED-F13, P-SED-FP13, and P–SED–M1 for firm power service, firm peaking power service, and a new formula rate for sale of surplus products for the Western Area Power Administration (WAPA) Pick-Sloan Missouri Basin Program—Eastern Division (P-SMBP—ED) into effect on an interim basis (Provisional Formula Rates).

DATES: The Rate Schedules P-SED-F13, P-SED-FP13, and P-SED-M1 are effective on the first day of the first full billing period beginning on or after January 1, 2018, and will remain in effect through December 31, 2022, pending confirmation and approval by Federal Energy Regulatory Commission (FERC) on a final basis or until superseded.

FOR FURTHER INFORMATION CONTACT: Mr. Jody S. Sundsted, Acting Regional Manager, Upper Great Plains Region, Western Area Power Administration, 2900 4th Avenue North, Billings, MT 59101–1266, telephone (406) 255–2800, or Ms. Linda Cady-Hoffman, Rates Manager, Upper Great Plains Region, Western Area Power Administration, 2900 4th Avenue North, Billings, MT 59101–1266, telephone (406) 255–2920, email *cady@wapa.gov.*

SUPPLEMENTARY INFORMATION:

Firm Electric Service

On December 2, 2014, the Deputy Secretary of Energy approved, on an interim basis, Rate Schedules P-SED-F12 and P-SED-FP12 under Rate Order No. WAPA–166 for the 5-year period beginning January 1, 2015, and ending December 31, 2019 (79 FR 72670–72677 (Dec. 8, 2014)).[1] These rate schedules are formula-based, providing for adjustments to the Drought Adder component.[2] On January 1, 2017, the Drought Adder component of the P–SMBP—ED effective rate schedule was adjusted downward, recognizing repayment of drought costs included in the Drought Adder component of the approved formula rates. Under Rate Schedule P–SED–F12 with adjusted Drought Adder component as of January 1, 2017, the firm capacity charge is $6.50/kWmonth and the firm energy charge is 16.18 mills/kWh. Under Rate Schedule
P-SED-FP12, the firm peaking capacity charge is $5.85/kWmonth. Firm peaking energy is normally returned. A firm peaking energy charge of 16.18 mills/kWh will be assessed in the event energy is not returned.

Effective January 1, 2018, WAPA is adjusting the overall composite rate of the Pick-Sloan Missouri Basin Program, which is reflected in an adjustment to the formula-based charge components of the firm power rate schedules. The Drought Adder component of the firm power rate schedules will go down to zero and the Base component will be adjusted upward to reflect present costs attributed to the charge components. WAPA's Upper Great Plains Region (UGP) is removing the 5 percent voltage discount in the existing P-SMBP—ED firm power rate schedule P-SED-F12 and removing the voltage discount from the firm power revenue requirement. The total annual revenue requirement for P-SMBP—ED is $230.1 million for firm power service and firm peaking power service. Under Rate Schedule P-SED-F13, the firm capacity charge is $5.25/kWmonth and the firm energy charge is 13.27 mills/kWh. Under Rate Schedule P-SED-FP13, the firm peaking capacity charge is $4.75/kWmonth. Firm Peaking Energy is normally returned. A

[1] FERC confirmed and approved Rate Order WAPA–166 on a final basis on March 18, 2015, in Docket No. EF15–3–000. See *United States Department of Energy, Western Area Power Administration (Pick-Sloan Missouri Basin Program—Eastern Division),* 150 FERC ¶ 62,170.

[2] The Drought Adder component is a formula-based revenue requirement that includes future purchase power above timing purchases, previous purchase power drought deficits, and interest on the purchase power drought deficits. *See* 72 FR 64067 (November 14, 2007). The Drought Adder was added as a component to the energy and capacity rates in Rate Order No. WAPA–135, which was approved by the Deputy Secretary on an interim basis on November 14, 2007 (72 FR 64067). FERC confirmed and approved Rate Order WAPA–135 on a final basis on April 14, 2008, in Docket No. EF08–5031. See *United States Department of Energy, Western Area Power Administration (Pick-Sloan Missouri Basin Program-Eastern Division),* 123 FERC ¶ 62,048. WAPA reviews the Drought Adder component each September to determine if drought costs differ from those projected in the Power Repayment Study and whether an adjustment to the Drought Adder component is necessary. See 72 FR 64071. The Drought Adder component may be adjusted downward using the approved annual Drought Adder adjustment process, whereas an incremental upward adjustment to the Drought Adder component greater than the equivalent of 2 mills/kWh requires a public rate process. *See* 72 FR 64071.

Firm Peaking Energy charge of 13.27 mills/kWh will be assessed in the event energy is not returned.

Sale of Surplus Products

In addition to the firm power and firm peaking power rate schedules, WAPA is implementing a new formula-based rate schedule, P-SED-M1, applicable to the sale of surplus energy and capacity products; energy, reserves, regulation, and frequency response. If P-SMBP—ED surplus products are available, the charge for each product will be determined based on market rates plus administrative costs. The customer will be responsible for acquiring transmission service necessary to deliver the product(s), for which a separate charge may be incurred.

Legal Authority

By Delegation Order No. 00–037.00B, effective November 19, 2016, the Secretary of Energy delegated: (1) The authority to develop power and transmission rates to the Administrator of WAPA; (2) the authority to confirm, approve, and place such rates into effect on an interim basis to the Deputy Secretary of Energy; and (3) the authority to confirm, approve, and place into effect on a final basis, to remand or to disapprove such rates to FERC. Federal rules (10 CFR part 903) govern DOE procedures for public participation in power rate adjustments.

Under Delegation Order Nos. 00–037.00B and 00–001.00F and in compliance with 10 CFR part 903 and 18 CFR part 300, I hereby confirm, approve, and place Rate Order No. WAPA–180, which provides the formula rates for P–SMBP—ED firm power, firm peaking power, and sale of surplus products, into effect on an interim basis. The new Rate Schedules P-SED-F13, P-SED-FP13, and P-SED-M1 will be submitted to FERC for confirmation and approval on a final basis.

Dated: November 30, 2017.

Dan Brouillette,

Deputy Secretary of Energy.

DEPARTMENT OF ENERGY

DEPUTY SECRETARY

In the matter of: Western Area Power Administration
Rate Adjustment for the Pick-Sloan Missouri Basin Program—Eastern Division)
Rate Order No. WAPA–180

ORDER CONFIRMING, APPROVING, AND PLACING THE PICK-SLOAN MISSOURI BASIN PROGRAM—EASTERN DIVISION FIRM POWER SERVICE, FIRM PEAKING POWER SERVICE AND SALE OF SURPLUS PRODUCT FORMULA RATES INTO EFFECT ON AN INTERIM BASIS

The firm power, firm peaking power, and sale of surplus product rates for the Pick-Sloan Missouri Basin Program—Eastern Division (P-SMBP—ED) set forth in this order are established in accordance with section 302 of the Department of Energy (DOE) Organization Act (42 U.S.C. 7152). This Act transferred to and vested in the Secretary of Energy the power marketing functions of the Secretary of the Department of the Interior and the Bureau of Reclamation (Reclamation) under the Reclamation Act of 1902 (ch. 1093, 32 Stat. 388), as amended and supplemented by subsequent laws, particularly section 9(c) of the Reclamation Act of 1939 (43 U.S.C. 485h(c)) and section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), and other acts that specifically apply to the projects involved.

By Delegation Order No. 00–037.00B, effective November 19, 2016, the Secretary of Energy delegated: (1) the authority to develop power and transmission rates to the Administrator of Western Area Power Administration (WAPA); (2) the authority to confirm, approve, and place such rates into effect on an interim basis to the Deputy Secretary of Energy; and (3) the authority to confirm, approve, and place into effect on a final basis, to remand, or to disapprove such rates to the Federal Energy Regulatory Commission (FERC). Federal rules (10 CFR part 903) govern DOE procedures for public participation in power rate adjustments.

Acronyms, Terms and Definitions

As used in this Rate Order, the following acronyms, terms and definitions apply:

Base: A fixed revenue requirement that includes O&M expense, investments and replacements, interest on investments and replacements, normal timing power purchase (purchases due to operational constraints, not associated with drought), and transmission costs.

Capacity: The electric capability of a generator, transformer, transmission circuit, or other equipment. It is expressed in kilowatts.

Capacity Rate: The rate which sets forth the charges for capacity. It is expressed in dollars per kilowatt-month and applied to each kilowatt of the Contract Rate of Delivery (CROD).

Composite Rate: The Power Repayment Study (PRS) rate for commercial firm power, which is the total annual revenue requirement for capacity and energy divided by the total annual energy sales. It is expressed in mills per kilowatt-hour and used only for comparison purposes.

Customer: An entity with a contract that is receiving firm electric service from WAPA.

Deficits: Deferred or unrecovered annual and/or interest expenses.

DOE Order RA 6120.2: An order outlining power marketing administration financial reporting and rate-making procedures.

Drought Adder: A formula-based revenue requirement that includes future purchase power above timing purchases, previous purchase power drought deficits, and interest on the purchase power drought deficits.

Energy: Measured in terms of the work it is capable of doing over a period of time. Electric energy is expressed in kilowatt-hours.

Energy Charge: The charge under the rate schedule for energy. It is expressed in mills per kilowatt-hour and applied to each kilowatt-hour delivered to each Customer.

Firm: A type of product and/or service available at the time requested by a Customer.

FY: Fiscal year; October 1 to September 30.

kW: Kilowatt—the electrical unit of capacity that equals 1,000 watts.

kWh: Kilowatt-hour—the electrical unit of energy that equals 1,000 watts in 1 hour.

kWmonth: Kilowatt-month the electrical unit of the monthly amount of capacity.

LAP Loveland Area Projects

mills/kWh: Mills per kilowatt-hour—the unit of charge for energy (equal to one tenth of a cent or one thousandth of a dollar).

MW: Megawatt—the electrical unit of capacity that equals 1 million watts or 1,000 kilowatts.

Non-timing Power Purchases: Power purchases that are not related to operational constraints such as management of endangered species, species habitat, water quality, navigation, control area purposes, etc.

O&M Operation and Maintenance.

P-SMBP: The Pick-Sloan Missouri Basin Program.

P-SMBP—ED: Pick-Sloan Missouri Basin Program—Eastern Division.

P-SMBP—WD: Pick-Sloan Missouri Basin Program—Western Division.

Power: Capacity and energy.

Power Factor: The ratio of real to apparent power at any given point and

time in an electrical circuit. Generally, it is expressed as a percentage.

Preference: The provisions of Reclamation Law that require WAPA to first make Federal power available to certain entities. For example, section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)) states that preference in the sale of Federal power shall be given to municipalities and other public corporations or agencies and also to cooperatives and other nonprofit organizations financed in whole or in part by loans made under the Rural Electrification Act of 1936.

Provisional Formula Rate: A formula rate confirmed, approved, and placed into effect on an interim basis by the Deputy Secretary of Energy.

Ratesetting PRS: The Power Repayment Study used for the rate adjustment period.

Revenue Requirement: The revenue required by PRS to recover annual expenses (such as O&M, purchase power, transmission service expenses, interest, and deferred expenses) and repay Federal investments and other assigned costs.

Effective Date

The Provisional Formula Rate Schedules P-SED-F13, P-SED-FP13, and P-SED-M1 will take effect on the first day of the first full billing period beginning on or after January 1, 2018, and will remain in effect through December 31, 2022, pending approval by FERC on a final basis or until superseded.

Public Notice and Comment

WAPA-UGP followed the Procedures for Public Participation in Power and Transmission Rate Adjustments and Extensions, 10 CFR part 903, in developing these rates and schedules. The steps WAPA took to involve interested parties in the rate process were:

1. A **Federal Register** Notice, published on July 3, 2017 (82 FR 30858) (Proposal FRN), announced the proposed rates for P-SMBP—ED and began the 90-day public consultation and comment period.

2. On July 5, 2017, WAPA-UGP mailed letters to all P-SMBP—ED Preference Customers and interested parties transmitting the FRN published on July 3, 2017.

3. On August 22, 2017, at 9 a.m. (MDT), WAPA held a public information forum at the Denver Embassy Suites, 7000 Yampa Street, Denver, Colorado. WAPA provided updates to the proposed firm power rates and sale of surplus products for both P-SMBP—ED and Loveland Area Projects (LAP). WAPA also answered questions and gave notice that more information was available in the customer rate brochure.

4. On August 22, 2017, at 11 a.m. (MDT), following the public information forum, at the same location, a public comment forum was held, to provide an opportunity for customers and other interested parties to comment for the record. No oral or written comments were received at this forum.

5. On August 23, 2017, at 9 a.m. (CDT), WAPA held a public information forum at the Holiday Inn, 100 West 8th Street, Sioux Falls, South Dakota. WAPA provided updates to the proposed firm power rates and sale of surplus products for both the P-SMBP—ED and LAP. WAPA also answered questions and gave notice that more information was available in the customer rate brochure.

6. On August 23, 2017, at 11 a.m. (CDT), following the public information forum, and at the same location, a public comment forum was held. The comment forum gave the public an opportunity to comment for the record. Two oral comments were received at this forum.

7. WAPA provided a Web site that contains all dates, customer letters, presentations, FRNs, customer rate brochure, and other information about this rate process. The Web site is located at *https://www.wapa.gov/regions/UGP/rates/Pages/2018-firm-rate-adjustment.aspx.*

8. During the 90-day consultation and comment period, which ended October 2, 2017, WAPA received two oral comments (at the August 23 public comment forum) and two comment letters. The comments and WAPA's responses are addressed below. All comments have been considered in the preparation of this Rate Order.

Two representatives of the following organizations made oral comments

Mid-West Electric Consumers Association, Colorado
Missouri River Energy Services, South Dakota

Written comments were received from the following interested parties

Marshall Municipal Utilities, Minnesota
Missouri River Energy Services, South Dakota

Project Description

The Pick-Sloan Missouri Basin Program (P-SMBP), originally the Missouri River Basin Project, was authorized by Congress in section 9 of the Flood Control Act of 1944 of December 22, 1944 (Pub. L. 534, 58 Stat. 887, 891). This multipurpose program provides flood control, irrigation, navigation, recreation, preservation and enhancement of fish and wildlife, and power generation. Multipurpose projects have been developed on the Missouri River and its tributaries in Colorado, Montana, Nebraska, North Dakota, South Dakota, and Wyoming.

In addition to the multipurpose water projects authorized by section 9 of the Flood Control Act of 1944, certain other existing projects have been integrated with the P-SMBP for power marketing, operation, and repayment purposes. The Colorado-Big Thompson, Kendrick, Riverton, and Shoshone Projects were combined with the P-SMBP in 1954, followed by the North Platte Project in 1959. These projects were referred to as the ''Integrated Projects'' of the P-SMBP.

The Flood Control Act of 1944 also authorized the inclusion of the Fort Peck Project with the P-SMBP for operation and repayment purposes. The Riverton Project was reauthorized as a unit of P-SMBP in 1970.

The P-SMBP power is marketed by two Regions. The UGP Region, with a regional office in Billings, Montana, markets the Eastern Division (P-SMBP—ED) power to approximately 340 customers. The Rocky Mountain Region (RMR), with a regional office in Loveland, Colorado, markets the Western Division (P-SMBP—WD) power through LAP to approximately 75 customers.

The adjustment to the LAP rate is a separate formal rate process, which is documented in Rate Order No. WAPA–179. Rate Order No. WAPA–179 is also scheduled to go into effect on the first day of the first full billing period on or after January 1, 2018. The P-SMBP—WD revenue requirement is incorporated into the LAP rate, along with the revenue requirement for the Fryingpan-Arkansas Project.

Power Repayment Study—Firm Power Rate

WAPA prepares a PRS each FY to determine if revenues will be sufficient to repay, within the required time, all costs assigned to the P-SMBP. Repayment criteria is based on WAPA's applicable laws and legislation, as well as policies including DOE Order RA 6120.2. To meet the Cost Recovery Criteria outlined in DOE Order RA 6120.2, a revised study and rate adjustment has been developed to demonstrate that sufficient revenues will be collected under Provisional Formula Rates to meet future obligations.

With the removal of the voltage discount taken into account, the total annual revenue requirement for P-SMBP—ED is $230.1 million for firm power service and firm peaking power service. The revenue requirement and composite rates for P-SMBP—ED firm power and firm peaking power are being reduced, as indicated in Table 1:

TABLE 1—COMPARISON OF REVENUE REQUIREMENTS AND COMPOSITE RATES

	Existing requirements (January 1, 2017)	Provisional requirements (January 1, 2018)	Percent change
P-SMBP—ED Revenue Requirement (millions $)	$282.7	$230.1 [1]	−19%
P-SMBP—ED Composite Rate (mills/kWh)	28.25	24.00	−15

[1] Voltage discount removed.

Under the existing rate methodology, rates for P-SMBP—ED firm power service and firm peaking power service are designed to recover an annual revenue requirement that includes power investment repayment, aid to irrigation repayment, interest expense, purchase power, O&M, and other expenses within the allowable period. The annual revenue requirement continues to be allocated equally between capacity and energy.

Existing and Provisional Formula Rates

The existing Rate Schedules P-SED-P12 and P-SED-FP12 and provisional Rate Schedules P-SED-P13 and P-SED-FP13 continue to be formula-based, with Base and Drought Adder components, and provide for an incremental upward adjustment to the Drought Adder component up to 2 mills/kwh. An incremental increase to the Drought Adder greater than 2 mills/kWh requires a public process. The Drought Adder may be adjusted downward pursuant to the formula, by using the approved annual Drought Adder adjustment process. A comparison of the existing and Provisional Formula Rates for P-SMBP—ED firm electric service is listed in Table 2:

TABLE 2—COMPARISON OF EXISTING AND PROVISIONAL FORMULA RATES

Firm power service	Existing charges under P-SED-F12/ P-SED-FP12 with modified drought adder as of January 1, 2017	Provisional charges under P-SED-F13/ P-SED-FP13 as of January 1, 2018	Percent change
Firm Capacity ($/kW month)	$6.50	$5.25	−19
Firm Energy (mills/kWh)	16.18	13.27	−18
Firm Peaking Capacity ($/kW month)	$5.85	$4.75	−19
Firm Peaking Energy (mills/kWh) [1]	16.18	13.27	−18

[1] Firm Peaking Energy is normally returned. This charge will be assessed in the event Firm Peaking Energy is not returned.

Under the new formula-based Rate Schedule P-SED-M1, the Provisional Formula Rate will consist of a charge for products listed in the rate schedule that will be determined at the time of the sale based on market rates, plus administrative costs.

Certification of Rates

WAPA's Administrator certified that the Provisional Formula Rates for P-SMBP—ED firm power, firm peaking power, and sale of surplus product rates under Rate Schedules P-SED–F13, P-SED-FP13, and P-SED-M1 are at the lowest possible rates consistent with sound business principles. The Provisional Formula Rates were developed following administrative policies and applicable laws.

P-SMBP—ED Firm Power Rate Discussion

According to Reclamation Law, WAPA is required to establish power rates sufficient to recover O&M, purchased power and interest expenses, and repay power investment and irrigation aid. The P-SMBP—ED firm power and firm peaking power Base and Drought Adder components are updated to represent present costs. As a part of the existing and provisional rate schedules, WAPA provides for a formula-based adjustment of the Drought Adder component of up to 2 mills/kWh. The 2 mills/kWh cap places a limit on the amount the Drought Adder component can be adjusted relative to associated drought costs to recover costs attributable to the Drought Adder formula rate for any one-year cycle. Continuing to identify the firm power service revenue requirement using Base and Drought Adder components will assist WAPA in the presentation of future impacts of droughts, demonstrate repayment of drought-related costs in the PRS, and allow WAPA to be more responsive to changes caused by drought-related expenses. WAPA will continue to charge and bill its Preference Customers firm power service and firm peaking power service rates for energy and capacity, which are the sum of the Base and Drought Adder components.

Under Rate Schedules P-SED-F13 and P-SED-FP13, WAPA will continue to identify its firm power revenue requirement using Base and Drought Adder components. The Base component is a fixed revenue requirement that includes annual O&M expenses, investment repayment and associated interest, normal timing power purchases, and transmission costs. Normal timing power purchases

are due to operational constraints (*e.g.,* management of endangered species habitat, water quality, navigation, etc.) and are not associated with drought. WAPA cannot adjust the Base component without a public process.

The Drought Adder component is a formula-based revenue requirement that includes costs attributable to drought conditions within P-SMBP. The Drought Adder component includes costs associated with future Non-timing Power Purchases to meet firm power contractual obligations not covered with available system generation due to a drought, previously incurred deficits due to purchased power debt that resulted from Non-timing Power Purchases made during a drought, and the interest associated with drought debt. The Drought Adder component is designed to repay WAPA's drought debt within 10 years from the time the debt was incurred, using balloon-payment methodology. For example, the drought debt incurred by WAPA in FY 2009 is required to be repaid by FY 2019.

The annual revenue requirement calculation will continue to be summarized by the following formula: Annual Revenue Requirement = Base Revenue Requirement + Drought Adder Revenue Requirement. Both the Base and Drought Adder components recover portions of the firm power revenue requirement and firm peaking power revenue necessary to equal the P-SMBP—ED revenue requirement. Under this Provisional Rate, the P-SMBP—ED annual revenue requirement equals $230.1 million and is comprised of a Base revenue requirement of $230.1 million plus a Drought Adder revenue requirement of $0. A comparison of the existing and provisional charge components is listed in Table 3.

TABLE 3—SUMMARY OF P-SMBP—ED CHARGE COMPONENTS

	Existing charges under rate schedules P-SED-F12 and P-SED-FP12 with modified drought adder as of January 1, 2017			Provisional charges under rate schedules P-SED-F13 and P-SED-FP13 as of January 1, 2018			Change
	Base component	Drought Adder component	Total charge	Base component	Drought Adder component	Total charge	(%)
Firm Capacity (/kWmonth)	$4.90	$1.60	$6.50	$5.25	$0.00	$5.25	−19%
Firm Energy (mills/kWh)	12.33	3.85	16.18	13.27	0.00	13.27	−18%
Firm Peaking Capacity ($/kWmonth)	$4.45	$1.40	$5.85	$4.75	$0.00	$4.75	−19%
Firm Peaking Energy (mills/kWh) [1]	12.33	3.85	16.18	13.27	0.00	13.27	−18%

[1] Firm Peaking Energy is normally returned. This charge will be assessed in the event Firm Peaking Energy is not returned.

WAPA reviews its firm power service rates annually. WAPA will review the Base and Drought Adder components after the annual PRS is completed, generally in the first quarter of the calendar year. If an adjustment to the Base component is necessary or if an incremental upward adjustment to the Drought Adder component greater than the equivalent of 2 mills/kWh to the PRS Composite Rate is necessary, WAPA will initiate a public process following 10 CFR part 903 before making an adjustment.

In accordance with the approved Drought Adder adjustment process, WAPA will review the Drought Adder component annually in early summer to determine if drought costs differ from those projected in the PRS. In October, WAPA will determine if a change to the Drought Adder component is necessary, either incremental or decremental. Adjustment to the Drought Adder component, up to 2 mills/kWh, will be implemented in the following January billing cycle. Although decremental adjustments to the Drought Adder component will occur as drought costs are repaid, the adjustments cannot result in a negative Drought Adder component. Implementing the Drought Adder component adjustment on January 1 of each year will help keep the drought deficits from escalating as quickly, will lower the interest expense due to drought deficits, will demonstrate responsible deficit management, and will provide prompt drought deficit repayments.

Statement of Revenue and Related Expenses

The following Table 4 provides a summary of projected revenue and expense data for the P-SMBP, including both the Eastern and Western Division's firm electric service revenue requirements, through the 5-year provisional rate approval period. The firm power rates for Eastern and Western Divisions have been developed with the following revenues and expenses for the P-SMBP:

TABLE 4—P-SMBP COMPARISON OF 5-YEAR RATE PERIOD (FY 2018–2022) TOTAL REVENUES AND EXPENSES

	Existing Rate ($000)	Provisional Rate ($000)	Difference ($000)
Total Revenues[1]	$2,679,973	$2,644,825	($35,148)
Revenue Distribution			
Expenses:			
O&M	$1,082,969	$1,158,866	$75,897
Purchased Power	164,049	124,796	(39,253)
Interest	561,528	560,257	(1,271)
Transmission[1]	64,072	460,982	396,910
Total Expenses	$1,872,618	$2,304,901	$432,283

TABLE 4—P-SMBP COMPARISON OF 5-YEAR RATE PERIOD (FY 2018–2022) TOTAL REVENUES AND EXPENSES—Continued

	Existing Rate ($000)	Provisional Rate ($000)	Difference ($000)
Principal Payments:			
Capitalized Expenses (Deficits) [2]	$345,006	$42,325	($302,681)
Original Project and Additions [2]	401,193	179,017	(222,176)
Replacements [2]	61,156	72,864	11,708
Irrigation Aid	0	45,718	45,718
Total Principal Payments	$807,355	$339,924	($467,431)
Total Revenue Distribution	$2,679,973	$2,644,825	($35,148)

[1] Transmission increase is a result of accounting treatment of transmission expense and transmission revenue due to WAPA–UPG joining the Southwest Power Pool (SPP).

[2] Due to historic drought conditions, revenues generated in the cost evaluation period are applied toward repayment of deferred annual expenses rather than repayment of project additions and replacements. The outstanding deferred of amount $42.3 million is projected to be repaid in 2018, a year ahead of its due date.

Sale of Surplus Products Discussion

WAPA is also implementing a new formula rate for the sale of surplus products under Rate Schedule P-SED-M1. This new rate schedule allows for the sale of generation and generation-related products in excess of WAPA's P-SMBP—ED firm power obligations at market rates. P-SED-M1 is a new formula-based rate schedule, applicable to the sale of surplus energy and capacity products. The schedule includes reserves, regulation, frequency response, and energy. If WAPA UGP surplus products are available, the charge is determined based on market rates, plus administrative costs. The customer will be responsible for acquiring transmission service necessary to deliver the product(s) for which a separate charge may be incurred. WAPA is placing Rate Schedule P-SED-M1 into effect for the 5-year period beginning January 1, 2018, through December 31, 2022.

Basis for Rate Development

WAPA is lowering the overall charges for firm power service and firm peaking power service by 19 percent, by reducing the Drought Adder component to zero, increasing the Base component, and removing the voltage discount. The Provisional Formula Rates under Rate Schedules P-SED-F13 and P-SED-FP13 will provide sufficient revenue to pay all annual costs, including interest expense, and repay investments within the allowable periods.

Comments

WAPA received two comment letters and two oral comments during the public consultation and comment period. The comments expressed in these letters have been paraphrased, where appropriate, without compromising the meaning of the comments.

A. *Comment:* One customer expressed support of the proposed rate adjustment as described in the FRN for Rate Order No. WAPA–180. The customer is aware that WAPA intends to lower the Drought Adder to zero and increase the Base component due to inflationary pressures. The customer also expressed support of removing the voltage discount. The customer commended WAPA on paying off the $843 million in drought debt as a significant achievement. The customer acknowledged much has been learned about the risks of power supply management through drought periods. The customer encouraged WAPA to work towards implementing a purchase power and wheeling strategy for WAPA's unobligated balances to help manage such risks in the future.

Response: This rate reduction rebalances the Base and Drought Adder components. WAPA has also determined that the voltage discount has served its purpose and now is no longer needed. In its nearly 70 years of application, the original intent of reimbursing customers for relieving the BOR and then WAPA of transmission facility construction costs has been met. The purchase power and wheeling strategy, as well as the use of unobligated balances, are not directly related to this rate action. WAPA will, however, continue to complete an annual Drought Adder review that allows WAPA to be more responsive to rate adjustments driven by drought periods. WAPA is committed to continuing to implement its purchase power and wheeling strategy and use of unobligated balances in an open and transparent manner.

B. *Comment:* Multiple customer representatives supported the rate adjustment as proposed, and emphasized the need for continued cost control regarding the Base component.

Response: WAPA is committed to keeping the power rates at the lowest possible rates while maintaining sound business principles.

Availability of Information

Information about this rate adjustment, including the customer rate brochure, PRS, comments, letters, memorandums, and other supporting materials that were used to develop the Provisional Formula Rates, is be available for inspection and copying at the Upper Great Plains Regional Office, located at 2900 4th Avenue North, 6th Floor, Billings, Montana. Many of these documents are also available on WAPA's Web site under the ''2018 Firm Rate Adjustment'' section located at *https://www.wapa.gov/regions/UGP/rates/Pages/2018-firm-rate-adjustment.aspx.*

RATEMAKING PROCEDURE REQUIREMENTS

Environmental Compliance

In compliance with the National Environmental Policy Act (NEPA) of 1969, 42 U.S.C. 4321–4347: the Council on Environmental Quality Regulations for implementing NEPA (40 CFR parts 1500–1508): and DOE NEPA Implementing Procedures and Guidelines (10 CFR part 1021), WAPA has determined this action is categorically excluded from preparing an environmental assessment or an environmental impact statement. A copy of the categorical exclusion determination is available on WAPA's Web site at *http://www.wapa.gov/regions/UGP/Environment/Documents/RateOrderWAPA-180.pdf.*

Determination Under Executive Order 12866

WAPA has an exemption from centralized regulatory review under Executive Order 12866; accordingly, no clearance of this notice by the Office of Management and Budget is required.

Submission to the Federal Energy Regulatory Commission

The Provisional Formula Rates herein confirmed, approved, and placed into effect on an interim basis, together with supporting documents, will be submitted to FERC for confirmation and final approval.

ORDER

In view of the foregoing and under the authority delegated to me, I confirm and approve on an interim basis, effective on the first full billing period on or after January 1, 2018, Rate Schedules P-SED-F13, P-SED-FP13, and P-SED-M1 for the Pick-Sloan Missouri Basin Program—Eastern Division Project of the Western Area Power Administration. These rate schedules shall remain in effect on an interim basis, pending Federal Energy Regulatory Commission's confirmation and approval of the rate schedules or substitute rates on a final basis through December 31, 2022, or until superseded.

Dated: November 30, 2017

Dan Brouillette
Deputy Secretary of Energy

Rate Schedule P-SED-F13
(Supersedes Schedule P-SED-F12)

UNITED STATES DEPARTMENT OF ENERGY

WESTERN AREA POWER ADMINISTRATION

UPPER GREAT PLAINS REGION

Pick-Sloan Missouri Basin Program—Eastern Division

FIRM POWER SERVICE

(Approved Under Rate Order No. WAPA–180)

Effective

The first day of the first full billing period beginning on or after January 1, 2018, through December 31, 2022, or until superseded by another rate schedule, whichever occurs earlier.

Available

Within the marketing area served by the Eastern Division of the Pick-Sloan Missouri Basin Program; within Montana, North Dakota, South Dakota, Minnesota, Iowa, and Nebraska.

Applicable

To the power and energy delivered to customers as firm power service.

Character

Alternating current, 60 hertz, three phase, delivered and metered at the voltages and points established by contract.

Formula Rate and Charge Components

Rate = Base component + Drought Adder component.

Monthly Charge as of January 1, 2018, under the Rate:

CAPACITY CHARGE: $5.25 for each kilowatt per month (kWmo) of billing capacity.

ENERGY CHARGE: 13.27 mills for each kilowatt-hour (kWh) for all energy delivered as firm power service.

BILLING CAPACITY: The billing capacity will be as defined by the power sales contract.

Charge Components

Base Component: A fixed revenue requirement that includes operation and maintenance expense, investments and replacements, interest on investments and replacements, normal timing purchase power (purchases due to operational constraints, not associated with drought), and transmission costs. Any proposed change to the Base component will require a public process.

$$\text{Base Capacity} = \frac{\text{50\% X Base Revenue Requirement}}{\text{Firm Metered Billing Units}} = \$5.25/\text{kWmo}$$

$$\text{Base Energy} = \frac{\text{50\% X Base Revenue Requirement}}{\text{Annual Energy}} = 13.27 \text{ mills/kWh}$$

Drought Adder Component: A formula-based revenue requirement that includes future purchase power expense above timing purchases, previous purchase power drought deficits, and interest on the purchase power drought deficits. The formulas, along with the charges under the formulas as of January 1, 2018, are:

$$\text{Drought Adder Capacity} = \frac{\text{50\% X Drought Adder Revenue Requirement}}{\text{Firm Metered Billing Units}} = \$0.00/\text{kWmo}$$

$$\text{Drought Adder Energy} = \frac{\text{50\% X Drought Adder Revenue Requirement}}{\text{Annual Energy}} = 0.00 \text{ mills/kWh}$$

Annual Drought Adder Adjustment Process:

The Drought Adder may be adjusted annually using the above formulas for any costs attributed to drought of less than or equal to the equivalent of 2 mills/kWh to the Power Repayment Study (PRS) composite rate. Any planned incremental upward adjustment to the Drought Adder greater than the equivalent of 2 mills/kWh to the PRS composite rate will require a public process.

The annual review process is initiated in early summer when WAPA reviews the Drought Adder component and provides notice of any estimated change to the Drought Adder component charge under the formula. In October, WAPA will make a final determination of any change to the Drought Adder component charge, either incremental or decremental. If a Drought Adder component change is required, a modified Drought Adder revenue requirement and the associated charges will become effective the following January 1 and will be identified in a Drought Adder modification update. WAPA will inform customers of updates

by letter and post updates to WAPA's external Web site.

Adjustments:

For Billing of Unauthorized Overruns:

For each billing period in which there is a contract violation involving an unauthorized overrun of the contractual firm power and/or energy obligations, such overrun shall be billed at 10 times the formula rate.

For Power Factor:

None. Customers will be required to maintain a power factor at the point of delivery between 95-percent lagging and 95-percent leading.

Rate Schedule P-SED-FP13
(Supersedes Schedule P-SED-FP12)

UNITED STATES DEPARTMENT OF ENERGY

WESTERN AREA POWER ADMINISTRATION

UPPER GREAT PLAINS REGION

Pick-Sloan Missouri Basin Program—Eastern Division

FIRM PEAKING POWER SERVICE

(Approved Under Rate Order No. WAPA–180)

Effective:

The first day of the first full billing period beginning on or after January 1, 2018, through December 31, 2022, or until superseded by another rate schedule, whichever occurs earlier.

Available:

Within the marketing area served by the Eastern Division of the Pick-Sloan Missouri Basin Program; within Montana, North Dakota, South Dakota, Minnesota, Iowa, and Nebraska.

Applicable:

To the power sold to customers as firm peaking power service.

Character:

Alternating current, 60 hertz, three phase, delivered and metered at the voltages and points established by contract.

Formula Rate and Charge Components:

Rate = Base component + Drought Adder component

Monthly Charge as of January 1, 2018, under the Rate:

CAPACITY CHARGE:

$4.75 for each kilowatt per month (kWmo) of the effective contract rate of delivery for peaking power or the maximum amount scheduled, whichever is greater.

ENERGY CHARGE:

13.27 mills for each kilowatt-hour (kWh) for all energy scheduled for delivery without return.

Charge Components:

Base Component: A fixed revenue requirement that includes operation and maintenance expense, investments and replacements, interest on investments and replacements, normal timing purchase power (purchases due to operational constraints, not associated with drought), and transmission costs. Any proposed change to the Base component will require a public process.

$$\text{Base Capacity} = \frac{\text{Base Peaking Capacity Revenue Requirement}}{\text{Peaking CROD Billing Units}} = \$4.75/\text{kWmo}$$

Drought Adder Component: A formula-based revenue requirement that includes future purchase power above timing purchases, previous purchase power drought deficits, and interest on the purchase power drought deficits. The formulas, along with the charges under the formulas as of January 1, 2018, are:

$$\text{Drought Adder Capacity} = \frac{\text{Drought Adder Peaking Capacity Revenue Requirement}}{\text{Peaking CROD Billing Units}} = \$0.00/\text{kWmo}$$

Annual Drought Adder Adjustment Process:

The Drought Adder may be adjusted annually using the above formulas for any costs attributed to drought of less than or equal to the equivalent of 2 mills/kWh to the Power Repayment Study (PRS) composite rate. Any planned incremental upward adjustment to the Drought Adder greater than the equivalent of 2 mills/kWh to the PRS composite rate will require a public process.

The annual review process is initiated in early summer when WAPA reviews the Drought Adder component and provides notice of any estimated change to the Drought Adder component charge under the formula. In October, WAPA will make a final determination of any change to the Drought Adder component charge, either incremental or decremental. If a Drought Adder component change is required, a modified Drought Adder revenue requirement and the associated charges will become effective the following January 1 and will be identified in a Drought Adder modification update. WAPA will inform customers of updates by letter and post updates to WAPA's external Web site.

BILLING CAPACITY:

The billing capacity will be the greater of (1) the highest 30-minute integrated capacity measured during the month up to, but not in excess of, the delivery obligation under the power sales contract, or (2) the contract rate of delivery.

Adjustments:

Billing for Unauthorized Overruns:

For each billing period in which there is a contract violation involving an unauthorized overrun of the contractual obligation for peaking capacity and/or energy, such overrun shall be billed at 10 times the above rate.

Rate Schedule P-SED-M1

UNITED STATES DEPARTMENT OF ENERGY

WESTERN AREA POWER ADMINISTRATION

UPPER GREAT PLAINS REGION

PICK-SLOAN MISSOURI BASIN PROGRAM—EASTERN DIVISION

SALE OF SURPLUS PRODUCTS

(Approved Under Rate Order No. WAPA–180)

Effective:

The first day of the first full billing period beginning on or after January 1, 2018, through December 31, 2022, or until superseded by another rate schedule, whichever occurs earlier.

Applicable:

This rate schedule applies to Eastern Division of the Pick-Sloan Missouri Basin Program marketing and is applicable to the sale of the following P-SMBP—ED surplus energy and capacity products; energy, frequency response, regulation, and reserves. If any P-SMBP—ED surplus energy and capacity products are available, UGP can make the product(s) available for sale, providing entities enter into a separate agreement(s) with UGP Marketing Office which will specify the terms of sale(s).

Formula Rate:

The charge for each product is determined at the time of the sale based on market rates, plus administrative costs. The customer will be responsible for acquiring transmission services necessary to deliver the product(s), for which a separate charge may be incurred.

[FR Doc. 2017–26376 Filed 12–6–17; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9970–84–Region 6]

Clean Air Act Operating Permit Program; Petitions for Objection to State Operating Permit for Big River Steel, LLC, Osceola, Arkansas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final action.

SUMMARY: Pursuant to the Clean Air Act (CAA), the EPA Administrator signed an Order, dated October 31, 2017, denying a petition asking EPA to object to the operating permit issued by the Arkansas Department of Environmental Quality (ADEQ) to Big River Steel, LLC (Big River) for its Steel Mill. Title V operating permit number 2305–AOP–R0 was issued on September 18, 2013, by the ADEQ to Big River for a new steel mill in Osceola, Mississippi County, Arkansas. EPA's October 31, 2017, Order responds to a petition submitted on October 9, 2013 by the Nucor Steel-Arkansas and Nucor-Yamato Steel Company (the Petitioners), pursuant to the Clean Air Act (CAA or Act). The Act provides that a petitioner may ask for judicial review of those portions of the Orders that deny objections raised in the petitions in the appropriate United States Court of Appeals. Any petition for review shall be filed within 60 days from the date this notice appears in the **Federal Register**, pursuant to the Act.

ADDRESSES: You may review copies of the final Order, the petition, and other supporting information at EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733.

EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view copies of the final Order, petition, and other supporting information. You may view the hard copies Monday through Friday, from 9:00 a.m. to 3:00 p.m., excluding Federal holidays. If you wish to examine these documents, you should make an appointment at least 24 hours before the visiting day. Additionally, the final October 31, 2017, Order is available electronically at: *https://www.epa.gov/sites/production/files/2017-10/documents/big_river_steel_response2013.pdf*.

FOR FURTHER INFORMATION CONTACT: Dinesh Senghani at (214) 665–7221, email address: *senghani.dinesh@epa.gov* or the above EPA, Region 6 address.

SUPPLEMENTARY INFORMATION: The CAA affords EPA a 45-day period to review, and object, as appropriate, to a title V operating permit proposed by a state permitting authority. Sections 307(b) and 505(b)(2) of the CAA, 42 U.S.C. 7661d(b)(2), and 40 CFR 70.8(d) authorizes any person to petition the EPA Administrator, within 60 days after the expiration of this review period, to object to a title V operating permit if EPA has not done so. Petitions must be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided by the state, unless the petitioner demonstrates that it was impracticable to raise these issues during the comment period or unless the grounds for the issue arose after this period.

EPA received the petition from the Petitioners on October 9, 2013, for the operating permit issued on September 18, 2013, to Big River Steel, LLC located in Osceola, Mississippi County, Arkansas.

The Petitioner requests that the Administrator object to the proposed operating permit issued by the ADEQ to Big River based on twelve claims. The claims are described in detail in Section IV of the Order. In summary, the issues raised are that: (1) ADEQ conducted an inadequate review of background air quality data; (2) the $PM_{2.5}$ modeling is deficient because it excluded certain areas from the analysis; (3) the $PM_{2.5}$ modeling is deficient because ADEQ failed to include secondary formation of $PM_{2.5}$, and instead only included $PM_{2.5}$ directly emitted by the facility; (4) ADEQ'S air quality impacts analysis for $PM_{2.5}$ NAAQS was inadequate because there are discrepancies among different modeled $PM_{2.5}$ annual impact values in or associated with the $PM_{2.5}$ modeling.; (5) ADEQ and Big River failed to properly carry out an additional impacts analysis; (6) the emission factors for natural gas combustion used to issue the Draft Permit are conflicting; (7) Big River did not adequately demonstrate the basis for its proposed $PM_{2.5}$ emission factors; (8) the Big River facility design was incomplete in critical ways that affected the validity of air quality modeling; (9) the permit does not contain enforceable permit conditions that lead to compliance; (10) the Permit does not contain adequate monitoring, recordkeeping, and reporting requirements to comply with the requirements of 40 CFR 70.6(a)(3)(i)(B) because it does not provide for a test method; (11) the Permit does not appropriately establish BACT requirements; and (12) ADEQ's Draft Permit does not comply with public notice and participation requirements. The Order issued on October 31, 2017, responds to the Petition and explains the basis for EPA's decision.

Dated: December 1, 2017.

Samuel Coleman,

Acting Regional Administrator, Region 6.

[FR Doc. 2017–26400 Filed 12–6–17; 8:45 am]

BILLING CODE 6560–50–P

FARM CREDIT ADMINISTRATION

Sunshine Act Meeting; Farm Credit Administration Board

AGENCY: Farm Credit Administration.

ACTION: Notice, regular meeting.

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act, of the regular meeting of

the Farm Credit Administration Board (Board).

DATES: The regular meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on December 14, 2017, from 9:00 a.m. until such time as the Board concludes its business.

ADDRESSES: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090. Submit attendance requests via email to *VisitorRequest@FCA.gov.* See **SUPPLEMENTARY INFORMATION** for further information about attendance requests.

FOR FURTHER INFORMATION CONTACT: Dale L. Aultman, Secretary to the Farm Credit Administration Board, (703) 883–4009, TTY (703) 883–4056, *aultmand@fca.gov.*

SUPPLEMENTARY INFORMATION: Parts of this meeting of the Board will be open to the public (limited space available) and parts will be closed to the public. Please send an email to *VisitorRequest@FCA.gov* at least 24 hours before the meeting. In your email include: Name, postal address, entity you are representing (if applicable), and telephone number. You will receive an email confirmation from us. Please be prepared to show a photo identification when you arrive. If you need assistance for accessibility reasons, or if you have any questions, contact Dale L. Aultman, Secretary to the Farm Credit Administration Board, at (703) 883–4009. The matters to be considered at the meeting are:

Open Session

A. *Approval of Minutes*
- November 9, 2017

B. *Reports*
- Quarterly Report on Economic Conditions and FCS Conditions
- Semi-Annual Report on Office of Examination Operations

Closed Session *

- Office of Examination Quarterly Report

Dated: December 5, 2017.

Dale L. Aultman,

Secretary, Farm Credit Administration Board.

[FR Doc. 2017–26475 Filed 12–5–17; 11:15 am]

BILLING CODE 6705–01–P

FEDERAL ACCOUNTING STANDARDS ADVISORY BOARD

Notice of Meeting Schedule

AGENCY: Federal Accounting Standards Advisory Board.

ACTION: Notice of Federal Advisory Committee meetings.

Board Action: Pursuant to 31 U.S.C. 3511(d), the Federal Advisory Committee Act, as amended (5 U.S.C. App.), and the FASAB Rules of Procedure, as amended in October, 2010, notice is hereby given that the Federal Accounting Standards Advisory Board (FASAB) will hold its meetings on the following dates unless otherwise noted.

December 20 and 21, 2017
February 21 and 22, 2018
April 25 and 26, 2018
June 27 and 28, 2018
August 29 and 30, 2018
October 24 and 25, 2018
December 19 and 20, 2018

A portion of each meeting may be closed to the public. The purpose of the meetings is to discuss issues related to:

Accounting and Reporting of Government Land
Classified Activities
Department of Defense Implementation Guidance Request
Evaluation of Existing Standards
Leases
Note Disclosures
Risk Assumed
Any other topics as needed

Unless otherwise noted, FASAB meetings begin at 9 a.m. and conclude before 5 p.m. and are held at the U.S. Government Accountability Office (GAO) Building at 441 G St. NW., in Room 7C13. Agendas and briefing materials will be available at *http://www.fasab.gov/briefing-materials/ approximately* one week before each meeting.

Any interested person may attend the meetings as an observer. Board discussion and reviews are open to the public except for those portions that are closed, as discussed below. GAO Building security requires advance notice of your attendance. If you wish to attend a FASAB meeting, please pre-register on our Web site at *http://www.fasab.gov/pre-registration/* no later than 8 a.m. the Tuesday before the meeting to be observed.

FOR FURTHER INFORMATION CONTACT: Wendy Payne, FASAB Executive Director, 441 G Street NW., Mailstop 6H19, Washington, DC 20548, or call (202) 512–7350.

SUPPLEMENTARY INFORMATION: Notice is hereby given that FASAB may meet in closed session for a portion of each of its scheduled meetings listed above. Any closed session will not exceed five hours at each meeting. The reason for the closures is that matters covered by 5 U.S.C. 552b(c)(1) will be discussed. The discussions will involve matters of national defense that have been classified by appropriate authorities pursuant to Executive Order. A determination has been made in writing by the U.S. Government Accountability Office, the U.S. Department of the Treasury, and the Office of Management and Budget, as required by section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. App., that such portions of the meetings may be closed to the public in accordance with subsection (c) of section 552b of title 5, United States Code.

Authority: Federal Advisory Committee Act (5 U.S.C. App.), Government in the Sunshine Act (5 U.S.C. 552b).

Dated: December 1, 2017.

Wendy M. Payne,

Executive Director.

[FR Doc. 2017–26397 Filed 12–6–17; 8:45 am]

BILLING CODE 1610–02–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Proposed Collection Renewal; Comment Request

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on the renewal of the existing information collection, as required by the Paperwork Reduction Act of 1995. Currently, the FDIC is soliciting comment on renewal of the information collection described below.

DATES: Comments must be submitted on or before February 5, 2018.

ADDRESSES: Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- *http://www.FDIC.gov/regulations/laws/federal/notices.html.*
- *Email: comments@fdic.gov.* Include the name and number of the collection in the subject line of the message.
- *Mail:* Manny Cabeza (202–898–3767), Counsel, MB–3007, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 17th Street Building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m.

All comments should refer to the relevant OMB control number. A copy

* Session Closed-Exempt pursuant to 5 U.S.C. 552b(c)(8) and (9).

of the comments may also be submitted to the OMB desk officer for the FDIC: Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Manny Cabeza, at the FDIC address above.

SUPPLEMENTARY INFORMATION:

Proposal To Renew the Following Currently Approved Collections of Information

1. *Title:* Recordkeeping, Disclosure and Reporting Requirements in Connection with Regulation Z.

OMB Number: 3064–0082.

Form Number: None.

Affected Public: State nonmember banks and state savings associations.

General Description of Collection: Consumer Financial Protection Bureau (CFPB) Regulation Z—12 CFR 1026 implements the Truth in Lending Act (15 U.S.C. 1601, *et seq.*) and certain provisions of the Real Estate Settlement Procedures Act (12 U.S.C. 2601 *et seq.*). This regulation prescribes uniform methods for computing the cost of credit, the disclosure of credit terms and costs, the resolution of errors and imposes various other recordkeeping, reporting and disclosure requirements. The FDIC has enforcement authority on the requirements of the CFPB's Regulation over the financial institutions it supervises. This information collection captures the recordkeeping, reporting and disclosure burdens of Regulation Z on FDIC-supervised institutions.

The information collection is being revised to account for revisions and changes made to Regulation Z by the CFPB since this information collection was last submitted to OMB for clearance.

To arrive at the estimated annual burden the FDIC assessed the number of potential respondents to the information collection by identifying the number of FDIC-supervised institutions who reported activity that would be within the scope of the information collection requirements according to data from the most recent CALL Report. Additionally, the FDIC estimated the frequency of responses to the recordkeeping, reporting, or disclosure requirements by assessing the dollar volume of activity that would be within the scope of the information collection. In some instances the FDIC used information provided by other sources to estimate the magnitude and scope of activity attributable to FDIC-supervised institutions when more immediate information sources did not exist.

Burden Estimate:

IMPLEMENTATION (ONE-TIME) BURDEN ESTIMATE

	Obligation to respond/type of burden	Estimated number of respondents [1]	Estimated average number of credit Accounts	Frequency of response	Number of responses	Estimated time per response (minutes)	Total estimated annual burden (hours)
Open-End Credit Products							
• Not Home-Secured Open-End Credit Plans							
○ Credit and Charge Card Provisions							
Timely Settlement of Estate Debts (1026.11(c)(1)) Written Policies and Procedures.	Mandatory Recordkeeping.	1	N/A	1	1	480.00	6
Ability to Pay (1026.51(a)(ii)) Written Policies and Procedures.	Mandatory Recordkeeping.	1	N/A	1	1	480.00	6
Mortgage Products (Open and Closed-End)							
• Valuation Independence							
○ Mandatory Reporting							
Implementation of Policies and Procedures (1026.42(g)).	Mandatory Recordkeeping.	1	N/A	1	0	1,200.00	20
Total Estimated Implementation Burden.	.....	.....	.....	.....	.....	.....	32 Hours

IMPLEMENTATION (ONE-TIME) BURDEN ESTIMATE—Continued

	Obligation to respond/type of burden	Estimated number of respondents [1]	Estimated average number of credit Accounts	Frequency of response	Number of responses	Estimated time per response (minutes)	Total estimated annual burden (hours)
Ongoing Burden Estimate							
Open-End Credit Products							
• Not Home-Secured Open-End Credit Plans							
○ General Disclosure Rules for Not Home-Secured Open-End Credit Plans							
Credit and Charge Card Applications and Solicitations (1026.60).	Mandatory Disclosure.	634	N/A	1	634	480.00	5,072
Account Opening Disclosures (1026.6(b)).	Mandatory Disclosure.	634	N/A	1	634	720.00	7,608
Periodic Statements (1026.7(b)).	Mandatory Disclosure.	634	N/A	12	7,608	480.00	60,864
Annual Statement of Billing Rights (1026.9(a)(1)).	Mandatory Disclosure.	317	N/A	1	317	480.00	2,536
Alternative Summary Statement of Billing Rights (1026.9(a)(2)).	Voluntary Disclosure.	317	N/A	12	3,804	480.00	30,432
Change in Terms Disclosures (1026.9(b) through (h)).	Mandatory Disclosure.	634	N/A	1	634	480.00	5,072
○ Credit and Charge Card Provisions							
Timely Settlement of Estate Debts (1026.11(c)(2)).	Mandatory Disclosure.	634	428	1	271,352	5.00	22,613
Ability to Pay (1026.51).	Mandatory Recordkeeping.	634	N/A	1	634	720.00	7,608
College Student Credit Annual Report (1026.57(d)).	Mandatory Reporting.	634	N/A	1	634	480.00	5,072
Submission of Credit Card Agreements (1026.58(c)).	Mandatory Reporting.	634	N/A	4	2,536	180.00	7,608
Internet Posting of Credit Card Agreements (1026.58(d)).	Mandatory Disclosure.	634	N/A	4	2,536	360.00	15,216
Individual Credit Card Agreements (1026.58(e)).	Mandatory Disclosure.	634	125	1	79,250	15.00	19,813
• Home Equity Open-End Credit Plans (HELOC)							
○ General Disclosure Rules for HELOC's							
Application Disclosures (1026.40).	Mandatory Disclosure.	2,717	N/A	1	2,717	720.00	32,604
Account Opening Disclosures (1026.6(a)).	Mandatory Disclosure.	2,717	N/A	1	2,717	720.00	32,604
Periodic Statements (1026.7(a)).	Mandatory Disclosure.	2,717	N/A	1	2,717	480.00	21,736
Annual Statement of Billing Rights (1026.9(a)(1)).	Mandatory Disclosure.	2,717	N/A	1	2,717	480.00	21,736
Alternative Summary Statement of Billing Rights (1026.9(a)(2)).	Voluntary ..... Disclosure	2,717	N/A	1	2,717	480.00	21,736
Change in Terms Disclosures (1026.9(b) through (h)).	Mandatory Disclosure.	2,717	N/A	1	2,717	480.00	21,736

IMPLEMENTATION (ONE-TIME) BURDEN ESTIMATE—Continued

	Obligation to respond/type of burden	Estimated number of respondents [1]	Estimated average number of credit Accounts	Frequency of response	Number of responses	Estimated time per response (minutes)	Total estimated annual burden (hours)
Notice to Restrict Credit (1026.9(c)(1)(iii); .40(f)(3)(i) and (vi)).	Mandatory Disclosure.	2,717	N/A	1	2,717	120.00	5,434
• All Open-End Credit Plans							
Error Resolution (1026.13).	Mandatory Disclosure.	3,624	2,963	1	10,737,912	1.0	178,965
Closed-End Credit Products							
• General Rules for Closed-End Credit							
Other than Real Estate, Home-Secured and Private Education Loans (1026.17 and .18).	Mandatory Disclosure.	1	N/A	1	1	720.00	12
• Closed-End Mortgages							
○ Application and Consummation							
Loan Estimate (1026.19(e); and .37).	Mandatory Disclosure.	3,628	N/A	1	3,628	480.00	29,204
Closing Disclosure (1026.19(f); and .38).	Mandatory Disclosure.	3,628	N/A	1	3,628	480.00	29,204
Record Retention of Disclosures (1026.19(e), (f); .37; and .38).	Mandatory Recordkeeping.	3,628	N/A	1	3,628	18.00	1,088
○ Post-Consummation Disclosures							
Interest Rate and Payment Summary (1026.18(s)).	Mandatory Disclosure.	3,628	N/A	1	3,628	2,400.00	145,120
No Guarantee to Refinance Statement (1026.18(t)).	Mandatory Disclosure.	3,628	N/A	1	3,628	480.00	29,204
ARMs Rate Adjustments with Payment Change Disclosures (1026.20(c)).	Mandatory Disclosure.	3,628	N/A	1	3,628	90.00	5,442
Initial Rate Adjustment Disclosure for ARMs (1026.20(d)).	Mandatory Disclosure.	3,628	N/A	1	3,628	120.00	7,256
Escrow Cancellation Notice (1026.20(e)).	Mandatory Disclosure.	3,628	N/A	1	3,628	480.00	29,204
Periodic Statements (1026.41).	Mandatory Disclosure.	3,628	N/A	1	3,628	480.00	29,204
○Ability to Repay Requirements							
Minimum Standards (1026.43(c) through (f)).	Mandatory Recordkeeping.	3,628	926	1	3,359,528	15.00	839,882
Prepayment Penalties (1026.43(g)).	Mandatory Disclosure.	3,628	16	1	58,048	12.00	11.610

IMPLEMENTATION (ONE-TIME) BURDEN ESTIMATE—Continued

	Obligation to respond/type of burden	Estimated number of respondents [1]	Estimated average number of credit Accounts	Frequency of response	Number of responses	Estimated time per response (minutes)	Total estimated annual burden (hours)
Mortgage Products (Open and Closed-End)							
• Mortgage Servicing Disclosures							
○ Payoff Statements							
Payoff Statements (1026.36(c)(3)).	Mandatory Disclosure.	3,628	N/A	1	3,628	480.00	29,024
○ Notice of Sale or Transfer							
Notice of Sale or Transfer (1026.39).	Mandatory Disclosure.	3,628	N/A	1	3,628	480.00	29,204
• Valuation Independence							
○ Mandatory Reporting							
Reporting Appraiser Noncompliance (1026.42(g)).	Mandatory Reporting.	3,628	1	1	3,628	10.00	605
Reverse and High-Cost Mortgages							
• Reverse Mortgages							
○ Reverse Mortgage Disclosures							
Reverse Mortgage Disclosures (1026.31(c)(2) and .33).	Mandatory Disclosure.	14	N/A	1	14	1,440.00	336
• High-Cost Mortgage Loans							
○ HOEPA Disclosures and Notice							
HOEPA Disclosures and Notice (1026.32(c).	Mandatory Disclosure.	3,628	N/A	1	3,628	14.00	847
Private Education Loans							
• Initial Disclosures							
○ Application and Solicitation Disclosures							
Application or Solicitation Disclosures (1026.47(a)).	Mandatory Disclosure.	3,561	N/A	1	3,561	3,600.00	213,660
○ Approval Disclosures							
Approval Disclosures (1026.47(b)).	Mandatory Disclosure.	3,561	N/A	1	3,561	3,600.00	213,660
○ Final Disclosures							
Final Disclosures (1026.47(c)).	Mandatory Disclosure.	3,561	N/A	1	3,561	3,600.00	213,660
Advertising Rules							
• All Credit Types							
○ Open-End Credit							
Open-End Credit (1026.16).	Mandatory Disclosure.	3,624	5	1	18,120	20.00	6,040

IMPLEMENTATION (ONE-TIME) BURDEN ESTIMATE—Continued

	Obligation to respond/type of burden	Estimated number of respondents [1]	Estimated average number of credit Accounts	Frequency of response	Number of responses	Estimated time per response (minutes)	Total estimated annual burden (hours)
○ **Closed-End Credit**							
Closed-End Credit (1026.24).	Mandatory Disclosure.	3,628	5	1	18,140	20.00	6,047
Record Retention							
• **Evidence of Compliance**							
Regulation Z in General (1026.25).	Mandatory Recordkeeping.	3,652	N/A	1	3,652	18.00	1,096
Total Estimated Ongoing Burden.	.....	.....	.....	.....	.....	.....	2,396,494
Total Estimated Annual Burden.	.....	.....	.....	.....	.....	.....	2,396,526

FDIC estimates that all existing FDIC-supervised institutions have implemented the policies and procedures required by Regulation Z and will only face the estimated ongoing (transaction) burdens reflected in the table below. The respondent count of 1 is intended as a placeholder for the associated burden estimate to account for any institution(s) that may become subject to the information collection requirements in the future.

Request for Comment

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collection, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Dated at Washington, DC, this 4th day of December, 2017.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2017–26424 Filed 12–6–17; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

TIME AND DATE: Tuesday, December 12, 2017 at 10:00 a.m. and its continuation at the Conclusion of the open meeting on December 14, 2017.

PLACE: 999 E Street NW., Washington, DC.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Compliance matters pursuant to 52 U.S.C. 30109.

* * * * *

CONTACT PERSON FOR MORE INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Laura E. Sinram,

Deputy Secretary of the Commission.

[FR Doc. 2017–26516 Filed 12–5–17; 4:15 pm]

BILLING CODE 6715–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments on any agreements to the Secretary, Federal Maritime Commission, Washington, DC 20573, within twelve days of the date this notice appears in the **Federal Register**. A copy of each agreement is available through the Commission's Web site (*www.fmc.gov*) or by contacting the Office of Agreements at (202)–523–5793 or *tradeanalysis@fmc.gov.*

Agreement No.: 201237.

Title: MACS—CSAL Shipping Agreement.

Parties: MACS Maritime Carrier Shipping Pte. Ltd. (MACS) and CSAL Canada-States-Africa Line Inc. (CSAL).

Filing Party: Steven B. Chameides; Foley & Lardner LLP; Washington Harbour; 3000 K Street NW., Suite 600, Washington, DC 20007.

Synopsis: The agreement authorizes CSAL and MACS to charter space to each other on an as-needed basis in the trade between the U.S. East and Gulf Coasts and ports in Africa.

Agreement No.: 011931–008.

Title: CMA CGM/Marfret Vessel Sharing Agreement for PAD Service.

Parties: CMA CGM S.A. and Compagnie Maritime Marfret.

Filing Party: Draughn B. Arbona, Esq.; Senior Counsel; CMA CGM (America), LLC. 5701 Lake Wright Drive, Norfolk, VA 23502–1868.

Synopsis: This amendment increases the frequency of the service operated under this Agreement from fortnightly to weekly, and implements certain changes related to this transition to a weekly service.

By Order of the Federal Maritime Commission.

Dated: December 1, 2017.

Rachel E. Dickon,

Assistant Secretary.

[FR Doc. 2017–26337 Filed 12–6–17; 8:45 am]

BILLING CODE 6731–AA–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–17–17ACE]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled *Medication-Assisted Treatment (MAT) for Opioid Use Disorders Study* to the Office of Management and Budget (OMB) for review and approval. CDC previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on June, 19, 2017 to obtain comments from the public and affected agencies. CDC received three comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

Evaluation of Medication-Assisted Treatment (MAT) for Opioid Use Disorder—New—National Center for Injury Prevention and Control (NCIPC), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

This is a new Information Collection Request. CDC requests a three-year OMB approval.

About 2 million people aged 12 or older in the United States have Opioid Use Disorders (OUDs) related to prescription opioids and almost 600,000 have OUDs related to heroin use (SAMHSA, 2015). OUD is a problematic pattern of opioid use that cause significant impairment or distress characterized by unsuccessful efforts to control use and failures to fulfill obligations social, at work, or school, yet many of these people do not receive OUD treatment. Given the continued need for treatment and the urgency of the opioid epidemic, further understanding of the individual and contextual factors that may impact treatment outcomes is needed. To help address this need, the CDC is conducting a study of 60 Opioid Use Disorder (OUD) treatment facilities and four primary care facilities located in 11 metropolitan statistical areas across the United States. The respondent universe includes individuals in the United States who receive some form of OUD treatment in the 11 MSAs.

Prospective participants will be eligible if they are 18 to 64 years of age and initiating one of four primary treatments for OUD: Methadone maintenance treatment (MMT), buprenorphine (BUP), naltrexone (NTX), or counseling treatment without medication (COUN). The study aims to enroll 3,560 clients across all sites to better understand the relationship between type of Medication Assisted Treatment (MAT) and individual and treatment facility characteristics, and contextual factors.

The information gained from this data collection will help inform policy makers, communities, and providers on how individual characteristics and contextual factors may impact client outcomes. The MAT study will also provide a unique perspective for three reasons: (1) It assesses the treatment, individual, and contextual factors that influence implementation and outcomes in real-world settings; (2) its large target sample size (n = 3,560); and, (3) the long follow-up window (*i.e.,* 24-month follow-up period with clients). CDC has collaborated with other relevant federal agencies to avoid duplication and maximize efficiencies in data collection. The MAT Study design and protocols have been reviewed and shared with colleagues from the Substance Abuse and Mental Health Services Administration (SAMHSA) and the National Institute on Drug Abuse (NIDA).

Four overarching evaluation questions guide the MAT Study. These questions drive the research design, and CDC developed this data collection effort to, specifically, address these evaluation questions. This data collection effort captures a series of outcome measures including the associated benefits (*e.g.,* reductions in morbidity, mortality, and drug overdoses; improvements in socioeconomic outcomes and health-related quality of life [HRQOL]) and potential risks (*e.g.,* side effects, diversion potential) of each treatment alternative.

The study will use a mixed-methods approach using quantitative methods such as multilevel latent growth models, propensity score matching, latent class analysis and advanced mediation analysis and qualitative methods such as interactive coding and analysis for common themes.

The total estimated annualized burden for this collection is 3,093 hours. The only cost to respondents will be time spent responding to the surveys.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Clients	Client Screener	1,583	1	5/60
	Client Check-In	1,187	2	15/60

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
	Client Questionnaire Baseline	1,187	1	52/60
	Client Questionnaire 12-Month Follow-up	930	1	45/60
	Client Questionnaire 24-Month Follow-up	744	1	45/60
	Client Focus Groups	27	1	90/60
Treatment facility staff	Staff Focus Groups	27	1	90/60

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2017–26399 Filed 12–6–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket Number CDC–2017–0104, NIOSH–304]

Draft—National Occupational Research Agenda for Traumatic Injury Prevention

AGENCY: National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Request for comment.

SUMMARY: The National Institute for Occupational Safety and Health of the Centers for Disease Control and Prevention announces the availability of a draft NORA Agenda entitled *National Occupational Research Agenda for Traumatic Injury Prevention* for public comment. To view the notice and related materials, visit *https://www.regulations.gov*. and enter CDC–2017–0104 in the search field and click ''Search.''

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DATES: Electronic or written comments must be received by February 5, 2018.

ADDRESSES: You may submit comments, identified by CDC–2017–0104 and docket number NIOSH–304, by any of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* National Institute for Occupational Safety and Health, NIOSH Docket Office, 1090 Tusculum Avenue, MS C–34, Cincinnati, Ohio 45226–1998.

Instructions: All submissions received in response to this notice must include the agency name and docket number [CDC–2017–0104; NIOSH–304]. All relevant comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided. For access to the docket to read background documents or comments received, go to *https://www.regulations.gov.* All information received in response to this notice will also be available for public examination and copying at the NIOSH Docket Office, 1150 Tusculum Avenue, Room 155, Cincinnati, OH 45226–1998.

FOR FURTHER INFORMATION CONTACT: Emily Novicki (*NORACoordinator@cdc.gov*), National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, Mailstop E–20, 1600 Clifton Road NE., Atlanta, GA 30329, phone (404) 498–2581 (not a toll free number).

SUPPLEMENTARY INFORMATION: The National Occupational Research Agenda (NORA) is a partnership program created to stimulate innovative research and improved workplace practices. The national agenda is developed and implemented through the NORA sector and cross-sector councils. Each council develops and maintains an agenda for its sector or cross-sector.

Background: The National Occupational Research Agenda for Traumatic Injury Prevention (the Agenda) is intended to identify the research, information, and actions most urgently needed to prevent occupational traumatic injuries. The National Occupational Research Agenda for Traumatic Injury Prevention provides a vehicle for industry stakeholders to describe the most relevant issues, gaps, and safety and health needs for the cross-sector. Each NORA research agenda is meant to guide or promote high priority research efforts on a national level, conducted by various entities, including government, higher education, and the private sector.

This is the first Traumatic Injury Prevention Agenda, developed for the third decade of NORA (2016–2026). The Agenda was developed considering information about injuries, the state of the science, and the probability that new information and approaches will make a difference.

As the steward of the NORA process, NIOSH invites comments on the draft *National Occupational Research Agenda for Traumatic Injury Prevention.* Comments expressing support or with specific recommendations to improve the Agenda are requested. A copy of the draft Agenda is available at *https://www.regulations.gov* (search Docket Number CDC–2017–0104).

Frank Hearl,

Chief of Staff, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention.

[FR Doc. 2017–26359 Filed 12–6–17; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Annual Statistical Report on Children in Foster Homes and Children in Families Receiving Payment in Excess of the Poverty Income Level from a State Program Funded under Part A of Title IV of the Social Security Act.

OMB No.: 0970–0004.

Description: The Department of Health and Human Services is required to collect these data under section 1124 of Title I of the Elementary and Secondary Education Act of 1965, as amended by Public Law 114–95. The data are used by the U.S. Department of Education for allocation of funds for programs to aid disadvantaged

elementary and secondary students. Respondents include various components of State Human Service agencies.

Respondents: The 52 respondents include the 50 States, the District of Columbia, and Puerto Rico.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Annual Statistical Report on Children in Foster Homes and Children Receiving Payments in Excess of the Poverty Level From a State Program Funded Under Part A of Title IV of the Social Security Act	52	1	264.35	13,746.20

Estimated Total Annual Burden Hours: 13,746.20.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 330 C Street SW., Washington, DC 20201. Attention Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *infocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Email: *OIRA_SUBMISSION@OMB.EOP.GOV,* Attn: Desk Officer for the Administration for Children and Families.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2017–26353 Filed 12–6–17; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–6476]

Pediatric Rare Diseases—A Collaborative Approach for Drug Development Using Gaucher Disease as a Model; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft guidance for industry entitled ''Pediatric Rare Diseases—A Collaborative Approach for Drug Development Using Gaucher Disease as a Model.'' This draft guidance focuses on drug development for pediatric patients with Gaucher disease. In particular, it proposes for consideration a novel approach to improve the efficiency of drug development in pediatric rare diseases using Gaucher disease as an example. The emergence of concomitant trials for multiple investigational drug products for the treatment of rare diseases can pose significant challenges to effective drug development, because there are limited numbers of patients for any given rare condition worldwide. This approach discusses the feasibility of the development of multiple drug products in a time-efficient manner while minimizing the number of patients necessary to be treated with placebo.

DATES: Submit either electronic or written comments on the draft guidance by February 5, 2018 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2017–N–6476 for ''Pediatric Rare Diseases—A Collaborative Approach for Drug Development Using Gaucher Disease as a Model; Draft Guidance for Industry; Availability''. Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff office between 9 a.m. and 4 p.m., Monday through Friday.

- *Confidential Submissions*—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information

redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Hong Vu, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 5345, Silver Spring, MD 20993–0002, 301–796–7401.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Pediatric Rare Diseases—A Collaborative Approach for Drug Development Using Gaucher Disease as a Model.'' The emergence of concomitant trials for multiple investigational drug products for the treatment of rare disease can pose significant challenges to effective drug development, given the limited number of patients worldwide with these diagnoses. This guidance discusses, among other things, a multi-arm, multi-company clinical trial as a novel approach to enhance the efficiency of drug development in pediatric rare diseases using pediatric Gaucher disease as an example. The proposal applies only to systemic (*i.e.,* non-neurological) manifestations of Gaucher disease (*i.e.,* patients with Type I and Type III phenotypes).

The purpose of this guidance is to facilitate drug development in pediatric rare diseases, with a focus on Gaucher disease. In this guidance, Gaucher disease is provided as a disease model. However, the principles underlying this proposal may be extended to other areas of drug development in rare diseases. The guidance was originally a document developed as a strategic collaboration between FDA and the European Medicines Agency to enhance the efficiency of drug development in Gaucher disease, which was released in 2014 for public comment. The draft guidance is an updated version of the document and has no fundamental changes to the original intent and content.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on ''Pediatric Rare Diseases—A Collaborative Approach for Drug Development Using Gaucher Disease as a Model.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. This guidance is not subject to Executive Order 12866.

II. The Paperwork Reduction Act of 1995

This draft guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR parts 312 and 314 have been approved under OMB control numbers 0910–0014 and 0910–0001, respectively. The collections of information in 21 CFR 201.57 for the content and format of prescription drug labeling was approved under OMB control number 0910–0572.

III. Electronic Access

Persons with access to the internet may obtain the draft guidance at either *https://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm* or *https://www.regulations.gov.*

Dated: December 1, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017–26357 Filed 12–6–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–1161]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Food Safety Survey

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA, Agency, or we) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by January 8, 2018.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, Fax: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0345. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Ila S. Mizrachi, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–7726, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Food Safety Survey

OMB Control Number 0910–0345—Extension

Under section 1003(b)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 393(b)(2)), we are authorized

to conduct research relating to foods and to conduct educational and public information programs relating to the safety of the nation's food supply. The Food Safety Survey measures consumers' knowledge, attitudes, and beliefs about food safety. Previous versions of the survey were collected in 1988, 1993, 1998, 2001, 2006, 2010, and 2016. Food Safety Survey data are used to measure trends in consumer food safety habits including hand and cutting board washing, cooking practices, and use of food thermometers. Data are also used to evaluate educational messages and to inform policymakers about consumer attitudes about technologies such as food irradiation and biotechnology.

The proposed Food Safety Survey will contain many of the same questions and topics as previous Food Safety Surveys to facilitate measuring trends in food safety knowledge, attitudes, and behaviors over time. The proposed survey will also be updated to explore emerging consumer food safety topics and expand understanding of previously asked topics.

The methods for the proposed Food Safety Survey will be largely the same as those used with the previous Food Safety Surveys with the exception of the inclusion of address based sampling (ABS) methods to explore the method as a possible alternative for new survey questions. ABS is sampling from address frames that are usually based, in part, on residential addresses in the U.S. Postal Service Computerized Delivery Sequence File. ABS is a cost effective method of sampling that provides much coverage of U.S. households for in-person, mail, telephone, and multimode surveys (including web-based surveys.) The Food Safety Survey will continue to include cell phones in addition to landlines for the telephone interviews. A nationally representative sample of 4,000 adults will be selected at random to complete the survey. The survey will also include an oversample of Hispanics and Blacks to ensure a minimum of 400 each. Additionally, methods will be employed to test for the presence of response bias. Participation in the survey will be voluntary. Cognitive interviews and a pre-test will be conducted prior to fielding the survey.

In the **Federal Register** of July 3, 2017 (82 FR 30871), FDA published a 60-day notice requesting public comment on the proposed collection of information. We received two comments. One commenter discussed the importance of food safety, for which FDA agrees, and one commenter provided a comment which was unrelated to the information collection. After evaluating these comments, FDA will not revise the information collection.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Cognitive interview screener	75	1	75	0.083 (5 minutes)	6
Cognitive interview	9	1	9	1	9
Pretest screener	45	1	45	0.0167 (1 minute)	1
Pretest	18	1	18	0.33 (20 minutes)	6
Survey screener	10,000	1	10,000	0.0167 (1 minute)	167
Survey	4,000	1	4,000	0.33 (20 minutes)	1,320
Non-response survey screener	125	1	125	0.0167 (1 minute)	2
Non-response survey	50	1	50	0.167 (10 minutes)	8
Total					1,519

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

FDA's burden estimate is based on the Agency's prior experience with the Food Safety Survey. FDA estimates that the burden hours for this information collection will remain the same since the last OMB approval.

Dated: December 1, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017–26356 Filed 12–6–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Clinical Trial Implementation Cooperative Agreement (U01).

Date: January 9, 2018.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Jay R. Radke, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room #3G11B, National Institutes of Health, NIAID, 5601 Fishers Lane MSC–9823, Bethesda, MD 20892–9823, (240) 669–5046, *jay.radke@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: December 1, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–26324 Filed 12–6–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel; Time-Sensitive Review of Potential Exposures Associated with Hurricanes Harvey, Irma, and Maria.

Date: December 19, 2017.

Time: 11:00 a.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Environmental Health Sciences, Keystone Building, 530 Davis Drive, Room 3118, Research Triangle Park, NC 27709 (Teleconference).

Contact Person: Laura A. Thomas, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research and Training National Institute of Environmental Health Sciences, Research Triangle Park, NC 27709, 919–541–2824, *laura.thomas@nih.gov*.

Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: December 1, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–26325 Filed 12–6–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Small Business Drug Discovery for Neurological Disorders.

Date: December 11, 2017.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Yvonne Bennett, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5199, MSC 7846, Bethesda, MD 20892, 301–379–3793, *bennetty@csr.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: December 1, 2017.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–26323 Filed 12–6–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0002; Internal Agency Docket No. FEMA–B–1762]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice lists communities where the addition or modification of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or the regulatory floodway (hereinafter referred to as flood hazard determinations), as shown on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports, prepared by the Federal Emergency Management Agency (FEMA) for each community, is appropriate because of new scientific or technical data. The FIRM, and where applicable, portions of the FIS report, have been revised to reflect these flood hazard determinations through issuance of a Letter of Map Revision (LOMR), in accordance with Title 44, Part 65 of the Code of Federal Regulations. The LOMR will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings. For rating purposes, the currently effective community number is shown in the table below and must be used for all new policies and renewals.

DATES: These flood hazard determinations will be finalized on the dates listed in the table below and revise the FIRM panels and FIS report in effect prior to this determination for the listed communities.

From the date of the second publication of notification of these changes in a newspaper of local circulation, any person has 90 days in which to request through the community that the Deputy Associate Administrator for Insurance and Mitigation reconsider the changes. The flood hazard determination information may be changed during the 90-day period.

ADDRESSES: The affected communities are listed in the table below. Revised flood hazard information for each community is available for inspection at both the online location and the respective community map repository

address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

Submit comments and/or appeals to the Chief Executive Officer of the community as listed in the table below.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The specific flood hazard determinations are not described for each community in this notice. However, the online location and local community map repository address where the flood hazard determination information is available for inspection is provided.

Any request for reconsideration of flood hazard determinations must be submitted to the Chief Executive Officer of the community as listed in the table below.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. The flood hazard determinations are in accordance with 44 CFR 65.4.

The affected communities are listed in the following table. Flood hazard determination information for each community is available for inspection at both the online location and the respective community map repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: November 2, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Alabama:						
Greene	Unincorporated areas of Greene County (17–04–5766P).	The Honorable Tennyson Smith, Chairman, Greene County Board of Commissioners, P.O. Box 628, Eutaw, AL 35462.	Greene County, Engineering Department, 521 Prairie Avenue South, Eutaw, AL 35462.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 25, 2018	010091
Jefferson	Unincorporated areas of Jefferson County (17–04–7129X).	The Honorable James A. Stephens, Chairman, Jefferson County Board of Commissioners, 716 Richard Arrington, Jr. Boulevard North, Birmingham, AL 35203.	Jefferson County Land Development Department, 716 Richard Arrington, Jr. Boulevard North, Birmingham, AL 35203.	*https://msc.fema.gov/portal/advanceSearch.*	Feb. 12, 2018	010217
Colorado: Arapahoe.	City of Aurora (17–08–0697P).	Mr. George Noe, Manager, City of Aurora, 15151 East Alameda Parkway, 5th Floor, Aurora, CO 80012.	Municipal Center, 15151 East Alameda Parkway, 3rd Floor, Aurora, CO 80012.	*https://msc.fema.gov/portal/advanceSearch.*	Feb. 2, 2018	080002
Connecticut:						
Fairfield	Town of Westport (17–01–0033P).	The Honorable Jim Marpe, First Selectman, Town of Westport Board of Selectmen, 110 Myrtle Avenue, Room 310, Westport, CT 06880.	Planning and Zoning Department, 110 Myrtle Avenue, Room 203, Westport, CT 06880.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 8, 2018	090019
New Haven	City of Meriden (17–01–0418P).	Mr. Guy Scaife, Manager, City of Meriden, 142 East Main Street, Meriden, CT 06450.	Department of Public Works, Engineering Division, 142 East Main Street, Meriden, CT 06450.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 3, 2018	090081
Florida:						
Charlotte	Unincorporated areas of Charlotte County (17–04–4506P).	The Honorable Bill Truex, Chairman, Charlotte County Board of Commissioners, 18500 Murdock Circle, Suite 536, Port Charlotte, FL 33948.	Charlotte County Community Development Department, 18400 Murdock Circle, Port Charlotte, FL 33948.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 29, 2017	120061
Duval	City of Jacksonville (17–04–1816P).	The Honorable Lenny Curry, Mayor, City of Jacksonville, 117 West Duval Street, Suite 400, Jacksonville, FL 32202.	Development Services Division, 214 North Hogan Street, Suite 2100, Jacksonville, FL 32202.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 30, 2018	120077

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Lee	City of Sanibel (17–04–4409P).	The Honorable Kevin Ruane, Mayor, City of Sanibel, 800 Dunlop Road, Sanibel, FL 33957.	Planning and Code Enforcement Department, 800 Dunlop Road, Sanibel, FL 33957.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 17, 2018	120402
Monroe	Unincorporated areas of Monroe County (17–04–5313P).	The Honorable George Neugent, Mayor, Monroe County Board of Commissioners, 25 Ships Way, Big Pine Key, FL 33043.	Monroe County Building Department, 2798 Overseas Highway, Suite 300, Marathon, FL 33040.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 2, 2018	125129
Monroe	Unincorporated areas of Monroe County (17–04–5430P).	The Honorable George Neugent, Mayor, Monroe County Board of Commissioners, 25 Ships Way, Big Pine Key, FL 33043.	Monroe County Building Department, 2798 Overseas Highway, Suite 300, Marathon, FL 33040.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 4, 2018	125129
Monroe	Unincorporated areas of Monroe County (17–04–5774P).	The Honorable George Neugent, Mayor, Monroe County Board of Commissioners, 25 Ships Way, Big Pine Key, FL 33043.	Monroe County Building Department, 2798 Overseas Highway, Suite 300, Marathon, FL 33040.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 5, 2018	125129
Palm Beach	Village of Tequesta (17–04–2100P).	The Honorable Abby Brennan, Mayor, Village of Tequesta, 345 Tequesta Drive, Tequesta, FL 33469.	Building Department, 345 Tequesta Drive, Tequesta, FL 33469.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 11, 2018	120228
Pinellas	Town of Redington Shores (17–04–6065P).	The Honorable Bert Adams, Mayor, Town of Redington Shores, 17425 Gulf Boulevard, Redington Shores, FL 33708.	Building Department, 17425 Gulf Boulevard, Redington Shores, FL 33708.	*https://msc.fema.gov/portal/advanceSearch.*	Feb. 5, 2018	125141
Polk	Unincorporated areas of Polk County (17–04–0850P).	The Honorable Melony M. Bell, Chair, Polk County Board of Commissioners, P.O. Box 9005, Drawer BC01, Bartow, FL 33831.	Polk County Land Development Division, 330 West Church Street, Bartow, FL 33830.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 4, 2018	120261
Sarasota	City of Sarasota (17–04–2771P).	The Honorable Shelli Freeland Eddie, Mayor, City of Sarasota, 1565 1st Street, Room 101, Sarasota, FL 34236.	Neighborhood and Development Services Department, 1565 1st Street, Sarasota, FL 34236.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 25, 2018	125150
Sarasota	City of Sarasota (17–04–5953P).	The Honorable Shelli Freeland Eddie, Mayor, City of Sarasota, 1565 1st Street, Room 101, Sarasota, FL 34236.	Neighborhood and Development Services Department, 1565 1st Street, Sarasota, FL 34236.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 24, 2018	125150
Maryland: Frederick.	Town of New Market (17–03–0470P).	The Honorable Winslow F. Burhans, III, Mayor, Town of New Market, P.O. Box 27, New Market, MD 21774.	Town Hall, 39 West Main Street, New Market, MD 21774.	*https://msc.fema.gov/portal/advanceSearch.*	Mar. 14, 2018	240088
Massachusetts:						
Barnstable	Town of Mashpee (17–01–1864P).	The Honorable Thomas F. O'Hara, Chairman, Town of Mashpee Board of Selectmen, 16 Great Neck Road North, Mashpee, MA 02649.	Building Department, 16 Great Neck Road North, Mashpee, MA 02649.	*https://msc.fema.gov/portal/advanceSearch.*	Feb. 5, 2018	250009
Bristol	Town of Dartmouth (17–01–1797P).	The Honorable Frank S. Gracie III, Chairman, Town of Dartmouth Board of Selectmen, 400 Slocum Road, Dartmouth, MA 02747.	Building Department, 400 Slocum Road, Dartmouth, MA 02747.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 25, 2018	250051
Mississippi:						
DeSoto	City of Hernando (17–04–4941P).	The Honorable Tom Ferguson, Mayor, City of Hernando, 475 West Commerce Street, Hernando, MS 38632.	Planning Department, 475 West Commerce Street, Hernando, MS 38632.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 24, 2018	280292
DeSoto	Unincorporated areas of DeSoto County (17–04–5325P).	The Honorable Michael Lee, President, DeSoto County Board of Supervisors, 365 Losher Street, Suite 300, Hernando, MS 38632.	DeSoto County Administration Building, 365 Losher Street, Suite 200, Hernando, MS 38632.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 26, 2018	280050

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Montana: Lewis and Clark.	Unincorporated areas of Lewis and Clark County (17–08–0367P).	The Honorable Susan Good Geise, Chair, Lewis and Clark County Board of Commissioners, 316 North Park Avenue, Room 345, Helena, MT 59623.	Lewis and Clark County Law Enforcement Center, 221 Breckenridge Avenue, Helena, MT 59601.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 26, 2018	300038
New Mexico: Bernalillo.	City of Albuquerque (17–06–1859P).	The Honorable Richard J. Berry, Mayor, City of Albuquerque, P.O. Box 1293, Albuquerque, NM 87103.	Development Review Services Division, 600 2nd Street Northwest, Albuquerque, NM 87102.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 10, 2018	350002
North Carolina: Wake.	City of Raleigh (16–04–2708P).	The Honorable Nancy McFarlane, Mayor, City of Raleigh, P.O. Box 590, Raleigh, NC 27602.	Stormwater Management Division, 1 Exchange Plaza, Suite 304, Raleigh, NC 27601.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 29, 2018	370243
North Dakota: Cass	City of Casselton (17–08–0564P).	The Honorable Lee Anderson, Mayor, City of Casselton, P.O. Box 548, Casselton, ND 58012.	Auditor's Office, 702 1st Street North, Casselton, ND 58012.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 25, 2018	380020
Oklahoma: Oklahoma.	City of Oklahoma City (17–06–2212P).	The Honorable Mick Cornett, Mayor, City of Oklahoma City, 200 North Walker Avenue, 3rd Floor, Oklahoma City, OK 73102.	Department of Public Works, 420 West Main Street, Suite 700, Oklahoma City, OK 73102.	*https://msc.fema.gov/portal/advanceSearch.*	Feb. 5, 2018	405378
Pennsylvania: Lackawanna.	City of Scranton (17–03–0447P).	The Honorable William L. Courtright, Mayor, City of Scranton, 340 North Washington Avenue, Scranton, PA 18503.	City Hall, 340 North Washington Avenue, Scranton, PA 18503.	*https://msc.fema.gov/portal/advanceSearch.*	Feb. 7, 2018	420538
South Carolina:						
Horry	City of North Myrtle Beach (17–04–2716P).	The Honorable Marilyn Hatley, Mayor, City of North Myrtle Beach, 1018 2nd Avenue South, North Myrtle Beach, SC 29582.	Planning and Development Department, 1018 2nd Avenue South, North Myrtle Beach, SC 29582.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 18, 2018	450110
Richland	City of Forest Acres (17–04–4597P).	The Honorable Frank Brunson, Mayor, City of Forest Acres, 5209 North Trenholm Road, Columbia, SC 29206.	City Hall, 5209 North Trenholm Road, Columbia, SC 29206.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 23, 2018	450174
Richland	Town of Arcadia Lakes (17–04–4597P).	The Honorable Mark Huguley, Mayor, Town of Arcadia Lakes, 6740 North Trenholm Road, Columbia, SC 29206.	Town Hall, 6911 North Trenholm Road, Suite 2, Columbia, SC 29206.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 23, 2018	450171
Richland	Unincorporated areas of Richland County (17–04–4597P).	The Honorable Joyce Dickerson, Chair, Richland County Council, 2020 Hampton Street, Columbia, SC 29204.	Richland County Development Services Department, 2020 Hampton Street, Columbia, SC 29204.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 23, 2018	450170
South Dakota: Meade.	City of Sturgis (17–08–0491P).	Mr. Daniel Ainslie, Manager, City of Sturgis, 1040 Harley-Davidson Way, Sturgis, SD 57785.	Engineering Department, 1040 Harley-Davidson Way, Sturgis, SD 57785.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 25, 2018	460055
Texas:						
Bexar	City of San Antonio (17–06–3073P).	The Honorable Ron Nirenberg, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	Transportation and Capital Improvements Department, Storm Water Division, 1901 South Alamo Street, 2nd Floor, San Antonio, TX 78204.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 5, 2018	480045
Burnet	Unincorporated areas of Burnet County (17–06–3660X).	The Honorable James Oakley, Burnet County Judge, 220 South Pierce Street, Burnet, TX 78611.	Burnet County Environmental Services Department, 133 East Jackson Street, Room 107, Burnet, TX 78611.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 25, 2018	481209
Collin	Town of Prosper (17–06–1400P).	The Honorable Ray Smith, Mayor, Town of Prosper, P.O. Box 307, Prosper, TX 75078.	Engineering Services Department, 407 East 1st Street, Prosper, TX 75078.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 16, 2018	480141
Collin	Town of Prosper (17–06–1828P).	The Honorable Ray Smith, Mayor, Town of Prosper, P.O. Box 307, Prosper, TX 75078	Engineering Services Department, 407 East 1st Street, Prosper, TX 75078.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 18, 2018	480141

State and county	Location and case No.	Chief executive officer of community	Community map repository	Online location of letter of map revision	Date of modification	Community No.
Collin	City of Wylie (17–06–1285P).	The Honorable Eric Hogue, Mayor, City of Wylie, 300 Country Club Road, Building 100, Wylie, TX 75098.	City Hall, 300 Country Club Road, Building 100, Wylie, TX 75098.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 4, 2018	480759
Collin	Unincorporated areas of Collin County (17–06–1140P).	The Honorable Keith Self, Collin County Judge, 2300 Bloomdale Road, Suite 4192, McKinney, TX 75071.	Collin County Engineering Department, 4690 Community Avenue, Suite 200, McKinney, TX 75071.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 11, 2017	480130
Collin and Denton.	City of Celina (17–06–1400P).	The Honorable Sean Terry, Mayor, City of Celina, 142 North Ohio Street, Celina, TX 75009.	City Hall, 142 North Ohio Street, Celina, TX 75009.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 16, 2018	480133
Dallas	City of Dallas (17–06–1022P).	The Honorable Michael Rawlings, Mayor, City of Dallas, 1500 Marilla Street, Suite 5EN, Dallas, TX 75201.	Engineering Department, 320 East Jefferson Boulevard, Room 200, Dallas, TX 75201.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 4, 2017	480171
Dallas	City of Garland (17–06–0906P).	The Honorable Douglas Athas, Mayor, City of Garland, 200 North 5th Street, Garland, TX 75040.	Municipal Building, 800 Main Street, Garland, TX 75040.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 18, 2017	485471
Dallas	City of Sachse (17–06–0906P).	The Honorable Mike Felix, Mayor, City of Sachse, 3815 Sachse Road, Building B, Sachse, TX 75048.	Public Works Department, 3815 Sachse Road, Building B, Sachse, TX 75048.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 18, 2017	480186
El Paso	Unincorporated areas of El Paso County (17–06–1021P).	The Honorable Veronica Escobar, El Paso County Judge, 500 East San Antonio Street, Suite 301, El Paso, TX 79901.	El Paso County Public Works Department, 800 East Overland Avenue, Suite 407, El Paso, TX 79901.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 22, 2018	480212
Galveston	City of Galveston (17–06–2017P).	The Honorable Jim Yarbrough, Mayor, City of Galveston, P.O. Box 779, Galveston, TX 77553.	Building Department, 823 Rosenberg Street, Galveston, TX 77553.	*https://msc.fema.gov/portal/advanceSearch.*	Feb. 6, 2018	485469
Kendall	City of Boerne (17–06–1075P).	Mr. Ronald Bowman, Manager, City of Boerne, 402 East Blanco Road, Boerne, TX 78006.	Code Enforcement Division, 402 East Blanco Road, Boerne, TX 78006.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 26, 2017	480418
Kendall	Unincorporated areas of Kendall County (17–06–1075P).	The Honorable Darrel L. Lux, Kendall County Judge, 201 East San Antonio Avenue, Suite 122, Boerne, TX 78006.	Kendall County Engineering Department, 201 East San Antonio Avenue, Suite 101, Boerne, TX 78006.	*https://msc.fema.gov/portal/advanceSearch.*	Dec. 26, 2017	480417
Tarrant	City of Fort Worth (17–06–2042P).	The Honorable Betsy Price, Mayor, City of Fort Worth, 200 Texas Street, Fort Worth, TX 76102.	Transportation and Public Works Department, 200 Texas Street, Fort Worth, TX 76102.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 4, 2018	480596
Tarrant	City of Fort Worth (17–06–2839P).	The Honorable Betsy Price, Mayor, City of Fort Worth, 200 Texas Street, Fort Worth, TX 76102.	Transportation and Public Works Department, 200 Texas Street, Fort Worth, TX 76102.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 29, 2018	480596
Tarrant	City of Grand Prairie (17–06–2864P).	The Honorable Ron Jensen, Mayor, City of Grand Prairie, P.O. Box 534045, Grand Prairie, TX 75053.	Development Center, 206 West Church Street, Grand Prairie, TX 75050.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 25, 2018	485472
Tarrant	City of Saginaw (17–06–1745P).	The Honorable Todd Flippo, Mayor, City of Saginaw, 333 West McLeroy Boulevard, Saginaw, TX 76179.	City Hall, 333 West McLeroy Boulevard, Saginaw, TX 76179.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 25, 2018	480610
Williamson	Unincorporated areas of Williamson County (17–06–3660X).	The Honorable Dan A. Gattis, Williamson County Judge, 710 South Main Street, Suite 101, Georgetown, TX 78626.	Williamson County Department of Infrastructure, 3151 Southeast Inner Loop, Suite B, Georgetown, TX 78626.	*https://msc.fema.gov/portal/advanceSearch.*	Jan. 25, 2018	481079

[FR Doc. 2017–26331 Filed 12–6–17; 8:45 am]
BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4344–DR; Docket ID FEMA–2017–0001]

California; Amendment No. 7 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of California (FEMA–4344–DR), dated October 10, 2017, and related determinations.

DATES: This amendment was issued November 28, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of California is hereby amended to include permanent work under the Public Assistance program for those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of October 10, 2017.

Butte, Lake, Mendocino, Napa, Orange, Sonoma, and Yuba Counties (already designated for Individual Assistance and assistance for debris removal and emergency protective measures [Categories A and B], including direct federal assistance, under the Public Assistance program).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–26327 Filed 12–6–17; 8:45 am]
BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0002]

Final Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final notice.

SUMMARY: Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below.

The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report are used by insurance agents and others to calculate appropriate flood insurance premium rates for buildings and the contents of those buildings.

DATES: The date of March 20, 2018 has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

ADDRESSES: The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at *https://msc.fema.gov* by the date indicated above.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at *https://msc.fema.gov.*

The flood hazard determinations are made final in the watersheds and/or communities listed in the table below.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: November 2, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Kossuth County, Iowa and Incorporated Areas Docket No.: FEMA–B–1667	
City of Algona	City Hall, 112 West Call Street, Algona, IA 50511.
City of Bancroft	City Hall, 105 East Ramsey Street, Bancroft, IA 50517.
City of Fenton	City Hall, 611 Maple Street, Fenton, IA 50539.
City of Lakota	City Hall, 204 3rd Street, Lakota, IA 50451.

Community	Community map repository address
City of Titonka	City Hall, 543 Dieckman Street Northeast, Titonka, IA 50480.
City of Wesley	City Hall, 105 2nd Street South, Wesley, IA 50483.
City of Whittemore	City Hall, 315 4th Street, Whittemore, IA 50598.
Unincorporated Areas of Kossuth County	Kossuth County Courthouse, 114 West State Street, Algona, IA 50511.
Vernon Parish, Louisiana and Incorporated Areas Docket No.: FEMA–B–1663	
City of Leesville	City Hall, 101 West Lee Street, Leesville, LA 71446.
Town of Hornbeck	Town Hall, 939 Hammond Street, Hornbeck, LA 71439.
Town of New Llano	City Hall, 109 Stanton Street, New Llano, LA 71461.
Unincorporated Areas of Vernon Parish	Vernon Parish Public Works Department, 602 Alexandria Highway, Leesville, LA 71446.
Village of Anacoco	Village Hall, 4973 Main Street, Anacoco, LA 71403.

[FR Doc. 2017–26339 Filed 12–6–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3390–EM; Docket ID FEMA–2017–0001]

Virgin Islands; Amendment No. 1 to Notice of an Emergency Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency declaration for the territory of the U.S. Virgin Islands (FEMA–3390–EM), dated September 18, 2017, and related determinations.

DATES: This amendment was issued November 22, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this emergency is closed effective September 22, 2017.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households in Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–26333 Filed 12–6–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4321–DR; Docket ID FEMA–2017–0001]

Nebraska; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Nebraska (FEMA–4321–DR), dated June 26, 2017, and related determinations.

DATES: The change occurred on November 20, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, DuWayne W. Tewes, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Michael R. Scott as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–26369 Filed 12–6–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4349–DR; Docket ID FEMA–2017–0001]

Alabama; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Alabama (FEMA–4349–DR), dated November 16, 2017, and related determinations.

DATE: The declaration was issued November 16, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated

November 16, 2017, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of Alabama resulting from Hurricane Nate during the period of October 6–10, 2017, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Alabama.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage under the Public Assistance Alternative Procedures Pilot Program for Debris Removal implemented pursuant to section 428 of the Stafford Act.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Warren J. Riley, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Alabama have been designated as adversely affected by this major disaster:

Baldwin, Choctaw, Clarke, Mobile, and Washington Counties for all categories of Public Assistance.

Autauga, Dallas, and Macon Counties for emergency protective measures (Category B) under the Public Assistance program.

All areas within the State of Alabama are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–26338 Filed 12–6–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4334–DR; Docket ID FEMA–2017–0001]

Iowa; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Iowa (FEMA–4334–DR), dated August 27, 2017, and related determinations.

DATES: The change occurred on November 20, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Keith D. DuPont, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Michael R. Scott as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–26370 Filed 12–6–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4337–DR; Docket ID FEMA–2017–0001]

Florida; Amendment No. 13 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Florida (FEMA–4337–DR), dated September 10, 2017, and related determinations.

DATES: This amendment was issued October 20, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective October 18, 2017.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–26329 Filed 12–6–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4344–DR; Docket ID FEMA–2017–0001]

California; Amendment No. 6 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of California (FEMA–4344–DR), dated October 10, 2017, and related determinations.

DATES: This amendment was issued November 22, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated November 22, 2017, the President amended the cost-sharing arrangements regarding Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), in a letter to Brock Long, Administrator, Federal Emergency Management Agency, Department of Homeland Security, under Executive Order 12148, as follows:

I have determined that the damage in certain areas of the State of California resulting from wildfires beginning on October 8, 2017, and continuing, is of sufficient severity and magnitude that special cost sharing arrangements are warranted regarding Federal funds provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act'').

Therefore, I amend my declaration of October 10, 2017, to authorize a 100 percent Federal cost share for emergency protective measures, including direct Federal assistance, for a period of 30 days.

This adjustment to State and local cost sharing applies only to Public Assistance costs and direct Federal assistance eligible for such adjustments under the law. The Robert T. Stafford Disaster Relief and Emergency Assistance Act specifically prohibits a similar adjustment for funds provided for Other Needs Assistance (Section 408), and the Hazard Mitigation Grant Program (Section 404). These funds will continue to be reimbursed at 75 percent of total eligible costs.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.)

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–26326 Filed 12–6–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4325–DR; Docket ID FEMA–2017–0001]

Nebraska; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Nebraska (FEMA–4325–DR), dated August 1, 2017, and related determinations.

DATES: The change occurred on November 20, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, DuWayne W. Tewes, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Michael R. Scott as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–26368 Filed 12–6–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4347–DR; Docket ID FEMA–2017–0001]

Kansas; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Kansas (FEMA–4347–DR), dated November 7, 2017, and related determinations.

DATES: The declaration was issued November 7, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated November 7, 2017, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of Kansas resulting from severe storms, straight-line winds, and flooding during the period of July 22–27, 2017, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Kansas.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and

Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage under the Public Assistance Alternative Procedures Pilot Program for Debris Removal implemented pursuant to section 428 of the Stafford Act.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, David G. Samaniego, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Kansas have been designated as adversely affected by this major disaster:

Johnson and Wyandotte Counties for Public Assistance.

All areas within the State of Kansas are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–26330 Filed 12–6–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0002]

Final Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final notice.

SUMMARY: Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below.

The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report are used by insurance agents and others to calculate appropriate flood insurance premium rates for buildings and the contents of those buildings.

DATES: The date of March 6, 2018 has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

ADDRESSES: The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at *https://msc.fema.gov* by the date indicated above.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at *https://msc.fema.gov.*

The flood hazard determinations are made final in the watersheds and/or communities listed in the table below.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: November 2, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
DeSoto County, Mississippi and Incorporated Areas Docket No.: FEMA–B–1655	
Town of Walls	Town Hall, 9087 Nail Road, Walls, MS 38680.
Unincorporated Areas of DeSoto County	DeSoto County Geographic Information Systems, 365 Losher Street, Suite 350, Hernando, MS 38632.

[FR Doc. 2017–26334 Filed 12–6–17; 8:45 am]
BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4319–DR; Docket ID FEMA–2017–0001]

Kansas; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Kansas (FEMA–4319–DR), dated June 16, 2017, and related determinations.

DATES: The change occurred on November 20, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Constance C. Johnson-Cage, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Michael R. Scott as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–26344 Filed 12–6–17; 8:45 am]
BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final notice.

SUMMARY: New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities. The flood hazard determinations modified by each LOMR will be used to calculate flood insurance premium rates for new buildings and their contents.

DATES: Each LOMR was finalized as in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *https://msc.fema.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard information is the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

This new or modified flood hazard information, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

This new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings, and for the contents in those buildings. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *https://msc.fema.gov.*

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: November 2, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Arizona:					
Greenlee (FEMA Docket No.: B–1730).	Unincorporated Areas of Greenlee County (17–09–0131P).	The Honorable David Gomez, Chairman, Board of Supervisors, Greenlee County, P.O. Box 908, Clifton, AZ 85533.	Greenlee County Planning and Zoning Department, 253 5th Street, Clifton, AZ 85533.	Sep. 14, 2017	040110
Maricopa (FEMA Docket No.: B–1726).	City of Peoria (17–09–0311P).	The Honorable Cathy Carlat, Mayor, City of Peoria, 8401 West Monroe Street, Peoria, AZ 85345.	City Hall, 8401 West Monroe Street, Peoria, AZ 85345.	Aug. 25, 2017	040050
Maricopa (FEMA Docket No.: B–1726).	City of Scottsdale (17–09–0074P).	The Honorable W.J. ''Jim'' Lane, Mayor, City of Scottsdale, City Hall, 3939 North Drinkwater Boulevard, Scottsdale, AZ 85251.	Scottsdale Planning Records, 7447 East Indian School Road, Suite 100, Scottsdale, AZ 85251.	Aug. 25, 2017	045012
Maricopa (FEMA Docket No.: B–1726).	Unincorporated Areas of Maricopa County (16–09–2971P).	The Honorable Denny Barney, Chairman, Board of Supervisors, Maricopa County, 301 West Jefferson Street, 10th Floor, Phoenix, AZ 85003.	Flood Control District of Maricopa County, 2801 West Durango Street, Phoenix, AZ 85009.	Sep. 1, 2017	040037
Pinal (FEMA Docket No.: B–1726).	Unincorporated Areas of Pinal County (16–09–2973P).	The Honorable Stephen Miller, Chairman, Board of Supervisors, Pinal County, 135 North Pinal Street, Florence, AZ 85132.	Pinal County Department of Public Works, 31 North Pinal Street, Building F, Florence, AZ 85132.	Aug. 23, 2017	040077
California:					
Butte (FEMA Docket No.: B–1726).	Unincorporated Areas of Butte County (17–09–0110P).	The Honorable Bill Connelly, Chairman, Board of Supervisors, Butte County, 5280 Lower Wyandotte Road, Oroville, CA 95966.	Butte County Department of Public Works, 7 County Center Drive, Oroville, CA 95965.	Aug. 30, 2017	060017
Riverside (FEMA Docket No.: B–1730).	City of Wildomar (17–09–0430P).	The Honorable Timothy Walker, Mayor, City of Wildomar, 23873 Clinton Keith Road, Suite 201, Wildomar, CA 92595.	City Hall, 23873 Clinton Keith Road, Suite 201, Wildomar, CA 92595.	Sep. 15, 2017	060221
Riverside (FEMA Docket No.: B–1730).	Unincorporated Areas of Riverside County (17–09–0232P).	The Honorable John F. Tavaglione, Chairman, Board of Supervisors, Riverside County, 4080 Lemon Street, 5th Floor, Riverside, CA 9250.	Riverside County Flood Control and Water Conservation District, 1995 Market Street, Riverside, CA 92502.	Sep. 8, 2017	060245
Hawaii:					
Honolulu (FEMA Docket No.: B–1730).	City and County of Honolulu (16–09–2530P).	The Honorable Kirk Caldwell, Mayor, City of Honolulu, 530 South King Street, Room 300, Honolulu, HI 96813.	Department of Planning and Permitting, 650 South King Street, Honolulu, HI 96813.	Sep. 8, 2017	150001
Maui (FEMA Docket No.: B–1730).	Maui County (17–09–0740P).	The Honorable Alan M. Arakawa, Mayor, Maui County, 200 South High Street, Kalana O Maui Building 9th Floor, Wailuku, HI 96793.	County of Maui Planning Department, 2200 Main Street, Suite 335, Wailuku, HI 96793.	Sep. 8, 2017	150003
Illinois: Will (FEMA Docket No.: B–1726)	Village of Plainfield (15–05–7793P).	The Honorable Michael P. Collins, Village President, Village of Plainfield, 24401 West Lockport Street, Plainfield, IL 60544.	Village Hall, 24401 West Lockport Street, Plainfield, IL 60544.	Aug. 18, 2017	170771
Indiana: Marion (FEMA Docket No.: B–1730)	City of Indianapolis (17–05–1432P).	The Honorable Joe Hogsett, Mayor, City of Indianapolis, 2501 City-County Building, 200 East Washington Street, Indianapolis, IN 46204.	City Hall, 1200 Madison Avenue, Suite 100, Indianapolis, IN 46225.	Sep.12, 2017	180159
Iowa: Ringgold (FEMA Docket No.: B–1726)	Unincorporated Areas of Ringgold County (17–07–0216P).	The Honorable Paul Dykstra, Chairperson, Ringgold County Board of Supervisors, County Courthouse, 109 West Madison Street, Mount Ayr, IA 50854.	Ringgold County Courthouse, 109 West Madison Street, Mount Ayr, IA 50854.	Aug. 18, 2017	190903
Kansas:					
Johnson (FEMA Docket No.: B–1730).	City of Overland Park (17–07–0741P).	The Honorable Carl Gerlach, Mayor, City of Overland Park, City Hall, 8500 Santa Fe Drive, Overland Park, KS 66212.	City Hall, 8500 Santa Fe Drive, Overland Park, KS 66212.	Sep. 5, 2017	200174
Riley (FEMA Docket No.: B–1726).	City of Ogden (16–07–1213P).	The Honorable Robert R. Pence, Jr., Mayor, City of Ogden, 222 Riley Avenue, Ogden, KS 66517.	City Hall, 222 Riley Avenue, Ogden, KS 66517.	Aug. 10, 2017	200301
Riley (FEMA Docket No.: B–1726).	Unincorporated Areas of Riley County (16–07–1213P).	Mr. Ron Wells, Chair, Riley County Commissioner, 3609 Anderson Avenue, Manhattan, KS 66503.	Riley County Office Building, 110 Courthouse Plaza, Manhattan, KS 66502.	Aug. 10, 2017	200298
Michigan:					
Kalamazoo (FEMA Docket No.: B–1726).	City of Kalamazoo (16–05–5168P).	The Honorable Bobby J. Hopewell, Mayor, City of Kalamazoo, 241 West South Street, Kalamazoo, MI 49007.	City Hall, 241 West South Street, Kalamazoo, MI 49007.	Aug. 22, 2017	260315
Macomb (FEMA Docket No.: B–1730).	Charter Township of Clinton (17–05–2484P).	Mr. Robert J. Cannon, Supervisor, Charter Township of Clinton, 40700 Romeo Plank Road, Clinton Township, MI 48038.	City Hall, 40700 Romeo Plank Road, Clinton Township, MI 48038.	Sep. 14, 2017	260121
Missouri:					
St. Louis (FEMA Docket No.: B–1726).	City of Des Peres (17–07–0868P).	The Honorable Richard G. Lahr, Mayor, City of Des Peres, 12325 Manchester Road, Des Peres, MO 63131.	City Hall, 12325 Manchester Road, Des Peres, MO 63131.	Sep. 5, 2017	290347

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
St. Louis (FEMA Docket No.: B–1730).	City of Maryland Heights (17–07–0909P).	The Honorable Michael Moeller, Mayor, City of Maryland Heights, 11911 Dorsett Road, Maryland Heights, MO 63043.	Maryland Heights Government Center, 11911 Dorsett Road, Maryland Heights, MO 63043.	Sep. 15, 2017	290889
New Jersey: Passaic (FEMA Docket No.: B–1726)	City of Paterson (17–02–0940P).	The Honorable Jose Torres, Mayor, City of Paterson, City Hall, 155 Market Street, Paterson, NJ 07505.	City Hall, 155 Market Street, Paterson, NJ 07505.	Aug. 25, 2017	340404
New York:					
Rockland (FEMA Docket No.: B–1722).	Town of Clarkstown (16–02–1162P).	Mr. George Hoehmann, Supervisor, Town of Clarkstown, 10 Maple Avenue, New City, NY 10956.	Town Hall, 10 Maple Avenue, New City, NY 10956.	Sep. 15, 2017	360679
Rockland (FEMA Docket No.: B–1722).	Village of Spring Valley (16–02–1162P).	The Honorable Demeza Delhomme, Mayor, Village of Spring Valley, 200 North Main Street, Spring Valley, NY 10977.	Building Department, 200 North Main Street, Spring Valley, NY 10977.	Sep. 15, 2017	365344
Oregon: Multnomah (FEMA Docket No.: B–1726)	City of Portland (17–10–0646X).	The Honorable Charlie Hales, Mayor, City of Portland, 1221 Southwest 4th Avenue, Room 340, Portland, OR 97204.	Bureau of Environmental Services, 1221 Southwest 4th Avenue, Room 230, Portland, OR 97204.	Aug. 24, 2017	410183
South Carolina: Spartanburg (FEMA Docket No.: B–1730)	Unincorporated Areas of Spartanburg County (17–04–2662P).	Ms. Katherine L. O'Neill, County Administrator Spartanburg County, Administration Building, 366 North Church Street, Spartanburg, SC 29303.	Spartanburg County Administration Building, 366 North Church Street, Spartanburg, SC 29303.	Sep. 19, 2017	450176
Texas: Dallas (FEMA Docket No.: B–1726)	City of Dallas (17–06–0526P).	The Honorable Michael S. Rawlings, Mayor, City of Dallas, 1500 Marilla Street, Suite 5EN, Dallas, TX 75201.	Department of Public Works, 320 East Jefferson Boulevard, Room 321, Dallas, TX 75203.	Aug. 25, 2017	480171
Wisconsin:					
Brown (FEMA Docket No.: B–1726).	Village of Bellevue (16–05–4339P).	The Honorable Steve Soukup, President, Village Board, 2828 Allouez Avenue, Bellevue, WI 54311.	Village Hall, 2828 Allouez Avenue, Bellevue, WI 54311.	Sep. 1, 2017	550627
Kenosha (FEMA Docket No.: B–1730).	Village of Pleasant Prairie (17–05–1426P).	Mr. John P. Steinbrink, Village President, Village of Pleasant Prairie, Village Hall, 9915 39th Avenue, Pleasant Prairie, WI 53158.	Village Hall, 9915 39th Avenue, Pleasant Prairie, WI 53158.	Sep. 12, 2017	550613
Waukesha (FEMA Docket No.: B–1730).	Village of Sussex (17–05–0249P).	Mr. Jeremy Smith, Village Administrator, Village of Sussex, N64W23760 Main Street, Sussex, WI 53089.	Village Hall, N64W23760 Main Street, Sussex, WI 53089.	Aug. 25, 2017	550490

[FR Doc. 2017–26332 Filed 12–6–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4340–DR; Docket ID FEMA–2017–0001]

Virgin Islands; Amendment No. 4 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the territory of the U.S. Virgin Islands (FEMA–4340–DR), dated September 20, 2017, and related determinations.

DATES: This amendment was issued November 22, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective September 22, 2017.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–26335 Filed 12–6–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4348–DR; Docket ID FEMA–2017–0001]

New York; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of New York (FEMA–4348–DR), dated November 14, 2017, and related determinations.

DATES: The declaration was issued November 14, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated November 14, 2017, the President issued a major disaster declaration

under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of New York resulting from flooding during the period of May 2 to August 6, 2017, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of New York.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs. Federal funds provided under the Stafford Act for Public Assistance also will be limited to 75 percent of the total eligible costs, with the exception of projects that meet the eligibility criteria for a higher Federal cost-sharing percentage under the Public Assistance Alternative Procedures Pilot Program for Debris Removal implemented pursuant to section 428 of the Stafford Act.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Seamus K. Leary, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of New York have been designated as adversely affected by this major disaster:

Jefferson, Niagara, Orleans, Oswego, St. Lawrence, and Wayne Counties for Public Assistance.

All areas within the State of New York are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–26336 Filed 12–6–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4347–DR; Docket ID FEMA–2017–0001]

Kansas; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Kansas (FEMA–4347–DR), dated November 7, 2017, and related determinations.

DATES: The change occurred on November 20, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Constance C. Johnson-Cage, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Michael R. Scott as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–26345 Filed 12–6–17; 8:45 am]

BILLING CODE 9111– 23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0002; Internal Agency Docket No. FEMA–B–1753]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before March 7, 2018.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location *https://www.fema.gov/preliminaryfloodhazarddata* and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are

accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–1753, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov*.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html*.

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://www.floodsrp.org/pdfs/srp_overview.pdf*.

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location *https://www.fema.gov/preliminaryfloodhazarddata* and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: November 2, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Boulder County, Colorado and Incorporated Areas	
Project: 15–08–1362S Preliminary Date: February 16, 2017	
City of Lafayette	City Hall, 1290 South Public Road, Lafayette, CO 80026.
City of Louisville	City Hall, 749 Main Street, Louisville, CO 80027.
Town of Erie	Town Hall, 645 Holbrook Street, Erie, CO 80516.
Town of Superior	Town Hall, 124 East Coal Creek Drive, Superior, CO 80027.
Unincorporated Areas of Boulder County	Boulder County Transportation Department, 2525 13th Street, Suite 203, Boulder, CO 80304.
City and County of Broomfield, Colorado	
Project: 15–08–1362S Preliminary Date: February 16, 2017	
City and County of Broomfield	City Hall, Engineering Department, 1 DesCombes Drive, Broomfield, CO 80020.
Floyd County, Georgia and Incorporated Areas	
Project: 13–04–8403S Preliminary Date: February 14, 2017	
City of Rome	City Hall, 601 Broad Street, Rome, GA 30161.
Unincorporated Areas of Floyd County	Historic Floyd County Courthouse, 4 Government Plaza, Rome, GA 30161.
Forsyth County, Georgia and Incorporated Areas	
Project: 13–04–8403S Preliminary Date: February 14, 2017	
Unincorporated Areas of Forsyth County	Forsyth County Administrative Building, 110 East Main Street, Suite 120, Cumming, GA 30040.

Community	Community map repository address
Paulding County, Georgia and Incorporated Areas	
Project: 13–04–8403S Preliminary Date: February 14, 2017	
City of Dallas	City Hall, 129 East Memorial Drive, Dallas, GA 30132.
Unincorporated Areas of Paulding County	Paulding County Development Division, 240 Constitution Boulevard, Dallas, GA 30132.
Polk County, Georgia and Incorporated Areas	
Project: 13–04–8403S Preliminary Date: February 14, 2017 and June 15, 2017	
City of Rockmart	City Hall, 316 North Piedmont Avenue, Building 100, Rockmart, GA 30153.
Unincorporated Areas Polk County	Polk County Building Inspection Department, 144 West Avenue, Suite C, Cedartown, GA 30125.
Missoula County, Montana and Incorporated Areas	
Project: 15–08–1417S Preliminary Date: March 30, 2017	
Unincorporated Areas of Missoula County	Missoula County Community and Planning Services Department, 323 West Alder Street, Missoula, MT 59802.
Richland County, Montana and Incorporated Areas	
Project: 17–08–0127S Preliminary Date: February 22, 2017	
Unincorporated Areas of Richland County	Richland County Courthouse, 201 West Main Street, Sidney, MT 59270.
Austin County, Texas and Incorporated Areas	
Project: 14–06–1382S Preliminary Date: January 30, 2017	
City of Bellville	City Hall, 30 South Holland Street, Bellville, TX 77418.
City of Industry	City Hall, 725 Main Street, Industry, TX 78944.
City of Sealy	Planning and Public Works Building, 405 Main Street, Sealy, TX 77474.
Town of San Felipe	Town Hall, 927 6th Street, San Felipe, TX 77473.
Unincorporated Areas of Austin County	Austin County Courthouse, 1 East Main Street, Bellville, TX 77418.
Fort Bend County, Texas and Incorporated Areas	
Project: 14–06–1382S Preliminary Date: January 30, 2017	
City of Fulshear	City Hall, 30603 FM 1093, Fulshear, TX 77441.
City of Simonton	City Hall, 35011 FM 1093, Simonton, TX 77476.
City of Weston Lakes	Simonton City Hall, 35011 FM 1093, Simonton, TX 77476.
Unincorporated Areas of Fort Bend County	Fort Bend County Drainage District, 1124 Blume Road, Rosenberg, TX 77471.
Village of Fairchilds	Fairchild Volunteer Fire Department, 8713 Fairchild Road, Richmond, TX 77469.
Village of Pleak	Pleak Village Hall, 6621 FM 2218 South, Richmond, TX 77469.
Fort Bend County, Texas and Incorporated Areas	
Project: 14–06–1988S Preliminary Date: January 30, 2017	
City of Houston	Public Works and Engineering Department, Houston Permitting Center, 1002 Washington Avenue, 3rd Floor, Houston, TX 77002.
Unincorporated Areas of Fort Bend County	Fort Bend County Drainage District, 1124 Blume Road, Rosenberg, TX 77471.
Harris County, Texas and Incorporated Areas	
Project: 14–06–1988S Preliminary Date: January 30, 2017	
City of Houston	Public Works and Engineering Department, Houston Permitting Center, 1002 Washington Avenue, 3rd Floor, Houston, TX 77002.
City of Missouri City	City Hall, 1522 Texas Parkway, Missouri City, TX 77489.
City of South Houston	City Hall, 1018 Dallas Street, South Houston, TX 77587.
Unincorporated Areas of Harris County	Harris County Engineering Department, Permit Division, 10555 Northwest Freeway, Suite 120, Houston, TX 77092.

Community	Community map repository address
Waller County, Texas and Incorporated Areas	
Project: 14–06–1382S Preliminary Date: January 30, 2017	
City of Hempstead	City Hall, 1125 Austin Street, Hempstead, TX 77445.
City of Prairie View	City Hall, 44500 Business Highway 290, Prairie View, TX 77446.
Unincorporated Areas of Waller County	Waller County Courthouse, 836 Austin Street, Hempstead, TX 77445.
Washington County, Texas and Incorporated Areas	
Project: 14–06–1382S Preliminary Date: January 30, 2017	
Unincorporated Areas of Washington County	Washington County Courthouse Annex, 105 West Main Street, Suite 100, Brenham, TX 77833.

[FR Doc. 2017–26341 Filed 12–6–17; 8:45 am]
BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0002; Internal Agency Docket No. FEMA–B–1759]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before March 7, 2018.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location *https://www.fema.gov/preliminaryfloodhazarddata* and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–1759, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://www.floodsrp.org/pdfs/srp_overview.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location *https://www.fema.gov/preliminaryfloodhazarddata* and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by

the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: November 2, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
Ketchikan Gateway Borough, Alaska and the Cities of Ketchikan and Saxman	
Project: 14–10–0603S Preliminary Date: May 5, 2017	
Ketchikan Gateway Borough	Ketchikan Gateway Borough, Planning and Community Development Office, 1900 1st Avenue, Suite 126, Ketchikan, AK 99901.
Montgomery County, Kansas and Incorporated Areas	
Project: 15–07–2323S Preliminary Date: January 31, 2017	
City of Caney	City Hall, 100 West 4th Aveune, Caney, KS 67333.
City of Cherryvale	City Hall, 123 West Main Street, Cherryvale, KS 67335.
City of Coffeyville	Engineering Department, 102 West 7th Street, Coffeyville, KS 67337.
City of Dearing	City Clerk's Office, 306 South Independence Avenue, Dearing, KS 67340.
City of Elk City	City Hall, 114 North Montgomery Avenue, Elk City, KS 67344.
City of Havana	Montgomery County Judicial Center, 300 East Main Street, Lower Level, Independence, KS 67301.
City of Independence	Montgomery County Judicial Center, 300 East Main Street, Lower Level, Independence, KS 67301.
City of Liberty	Montgomery County Judicial Center, 300 East Main Street, Lower Level, Independence, KS 67301.
City of Tyro	City of Tyro Clerk's Office, 1655 County Road 2700, Caney, KS 67333.
Unincorporated Areas of Montgomery County	Montgomery County Judicial Center, 300 East Main Street, Lower Level, Independence, KS 67301.
Ste. Genevieve County, Missouri and Incorporated Areas	
Project: 15–07–0334S Preliminary Date: January 23, 2017	
City of Bloomsdale	City Hall, 80 Mill Hill Road, Bloomsdale, MO 63627.
City of Ste. Genevieve	City Hall, 165 South 4th Street, Ste. Genevieve, MO 63670.
City of St. Mary	City Hall, 782 3rd Street, St. Mary, MO 63673.
Unincorporated Areas of Ste. Genevieve County	Ste. Genevieve County Courthouse, 55 South 3rd Street, Ste. Genevieve, MO 63670.
Marion County, Oregon and Incorporated Areas	
Project: 17–10–0516S Preliminary Date: February 14, 2017	
City of Salem	City Hall, 555 Liberty Street Southeast, Room 325, Salem, OR 97301.
City of Turner	City Hall, 5255 Chicago Street Southeast, Turner, OR 97392.
Unincorporated Areas of Marion County	555 Court Street Northeast, Salem, OR 97301.

[FR Doc. 2017–26340 Filed 12–6–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2017–0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final notice.

SUMMARY: New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities. The flood hazard determinations modified by each LOMR will be used to calculate flood insurance premium rates for new buildings and their contents.

DATES: Each LOMR was finalized as in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *https://msc.fema.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW., Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Map Information eXchange

(FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard information is the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

This new or modified flood hazard information, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

This new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings, and for the contents in those buildings. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *https://msc.fema.gov.*

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Dated: November 2, 2017.

Roy E. Wright,

Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Alabama:					
Etowah (FEMA Docket No.: B–1735).	City of Gadsden (16–04–6644P).	The Honorable Sherman Guyton, Mayor, City of Gadsden, P.O. Box 267, Gadsden, AL 35902.	City Hall, 90 Broad Street, Gadsden, AL 35901.	Oct. 06, 2017	010080
Morgan (FEMA Docket No.: B–1735).	City of Hartselle (16–04–8327P).	The Honorable Randy Garrison, Mayor, City of Hartselle, 200 Sparkman Street Northwest, Hartselle, AL 35640.	City Hall, 200 Sparkman Street Northwest, Hartselle, AL 35640.	Sep. 21, 2017	010178
Washington (FEMA Docket No.: B–1735).	Unincorporated areas of Washington County (17–04–3238P).	The Honorable Allen Bailey, Chairman, Washington County Board of Commissioners, P.O. Box 146, Chatom, AL 36518.	Engineering Department, 45 Court Street, Chatom, AL 36518.	Sep. 25, 2017	010302
Colorado:					
Adams (FEMA Docket No.: B–1735).	Unincorporated areas of Adams County (17–08–0045P).	The Honorable Eva J. Henry, Chair, Adams County Board of Commissioners, 4430 South Adams County Parkway, 5th Floor, Suite C5000A, Brighton, CO 80601.	Adams County Community and Economic Development Department, 4430 South Adams County Parkway, 1st Floor, Suite W2000, Brighton, CO 80601.	Sep. 22, 2017	080001
Arapahoe (FEMA Docket No.: B–1735).	City of Centennial (17–08–0306P).	The Honorable Cathy Noon, Mayor, City of Centennial, 13133 East Arapahoe Road, Centennial, CO 80112.	Public Works Department, 13133 East Arapahoe Road, Centennial, CO 80112.	Oct. 6, 2017	080315
Boulder (FEMA Docket No.: B–1733).	Town of Superior (17–08–0088P).	The Honorable Clint Folsom, Mayor, Town of Superior, 124 East Coal Creek Drive, Superior, CO 80027.	Town Hall, 124 East Coal Creek Drive, Superior, CO 80027.	Sep. 28, 2017	080203
Denver (FEMA Docket No.: B–1733).	City and County of Denver (17–08–0542P).	The Honorable Michael Hancock, Mayor, City and County of Denver, 1437 Bannock Street, Room 350, Denver, CO 80202.	Department of Public Works, 201 West Colfax Avenue, Denver, CO 80202.	Sep. 29, 2017	080046
Gilpin (FEMA Docket No.: B–1735).	City of Black Hawk (17–08–0165P).	The Honorable David Spellman, Mayor, City of Black Hawk, P.O. Box 17, Black Hawk, CO 80422.	Planning and Development Department, 211 Church Street, Black Hawk, CO 80422.	Oct. 6, 2017	080076
Jefferson (FEMA Docket No.: B–1735).	City of Arvada (17–08–0045P).	The Honorable Marc Williams, Mayor, City of Arvada, 8101 Ralston Road, P.O. Box 8101, Arvada, CO 80001.	Engineering Department, 8101 Ralston Road, Arvada, CO 80001.	Sep. 22, 2017	085072
Jefferson (FEMA Docket No.: B–1735).	Unincorporated areas of Jefferson County (17–08–0045P).	The Honorable Libby Szabo, Chair, Jefferson County Board of Commissioners, 100 Jefferson County Parkway, Golden, CO 80419.	Jefferson County Planning and Zoning Department, 100 Jefferson County Parkway, Golden, CO 80419.	Sep. 22, 2017	080087
Connecticut:					
New London (FEMA Docket No.: B–1733).	Town of Groton (17–01–0859P).	Mr. Mark R. Oefinger, Manager, Town of Groton, 45 Fort Hill Road, Groton, CT 06340.	Town Hall, 45 Fort Hill Road, Groton, CT 06340.	Sep. 15, 2017	090097
New London (FEMA Docket No.: B–1733).	Town of Ledyard (17–01–0859P).	The Honorable Fred Allyn III, Mayor, Town of Ledyard, 741 Colonel Ledyard Highway, Ledyard, CT 06339.	Town Hall, 741 Colonel Ledyard Highway, Ledyard, CT 06339.	Sep. 15, 2017	090157
Florida:					

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Bay (FEMA Docket No.: B–1735).	Unincorporated areas of Bay County (17–04–2939P).	The Honorable William T. Dozier, Chairman, Bay County Board of Commissioners, 840 West 11th Street, Panama City, FL 32401.	Bay County Planning and Zoning Department, 840 West 11th Street, Panama City, FL 32401.	Sep. 20, 2017	120004
Maryland:					
Montgomery (FEMA Docket No.: B–1733).	City of Rockville (17–03–0445P).	Mr. Robert DiSpirito, Manager, City of Rockville, 111 Maryland Avenue, Rockville, MD 20850.	Department of Public Works, 111 Maryland Avenue, Rockville, MD 20850.	Sep. 22, 2017	240051
Massachusetts:					
Worcester (FEMA Docket No.: B–1733).	Town of Northbridge (16–01–2019P).	The Honorable James R. Marzec, Chairman, Town of Northbridge Board of Selectmen, 7 Main Street, Whitinsville, MA 01588.	Town Hall, 7 Main Street, Whitinsville, MA 01588.	Sep. 20, 2017	250322
Worcester (FEMA Docket No.: B–1733).	Town of Sutton (16–01–2019P).	The Honorable John L. Hebert, Chairman, Town of Sutton Board of Selectmen, 4 Uxbridge Road, Sutton, MA 01590.	Town Hall, 4 Uxbridge Road, Sutton, MA 01590.	Sep. 20, 2017	250338
North Carolina:					
Onslow (FEMA Docket No.: B–1733).	Town of North Topsail Beach (17–04–2762P).	The Honorable Fred J. Burns, Mayor, Town of North Topsail Beach, 2008 Loggerhead Court, North Topsail Beach, NC 28460.	Planning Department, 2008 Loggerhead Court, North Topsail Beach, NC 28460.	Oct. 6, 2017	370466
Person (FEMA Docket No.: B–1740).	Unincorporated Areas of Person County (17–04–0451P).	The Honorable Tracey L. Kendrick, Chairman, Person County Board of Commissioners, 304 South Morgan Street, Roxboro, NC 27573.	Person County Planning and Zoning Department, 325 South Morgan Street, Roxboro, NC 27573.	Sep. 28, 2017	370346
Pitt (FEMA Docket No.: B–1733).	City of Greenville (17–04–3225P).	The Honorable Kandie D. Smith, Mayor, City of Greenville, P.O. Box 7207, Greenville, NC 27835.	City Hall, 200 West 5th Street, Greenville, NC 27834.	Oct. 2, 2017	370191
Wake (FEMA Docket No.: B–1733).	Town of Apex (17–04–3427P).	The Honorable Lance Olive, Mayor, Town of Apex, P.O. Box 250, Apex, NC 27502.	Engineering Department, 73 Hunter Street, Apex, NC 27502.	Oct. 2, 2017	370467
North Dakota:					
Morton (FEMA Docket No.: B–1735).	City of Mandan (17–08–0166P).	The Honorable Tim Helbling, Mayor, City of Mandan, 203 2nd Avenue Northwest, Mandan, ND 58554.	City Hall, 203 2nd Avenue Northwest, Mandan, ND 58554.	Sep. 18, 2017	380072
Oklahoma:					
Oklahoma (FEMA Docket No.: B–1735).	City of Midwest City (17–06–0756P).	The Honorable Matthew Dukes, Mayor, City of Midwest City, 100 North Midwest Boulevard, Midwest City, OK 73110.	Engineering Department, 100 North Midwest Boulevard, Midwest City, OK 73110.	Oct. 16, 2017	400405
Tulsa (FEMA Docket No.: B–1727).	City of Tulsa (17-06-0933P).	The Honorable G.T. Bynum, Mayor, City of Tulsa, 175 East 2nd Street, Tulsa, OK 74103.	Engineering Services Department, 2317 South Jackson Avenue, Tulsa, OK 74107.	Sep. 11, 2017	405381
Pennsylvania:					
Allegheny (FEMA Docket No.: B–1735).	Township of North Fayette (16–03–2516P).	The Honorable James Morosetti, Chairman, Township of North Fayette Board of Supervisors, 400 North Branch Road, Oakdale, PA 15071.	Community Development Department, 400 North Branch Road, Oakdale, PA 15071.	Sep. 11, 2017	421085
Chester (FEMA Docket No.: B–1733).	Township of West Pikeland (17–03–0003P).	Mr. Jim Wendelgass, Manager, Township of West Pikeland, 1645 Art School Road, Chester Springs, PA 19425.	Township Building, 1645 Art School Road, Chester Springs, PA 19425..	Oct. 4, 2017	421151
Chester (FEMA Docket No.: B–1725).	Township of West Whiteland (16–03–1541P).	Ms. Mimi Gleason, Manager, Township of West Whiteland, 101 Commerce Drive, Exton, PA 19341.	Township Hall, 101 Commerce Drive, Exton, PA 19341.	Oct. 2, 2017	420295
South Dakota:					
Union (FEMA Docket No.: B–1733).	Unincorporated areas of Union County (16–08–0762P).	The Honorable Milton Ustad, Chairman, Union County Board of Commissioners, 209 East Main Street, Elk Point, SD 57025.	Union County Planning and Zoning Department, 209 East Main Street, Elk Point, SD 57025.	Sep. 29, 2017	460242
Texas:					
Bexar (FEMA Docket No.: B–1733).	City of Converse (17–06–1168P).	The Honorable Al Suarez, Mayor, City of Converse, 403 South Seguin Road, Converse, TX 78109.	City Hall, 403 South Seguin Road, Converse, TX 78109.	Oct. 2, 2017	480038
Bexar (FEMA Docket No.: B–1727).	City of Fair Oaks Ranch (16-06-3504P).	The Honorable Garry Manitzas, Mayor, City of Fair Oaks Ranch, 7286 Dietz Elkhorn Road, Fair Oaks Ranch, TX 78015.	Public Works Department, 7286 Dietz Elkhorn Road, Fair Oaks Ranch, TX 78015.	Aug. 28, 2017	481644
Bexar (FEMA Docket No.: B–1735).	City of San Antonio (16–06–2628P).	The Honorable Ivy R. Taylor, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	Transportation and Capital Improvements Department, Storm Water Division, 1901 South Alamo Street, 2nd Floor, San Antonio, TX 78204.	Sep. 21, 2017	480045
Bexar (FEMA Docket No.: B–1733).	City of San Antonio (16-06-4428P).	The Honorable Ivy R. Taylor, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	Transportation and Capital Improvements Department, Storm Water Division, 1901 South Alamo Street, 2nd Floor, San Antonio, TX 78204.	Oct. 2, 2017	480045

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Bexar (FEMA Docket No.: B–1735).	City of San Antonio (17–06–1346P).	The Honorable Ivy R. Taylor, Mayor, City of San Antonio, P.O. Box 839966, San Antonio, TX 78283.	Transportation and Capital Improvements Department, Storm Water Division, 1901 South Alamo Street, 2nd Floor, San Antonio, TX 78204.	Sep. 29, 2017	480045
Collin (FEMA Docket No.: B–1733).	City of McKinney (17–06–0438P).	The Honorable Brian Loughmiller, Mayor, City of McKinney, P.O. Box 517, McKinney, TX 75070.	Engineering Department, 221 North Tennessee Street, McKinney, TX 75069.	Oct. 2, 2017	480135
Collin (FEMA Docket No.: B–1733).	Unincorporated areas of Collin County (17–06–0438P).	The Honorable Keith Self, Collin County Judge, 2300 Bloomdale Road, Suite 4192, McKinney, TX 75071.	Collin County Engineering Department, 4690 Community Avenue, Suite 200, McKinney, TX 75071.	Oct. 2, 2017	480130
Dallas (FEMA Docket No.: B–1727).	City of Irving (16-06-4337P).	The Honorable Beth Van Duyne, Mayor, City of Irving, 825 West Irving Boulevard, Irving, TX 75060.	Capital Improvement Program Department, Engineering Section, 825 West Irving Boulevard, Irving, TX 75060.	Sep. 11, 2017	480180
Dallas (FEMA Docket No.: B–1733).	City of Lancaster (17–06–2357P).	The Honorable Marcus E. Knight, Mayor, City of Lancaster, P.O. Box 940, Lancaster, TX 75146.	City Hall, 700 East Main Street, Lancaster, TX 75146.	Sep. 21, 2017	480182
Dallas and Tarrant (FEMA Docket No.: B–1735).	City of Grapevine (17–06–1387P).	The Honorable William D. Tate, Mayor, City of Grapevine, P. O. Box 95104, Grapevine, TX 76099.	City Hall, 200 South Main Street, Grapevine, TX 76051.	Sep. 14, 2017	480598
Denton (FEMA Docket No.: B–1735).	City of The Colony (17–06–0854P).	The Honorable Joe McCourry, Mayor, City of The Colony, 6800 Main Street, The Colony, TX 75056.	City Hall, 6800 Main Street, The Colony, TX 75056.	Sep. 11, 2017	481581
Ellis (FEMA Docket No.: B–1733).	City of Midlothian (16–06–3253P).	The Honorable Bill Houston, Mayor, City of Midlothian, 104 West Avenue E, Midlothian, TX 76065.	Engineering Department, 104 West Avenue E, Midlothian, TX 76065.	Sep. 28, 2017	480801
Kendall (FEMA Docket No.: B–1727).	Unincorporated areas of Kendall County (16-06-3504P).	The Honorable Darrel L. Lux, Kendall County Judge, 201 East San Antonio Avenue, Suite 122, Boerne, TX 78006.	Kendall County Engineering Department, 201 East San Antonio Avenue, Suite 101, Boerne, TX 78006.	Aug. 28, 2017	480417
Tarrant (FEMA Docket No.: B–1735).	Town of Flower Mound (17–06–1387P).	The Honorable Thomas Hayden, Mayor, Town of Flower Mound, 2121 Cross Timbers Road, Flower Mound, TX 75028.	Engineering Department, 2121 Cross Timbers Road, Flower Mound, TX 75028.	Sep. 14, 2017	480777
Travis (FEMA Docket No.: B–1735).	City of Austin (16–06–3748P).	The Honorable Steve Adler, Mayor, City of Austin, P.O. Box 1088, Austin, TX 78767.	1 Texas Center, 505 Barton Springs Road, 12th Floor, Austin, TX 78703.	Sep. 11, 2017	480624
Travis (FEMA Docket No.: B–1733).	City of Austin (17–06–0072P).	The Honorable Steve Adler, Mayor, City of Austin, P.O. Box 1088, Austin, TX 78767.	Watershed Protection Department, 505 Barton Springs Road, Austin, TX 78704.	Sep. 18, 2017	480624
Travis (FEMA Docket No.: B–1733).	Unincorporated areas of Travis County (17–06–0072P).	The Honorable Sarah Eckhardt, Travis County Judge, P.O. Box 1748, Austin, TX 78767.	Transportation and Natural Resources Department, 700 Lavaca Street, Suite 540, Austin, TX 78701.	Sep. 18, 2017	481026
Utah:					
Kane (FEMA Docket No.: B–1733).	Unincorporated areas of Kane County (17–08–0684P).	The Honorable Dirk Clayson, Chairman, Kane County Commission, 76 North Main Street, Kanab, UT 84741.	Kane County Courthouse, 76 North Main Street, Kanab, UT 84741.	Sep. 22, 2017	490083
Salt Lake (FEMA Docket No.: B–1733).	City of Draper (17–08–0291P).	The Honorable Troy K. Walker, Mayor, City of Draper, 1020 East Pioneer Road, Draper, UT 84020.	City Hall, 1020 East Pioneer Road, Draper, UT 84020.	Oct. 2, 2017	490244
Virginia:					
Loudoun (FEMA Docket No.: B–1733).	Unincorporated areas of Loudoun County (17–03–1055P).	The Honorable Phyllis J. Randall, Chair, Loudoun County Board of Supervisors, P.O. Box 7000, Leesburg, VA 20177.	Loudoun County Department of Building and Development, 1 Harrison Street, Leesburg, VA 20177.	Oct. 6, 2017	510099
Prince William (FEMA Docket No.: B–1735).	Unincorporated areas of Prince William County (17–03–0300P).	Mr. Christopher E. Martino, Prince William County Executive, 1 County Complex Court, Woodbridge, VA 22192.	Prince William County Department of Public Works, 5 County Complex Court, Woodbridge, VA 22192.	Sep. 21, 2017	510119

[FR Doc. 2017–26367 Filed 12–6–17; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0125]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Customer Profile Management System-IDENTity Verification Tool (CPMS–IVT)

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until January 8, 2018. This process is conducted in accordance with 5 CFR 1320.10.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be directed to the OMB USCIS Desk Officer via email at *dhsdeskofficer@omb.eop.gov.* All submissions received must include the agency name and the OMB Control Number [1615–0125] in the subject line.

You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make. For additional information please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

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

The information collection notice was previously published in the **Federal Register** on September 15, 2017, at 82 FR 43398, allowing for a 60-day public comment period. USCIS did receive one comment in connection with the 60-day notice.

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–2011–0008 in the search box. 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 Request:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Customer Profile Management System-IDENTity Verification Tool (CPMS–IVT).

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* M–1061; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Individuals or households. Respondents subject to this information collection are all individuals who are appearing at a USCIS District/Field Office for a required interview in connection with their request for an immigration or naturalization benefit, or in order to receive evidence of an immigration benefit such as a temporary travel document, parole authorization, temporary extension of a I–90, or temporary I–551 stamp in a passport or on a Form I–94 evidencing lawful permanent residence.

Respondents will be required to have their photograph and fingerprints taken at the USCIS District/Field Office to be inputted into the Customer Profile Management System-IDENTity Verification Tool (CPMS–IVT). The only U.S. citizen respondents subject to enrollment in CPMS–IVT are petitioners filing orphan or adoption petitions (Forms I–600/600A) and U.S. citizen petitioners of family-based petitions required to appear at an ASC for biometric capture for purposes of complying with the Adam Walsh Child Protection and Safety Act of 1996, Public Law 109–248.

Use of CPMS–IVT will apply for in-person appearances at a USCIS District/Field Office related to the following applications, petitions, or requests: I–90 (1615–0082) Application to Replace Permanent Resident Card, I–130 (1615–0012) Petition for Alien Relative, I–131 (1615–0013) Application for Travel Document, I–485 (1615–0023) Application to Register Permanent Residence or Adjust Status, I–600 (1615–0028) Petition to Classify Orphan as an Immediate Relative, I–600A (1615–0028) Application for Advance Processing of Orphan Petition, I–687 (1615–0090), Application for Status as a Temporary Resident Under Section 245A of the Immigration and Nationality Act, I–698 (1615–0035) Application to Adjust Status from Temporary to Permanent Resident (Under Section 245A of Pub. L. 99–603), I–751 (1615–0038) Petition to Remove the Conditions of Residence, I–821D (1615–0124) Consideration of Deferred Action for Childhood Arrivals, I–829 (1615–0045) Petition by Entrepreneur to Remove Conditions, N–400 (1615–0052) Application for Naturalization.

(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 M–1061 is 1,644,385 and the estimated hour burden per response is .083 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 is 272,968 hours.

(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 cost burden associated with this collection of information is captured as a part of the forms that require this activity to take place.

Dated: November 29, 2017.

Samantha Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2017–26311 Filed 12–6–17; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R4–ES–2017–N145; FXES11130400000EA–123–FF04EF1000]

Endangered and Threatened Wildlife and Plants; Availability of a Proposed Amendment to a Low-Effect Habitat Conservation Plan for the Florida Scrub-Jay, Manatee and Hardee Counties, FL

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the Fish and Wildlife Service (Service), have received an application from Mosaic Fertilizer, LLC (Applicant) for amendment of incidental take permit (ITP) number TE236128–1 under the Endangered Species Act of 1973, as amended, in Manatee and Hardee Counties, Florida. We request public comments on the application and accompanying proposed amended habitat conservation plan (HCP) as well as on our preliminary determination that the plan qualifies as low-effect under the National Environmental Policy Act (NEPA). To make this determination, we used our environmental action statement and low-effect screening form, which are also available for review.

DATES: To ensure consideration, please send your written comments by January 8, 2018.

ADDRESSES: You may submit written comments or request copies of the application, HCP, environmental action statement, or low-effect screening form, by any one of the following methods:

Email: northflorida@fws.gov. Use ''Attn: Permit number TE236128–2'' as your subject line.

Fax: Field Supervisor, (904) 731–3191, Attn: Permit number TE236128–2.

U.S. Mail: Field Supervisor, Jacksonville Ecological Services Field Office, Attn: Permit number TE236128–2, U.S. Fish and Wildlife Service, 7915 Baymeadows Way, Suite 200, Jacksonville, FL 32256.

In-person: You may deliver comments during regular business hours at the office address listed above under *U.S. Mail* or inspect the application, HCP, environmental action statement, or low-effect screening form by appointment during normal business hours at the same address.

FOR FURTHER INFORMATION CONTACT: Erin M. Gawera, telephone: (904) 731–3121; email: *erin_gawera@fws.gov.*

SUPPLEMENTARY INFORMATION:

Background

Section 9 of the ESA and our implementing Federal regulations in the Code of Federal Regulations (CFR) at 50 CFR part 17 prohibit the ''take'' of fish or wildlife species listed as endangered or threatened. Take of listed fish or wildlife is defined under the ESA as ''to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct'' (16 U.S.C. 1532(19)). However, under limited circumstances, we issue permits to authorize incidental take—*i.e.,* take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity.

Regulations governing incidental take permits for endangered and threatened species are at 50 CFR 17.22 and 17.32, respectively. The ESA's take prohibitions do not apply to federally listed plants on private lands unless such take would violate State law. In addition to meeting other criteria, an incidental take permit's proposed actions must not jeopardize the existence of federally listed fish, wildlife, or plants.

Applicant's Proposal

Mosaic Fertilizer, LLC, is requesting amendment to existing incidental take permit number TE236128–1, which was issued on May 18, 2012, and made available via the **Federal Register** on February 28, 2012 (77 FR 12074). Permit number TE236128–1 authorized the take of approximately 75 acres (ac) of occupied Florida scrub-jay (*Aphelocoma coerulescens*) habitat incidental to land clearing and phosphate mining and of no more than three eastern indigo snakes (*Drymarchon corais couperi*) within each 5-year period throughout the 41-year-long duration of the permit within the 4,345-ac project area located on parcel #45400059, within sections 13, 22–27, and 34, Township 34 South, Range 22 East, Manatee County, Florida. The requested amendment is to expand the area in which eastern indigo snakes may be incidentally taken to include an additional 900 acres located in sections 17, 18, 19, 20, 29, and 30 of Township 34 South, Range 23 East, in western Hardee County adjacent to the Manatee County parcel. No increase in the amount of take for the eastern indigo snake or the Florida scrub-jay has been requested. The HCP describes the measures the Applicant proposes to undertake to mitigate and minimize the effects of the project on the threatened Florida scrub-jay and threatened eastern indigo snake.

Our Preliminary Determination

We have determined that the Applicant's proposal, including the proposed mitigation and minimization measures, would have minor or negligible effects on the species covered in the HCP. Therefore, we have determined that the ITP for this project would be ''low effect'' and qualify as a categorically excluded under NEPA, as provided by 43 CFR 46.205 and 46.210. A low-effect HCP is one involving (1) minor or negligible effects on federally listed or candidate species and their habitats, and (2) minor or negligible effects on other environmental values or resources.

Next Steps

We will evaluate the HCP and comments we receive to determine whether the ITP application meets the requirements of section 10(a) of the ESA. We will also evaluate whether issuance of the ITP complies with section 7 of the ESA by conducting an intra-Service consultation. We will use the results of this consultation, in combination with the above findings, in our final analysis to determine whether or not to issue the amended ITP. If the requirements are met, we will issue ITP number TE236128–2 to the applicant.

Public Comments

If you wish to comment on the permit application, HCP, or associated documents, you may submit comments by any one of the methods listed above in **ADDRESSES**.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment

to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: We provide this notice under section 10 of the ESA and NEPA regulation 40 CFR 1506.6.

Jay B. Herrington,

Field Supervisor, Jacksonville Field Office, Southeast Region.

[FR Doc. 2017–26360 Filed 12–6–17; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCOS09000–L16100000–DR0000–18X]

Notice of Resource Advisory Council Meetings for the Dominguez-Escalante National Conservation Area Advisory Council, Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meetings.

SUMMARY: In accordance with the Federal Land Policy and Management Act of 1976 and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management (BLM) Dominguez-Escalante National Conservation Area (NCA) Advisory Council (Council) will meet as indicated below.

DATES: The meetings will be held on December 20, 2017, from 3:00 p.m. to 6:00 p.m. and January 8, 2018, from 3:00 p.m. to 5:00 p.m. Any adjustments to these meetings will be advertised on the Dominguez-Escalante NCA Resource Management Plan (RMP) Web site: *http://1.usa.gov/1qKkMVi.*

ADDRESSES: The meetings will be held on December 20, 2017, at the Mesa County Central Services Building, 200 S. Spruce St., Room 40, Grand Junction, CO 81501 and on January 8, 2018, at the Bill Heddles Recreation Center, 530 Gunnison River Drive, Delta, CO 81416.

FOR FURTHER INFORMATION CONTACT: Collin Ewing, Advisory Council Designated Federal Official, 2815 H Road, Grand Junction, CO 81506. Phone: (970) 244–3049. Email: *cewing@blm.gov.* Persons who use a telecommunications device for the deaf may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, seven days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The 10-member Council advises the Secretary of the Interior, through the BLM, on a variety of planning and management issues associated with the resource management plan (RMP) process for the Dominguez-Escalante NCA and Dominguez Canyon Wilderness. Topics of discussion during the meeting may include presentations from BLM staff on implementation of the approved RMP and travel management plan.

These meetings are open to the public. At the December 20, 2017, meeting there will be public comment periods from 4:15 p.m. to 4:30 p.m. and from 5:30 p.m. to 5:45 p.m. At the January 8, 2018, meeting there will be a public comment period from 4:00 p.m. to 4:15 p.m. The public may present written comments to the Council at the meeting. 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.

Depending on the number of persons wishing to comment and time available, the time for individual oral comments may be limited at the discretion of the chair.

Gregory P. Shoop,

Acting BLM Colorado State Director.

[FR Doc. 2017–26396 Filed 12–6–17; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLORV00000. L10200000. DF0000. LXSSH1050000.18X.HAG 18–0031]

Notice of Public Meetings for the Southeast Oregon Resource Advisory Council's Lands With Wilderness Characteristics Subcommittee

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Public Meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act of 1976 and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management (BLM), Southeast Oregon Resource Advisory Council (RAC) Lands with Wilderness Characteristics (LWC) Subcommittee will meet as indicated below.

DATES: The Southeast Oregon RAC's LWCSubcommittee will meet via teleconference Wednesday, December 20, 2017, from 1 p.m. to 4 p.m. Mountain Time. There will be a public comment period from 3:15 p.m. to 3:45 p.m.

ADDRESSES: The LWC subcommittee meeting will be held via teleconference. The telephone conference line number for the meeting is 1–866–524–6456, Participant Code: 608605#.

FOR FURTHER INFORMATION CONTACT: Larisa Bogardus, Public Affairs Officer, 1301 S G Street, Lakeview, Oregon 97630; 541–947–6237; *lbogardus@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The 15-member Southeast Oregon RAC was chartered and appointed by the Secretary of the Interior. The RAC members' diverse perspectives are represented in commodity, conservation, and general interests. They provide advice to BLM and Forest Service resource managers regarding management plans and proposed resource actions on public land in southeast Oregon. Agenda items include discussing possible management approaches for areas identified by BLM as LWC for a subsequent recommendation to the full Southeast Oregon RAC as part of the Vale and Lakeview Districts' respective Resource Management Plan Amendment(s) process. A final agenda will be posted online at *https://www.blm.gov/get-involved/resource-advisory-council/near-you/oregon-washington/southeast-oregon-rac* at least one week prior to each teleconference.

All meetings are open to the public in their entirety. Information to be distributed to the LWC Subcommittee or the Southeast Oregon RAC is requested prior to the start of each meeting.

Before including your address, phone number, email address, or other personal identifying information in your comments, please be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 43 CFR 1784.4–2.

Shane DeForest,

Vale District Manager.

[FR Doc. 2017–26390 Filed 12–6–17; 8:45 am]

BILLING CODE 4310–33–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–17–058]

Government in the Sunshine Act Meeting Notice

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: December 14, 2017 at 11:00 a.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agendas for future meetings: None.
2. Minutes.
3. Ratification List.
4. Vote in Inv. Nos. 731–TA–865–867 (Third Review)(Stainless Steel Butt-Weld Pipe Fittings from Italy, Malaysia, and the Philippines). The Commission is currently scheduled to complete and file its determinations and views of the Commission by January 8, 2018.
5. Outstanding action jackets: None.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: December 4, 2017.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2017–26460 Filed 12–5–17; 11:15 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–17–059]

Government in the Sunshine Act Meeting Notice

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: December 19, 2017 at 2:30 p.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agendas for future meetings: None.
2. Minutes.
3. Ratification List.
4. Vote in Inv. Nos. 731–TA–1349, 1352, and 1357 (Final) (Carbon and Certain Alloy Steel Wire Rod from Belarus, Russia, and the United Arab Emirates). The Commission is currently scheduled to complete and file its determinations and views of the Commission by January 3, 2018.
5. Outstanding action jackets: None.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: December 4, 2017.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2017–26461 Filed 12–5–17; 11:15 am]

BILLING CODE 7020–02–P

NATIONAL CREDIT UNION ADMINISTRATION

Agency Information Collection Activities: Proposed Collections; Comment Request

AGENCY: National Credit Union Administration (NCUA).

ACTION: Notice and request for comment.

SUMMARY: The National Credit Union Administration (NCUA), as part of a continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on the following renewals of currently approved collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments should be received on or before February 5, 2018 to be assured consideration.

ADDRESSES: Interested persons are invited to submit written comments on the information collections to Dawn Wolfgang, National Credit Union Administration, 1775 Duke Street, Suite 5080, Alexandria, Virginia 22314; Fax No. 703–519–8579; or Email at *PRAComments@NCUA.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to the address above or telephone 703–548–2279.

SUPPLEMENTARY INFORMATION:

OMB Number: 3133–0138.

Title: Community Development Revolving Loan Fund—Loan and Grant Programs, 12 CFR part 705.

Abstract: NCUA's Community Development Revolving Loan Fund (CDRLF or Fund) was established by Congress (Pub. L. 96–123, November 20, 1979) to stimulate economic development in low-income communities. Part 705 was adopted by the Board under section 130 of the Federal Credit Union Act (12 U.S.C. 1772c–1), which implements the Community Development Credit Union Revolving Loan Fund Transfer Act (Pub. L. 99–609, 100 Stat. 3475 (Nov. 6, 1986)).

The Fund is used to support credit unions that serve low-income communities by providing loans and technical assistance grants to qualifying institutions. The programs are designed to increase income, ownership, and employment opportunities for low-income residents, and to stimulate economic growth. In addition, the programs provide assistance to improve the quality of services to the community and formulate more effective and efficient operations of credit unions. The information will allow NCUA to assess a credit union's capacity to repay the Funds and/or ensure that the funds are used as intended to benefit the institution and community it serves.

Type of Review: Revision of a currently approved collection.

Affected Public: Private Sector: Not-for-profit institutions.

Estimated No. of Respondents: 450 grant program; 4 loan program.

Estimated Annual Frequency: Once.

Estimated Annual Number of Responses: 785 grant program; 14 loan program.

Estimated Burden Hours per Response: 0.95.

Estimated Total Annual Burden Hours: 760.

Reason for Change: A reduction is attributed to a program change due to the recent consolidation of NCUA informal appeals process under 12 CFR part 746, subpart B. Additionally, adjustments are being made to reflect current application activity under the Fund programs and to include information collection activities that had not been accounted for in the past.

OMB Number: 3133–0180.

Title: Liquidity Contingency Funding Plans, 12 CFR 741.12.

Abstract: The 2008 financial crisis demonstrated the importance of good liquidity risk management to the safety and soundness of financial institutions. In conjunction with the OCC, FRB, FDIC, and Conference of State Bank Supervisors (CSBS), adopted the Interagency Policy Statement on Funding and Liquidity Risk Management in March of 2010.

In October 2013, to clarify NCUA's expectation on the Interagency Policy

Statement and to reduce the regulatory burden on small credit unions, NCUA codified the requirements for Liquidity and Contingency Funding Plans as § 741.12. The rule establishes a three tier framework for federally insured credit unions, based on asset size. Federally insured credit union with assets under $50 million must maintain a basic policy, federally insured credit unions with assets of $50 million and over must maintain a contingency funding plan, and federally insured credit unions with assets over $250 million must maintain a contingency funding plan and establish a federal liquidity contingency source.

Type of Review: Extension of a currently approved collection.

Affected Public: Private Sector: Not-for-profit institutions.

Estimated No. of Respondents: 5,696.

Estimated Annual Frequency: 1.

Estimated Annual Number of Responses: 5,696.

Estimated Burden Hours per Response: 0.78.

Estimated Total Annual Burden Hours: 4,425.

Reason for Change: A reduction in burden hours is due to an adjustment in the number of credit unions in each category of respondent.

Request for Comments: Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will become a matter of public record. The public is invited to submit comments concerning: (a) Whether the collection of information is necessary for the proper execution of the function of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of the information on the respondents, including the use of automated collection techniques or other forms of information technology.

By Gerard Poliquin, Secretary of the Board, the National Credit Union Administration, on November 30, 2017.

Dated: November 30, 2017.

Dawn D. Wolfgang,

NCUA PRA Clearance Officer.

[FR Doc. 2017–26361 Filed 12–6–17; 8:45 am]

BILLING CODE 7535–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Permits Issued Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permits issued.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice.

FOR FURTHER INFORMATION CONTACT: Nature McGinn, ACA Permit Officer, Office of Polar Programs, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314; 703–292–8030; email: *ACApermits@nsf.gov.*

SUPPLEMENTARY INFORMATION: On October 26, 2017, the National Science Foundation published a notice in the **Federal Register** of a permit applications received. The permits were issued on December 1, 2017 to:

1. Jennifer Burns, Permit No. 2018–022

Nadene G. Kennedy,

Polar Coordination Specialist, Office of Polar Programs.

[FR Doc. 2017–26351 Filed 12–6–17; 8:45 am]

BILLING CODE 7555–01–P

OFFICE OF SPECIAL COUNSEL

OSC Annual Survey

AGENCY: Office of Special Counsel.

ACTION: Notice for public comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, and implementing regulations at 5 CFR part 1320, the U.S. Office of Special Counsel (OSC), is requesting approval from the Office of Management and Budget (OMB) for use of a previously approved information collection (survey). OSC is required by statute to annually conduct the survey and publish the results in OSC's annual report. The OSC Annual Survey consists of four electronic questionnaires. The prior OMB approval, dated April 20, 2017, expired October 31, 2017. OSC is requesting renewed approval for the survey, and we are not making any changes to the previously approved survey. Current and former Federal employees, employee representatives, other Federal agencies, state and local government employees, and the general public are invited to comment on: (a) Whether the proposed collection of information is necessary for the proper performance of OSC functions, including whether the information will have practical utility; (b) the accuracy of OSC's estimate of the burden of the proposed collections of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be received on or before February 5, 2018.

ADDRESSES: You may submit written comments by mail to: Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for OSC, New Executive Office Building, Room 10235, Washington, DC 20503; or by email via: *oira_submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Kenneth Hendricks, Clerk of the U.S. Office of Special Counsel, by telephone at (202) 804–7000, or by email at *khendricks@osc.gov.*

SUPPLEMENTARY INFORMATION: OSC is an independent agency responsible for among other things, (1) investigation of allegations of prohibited personnel practices defined by law at 5 U.S.C. 2302(b), protection of whistleblowers, and certain other illegal employment practices under titles 5 and 38 of the U.S. Code, affecting current or former Federal employees or applicants for employment, and covered state and local government employees; and (2) the interpretation and enforcement of Hatch Act provisions on political activity in chapters 15 and 73 of title 5 of the U.S. Code. OSC is required to conduct an annual survey of individuals who seek its assistance. Section 13 of Public Law 103–424 (1994), codified at 5 U.S.C. 1212 note, states, in part: ''[T]he survey shall—(1) determine if the individual seeking assistance was fully apprised of their rights; (2) determine whether the individual was successful either at the Office of Special Counsel or the Merit Systems Protection Board; and (3) determine if the individual, whether successful or not, was satisfied with the treatment received from the Office of Special Counsel.'' The same section also requires OSC to publish the survey's results in OSC's annual report to Congress. Copies of prior years' annual reports are available on OSC's Web site, at *https://osc.gov/Pages/Resources-ReportsAndInfo.aspx* or by calling OSC at (202) 804–7000. The prior OSC Annual Survey, OMB Control Number 3255–0003, expired on October 31, 2017. OSC is requesting renewed approval and reinstatement without change of this previously approved collection of information. As with the prior approved survey, this survey will

be hosted by Survey Monkey (*https://www.surveymonkey.com*).

The survey questionnaires are available for review on line at *https://osc.gov/Resources/Survey%20Samples%202017.pdf* or by calling OSC at (202) 804–7000.

Type of Information Collection Request: Reinstatement without change of a previously approved collection of information that expired on October 31, 2017.

Affected Public: Filers (or their representatives) seeking OSC services through: (1) Complaints alleging prohibited personnel practice or Hatch Act violations; or (2) disclosures of information alleging violation of law, rule, or regulation.

Respondent's Obligation: Voluntary.

Estimated Annual Number of Survey Form Respondents: 500.

Frequency of Survey Form Use: Annual.

Estimated Average Amount of Time for a Person to Respond to Survey: 12 minutes.

Estimated Annual Survey Burden: 100 hours.

OSC will use the questionnaires to survey filers, whose matters OSC closed or otherwise resolved during the prior fiscal year, on their experience at OSC. Specifically, the survey asks questions relating to whether the respondent was: (1) Apprised of his or her rights; (2) successful at the OSC or at the Merit Systems Protection Board; and (3) satisfied with the treatment received at the OSC.

Dated: December 1, 2017.

Bruce Gipe,

Chief Operating Officer.

[FR Doc. 2017–26322 Filed 12–6–17; 8:45 am]

BILLING CODE 7405–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2018–40 and CP2018–70; MC2018–41 and CP2018–71]

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 11, 2017.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov*. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's Web site (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.40.

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* MC2018–40 and CP2018–70; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & First-Class Package Service Contract 30 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* December 1, 2017; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Curtis E. Kidd; *Comments Due:* December 11, 2017.

2. *Docket No(s).:* MC2018–41 and CP2018–71; *Filing Title:* USPS Request to Add Priority Mail Contract 381 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* December 1, 2017; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Curtis E. Kidd; *Comments Due:* December 11, 2017.

This notice will be published in the **Federal Register**.

Stacy L. Ruble,

Secretary.

[FR Doc. 2017–26402 Filed 12–6–17; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of notice required under 39 U.S.C. 3642(d)(1):* December 7, 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 December 1, 2017, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 381 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2018–41, CP2018–71.

Elizabeth A. Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2017–26348 Filed 12–6–17; 8:45 am]

BILLING CODE 7710–12–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 7, 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 December 1, 2017, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail, & First-Class Package Service Contract 30 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2018–40, CP2018–70.

Elizabeth A. Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2017–26347 Filed 12–6–17; 8:45 am]

BILLING CODE 7710–12–P

RAILROAD RETIREMENT BOARD

2018 Railroad Experience Rating Proclamations, Monthly Compensation Base and Other Determinations

AGENCY: Railroad Retirement Board.

ACTION: Notice.

SUMMARY: As required by the Railroad Unemployment Insurance Act (Act), the Railroad Retirement Board (RRB) hereby publishes its notice for calendar year 2018 of account balances, factors used in calculating experience-based employer contribution rates, computation of amounts related to the monthly compensation base, and the maximum daily benefit rate for days of unemployment or sickness.

DATES: The balance in notice (1) and the determinations made in notices (3) through (7) are based on data as of June 30, 2017. The balance in notice (2) is based on data as of September 30, 2017. The determinations made in notices (5) through (7) apply to the calculation, under section 8(a)(1)(C) of the Act, of employer contribution rates for 2018. The determinations made in notices (8) through (11) are effective January 1, 2018. The determination made in notice (12) is effective for registration periods beginning after June 30, 2018.

ADDRESSES: Secretary to the Board, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611–1275.

FOR FURTHER INFORMATION CONTACT: Michael J. Rizzo, Bureau of the Actuary and Research, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611–1275, telephone (312) 751–4771.

SUPPLEMENTARY INFORMATION: The RRB is required by section 8(c)(1) of the Railroad Unemployment Insurance Act (Act) (45 U.S.C. 358(c)(1)) as amended by Public Law 100–647, to proclaim by October 15 of each year certain system-wide factors used in calculating experience-based employer contribution rates for the following year. The RRB is further required by section 8(c)(2) of the Act (45 U.S.C. 358(c)(2)) to publish the amounts so determined and proclaimed. The RRB is required by section 12(r)(3) of the Act (45 U.S.C. 362(r)(3)) to publish by December 11, 2017, the computation of the calendar year 2018 monthly compensation base (section 1(i) of the Act) and amounts described in sections 1(k), 2(c), 3 and 4(a–2)(i)(A) of the Act which are related to changes in the monthly compensation base. Also, the RRB is required to publish, by June 11, 2018, the maximum daily benefit rate under section 2(a)(3) of the Act for days of unemployment and days of sickness in registration periods beginning after June 30, 2018. Pursuant to section 8(c)(2) and section 12(r)(3) of the Railroad Unemployment Insurance Act (Act) (45 U.S.C. 358(c)(2) and 45 U.S.C. 362(r)(3), respectively), the Board gives notice of the following:

1. The balance to the credit of the Railroad Unemployment Insurance (RUI) Account, as of June 30, 2017, is $97,732,177.41;

2. The September 30, 2017, balance of any new loans to the RUI Account, including accrued interest, is zero;

3. The system compensation base is $4,042,278,849.27 as of June 30, 2017;

4. The cumulative system unallocated charge balance is ($421,642,171.99) as of June 30, 2017;

5. The pooled credit ratio for calendar year 2018 is zero;

6. The pooled charged ratio for calendar year 2018 is zero;

7. The surcharge rate for calendar year 2018 is 1.5 percent;

8. The monthly compensation base under section 1(i) of the Act is $1,560 for months in calendar year 2018;

9. The amount described in sections 1(k) and 3 of the Act as ''2.5 times the monthly compensation base'' is $3,900.00 for base year (calendar year) 2018;

10. The amount described in section 4(a–2)(i)(A) of the Act as ''2.5 times the monthly compensation base'' is $3,900.00 with respect to disqualifications ending in calendar year 2018;

11. The amount described in section 2(c) of the Act as ''an amount that bears the same ratio to $775 as the monthly compensation base for that year as computed under section 1(i) of this Act bears to $600'' is $2,015 for months in calendar year 2018;

12. The maximum daily benefit rate under section 2(a)(3) of the Act is $77 with respect to days of unemployment and days of sickness in registration periods beginning after June 30, 2018.

Surcharge Rate

A surcharge is added in the calculation of each employer's contribution rate, subject to the applicable maximum rate, for a calendar year whenever the balance to the credit of the RUI Account on the preceding June 30 is less than the greater of $100 million or the amount that bears the same ratio to $100 million as the system compensation base for that June 30 bears to the system compensation base as of June 30, 1991. If the RUI Account balance is less than $100 million (as indexed), but at least $50 million (as indexed), the surcharge will be 1.5 percent. If the RUI Account balance is less than $50 million (as indexed), but greater than zero, the surcharge will be 2.5 percent. The maximum surcharge of 3.5 percent applies if the RUI Account balance is less than zero.

The ratio of the June 30, 2017 system compensation base of $4,042,278,849.27 to the June 30, 1991 system compensation base of $2,763,287,237.04 is 1.46285149. Multiplying 1.46285149 by $100 million yields $146,285,149.00. Multiplying $50 million by 1.46285149 produces $73,142,574.50. The Account balance on June 30, 2017, was $97,732,177.41. Accordingly, the surcharge rate for calendar year 2018 is 1.5 percent.

Monthly Compensation Base

For years after 1988, section 1(i) of the Act contains a formula for determining the monthly compensation base. Under the prescribed formula, the monthly compensation base increases by approximately two-thirds of the cumulative growth in average national wages since 1984. The monthly compensation base for months in calendar year 2018 shall be equal to the greater of (a) $600 or (b) $600 [1 + {(A − 37,800)/56,700}], where A equals

the amount of the applicable base with respect to tier 1 taxes for 2018 under section 3231(e)(2) of the Internal Revenue Code of 1986. Section 1(i) further provides that if the amount so determined is not a multiple of $5, it shall be rounded to the nearest multiple of $5.

Using the calendar year 2018 tier 1 tax base of $128,400 for A above produces the amount of $1,558.73, which must then be rounded to $1,560. Accordingly, the monthly compensation base is determined to be $1,560 for months in calendar year 2018.

Amounts Related to Changes in Monthly Compensation Base

For years after 1988, sections 1(k), 3, 4(a–2)(i)(A) and 2(c) of the Act contain formulas for determining amounts related to the monthly compensation base.

Under section 1(k), remuneration earned from employment covered under the Act cannot be considered subsidiary remuneration if the employee's base year compensation is less than 2.5 times the monthly compensation base for months in such base year. Under section 3, an employee shall be a ''qualified employee'' if his/her base year compensation is not less than 2.5 times the monthly compensation base for months in such base year. Under section 4(a–2)(i)(A), an employee who leaves work voluntarily without good cause is disqualified from receiving unemployment benefits until he has been paid compensation of not less than 2.5 times the monthly compensation base for months in the calendar year in which the disqualification ends.

Multiplying 2.5 by the calendar year 2018 monthly compensation base of $1,560 produces $3,900.00. Accordingly, the amount determined under sections 1(k), 3 and 4(a–2)(i)(A) is $3,900.00 for calendar year 2018.

Under section 2(c), the maximum amount of normal benefits paid for days of unemployment within a benefit year and the maximum amount of normal benefits paid for days of sickness within a benefit year shall not exceed an employee's compensation in the base year. In determining an employee's base year compensation, any money remuneration in a month not in excess of an amount that bears the same ratio to $775 as the monthly compensation base for that year bears to $600 shall be taken into account. The calendar year 2018 monthly compensation base is $1,560. The ratio of $1,560 to $600 is 2.60000000. Multiplying 2.60000000 by $775 produces $2,015. Accordingly, the amount determined under section 2(c) is $2,015 for months in calendar year 2018.

Maximum Daily Benefit Rate

Section 2(a)(3) contains a formula for determining the maximum daily benefit rate for registration periods beginning after June 30, 1989, and after each June 30 thereafter. Legislation enacted on October 9, 1996, revised the formula for indexing maximum daily benefit rates. Under the prescribed formula, the maximum daily benefit rate increases by approximately two-thirds of the cumulative growth in average national wages since 1984. The maximum daily benefit rate for registration periods beginning after June 30, 2018, shall be equal to 5 percent of the monthly compensation base for the base year immediately preceding the beginning of the benefit year. Section 2(a)(3) further provides that if the amount so computed is not a multiple of $1, it shall be rounded down to the nearest multiple of $1.

The calendar year 2017 monthly compensation base is $1,545. Multiplying $1,545 by 0.05 yields $77.25. Accordingly, the maximum daily benefit rate for days of unemployment and days of sickness beginning in registration periods after June 30, 2018, is determined to be $77.

By Authority of the Board.

Martha P. Rico,

Secretary to the Board.

[FR Doc. 2017–26430 Filed 12–6–17; 8:45 am]

BILLING CODE 7905–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34- 82196; File No. SR–CBOE–2017–064]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Order Approving a Proposed Rule Change Creating an Electronic-Only Order Type

December 1, 2017.

I. Introduction

On September 29, 2017, the Cboe Exchange, Inc. (''Exchange'' or ''Cboe Options'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to create an electronic-only order type. The proposed rule change was published for comment in the **Federal Register** on October 18, 2017.[3] The Commission did not receive any comment letters on the proposed rule change. This order approves the proposed rule change.

II. Description of the Proposed Rule Change

The Exchange proposes to create an electronic-only order type. Currently, orders that Trading Permit Holders (''TPHs'') submit to the Exchange will execute electronically and/or be handled manually on the Exchange floor.[4] Under certain conditions specified in the Exchange's rules, certain orders and remaining portions of orders that do not execute electronically are routed to a specified Public Automated Routing (''PAR'') workstation or an Order Management Terminal (''OMT'') on the floor of the Exchange for manual handling.[5]

The Exchange proposes to introduce a new electronic-only order type to allow TPHs to submit orders that will not be subject to any manual handling. Specifically, electronic-only orders will only: (i) Auto-execute, (ii) route to an electronic auction, or (iii) route to the electronic book, and in all cases will cancel back to the TPH that entered the order if Exchange rules would otherwise require the order to be routed to the Exchange floor for manual handling.[6]

III. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act [7] and the rules and regulations thereunder applicable to a national securities exchange.[8] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[9] which requires, among other things, that the rules of a national securities exchange be designed to remove impediments to and perfect the mechanism of a free and open market and a national market

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 81862 (Oct. 12, 2017), 82 FR 48550 (Oct. 18. 2017) (''Notice'').

[4] *See id.* at 48550.

[5] *See id.* at 48550 and Cboe Options Rules 6.12(a) and 6.12A. According to Cboe Options Rule 6.12A, once an order has been routed to a PAR, the PAR user may, among other options, submit the order for electronic processing, execute the order in open outcry, route the order to an OMT designated by the TPH, or route the order to an away exchange. *See* Notice, *supra* note 3, at 48550.

[6] Notice, *supra* note 3, at 48550.

[7] 15 U.S.C. 78f.

[8] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[9] 15 U.S.C. 78f(b)(5).

system, and, in general, to protect investors and the public interest.

The Commission believes that the proposed rule change is designed to remove impediments to and perfect the mechanism of a free and open market and national market system by providing TPHs with a more efficient means to submit to the Exchange instructions to prevent an order from routing to a PAR or OMT on the floor of the Exchange. Currently, a TPH that seeks to avoid manual handling of a specific order and obtain a solely electronic execution must inform its OMT operator or PAR broker of this instruction. The Exchange's new electronic-only order type will avoid the need for a TPH to take this additional step and will allow the TPH to submit such order instructions directly to the Exchange when it submits its order.[10] The Commission notes that Cboe Options represents that the new electronic-only order type will not materially change how orders are handled or processed on the Exchange, but rather will streamline how TPHs can indicate their instructions that a particular order avoid manual handling on the Exchange's floor.[11] For the reasons noted above, the Commission believes that the proposal to create an electronic-only order type is consistent with the Act.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[12] that the proposed rule change (SR–CBOE–2017–064) be, and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–26317 Filed 12–6–17; 8:45 am]

BILLING CODE 8011–01–P

[10] *See* Notice, *supra* note 3, at 48551.

[11] *See id.*

[12] 15 U.S.C. 78s(b)(2).

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82193; File No. SR–NSCC–2017–019]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing of Proposed Rule Change To Enhance the Process for Submitting and Accepting ETF Creations and Redemptions

December 1, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on November 29, 2017, National Securities Clearing Corporation (''NSCC'') 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 clearing agency. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of modifications to the Rules & Procedures (''Rules'')[3] of NSCC to introduce two additional cycles (referred to herein as the ''intraday cycle'' and the ''supplemental cycle'') during which exchange-traded fund (''ETF'') agents[4] could submit creation and redemption instructions, as described in greater detail below. The intraday cycle would span from 12:30 a.m. ET to 2:00 p.m. ET. The supplemental cycle would span from 9:00 p.m. ET to 11:30 p.m. ET. The introduction of the intraday cycle would enable NSCC to receive, on an intraday basis, creation and redemption instructions that are marked as-of a prior trade date. Furthermore, with the introduction of the intraday cycle, NSCC would be able to receive creation and redemption instructions for same-day settlement until the designated cut-off time of 11:30 a.m. ET. The introduction of the supplemental cycle would enable ETF agents to submit any creation and redemption instructions later than the current established cut-off time designated by NSCC of 8:00 p.m. ET. With the introduction of the additional cycles, NSCC would also revise the current input file and output files to include additional information, such as a reversal/correction indicator and the time of the transaction, as further described below.

In addition, NSCC proposes to make a technical correction to clarify that next-day settling creation and redemption instructions are no longer processed differently than other instructions when they are submitted to NSCC, as further described below.

NSCC also proposes to introduce an automated threshold value reasonability check that would pend submissions of creation and redemption instructions on clearing-eligible ETFs that exceed certain thresholds versus the most recent closing price, as further described below.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the clearing agency included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The clearing agency has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

(i) Current Processes

Outside of NSCC, ETF sponsors[5] have processes and/or technology platforms that allow them to bilaterally agree to create or redeem ETF shares with ETF authorized participants[6] intraday and these results are recorded by ETF agents on the ETF agents' technology platforms. These processes are not uniformly automated and may involve users manually entering data that is eventually submitted to NSCC within the standardized create-and-redeem input file. As is the case with any manually entered data, there is the risk

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Capitalized terms not defined herein are defined in the Rules, *available at http://www.dtcc.com/~/media/Files/Downloads/legal/rules/nscc_rules.pdf.*

[4] ETF agents are referred to as ''Index Receipt Agents'' in the Rules. Section 4 of Rule 7 states that, for purposes of the Rules, an Index Receipt Agent shall be a Member which has entered into an Index Receipt Authorization Agreement as required by NSCC from time to time. *See* Rule 1 and Rule 7, Sec. 4, *supra* note 3.

[5] ETF sponsors are issuers of ETFs.

[6] ETF authorized participants are (1) broker/dealers that have authorized participant agreements with ETF sponsors and/or (2) broker/dealers that are full-service Members pursuant to Rule 2 with an established ETF trading relationship with an ETF agent that is representing the ETF. *See* Rule 2, *supra* note 3.

that incorrectly calculated figures may be entered into the transaction fields. Furthermore, errors made in certain ETF eligibility reference data (*e.g.,* creation unit size) could also result in incorrectly valued contracts if the incorrect ETF eligibility reference data was used to calculate the creation or redemption orders. As such, if there are incorrect values in certain ETF eligibility reference data or if there are incorrect figures in the transaction fields, then NSCC members (''Members'') may be impacted as their Clearing Fund requirement is calculated using these mis-valued transactions.

Currently, there is one cycle during which ETF agents can submit the input file to NSCC. This cycle is known as the primary cycle and it spans from 2:00 p.m. ET until 8:00 p.m. ET. Errors that are made within an ETF sponsor's or ETF agent's processes and subsequently submitted to NSCC each business evening (by the cut-off time designated by NSCC of 8:00 p.m. ET) may pass undetected by NSCC's ETF processes. As a result, the Universal Trade Capture system [7] will record a contract value to settle versus the ETF shares that may be materially different than the value upon which the ETF sponsor and ETF authorized participant had intended to settle. Upon receipt of the order instruction to create and redeem shares each evening, NSCC risk management's systems will calculate a mark-to-market charge for both the ETF agent's and the ETF authorized participant's daily Clearing Fund requirement.[8] All debit mark-to-market charges must be satisfied in accordance with the process outlined below.

Each morning (no later than 7:05 a.m. ET), the daily Clearing Fund requirement is calculated and distributed to Members. Members, including ETF agents and ETF authorized participants, must satisfy their daily Clearing Fund requirement deficits (if any) to NSCC by 10:00 a.m. ET. As described above, if erroneous transactions were submitted to NSCC the previous day, then the daily Clearing Fund requirement deficit (which is due the next morning) may be impacted by these erroneous transactions. The daily Clearing Fund requirement deficit may be impacted because, today, ETF agents can only submit instructions, including any instructions that are intended to correct erroneous instructions, during the primary cycle. In other words, ETF agents currently do not have an opportunity to submit correcting orders to NSCC until the next primary cycle (from 2:00 p.m. ET until 8:00 p.m. ET), which is after the time at which Members must satisfy their daily Clearing Fund requirement deficits. As such, today, a Member that is impacted by a mis-valued creation or redemption order is required to post its Clearing Fund requirement (which would be based on the mis-valued order) to NSCC prior to the point when ETF agents can submit an offsetting instruction to NSCC. This offsetting instruction would otherwise have relieved the Member of such requirement because it would have corrected the mis-valued order.

(ii) Overview of Proposal

As described in more detail below, NSCC is proposing to enhance the process for submitting and accepting ETF creations and redemptions. NSCC is proposing to introduce two cycles (the intraday cycle and the supplemental cycle) during which ETF agents would be able to submit creations and redemptions, including as-of instructions, reversals, and corrections.[9]

As described above, the intraday cycle would span from 12:30 a.m. ET to 2:00 p.m. ET. and the supplemental cycle would span from 9:00 p.m. ET to 11:30 p.m. ET. NSCC would inform Members by Important Notice of any changes to the times of any cycle. The introduction of the intraday cycle would enable NSCC, on an intraday basis, to receive creation and redemption instructions that are marked as-of a prior trade date. Furthermore, with the introduction of the intraday cycle, NSCC would be able to receive creation and redemption instructions for same-day settlement until the designated cut-off time of 11:30 a.m. ET. The introduction of the supplemental cycle would enable ETF agents to submit any creation and redemption instructions later than the current established cut-off time designated by NSCC of 8:00 p.m. ET. With the introduction of the additional cycles, NSCC would include additional information, such as a reversal/correction indicator and the time of transaction, within its existing input file and output files (clearing records and reports) identifying submissions processed during the two new cycles. As further described below, the additional cycles proposed herein would provide ETF sponsors and ETF agents with an opportunity and the flexibility to address mis-valued creation and redemption orders prior to the time by which Members would be required to satisfy any daily Clearing Fund requirement deficits.

In addition, NSCC proposes to make a technical correction to clarify that next-day settling instructions are no longer processed differently than other instructions when they are submitted to NSCC. The purpose of this technical correction is to remove repetitive language regarding next-day settling instructions. NSCC believes that simplifying this provision would help Members better understand the processing of next-day settling creates and redeems as well as enhance accuracy and clarity, as further described below.

NSCC also proposes to introduce an automated threshold value reasonability check that would pend submissions of creation and redemption instructions on clearing-eligible ETFs that exceed certain thresholds versus the most recent closing price. NSCC believes it would be beneficial for ETF agents to have an opportunity to review and confirm certain potentially mis-valued transactions that have been submitted to NSCC before such transactions are processed by NSCC (*i.e.,* before the potentially mis-valued transactions would be able to have an impact on Members' daily Clearing Fund requirements), as further described below.

Details regarding the foregoing proposed rule changes are included in sections (iii) to (v) below.

(iii) Additional Cycles

Currently, ETF agents are only able to submit ETF creation and redemption instructions in the standardized input file during one cycle (the primary cycle) each day. As described above, NSCC is proposing to add two cycles: (1) The

[7] *See* Rule 7 (Comparison and Trade Recording Operation) and Procedure II (Trade Comparison and Recording Service), *supra* note 3.

[8] NSCC's Clearing Fund addresses potential Member exposure through a number of risk-based component charges (such as margin) calculated and assessed daily. Each of the component charges collectively constitute a Member's Required Deposit. The objective of the Required Deposit is to mitigate potential losses to NSCC associated with liquidation of the Member's portfolio in the event that NSCC ceases to act for a Member (hereinafter referred to as a ''default''). The aggregate of all Members' Required Deposits constitutes the Clearing Fund, which NSCC would be able to access should a defaulting Member's own Required Deposit be insufficient to satisfy losses to NSCC caused by the liquidation of that Member's portfolio.

[9] An as-of instruction is an instruction that is submitted with a trade date as of an earlier trade date. As-of reversal instructions and as-of corrections are types of as-of instructions. An as-of reversal instruction is an instruction that is submitted with a trade date as of an earlier trade date that reverses an instruction that has already been processed by NSCC. Reversals and corrections are submitted on the same business day as the incorrect instruction whereas as-of reversal instructions and as-of correction instructions are submitted on a business day after the date on which the incorrect instruction was submitted (but they would have the same trade date as the incorrect instruction).

intraday cycle, which would span from 12:30 a.m. ET to 2:00 p.m. ET and (2) the supplemental cycle, which would span from 9:00 p.m. ET to 11:30 p.m. ET. With the introduction of the additional cycles, NSCC would continue to maintain its current deadline of 8:00 p.m. ET for the submission of the input file during the primary cycle on trade date. NSCC believes that maintaining the same deadline that it does today would help ensure that the existing end of day reconciliation processes conducted by ETF agents and ETF authorized participants continue to be conducted in a timely manner and would also help prevent unnecessary delays to the end of day reconciliation processes. Any late instructions that are submitted to NSCC between 8:00 p.m. ET and 9:00 p.m. ET would be held until 9:00 p.m. ET and then processed at 9:00 p.m. ET (during the supplemental cycle). Therefore, upon implementation, NSCC's ETF primary market clearing process could receive any type of creation and redemption instructions (such as reversals, corrections, and as-of instructions) in the standardized input file from ETF agents from 12:30 a.m. ET to 11:30 p.m. ET each business day. Furthermore, Members would have the option, but would not be required, to submit creation and redemption instructions in the standardized input file during the two additional cycles.

As described above, the introduction of the intraday cycle would enable NSCC to receive, on an intraday basis, creation and redemption instructions that are marked as-of a prior trade date. Furthermore, with the introduction of the intraday cycle, NSCC would be able to receive creation and redemption instructions for same-day settlement until the designated cut-off time of 11:30 a.m. ET. Today, if an ETF agent submits a creation and redemption instruction for same-day settlement during the existing primary cycle to NSCC, it would be rejected because NSCC is unable to process such instructions; there is no functionality today to support this. The cut-off time of 11:30 a.m. ET would align the deadline for same-day settling creation and redemption instructions with the 11:30 a.m. ET deadline for other same-day settling non-ETF activity.[10] NSCC believes aligning these deadlines would streamline the processing of same-day settling items for NSCC and its Members. ETF agents and ETF sponsors (and any third party service providers they use) may have to make coding changes in order for an ETF agent to submit a same-day settling instruction, and these potential coding changes would be different than the coding changes related to the enhanced input and output files described below. Under the proposal, NSCC would reject any creation and redemption instructions for same-day settlement that are not received by NSCC by the designated cut-off time instead of assigning them a new settlement date. This would preserve the option to settle such same-day settling creation and redemption instructions outside of NSCC, which is an option that ETF agents currently have.

In addition, as described above, the introduction of the supplemental cycle would allow late submissions (*i.e.,* instructions received by NSCC after the designated deadline of 8:00 p.m. ET for the primary cycle) to be processed without delaying the existing ETF agents' and ETF authorized participants' end-of-day reconciliation processes. Furthermore, today, any extensions for the submission of late instructions are done manually. The introduction of the supplemental cycle would remove the need for manual extensions to the existing deadline of 8:00 p.m. ET for the primary cycle because instructions received by NSCC after such deadline of 8:00 p.m. ET would be held and processed during the proposed supplemental cycle, which would begin at 9:00 p.m. ET.

NSCC believes the introduction of the intraday cycle and the supplemental cycle would provide ETF agents with the flexibility and opportunity to submit (i) creation and redemption instructions that would either reverse or correct erroneous creation and redemption instructions that have been previously processed by NSCC (*i.e.,* reversals and corrections) or (ii) as-of instructions (*e.g.,* as-of reversal instructions and as-of correction instructions) that would be intended to correct erroneous creation and redemption instructions that have been previously processed by NSCC, in both cases, earlier than they are able to today.[11] Specifically, ETF agents would have an opportunity to submit these reversals, corrections, and as-of instructions prior to the time by which Members would be required to satisfy any Clearing Fund requirement deficits. This would help ensure that their Clearing Fund requirement has been calculated based on transactions that they intended to submit.

For example, assume an ETF agent submits a creation and redemption instruction today (on trade date (''T'')) with a settlement date in 2 days (''T+2'') and this instruction has been accepted by NSCC. Assume that, on the next day (''T+1''), the ETF agent realizes the creation and redemption instruction that it submitted on T is incorrect. With this proposal, generally, the ETF agent would be able to submit an as-of reversal instruction on T+1, during the intraday cycle, prior to the point when the Members would be required to post margin. As described above, Members must satisfy their daily Clearing Fund requirement deficits (if any) to NSCC by 10:00 a.m. ET. Because this as-of reversal instruction was received by NSCC during the intraday cycle on T+1 by the designated cut-off time in this scenario, it would offset the incorrect instruction submitted on T, and thus the incorrect instruction would no longer have an impact on Members' daily Clearing Fund requirement. Furthermore, this as-of reversal would have a trade date of T (not T+1). As such, Members would avoid posting margin that would have been inclusive of the erroneous transaction because they would now have an earlier opportunity to correct such erroneous transactions. The ETF agent could then also submit on T+1 an as-of correction instruction (which would also have a trade date as of T rather than T+1) in order for NSCC to receive the correct instruction that the ETF agent had intended to submit on T.

NSCC believes that subdividing the day into multiple cycles (*i.e.,* the intraday cycle, the primary cycle, and the supplemental cycle), as proposed, would prevent unnecessary coding changes to the existing standardized input file that ETF agents submit to NSCC and the output files distributed by NSCC to ETF agents and ETF authorized participants. ETF agents currently submit creation and redemption instructions to NSCC using a standardized electronic input file. As described above, NSCC would add additional information, such as the reversal/correction indicator and the time of transaction, to the input file. The format of the input file would be revised to accommodate the additional information. Because the format of the input file would be changed, ETF agents, ETF sponsors and any third party service providers they may use would be required to make coding changes to their systems to submit the standardized input file during any of the cycles. Although ETF agents would not be required to submit input files during all of the cycles, they would still be required to make coding changes to

[10] For example, same-day settling corporate bond trades and transactions in municipal securities are subject to the 11:30 a.m. ET deadline.

[11] *Supra* note 9.

their systems because one standardized input file would be submitted to NSCC.

To avoid changing the format of the output files (and thereby minimizing the coding changes that ETF agents, ETF authorized participants and any third service providers that they use may have to make to their systems), the additional information that would be included in the output files, such as the reversal/correction indicator and the time of transaction, would either be appended to the output files or would appear in fields in the output files that are currently reserved and do not contain any information. NSCC expects that the coding changes (if any) would be minimal. ETF agents would be responsible for communicating these changes to their clients (ETF sponsors) or any third party service providers that they utilize. Furthermore, NSCC would continue to distribute all existing output files during the primary cycle and would also distribute output files during the additional cycles. NSCC believes this proposal would enhance efficiency because NSCC would be able to distribute the output files multiple times per day and Members would have the option to submit the input file multiple times per day.

As described above, while these proposed changes to the input file would require that ETF agents and ETF sponsors (and any third party service providers that they utilize) make coding changes to their systems and the proposed changes to the output files may require ETF agents and ETF authorized participants (and any third party service providers that they utilize) to make some coding changes, NSCC believes that the changes to the input file and output files would be beneficial to ETF agents and ETF authorized participants. As described above, the current standardized input file does not contain a field that would indicate whether an instruction is a reversal or a correction. In addition, the output files that NSCC distributes to ETF agents and ETF authorized participants do not indicate whether an instruction is a reversal or a correction. ETF authorized participants are locked in to the creation or redemption order by the submitting ETF agent upon receipt and validation by NSCC. While the ETF authorized participant will have agreed to the creation or redemption on trade date, the submitting ETF agent may issue a reversal and/or correction automatically in certain circumstances, thereby locking the ETF authorized participant into the reversal and/or correction. ETF authorized participants have requested that they have the ability to differentiate new orders from reversals or corrections in the output files that they receive from NSCC. With this proposal, as described above, NSCC would provide the functionality to enable the submitting ETF agent to indicate whether an instruction is a reversal or correction as well as the time of the transaction in the input file and this additional information would appear in the output files distributed by NSCC. NSCC believes the additional information that would be provided in these files could help Members and any of their third party service providers with reconciliation of their transactions by enabling ETF agents and ETF authorized participants to easily understand if an instruction is a new instruction, a reversal or a correction.

To implement the proposed changes described above, NSCC proposes to revise Section F.2 of Procedure II (Trade Comparison and Recording Service) of the Rules. Section F.2 of Procedure II (Trade Comparison and Recording Service) of the Rules currently provides that, on trade date, by such time as established by NSCC from time to time, an ETF agent may submit index creation and redemption instructions along with other specified information. To enhance clarity, NSCC would add ''during the additional cycles'' to the provision stating that, on T, by such time as established by NSCC from time to time, an Index Receipt agent may submit to NSCC, index receipt creation and redemption instructions and their scheduled settlement date. Furthermore, NSCC would add that from time to time, NSCC will inform Members of the time period for each cycle (the intraday cycle, the primary cycle, and the supplemental cycle) applicable to creation/redemption input.

NSCC would inform Members of the designated cut-off times by Important Notice. Under the proposed rule change, Section F.2 of Procedure II (Trade Comparison and Recording Service) of the Rules would be revised to state that an ETF agent may submit as-of index creation and redemption instructions, but only if such as-of data is received (instead of submitted) by the cut-off time designated by NSCC from time to time. As described above, the introduction of the intraday cycle would enable NSCC to receive, on an intraday basis, creation and redemption instructions that are marked as-of a prior trade date. Furthermore, Section F.2 of Procedure II (Trade Comparison and Recording Service) of the Rules would be revised to state that same-day settling creates and redeems are required to be received by such cut-off time on Settlement Date. In addition, Section F.2 of Procedure II (Trade Comparison and Recording Service) of the Rules would be revised to specifically include that as-of index creation and redemption instructions for same-day settlement received by NSCC after the cut-off time, designated by NSCC from time to time, will be rejected. As described above, creation and redemption instructions for same-day settlement must be received by NSCC by the designated cut-off time of 11:30 a.m. ET.

In addition, NSCC is proposing to revise Section G of Procedure II (Trade Recording and Comparison Service) and Section B of Procedure VII (CNS Accounting Operation) of the Rules to expressly state that any Index Receipts for same-day settlement that are received by NSCC after the applicable cut-off time will not be assigned a new settlement date and will be rejected. Section G of Procedure II (Trade Recording and Comparison Service) and Section B of Procedure VII (CNS Accounting Operation) of the Rules currently provide that trades that are received after the established cut-off time will be assigned a new settlement date. As such, NSCC believes these proposed rule changes would clarify that, in the case of Index Receipts for same-day settlement, any creation and redemption instructions for same-day settlement that are received after the applicable cut-off time will not be assigned a new settlement date and will be rejected.

(iv) Technical Correction for ETF Next-Day Settling Create and Redeems

NSCC is also proposing to make a technical correction to clarify that next-day settling instructions are no longer processed differently when they are submitted to NSCC, as further described below. The purpose of this technical correction is to remove repetitive language regarding next-day settling instructions. NSCC believes that simplifying this provision would help Members better understand the processing of next-day settling creates and redeems as well as enhance accuracy and clarity.

Today, post-implementation of the accelerated trade guaranty,[12] NSCC no longer processes next-day settling instructions differently than other instructions when they are submitted to NSCC.[13] The accelerated trade guaranty rule filing, among other things, accelerated NSCC's trade guaranty from midnight of T+1 to the point of trade

[12] *See* Securities Exchange Act Release No. 79598 (December 19, 2016), 81 FR 94462 (December 23, 2016) (SR–NSCC–2016–005).

[13] *Id.*

comparison and validation for bilateral submissions or to the point of trade validation for locked-in submissions. In addition, it also removed language that permitted NSCC to delay processing and reporting of next day settling index receipts until the applicable margin on these transactions is paid. The risk associated with next-day settling index receipts (*i.e.,* NSCC attaches a guaranty to them at the time of validation, prior to the collection of margin reflecting such trades), which was previously mitigated with the delay in processing, is now, with the approval of the accelerated trade guaranty rule filing, mitigated by the addition of certain components to NSCC's Clearing Fund formula (as described in greater detail in the accelerated trade guaranty rule filing).[14] As such, with the implementation of the accelerated trade guaranty, next-day settling index receipts (with a Settlement Date of T+1) are no longer treated differently than regular-way instructions (*i.e.,* those with a Settlement Date of T+2), and therefore, NSCC believes the language stating ''next day settling creates and redeems required to be submitted by such cut-off time on T'' in Section F.2 of Procedure II of the Rules is repetitive and proposes to delete it. NSCC believes this proposed change to remove repetitive language regarding next-day settling creates and redeems would enhance clarity and accuracy as well as help Members better understand the processing of next-day settling creates and redeems.

(v) Automated Threshold Value Reasonability Check

NSCC is proposing to introduce an automated threshold value reasonability check that would pend certain potentially mis-valued transactions (whether due to mistakes in manual entry or otherwise) that exceed thresholds established by NSCC. As described above, the additional cycles proposed herein would provide ETF sponsors and ETF agents with an opportunity and the flexibility to address mis-valued creation and redemption orders prior to the time by which Members would be required to satisfy any daily Clearing Fund requirement deficits. However, as further described below, NSCC believes it would also be beneficial for ETF agents to have an opportunity to review and confirm certain transactions that they have submitted to NSCC before such transactions are processed by NSCC (*i.e.,* before they are processed and therefore before they would be able to have an impact on Members' daily Clearing Fund requirements).

The proposal would introduce an automated threshold value reasonability check, which would enable NSCC to assign a status of pended to certain potentially mis-valued transactions while preserving them for reinstatement. If the automated threshold value reasonability check identifies an out-of-bound transaction (as described in detail below), it would assign the transaction a status of pended. NSCC would send notifications to the submitting ETF agent by email and through the output files on an automated basis. Internal NSCC operations would also be notified. If the submitting ETF agent would like the pended transaction to continue through NSCC processing, then the submitting ETF agent would be required to confirm that such transaction should be released. Such confirmation must be received by NSCC by a specified time (*i.e.,* by the end of the supplemental cycle). If the submitting ETF agent does not respond by the specified time or responds that the transaction should be rejected, then NSCC would reject the transaction and it would not continue through to processing.

This automated threshold value reasonability check would apply to all submissions of creation and redemption instructions on clearing-eligible ETFs. Automated threshold value reasonability checks would be performed using the most recently available closing price from the primary listing marketplace as compared to the per-share value for every individual creation or redemption instruction that is submitted. Per-share values that exceed established thresholds as compared to the most recently available closing price would be marked as pended by NSCC and would be assigned a pended status while awaiting confirmation for reinstatement (or rejection) by the submitting ETF agent.

NSCC believes this proposed enhancement to the ETF clearing process (in concert with existing controls[15] and expanded processing with respect to as-of instructions (including as-of reversal instructions and as-of correction instructions), reversals, and corrections) would mitigate the risks associated with potentially mis-valued transactions described above. As an example, assume an in-kind ETF creation instruction[16] is received by NSCC from an ETF agent versus a component-based basket at 8:00 p.m. on T. Currently, NSCC assigns contract values on the underlying components based on (1) the basket components previously provided on T–1 or intraday on T, (2) customized instructions received on the order instruction on T (if any), and (3) the closing market prices on the component securities. Then, NSCC takes the total settlement value of the underlying components and adds the cash component value specified on the order instruction (received on T). When added to the cash component, NSCC determines that the total settlement value of the ETF ''ABC'' equals $100,000,000 to settle versus 1,000,000 shares of ETF ticker ''ABC'' to be created. With this proposal, the automated threshold value reasonability check would determine that the derived price per share of this creation order on ''ABC'' equals $100 ($100,000,000/1,000,000 = $100). The reasonability check would compare this derived ''contract price'' to the most recently available closing market price from the primary listing marketplace for ''ABC'' for the trade date specified on the instruction. It would determine that the last close for ''ABC'' was $48.50 per share.

The reasonability check would recognize that the creation order derived ''contract price'' represents a greater than 100% variance from the most recent market close. The reasonability check would flag the order instruction prior to any contracts being generated, segregating it from all of the other orders received by the submitting ETF agent. This order would be assigned a status of pended. The submitting ETF agent would be notified by NSCC of the pended status via email notification and outputs generated by the ETF process. The email notification would be sent to the designated contact(s) specified in the ETF application by the submitting ETF agent and would provide explicit instructions of what has occurred, what actions must be taken, and what would occur if no action is taken. NSCC anticipates that one of the following scenarios would then ensue: (1) The submitting ETF agent would do nothing and allow the instruction to be rejected

[14] *Id.*

[15] For example, one of the existing controls will reject an order if the total settlement value is negative.

[16] As used herein, in-kind creation or redemption instruction refers to an ETF create or redeem order that is placed versus a component-based basket rather than a cash-based basket. An instruction on a component-based basket results in contracts on the ETF as well as the underlying securities (the underlying components) that comprise the basket. An instruction on a cash-based basket results in a contract on the ETF versus a cash settlement; the cash settlement represents the value of the underlying securities, and contracts are not issued on the underlying components.

by the end of the supplemental cycle, (2) the submitting ETF agent would formally instruct NSCC via email to reinstate the pended order instruction and allow it to continue processing, or (3) the submitting ETF agent would provide NSCC with instructions to reject the pended order instruction. If NSCC does not receive instructions from the submitting ETF agent by the end of the supplemental cycle (11:30 p.m. ET), then NSCC would permanently assign the order instruction a status of rejected. In any case, the submitting ETF agent would receive confirmation, on the final supplemental cycle ETF clearing outputs, that the order instruction has either been marked as accepted or rejected.

Regarding the automated threshold value reasonability check, NSCC proposes to establish the following threshold values initially:

• *For ETFs with a Current Market Price equal to or greater than $3.00:* ETF contract value/calculated effective price per share is greater than or equal to a 98% variance from the market closing price from the trade date provided on the order.

• *For ETFs with a Current Market Price less than $3.00:* ETF contract value/calculated effective price per share is greater than or equal to a 98% variance from the market closing price from the trade date provided on the order.

Initially, NSCC would set the same price range for the threshold band of equal to or greater than $3.00 and the threshold band of less than $3.00. NSCC is proposing to establish these initial threshold values as shown above because NSCC believes these initial threshold values would only flag the most extreme value differences, whether overvalued or undervalued, and therefore, would likely avoid excessive manual trade reconciliation efforts by ETF agents. NSCC believes that setting the initial threshold value at 98% would capture overvalued and undervalued transactions while not being an excessively narrow control. Setting controls that are excessively narrow versus the closing market price on the trade date that is specified on the instruction would likely result in excessive manual trade reconciliation efforts. In other words, NSCC believes that this would result in a greater number of transactions that would be pended and therefore would need to be confirmed by ETF agents. NSCC believes excessive manual trade reconciliation efforts would be undesirable, especially if many transactions were pended in the evening on trade date after the ETF agent trading applications have closed for the day. NSCC believes that it is likely that some ETF agents would have to escalate internally to determine whether the flagged transactions should be accepted or rejected.

NSCC would retain the flexibility and discretion to adjust the price range and the threshold values described above. NSCC may consider market conditions and feedback from Members and internal stakeholders when determining whether and what adjustments would be made. NSCC believes that adjustments to price ranges or threshold values may be needed in two cases: (1) If requested by Members and/or NSCC internal stakeholders and (2) in response to a future market event. In the first possible use case, NSCC may make such adjustments if Members and/or NSCC internal stakeholders request that the thresholds be re-established so that they are closer to the ETF's closing market price than the initial setting. Adjusting the thresholds to make them narrower versus the ETF's closing market price (so that the threshold check would be triggered at smaller value differences) may prevent unnecessary reversals and margining on orders that contain errors. Internal NSCC stakeholders consisting of product management, risk management and operations management would collectively determine if an adjustment to price ranges or threshold values is needed. NSCC product management would make the final decision as to whether and what adjustment would be made. Operations would effectuate the actual adjustments because they would have the entitlements to do so. In the second possible use case, NSCC may make such adjustments in response to a future market event that results in a significant number of ETFs trading at market prices below the initial price range setting of $3.00. This could result in the need to update the threshold setting. NSCC would notify Members of any adjustment via Important Notice. NSCC expects that changes to either setting would be rare.

NSCC proposes to revise Procedure II, Section F.2 of the Rules to reflect the introduction of this automated threshold value reasonability check. It would provide that NSCC would perform reasonability checks on creation and redemption transaction data submitted by ETF agents to NSCC on each business day and that any transaction data that exceeds thresholds established by NSCC would be pended. It would also provide that NSCC would notify ETF agents of any pended transactions. ETF agents would then be required to confirm if such pended transactions should be accepted and such confirmation must be provided in the form and within the timeframe required by NSCC. In addition, if ETF agents fail to provide such confirmation, the pended transaction data would be rejected. The proposed rule change would also provide that NSCC may, in its sole discretion, adjust the thresholds and that NSCC may consider feedback from Members and market conditions.

2. Statutory Basis

NSCC believes that the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act.[17] Section 17A(b)(3)(F) of the Act requires, in part, that the Rules be designed to promote the prompt and accurate clearance and settlement of securities transactions.[18] NSCC believes the proposed enhancements to the process for submitting and accepting ETF creation and redemption transactions (*i.e.,* introduction of the additional cycles, enabling NSCC to receive same-day settling creation and redemption instructions until the applicable cut-off time, and introduction of the automated threshold value reasonability check) would promote the prompt and accurate clearance and settlement of securities transactions by providing ETF agents with an opportunity to address transactions with errors prior to the point at which they would be required to post their Clearing Fund requirement, as further described below. In addition, NSCC believes that removing the repetitive language regarding next-day settling creates and redeems in Procedure II, Section F.2 of the Rules would also promote the prompt and accurate clearance and settlement of securities transactions by clarifying the Rules, which NSCC believes would enable stakeholders to better understand their rights and obligations regarding next-day settling creates and redeems, as further described below.

Specifically, with the introduction of the additional cycles, even in circumstances where an erroneous transaction proceeds through NSCC's processes, ETF agents would have an opportunity to address the erroneous transactions before Members would be required to satisfy any Clearing Fund requirement deficits that would be due to those erroneous transactions. Specifically, the introduction of the additional cycles would enable NSCC to receive offsetting corrections from ETF agents intraday that would relieve the Member of the related Clearing Fund requirement deficit, which is not

[17] 15 U.S.C. 78q–1(b)(3)(F).

[18] *Id.*

possible today. Today, there is only one cycle of submission of such activity (the primary cycle which runs from 2:00 p.m. ET until 8:00 p.m. ET) and Members are required to satisfy their daily Clearing Fund requirement by the next morning (10:00 a.m. ET). The proposed enhancements described above would enable ETF agents to confirm whether or not potentially erroneous transactions should proceed through NSCC's processes and NSCC to receive offsetting corrections intraday in circumstances where erroneous transactions have been submitted, thereby minimizing the potential impact that such erroneous transactions may have to Members' daily Clearing Fund requirement deficit. Therefore, NSCC believes the introduction of the additional cycles would promote the prompt and accurate clearance and settlement of securities transactions, consistent with the requirements of Section 17A(b)(3)(F) of the Act.[19]

Furthermore, NSCC believes that the proposed change enabling NSCC to receive creation and redemption instructions for same-day settlement until the applicable cut-off time of 11:30 a.m. ET would promote the prompt and accurate clearance and settlement of securities transactions, consistent with the requirements of Section 17A(b)(3)(F) of the Act [20] because it would allow transactions that cannot be processed by NSCC today to be processed. This proposed change would enable these same-day settling instructions to receive the benefits of NSCC processing. Specifically, NSCC would be able to receive same-day settling instructions by the designated cut-off time to correct an erroneous instruction that has already been processed. This would enable Members to receive the benefit of offsetting their erroneous transactions (which today, they would have to do outside of NSCC) and thereby address any potential impact to their Clearing Fund requirement prior to the time by which they would be required to satisfy any Clearing Fund requirement deficit. Furthermore, these same-day settling instructions, whether intended to be corrections or otherwise, would also receive the benefit of being guaranteed by NSCC. In addition, they would receive the benefit of netting reversals and corrections with other primary and secondary market activity. NSCC believes that by allowing the foregoing transactions that cannot be processed by NSCC today to be processed and thereby allowing Members to address erroneous transactions along with the other benefits of NSCC processing described above, the proposed change would promote the prompt and accurate clearance and settlement of securities transactions, consistent with the requirements of Section 17A(b)(3)(F) of the Act.[21]

In addition, NSCC believes that by pending potentially erroneous transactions with the automated threshold value reasonability check before they would be allowed to proceed through NSCC's processes, the potential impact to Members' daily Clearing Fund requirement deficit would be minimized. It would also help to ensure that Members are subject to Clearing Fund requirements for intended activity and not erroneous activity because Members would be required to confirm that such activity should proceed through the NSCC's systems. Therefore, NSCC believes the introduction of the automated threshold value reasonability check would promote the prompt and accurate clearance and settlement of securities transactions, consistent with the requirements of Section 17A(b)(3)(F) of the Act.[22]

NSCC also believes the proposed change to remove the repetitive language regarding next-day settling creates and redeems in Procedure II, Section F.2 of the Rules would promote the prompt and accurate clearance and settlement of securities transactions, consistent with the requirements of Section 17A(b)(3)(F) of the Act [23] because it would ensure that the Rules remain accurate and clear. NSCC believes that maintaining accurate and clear Rules would enable all stakeholders to continue to readily understand their respective rights and obligations regarding NSCC's clearance and settlement of securities transactions. When stakeholders better understand their rights and obligations regarding NSCC's clearance and settlement of securities transactions, then they can act in accordance with the Rules, which NSCC believes would promote the prompt and accurate clearance and settlement of securities transactions by NSCC. Post-implementation of the accelerated trade guaranty,[24] NSCC no longer processes next-day settling instructions differently than other instructions when they are submitted to NSCC. As such, NSCC believes that simplifying Procedure II, Section F.2 of the Rules (by removing the repetitive language described above) would enable all stakeholders to better understand their respective rights and obligations regarding NSCC's clearance and settlement of securities transactions (specifically, of next-day settling creates and redeems) and thus would enable them to continue to act in accordance with the Rules. Therefore, NSCC believes this proposed rule change would promote the prompt and accurate clearance and settlement of securities transactions by NSCC, consistent with the requirements Section 17A(b)(3)(F) of the Act.[25]

(B) Clearing Agency's Statement on Burden on Competition

NSCC believes that the proposed changes to introduce additional cycles (*i.e.,* the intraday cycle and the supplemental cycle) may impose a burden on competition by requiring ETF agents, ETF sponsors, and potentially, third party service providers utilized by ETF agents or ETF sponsors to make enhancements to their processes (*e.g.,* coding changes) in order to send the enhanced input file to NSCC during any of the cycles, including the current primary cycle. The format of the input file would be revised to incorporate additional information, namely, a reversal/correction indicator and the time of the transaction. The format of the output files would not change, but the output files would be revised to reflect this additional information (which would either be appended or appear in current fields that do not contain any information). ETF agents, ETF sponsors and any third party service providers might need to make some enhancements (*e.g.,* coding changes) to process the output files. However, NSCC believes that any burden on competition that may result from the proposed change to introduce additional cycles would not be significant and would be necessary and appropriate in furtherance of the purposes of the Act for the reasons described below.[26]

NSCC believes that any burden on competition that may result from the proposed change to introduce additional cycles is necessary in furtherance of the Act because it would enable Members to better manage mis-valued transactions due to operational errors and thereby minimize any potential impact to their daily Clearing Fund requirement. NSCC also believes that any related burden on competition would be necessary in furtherance of the Act because NSCC would be able to receive as-of instructions, reversals and corrections

[19] *Id.*

[20] *Id.*

[21] *Id.*

[22] *Id.*

[23] *Id.*

[24] *Supra* note 12.

[25] 15 U.S.C. 78q–1(b)(3)(F).

[26] 15 U.S.C. 78q–1(b)(3)(I).

during the additional cycles, thereby enabling ETF agents to address erroneous transactions prior to the point at which Members would be required to post their Clearing Fund requirement (which they are unable to do today). This would help ensure that Members would be subject to Clearing Fund requirements for intended activity and not erroneous activity. Furthermore, ETF agents would be able to provide additional information, such as whether a transaction is a reversal or a correction and the time of the transaction, in the enhanced input file. NSCC believes the enhancements to the input file are required because the format of the input file would be changed in order to incorporate additional information, such as the reversal/correction indicator. The enhanced output files would also contain this additional information. As such, NSCC believes that the enhanced input and output files would increase clarity and transparency and thus help with reconciliation of transactions because Members would have more details regarding their transactions.

NSCC believes that any related burden on competition from the introduction of the additional cycles would be appropriate in furtherance of the Act because subdividing the day into multiple cycles would minimize the functional changes to the existing input and output files. NSCC would revise the input file and the output files in a manner that would minimize the potential enhancements (*e.g.,* coding changes) that ETF agents, ETF authorized participants, ETF sponsors, and any third party service providers would be required to make. The additional information would be included in the output files—either by appending the information or having it appear in fields that are currently reserved and do not contain any information—which would prevent any unnecessary functional changes. NSCC believes the changes that would be made to the input file and output files described above would result in the least amount of coding changes or other enhancements that ETF agents, ETF authorized participants, ETF sponsors, and third service party providers would be required to make and therefore, any burden on competition from the introduction of the additional cycles would be appropriate in furtherance of the Act.

NSCC also believes that any related burden on competition from the introduction of the additional cycles would not be significant because any enhancements that would be required to submit the input file and the enhancements that may be needed to process the output files would be minimal, as further described above. As such, NSCC believes that any burden on competition derived from these proposed change to introduce additional cycles would be necessary and appropriate, as permitted by Section 17A(b)(3)(I) of the Act for the reasons described above.[27]

Similarly, NSCC believes the proposed change to introduce the automated threshold value reasonability check may impose a burden on competition by potentially adding an additional step for the submitting ETF agents once a transaction is submitted to NSCC for processing. Specifically, NSCC would pend certain potentially mis-valued transactions and then submitting ETF agents would have to confirm whether or not the pended transaction should be processed by NSCC. NSCC believes that any burden on competition that may result from the proposed change to introduce an automated threshold value reasonability check would not be significant and would be necessary and appropriate in furtherance of the Act. NSCC believes that any related burden on competition from the introduction of the automated threshold value reasonability check would not be significant because NSCC believes the burden of reconciliation described above would be minimal. Furthermore, as described above, the initial values of the automated threshold value reasonability check would be set to only flag the most extreme value differences and therefore, avoid excessive manual reconciliation efforts. NSCC believes that any related burden on competition is necessary in furtherance of the Act because the automated threshold reasonability check would help ensure that Members are subject to Clearing Fund requirements for intended activity and not erroneous activity by enabling NSCC to pend certain potentially mis-valued transactions that could have an impact on a Member's Clearing Fund requirement. NSCC believes any related burden on competition is appropriate in furtherance of the Act because NSCC would establish the initial threshold values so that NSCC would only flag the most extreme value differences, thereby avoiding excessive manual trade reconciliation. Furthermore, submitting ETF agents would have an opportunity to confirm whether or not any pended transactions should proceed to processing, and if they do not respond by the established deadline, then the pended transactions would be rejected. As such, NSCC believes that any burden on competition derived from the proposed change to introduce an automated threshold value reasonability check would not be significant and would be necessary and appropriate, as permitted by Section 17A(b)(3)(I) of the Act for the reasons described above.[28]

At the same time, NSCC also believes that the proposed changes to introduce additional cycles and the automated threshold value reasonability check may relieve any burden on, or otherwise promote competition, by providing Members with a more efficient system for discovering and addressing potentially erroneous transactions before such transactions can impact Members' Clearing Fund requirement. By discovering and addressing potentially mis-valued transactions earlier, Members may be able to avoid posting additional Clearing Fund for unintended transactions. Furthermore, the introduction of the additional cycles means that Members would have more opportunities than during the current primary cycle (from 2:00 p.m. ET to 8:00 p.m. ET) to enter into and submit create and redeem instructions to NSCC as well as submit reversals or corrections. NSCC believes these improvements may encourage Members to submit more instructions to NSCC for processing or submit instructions that they would have otherwise settled outside of NSCC. Therefore, NSCC believes that the proposed changes to introduce additional cycles and the automated threshold reasonability check may also relieve any burden on, or otherwise promote competition.

Similarly, NSCC believes that the proposed change to allow instructions for same-day settlement that are received by NSCC by the designated cut-off time may relieve any burden on, or otherwise promote competition by providing Members with a means to address erroneous transactions intraday, prior to the point where they would have to satisfy any Clearing Fund requirement deficits that may be due to such erroneous transactions. This proposed change would increase the efficiency of the systems for addressing erroneous transactions because it would allow NSCC to receive reversals or corrections earlier than NSCC is able to receive today. NSCC believes this improvement may also encourage Members to submit more instructions to NSCC for processing or submit instructions that they would have otherwise settled outside of NSCC. Furthermore, as described below, it would also allow NSCC to align the

[27] *Id.*

[28] *Id.*

deadline for same-day settling instructions with the deadline for other same-day settling non-ETF activity and streamline the processing of same-day settling items for NSCC and its Members.

At the same time, NSCC believes that allowing instructions for same-day settlement that are received by NSCC by the designated cut-off time may impose a burden on competition because ETF agents and ETF sponsors (and third party service providers they use) may have to make coding changes; these potential coding changes would be different than the coding changes related to the enhanced input and output files described above. However, NSCC believes that any burden on competition that may result from this proposed change would be necessary and appropriate in furtherance of the Act.[29] As described above, under the proposal, NSCC would be able to receive creation and redemption instructions for same-day settlement until the designated cut-off time of 11:30 a.m. ET. NSCC believes this proposed change would be necessary in furtherance of the Act because it would allow NSCC to align this deadline for same-day settling instructions with the deadline for other same-day settling non-ETF activity and would streamline the processing of same-day settling items for both NSCC and its Members.[30] Furthermore, NSCC believes this proposed change would be appropriate in furtherance of the Act because any same-day settling instructions that are not received by the designated cut-off time could still be settled outside of NSCC (which is what happens today). Because same-day settling instructions that are received after the deadline would not be assigned a new settlement date under the proposal, Members would still be able to settle these same-day settling instructions that day, outside of NSCC. Therefore, NSCC believes that any burden on competition derived from the proposed change to allow instructions for same-day settlement that are received by NSCC by the designated cut-off time would be necessary and appropriate as permitted by Section 17A(b)(3)(I) of the Act.[31]

In addition, regarding next-day settling creates and redeems, NSCC believes that the proposed technical correction to remove the language stating that next-day settling creates and redeems are required to be submitted by such cut-off time on T would not have any impact or impose any burden on competition. Post-implementation of the accelerated trade guaranty,[32] NSCC no longer processes next-day settling instructions differently than other instructions when they are submitted to NSCC. As such, NSCC believes that deleting this repetitive language would promote clarity and accuracy and enable Members to readily understand how such instructions are processed when submitted to NSCC.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

NSCC has not received or solicited any written comments relating to this proposal. NSCC will notify the Commission of any written comments received by NSCC.

III. Date of Effectiveness of the Proposed Rule Change, and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NSCC–2017–019 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549.

All submissions should refer to File Number SR–NSCC–2017–019. 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 NSCC and on DTCC's Web site (*http://dtcc.com/legal/sec-rule-filings.aspx*). 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–NSCC–2017–019 and should be submitted on or before December 28, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[33]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–26319 Filed 12–6–17; 8:45 am]

BILLING CODE 8011–01–P

[29] 15 U.S.C. 78q–1(b)(3)(I).

[30] *Supra* note 10.

[31] 15 U.S.C. 78q–1(b)(3)(I).

[32] *Supra* note 12.

[33] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82197; File No. SR–PEARL–2017–37]

Self-Regulatory Organizations; MIAX PEARL, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend MIAX PEARL Rules 517A, Aggregate Risk Manager for EEMs (''ARM–E''), and 517B, Aggregate Risk Manager for Market Makers (''ARM–M'')

December 1, 2017.

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4

[1] 15 U.S.C. 78s(b)(1).

thereunder,[2] notice is hereby given that on November 28, 2017, MIAX PEARL, LLC (''MIAX PEARL'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend Exchange Rules 517A, Aggregate Risk Manager for EEMs (''ARM–E''), and 517B, Aggregate Risk Manager for Market Makers (''ARM–M'').

The text of the proposed rule change is available on the Exchange's Web site at *http://www.miaxoptions.com/rule-filings/pearl* at MIAX PEARL's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Exchange Rule 517A, ARM–E, to add additional detail to subsection (b), and to adopt new rule text in Interpretations and Policies .01, to state that immediate-or-cancel (''IOC'') Orders [3] are not EEM ARM Eligible Orders.[4] The Exchange also proposes to amend Exchange Rule 517B, ARM–M, to add additional detail to subsection (b), and to adopt new rule text in Interpretations and Policies .02, to state that immediate-or-cancel (''IOC'') Orders are not MM ARM Eligible Orders.[5]

ARM–E

ARM–E protects MIAX PEARL Electronic Exchange Members (''EEMs'') [6] and assists them in managing risk by maintaining a counting program (''EEM Counting Program'') [7] for each participating EEM who has submitted an order in an EEM Specified Option Class [8] using a specified market participant identifier (''MPID'') [9] of the EEM and delivered via the MEO Interface [10] (an ''EEM ARM Eligible Order''). The EEM Counting Program counts the number of contracts executed by an EEM from an EEM ARM Eligible Order (the ''EEM ARM Contracts'') within a specified time period that has been established by the EEM (the ''EEM Specified Time Period'').[11] The EEM Specified Time Period cannot exceed 15 seconds.[12] The Exchange currently provides that contracts executed as a result of an immediate-or-cancel (''IOC'') order submitted by such EEM are not included in a specific EEM's EEM Counting Program.[13]

The EEM may also establish for each EEM Specified Option Class an EEM Allowable Engagement Percentage (the ''EEM Allowable Engagement Percentage''),[14] which is a number of contracts, divided by the size of the orders, executed within the Specified Time Period, equal to or over which the ARM–E will be triggered. When an execution of an EEM ARM Contract from an EEM ARM Eligible Order occurs, the System [15] will look back over the EEM Specified Time Period to determine whether the sum of contract executions from such EEM ARM Eligible Order during such EEM Specified Time Period triggers the ARM–E.[16]

The System will engage the ARM–E in a particular EEM Specified Option Class when the EEM Counting Program has determined that an EEM has executed during the EEM Specified Time Period a number of EEM ARM Contracts from an EEM ARM Eligible Order equal to or above their EEM Allowable Engagement Percentage. ARM–E will then, until the EEM sends a notification to the System of the intent to reengage and submits a new order in the EEM Specified Option Class: (i) Automatically cancel the EEM ARM Eligible Orders in all series of that particular EEM Specified Option Class and (ii) reject new orders by the EEM in all series of that particular EEM Specified Option Class submitted using the MEO Interface.[17]

The Exchange now proposes to allow EEMs to submit orders with a time in force of immediate-or-cancel to the Exchange during the time that the ARM–E is engaged by amending Interpretations and Policies .01 to adopt new rule text to state, ''[i]mmediate-or-Cancel (''IOC'') Orders submitted by an EEM using the MEO Interface are not EEM ARM Eligible Orders.'' The Exchange also proposes to remove the existing text in Interpretations and Policies .01 in its entirety which states, ''[t]he System does not include in a specific EEM's EEM Counting Program contacts executed as a result of an immediate-or-cancel (''IOC'') order submitted by such EEM.'' By adopting text that explicitly states that IOC orders submitted by an EEM using the MEO Interface are not EEM ARM Eligible Orders, there is no longer a need to indicate that contracts executed as a result of an IOC order submitted by an EEM are not included in the Counting Program, as only EEM ARM Eligible Orders will be included in the EEM Counting Program.

Additionally, Rule 517A(b) provides that when the ARM–E is engaged, the System will, (i) automatically cancel the EEM ARM Eligible Orders in all series of that particular EEM Specified Option Class and (ii) reject new orders by the EEM in all series of that particular EEM Specified Option Class submitted using the MEO Interface. The Exchange now proposes to amend subsection (b)(ii) to state that the System will reject EEM ARM Eligible Orders submitted by the EEM, thereby allowing IOC orders to be submitted to the Exchange for trading when ARM–E is engaged.

[2] 17 CFR 240.19b–4.

[3] An immediate-or-cancel order is an order that is to be executed in whole or in part upon receipt. Any portion not so executed is cancelled. *See* Exchange Rule 516(e).

[4] *See* Exchange Rule 517A(a).

[5] *See* Exchange Rule 517B(a).

[6] The term ''Electronic Exchange Member'' or ''EEM'' means the holder of a Trading Permit who is a Member representing as agent Public Customer Orders or Non-Customer Orders on the Exchange and those non-Market Maker Members conducting proprietary trading. Electronic Exchange Members are deemed ''members'' under the Exchange Act. *See* Exchange Rule 100.

[7] *See* Exchange Rule 517A(a).

[8] An ''EEM Specified Option Class'' is a class which the EEM has designated as a class to be protected via ARM–E. *See* Exchange Rule 517A(a).

[9] The term ''MPID'' means unique market participant identifier. *See* Exchange Rule 100.

[10] The term ''MEO Interface'' means a binary order interface used for submitting certain order types (as set forth in Rule 516) to the MIAX PEARL System. *See* Exchange Rule 100.

[11] *See* Exchange Rule 517A(a).

[12] *Id.*

[13] *See* Exchange Rule 517A, Interpretations and Policies .01.

[14] *See* Exchange Rule 517A(c).

[15] The term ''System'' means the automated trading system used by the Exchange for the trading of securities. *See* Exchange Rule 100.

[16] *See* Exchange Rule 517A(c).

[17] *See* Exchange Rule 517A(b).

ARM–M

ARM–M protects MIAX PEARL Market Makers [18] and assists them in managing risk by maintaining a counting program (''MM Counting Program'') for each Market Maker who has submitted an order in an option class (an ''MM Option Class'') delivered via the MEO Interface (an ''MM ARM Eligible Order'').[19] The MM Counting Program counts the number of contracts executed by a Market Maker from an MM ARM Eligible Order (the ''MM ARM Contracts'') within a specified time period that has been established by the Market Maker or as a default setting, as defined below (the ''MM Specified Time Period'').[20] The MM Specified Time Period cannot exceed 15 seconds whether established by the Market Maker or as a default setting.[21] The Exchange currently provides that contracts executed as a result of an immediate-or-cancel (''IOC'') order submitted by such MM are not included in a specific MM's MM Counting Program.[22]

The Market Maker may also establish for each MM Option Class an MM Allowable Engagement Percentage. When an execution of an MM ARM Contract from an MM ARM Eligible Order occurs, the System will look back over the MM Specified Time Period to determine whether the sum of contract executions from such MM ARM Eligible Order during such MM Specified Time Period triggers the ARM–M.[23]

The System will engage the ARM–M in a particular MM Option Class when the MM Counting Program has determined that a Market Maker has executed during the MM Specified Time Period a number of MM ARM Contracts from an MM ARM Eligible Order equal to or above their MM Allowable Engagement Percentage. The ARM–M will then, until the Market Maker sends a notification to the System of the intent to reengage and submits a new order in the MM Option Class: (i) Automatically cancel the MM ARM Eligible Orders in all series of that particular MM Option Class and (ii) reject new orders by the Market Maker in all series of that particular MM Option Class submitted using the MEO Interface.[24]

The Exchange now proposes to allow Market Makers to submit orders with a time in force of immediate-or-cancel to the Exchange during the time that the ARM–M is engaged by amending Interpretations and Policies .02 to state, ''[i]mmediate-or-Cancel (''IOC'') Orders submitted by a Market Maker using the MEO Interface are not MM ARM Eligible Orders.'' The Exchange also proposes to remove the existing text in Interpretations and Policies .02 in its entirety which states, ''[t]he System does not include in a specific MM's MM Counting Program contacts executed as a result of an immediate-or-cancel (''IOC'') order submitted by such MM.'' By adopting text that explicitly states that IOC orders submitted by a Market Maker using the MEO Interface are not MM ARM Eligible Orders, there is no longer a need to indicate contracts executed as a result of an IOC order submitted by a Market Maker are not included in the Counting Program, as only MM ARM Eligible Orders will be included in the MM Counting Program.

Additionally, Rule 517B(b) provides that when the ARM–M is engaged, the System will (i) automatically cancel the MM ARM Eligible Orders in all series of that particular MM Option Class and (ii) reject new orders by the Market Maker in all series of that particular MM Option Class submitted using the MEO Interface. The Exchange now proposes to amend subsection (b)(ii) to state that the System will reject new MM ARM Eligible Orders submitted by the Market Maker, thereby allowing IOC orders to be submitted to the Exchange for trading when ARM–M is engaged.

ARM–E and ARM–M are designed to mitigate the exposure risk of resting orders on the Exchange. In the Exchange's experience an IOC order is an order that is designed to target specific, identifiable liquidity resting on the Book [25] that the entering Member desires to trade with. Thus, a Member entering an IOC order does not require the risk management protection of either the ARM–E or ARM–M, as the Member entering the IOC order has made an affirmative decision to attempt to execute that transaction. The Exchange believes Members should not be prevented from submitting these types of orders to the Exchange during the time that the Aggregate Risk Manager is engaged as contracts executed using these types of orders are not included in either the EEM or MM Counting Program.[26]

The Exchange believes this proposal will allow Members to continue to be protected from the risks that the Aggregate Risk Manager is designed to mitigate, and also allow Members to continue to submit certain orders which Members desire to submit even during the time that the Aggregate Risk Manager is engaged. The Exchange believes allowing Members the ability to send IOC orders to the Exchange will improve liquidity and order execution on the Exchange.

The Exchange notes that the proposed rule change is similar to a rule that is currently operative on the Exchange's affiliate, MIAX Options Exchange (''MIAX Options''). Specifically, Interpretations and Policies .01 to MIAX Options Rule 612, Aggregate Risk Manager, states that eQuotes [27] will remain in the System available for trading when the Aggregate Risk Manager is engaged. IOC Orders on MIAX PEARL are analogous to eQuotes on MIAX Options as eQuotes also have limited time-in-force durations. For example, eQuotes on MIAX Options [28] may be Auction or Cancel (''AOC''),[29] Opening Only (''OPG''),[30] Immediate or Cancel (''IOC''),[31] or Fill or Kill (''FOK'').[32] MIAX PEARL and MIAX

[18] The term ''Market Maker'' or ''MM'' means a Member registered with the Exchange for the purpose of making markets in options contracts traded on the Exchange and that is vested with the rights and responsibilities specified in Chapter VI of the MIAX PEARL Rules. *See* Exchange Rule 100.

[19] *See* Exchange Rule 517B(a).

[20] *Id.*

[21] *Id.*

[22] *See* Exchange Rule 517B, Interpretations and Policies .02.

[23] *See* Exchange Rule 517B(c).

[24] *See* Exchange Rule 517B(b).

[25] The term ''Book'' means the electronic book of buy and sell orders and quotes maintained by the System. *See* Exchange Rule 100.

[26] *See supra* note 11 and 19.

[27] An eQuote is a quote with a specific time in force that does not automatically cancel and replace a previous Standard quote or eQuote. An eQuote can be cancelled by the Market Maker at any time, or can be replaced by another eQuote that contains specific instructions to cancel an existing eQuote. *See* MIAX Options Exchange Rule 517(a)(2).

[28] MIAX Options provides for a Day eQuote in its rules, however this type of eQuote has not yet been enabled for trading on the MIAX Options Exchange. *See* MIAX Options Exchange Rule 517(a)(i).

[29] An Auction or Cancel or ''AOC'' eQuote is a quote submitted by a Market Maker to provide liquidity in a specific Exchange process . . . with a time in force that corresponds with the duration of that event and will automatically expire at the end of that event. *See* MIAX Options Exchange Rule 517(a)(2)(ii). The Exchange notes the current length of an auction on MIAX Options is 100 milliseconds and that the duration of an auction may be no less than 100 milliseconds and no more than 1 second. *See* MIAX Options Exchange Rule 515A(a)(2)(i)(C).

[30] An opening only or ''OPG'' eQuote is a quote that can be submitted by a Market Maker only during the Opening . . . OPG eQuotes will automatically expire at the end of the Opening Process. *See* MIAX Options Exchange Rule 517(a)(2)(iii).

[31] An immediate or cancel or ''IOC'' eQuote is an eQuote submitted by a Market Maker that must be matched with another quote or order for an execution in whole or in part upon receipt into the System. Any portion of the IOC eQuote not executed will be immediately canceled. *See* MIAX Options Exchange Rule 517(a)(2)(iv).

[32] A fill or kill or ''FOK'' eQuote is an eQuote submitted by a Market Maker that must be matched with another quote or order for an execution in its entirety at a single price upon receipt into the

Continued

Options have a number of common Members and where feasible the Exchange strives to provide consistency between the markets so as to avoid confusion among Members.

The Exchange will announce the implementation date of the proposed rule change by Regulatory Circular to be published no later than 60 days following the operative date of the proposed rule. The implementation date will be no later than 60 days following the issuance of the Regulatory Circular.

2. Statutory Basis

MIAX PEARL believes that its proposed rule change is consistent with Section 6(b) of the Act [33] in general, and furthers the objectives of Section 6(b)(5) of the Act [34] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in, securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes that its proposal would promote just and equitable principles of trade by permitting Members to use an order type that is not an ARM Eligible Order during the time that the ARM is engaged. Additionally, the Exchange believes this proposal will promote just and equitable principles of trade by allowing Members to continue to be protected from the risks that the Aggregate Risk Manager is designed to mitigate, and also allow Members to continue to submit certain orders which Members desire to submit even during the time the Aggregate Risk Manager is engaged. ARM–E and ARM–M are designed to mitigate the exposure risk of resting orders. An IOC order is an order that is designed to target specific, identifiable liquidity resting on the Book that the entering Member desires to trade with and thus the Member entering the IOC order does not require the risk management protection of either the ARM–E or ARM–M, as the Member entering the IOC order has made an affirmative decision to attempt to execute that transaction. Therefore, the Exchange believes Members should not be prevented from submitting these types of Orders to the Exchange during the time that the Aggregate Risk Manager is engaged. The Exchange believes allowing Members the ability to send IOC orders to the Exchange while the Aggregate Risk Manager is engaged promotes just and equitable principles of trade by improving liquidity and order execution on the Exchange.

The Exchange believes its proposal will result in increased liquidity on the Exchange which will contribute to the operation of a fair and orderly market. The proposed treatment of IOC orders during the time that the ARM is engaged is substantially similar to the treatment of eQuotes on the Exchange's affiliate, MIAX Options.[35]

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed rule change will foster competition on the Exchange by providing EEMs and Market Makers with the ability to submit IOC orders during the time that the ARM is engaged and compete for executions.

The Exchange does not believe the proposed rule change will impact inter-market competition as the proposal is not designed to address competitive issue and is limited in scope to the behavior of Members of the Exchange.

For the reasons stated, the Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act, and believes the proposed change will enhance competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to 19(b)(3)(A) of the Act [36] and Rule 19b–4(f)(6) [37] thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–PEARL–2017–37 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–PEARL–2017–37. 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

System or will be immediately cancelled. *See* MIAX Options Exchange Rule 517(a)(a)(v).

[33] 15 U.S.C. 78f(b).

[34] 15 U.S.C. 78f(b)(5).

[35] *See* MIAX Options Rule 612, Interpretations and Policies .01.

[36] 15 U.S.C. 78s(b)(3)(A).

[37] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

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 react 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–PEARL–2017–37 and should be submitted on or before December 28, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[38]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–26321 Filed 12–6–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82194; File No. SR–LCH SA–2017–010]

Self-Regulatory Organizations; LCH SA; Notice of Filing of Proposed Rule Change, Security-Based Swap Submission, or Advance Notice Relating to the Implementation of the Markets in Financial Instruments Regulation

December 1, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on November 21, 2017, Banque Centrale de Compensation, which conducts business under the name LCH SA (''LCH SA''), filed with the Securities and Exchange Commission (''Commission'') the proposed rule change (''Proposed Rule Change'') described in Items I, II and III below, which Items have been primarily prepared by LCH SA. The Commission is publishing this notice to solicit comments on the Proposed Rule Change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

LCH SA is proposing to amend its (i) CDS Clearing Rulebook (the ''Rulebook'') and CDS Clearing Procedures (the ''Procedures'') to make conforming and clarifying changes necessary to implement certain provisions of the Markets in Financial Instruments Regulation (''MiFIR'')[3] that are applicable to central counterparties (''CCPs'') authorized under the European Markets Infrastructure Regulation (''EMIR'')[4] (each such CCP, an ''authorized CCP''). In particular, the Proposed Rule Change implements Article 29 of MiFIR, which requires authorized CCPs to establish effective systems, procedures and arrangements to ensure that transactions in cleared derivatives transactions are submitted and accepted for clearing on a straight-through processing (''STP'') basis, and Article 30 of MiFIR, which requires authorized CCPs to establish indirect clearing arrangements with respect to exchange-traded derivatives (''ETDs'') that are of ''equivalent effect'' to the corresponding requirements under EMIR.

Regulatory technical standards have also been adopted to set more specific requirements that authorized CCPs must meet to comply with MiFIR. The regulatory technical standards for straight-through processing (''RTS 26'') were adopted in late 2016.[5] More recently, the European Commission adopted regulatory technical standards, which align the indirect clearing requirements under EMIR and MiFIR (''Indirect Clearing RTS'').[6]

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, LCH SA 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. LCH SA has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

a. Overview

As noted above, the principal purpose of the Proposed Rule Change is to amend LCH SA's Rulebook and Procedures to implement the provisions of MiFIR applicable to authorized CCPs and the Indirect Clearing RTS. MiFIR takes effect January 3, 2018 and it is expected that the Indirect Clearing RTS will take effect on the same date.

Specifically, Article 29 of MiFIR requires authorized CCPs to establish effective systems, procedures and arrangements to ensure that transactions in cleared derivatives are submitted and accepted for clearing on a straight-through processing basis. Article 4 of EMIR and the Indirect Clearing RTS set out specific compliance requirements for entities that participate in ''indirect clearing arrangements'' in connection with OTC derivatives. As an authorized CCP, LCH SA is required to amend its rules and procedures to give effect to these provisions of MiFIR and the Indirect Clearing RTS.

Set out below is an explanation of the relevant provisions of RTS 26 and the Indirect Clearing RTS followed in each case by a description of the amendments LCH SA has made to its Rulebook and Procedures to give effect to each RTS. Capitalized terms not otherwise defined herein have the meanings ascribed to them in the Rulebook.

b. Straight-Through Processing

RTS 26 establishes the specific requirements with which authorized CCPs, trading venues[7] and clearing

[38] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) No 648/2012.

[4] Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade reporting.

[5] Commission Delegated Regulation (EU) 2017/582 of 29.6.2016 supplementing Regulation (EU) No 600/2014 of the European Parliament and of the Council with regard to regulatory technical standards specifying the obligation to clear derivatives traded on regulated markets and timing of acceptance for clearing.

[6] Commission Delegated Regulation (EU) of 22.9.2017 amending Commission Delegated Regulation (EU) No 149/2013 with regard to regulatory technical standards on indirect clearing arrangements. A separate, but identical, set of RTS apply to indirect clearing of exchange-traded derivatives. *See,* Commission Delegated Regulation (EU) of 22.9.2017 supplementing Regulation (EU) No 600/2014 with regard to regulatory technical standards on indirect clearing arrangements.

[7] The term ''trading venue'' as used in RTS 26 refers to EU-based venues only (*i.e.,* regulated markets, multilateral trading facilities and organized trading facilities). Accordingly, third-country venues (*e.g.,* U.S. swap execution facilities, security-based swap execution facilities, designated contract markets and national securities exchanges) are not required to comply with the RTS 26 provisions applicable to trading venues. Notwithstanding this definition, the STP amendments described herein will apply with respect to all derivatives transactions concluded on swap execution facilities and designated contract markets registered with the U.S. Commodity Futures Trading Commission (''CFTC'') and the definition of the term ''Trading Venue'' has been amended accordingly. *See,* Section 1.1.1 of the Rulebook.

members [8] must comply in order to ensure that transactions in cleared derivatives are submitted and accepted for clearing ''as soon as technologically practicable using automated systems'', as required by Article 29(2) of MiFIR. LCH SA must comply with the RTS 26 requirements applicable to authorized CCPs. For ease of reference these requirements can be conceptually distinguished into: (i) A CCP's information requirements; (ii) cleared derivatives transactions concluded on a trading venue; (iii) cleared derivatives transactions concluded bilaterally; and (iv) resubmission of cleared derivatives transactions in the event of clerical error or technical problems.

i. CCP Information Requirements

Article 1(2) of RTS 26 requires an authorized CCP to detail in its rules the information it needs from trading venues and counterparties to cleared derivatives transactions, and the format such information must take, in order for the authorized CCP to accept that transaction for clearing.

The Rulebook currently provides that all clearing members must be participants of at least one Approved Trade Source System, *i.e.,* a middleware provider, which receives Original Transaction Data relating to Intraday Transactions from the relevant Clearing Members or the relevant Trading Venue. The Approved Trade Source System is then responsible for ensuring that the data is then submitted to LCH SA. To give effect to the CCP information requirements of Article 1(2) of RTS 26, Article 3.1.4.1 of the Rulebook has been amended to confirm that the data relating to such submission must be made in a format acceptable to, or required by, the relevant Approved Trade Source System.

[8] The term ''clearing member'' is not defined in RTS 26. However, Article 29 of MiFIR refers to ''investment firms which act as clearing members in accordance with'' EMIR. The term ''investment firm'' refers only to those EU firms which are required to be authorized under the revised Markets in Financial Instruments Directive (''MiFID II'') and, therefore, third-country firms that are clearing members of authorized CCPs (*e.g.,* SEC-registered broker dealers (''BDs'') and futures commission merchants (''FCM'') registered with the CFTC) are not required to comply with the RTS 26 provisions applicable to clearing members. Nonetheless, it should be noted that BDs and FCMs are subject to comparable requirements under SEC and CFTC regulations. *See,* 17 CFR 240.15Fi–2(f)(2); 17 CFR 1.74 and 17 CFR 23.501. In any event, the STP requirements to which LCH SA is subject, discussed herein, apply with respect to all derivatives transactions submitted for clearing by any Clearing Member, including a Clearing Member that is a BD or FCM.

ii. Cleared Derivatives Transactions Concluded on a Trading Venue

For a cleared derivatives transaction concluded on a trading venue, Article 3(4) of RTS 26 requires an authorized CCP to accept or reject such transaction for clearing within 10 seconds of receipt of the relevant information from the trading venue.[9] Where the authorized CCP determines to reject the transaction for clearing, it is required to inform the clearing member and the trading venue on a real-time basis.

LCH SA has traditionally imposed a series of controls on Intraday Transactions, including the following:

- Eligibility Controls, which verify the completeness of the information relating to the Original Transaction and to determine whether the Original Transaction meets LCH SA's Eligibility Requirements;
- Client Transaction Checks, which verify whether, in respect of an Original Transaction that is a Client Transaction, the relevant Clearing Member has consented to the registration of the trade on behalf of its Client; and
- Notional and Collateral Checks, which verify whether accepting the trade for clearing would exceed the relevant Clearing Member's Maximum Notional Amount and/or whether the Clearing Member has sufficient collateral available to satisfy the margin requirement associated with clearing the trade.

LCH SA will be able to identify cleared derivatives transactions concluded on a trading venue—referred to as ''Trading Venue Transactions'' in the revised Rulebook—and has amended Section 5.3 of the Procedures to confirm that, in accordance with Article 3(4) of RTS 26, the relevant Clearing Member(s) are not required to provide their consent to the acceptance of a Trading Venue Transaction for clearing.

LCH SA will, however, apply the Notional and Collateral Checks to Trading Venue Transactions. Article 3.1.4.5 of the Rulebook has been amended to make clear that all stages of the intraday clearing process must occur within the timeframe required by Applicable Law, meaning that LCH SA must perform the Notional and Collateral Checks within the 10 second time-frame prescribed by Article 3(4) of RTS 26.

[9] As a CFTC-registered derivatives clearing organization, LCH SA is currently subject to this same requirement in connection with its CDS Clearing Service. *See,* 17 CFR 39.12(b)(7); CFTC Staff Guidance of Straight-Through Processing, dated September 26, 2013, available at *http://www.cftc.gov/idc/groups/public/@newsroom/documents/file/stpguidance.pdf.*

Finally, Article 3.1.5.1 of the Rulebook has been amended to clarify that notice of a Rejected Transaction will be provided to the relevant Trading Venue and/or Approved Trade Source System in accordance with Applicable Law.

iii. Cleared Derivatives Transactions Concluded Bilaterally

For a cleared derivatives transaction concluded bilaterally between counterparties, Article 4(2) of RTS 26 requires an authorized CCP to send the information it receives from the relevant counterparties to the relevant clearing member(s) within 60 seconds of receipt of such information. Article 4(3) of RTS 26 requires the authorized CCP to accept or reject such transaction for clearing within 10 seconds of receipt of the acceptance or non-acceptance by such clearing member(s). Where the authorized CCP determines to reject the transaction for clearing, it is required to inform the clearing member on a real-time basis.

Cleared derivatives transactions concluded bilaterally will, in accordance with Section 5.3 of the Procedures, be subject to the Client Transaction Checks referred to above. In particular, LCH SA will, upon successful completion of the Eligibility Controls, send a Consent Request to the relevant Clearing Member(s). Pursuant to Article 3.1.4.5 of the Rulebook, LCH SA is required to send each such Consent Request in accordance with the timeframe required by Applicable Law (*i.e.,* 60 seconds).

A Clearing Member then has a choice in how to respond to the Consent Request. It may opt for a so-called ''Automatic Take-Up Process'', whereby the Clearing Member effectively pre-approves specific Clients for automatic acceptance of Consent Requests; in such circumstances, the Clearing Member will not be required to respond to the Consent Request. A Clearing Member may also opt for a ''Manual Take-Up Process'', whereby it must affirmatively respond within the time frame required by Applicable Law (*i.e.,* 60 seconds) or otherwise by the end of the real-time clearing session on that day. LCH SA will then accept or reject the trade, and make the relevant notifications, within the timeframe required under Applicable Law.

Finally, Article 3.1.5.1 of the Rulebook has been amended to clarify that notice of a Rejected Transaction will be provided to the relevant Clearing Member and/or Approved Trade Source System in accordance with Applicable Law.

iv. Resubmission

Where the non-acceptance of a cleared derivatives transaction for clearing is due to a clerical or technical error, Article 5(3) of RTS 26 permits the trade to be resubmitted within one hour, provided the original counterparties to the trade agree to such resubmission. Article 3.1.5.1 of the Rulebook has been amended to state that a Rejected Transaction may be resubmitted for clearing in accordance with Applicable Law.

v. Treatment of Backloading Transactions

STP requirements apply to ''cleared derivatives transactions'', which are defined in Article 29(2) of MiFIR to include derivatives that are concluded on an EU regulated market, all OTC derivatives that are subject to an EMIR mandatory clearing requirement, and all other derivatives which are agreed by the relevant counterparties to be cleared. LCH SA has amended the Rulebook to designate Backloading Transactions as out of scope of MiFIR's STP requirements. Specifically, Article 3.1.6.3 now provides that LCH SA is entitled to assume that any Backloading Transaction submitted for clearing by LCH SA was either entered into prior to the effective date of MiFIR (*i.e.,* January 3, 2018) or is otherwise not subject to an EMIR mandatory clearing requirement and that the parties to the Backloading Transaction did not agree at the time of execution for the Backloading Transaction to be subject to clearing.

c. Indirect Clearing Arrangements

i. Indirect Clearing RTS

Article 4(3) of EMIR requires that indirect clearing arrangements should not increase counterparty risk and ensure protections that are of ''equivalent effect'' to the protections for client clearing set out in Articles 39 and 48 of EMIR. The term ''indirect clearing arrangement'' refers to a set of relationships—also called a ''chain''—where at least two intermediaries are interposed between an end-client and the relevant authorized CCP. The most basic indirect clearing chain therefore involves the following four entities: An authorized CCP; a clearing member of the authorized CCP; the client of the Clearing Member that is itself an intermediary (''Direct Client''); and the client of such Direct Client (''Indirect Client''). Longer chains are permitted in certain circumstances.

The majority of the obligations under the Indirect Clearing RTS fall to Clearing Members and Direct Clients. However, authorized CCPs must comply with new requirements relating to account structures, default management and risk management.[10] Because indirect clearing was a concept introduced in EMIR, the Rulebook already had a number of features to implement the initial set of indirect clearing requirements. LCH SA has made the following conforming amendments to reflect the updated requirements of the Indirect Clearing RTS.

ii. Indirect Client Account Structures

An authorized CCP must permit a clearing member to open and maintain at least the following two types of accounts for its Direct Client(s) that have Indirect Client(s):

- One omnibus segregated account for all Indirect Clients of all such Direct Clients (''CCP OSA''); and
- one gross (position and margin) segregated account per Direct Client for all Indirect Clients of that Direct Client that choose gross segregation (a ''CCP GOSA'').

Therefore an authorized CCP is expected to maintain at least: (i) One CCP OSA per clearing member; plus (ii) the requisite number of Direct Client-specific CCP GOSAs per clearing member.

The Indirect Clearing RTS do not specify whether the CCP OSA must be held either gross or net for calling margin or for position-keeping purposes, leaving the specific arrangements to the discretion of each authorized CCP. Finally, and for the avoidance of doubt, CCP OSAs and CCP GOSAs are separate from any Direct Client-specific individual or omnibus accounts opened pursuant to Article 39 of EMIR.

The principal indirect clearing-related amendment to the Rulebook is the introduction of two new account structures that reflect the requirements of the Indirect Clearing RTS. Specifically, LCH SA has introduced a new CCM Indirect Client Net Segregated Account Structure (*i.e.,* a CCP OSA) as well as a new CCM Indirect Client Gross Segregated Account Structure (*i.e.,* a CCP GOSA), collectively referred to as CCM Indirect Client Segregated Account Structures.

A CCM Indirect Client Net Segregated Account Structure contains the following elements:

- A CCM Client Trade Account per CCM Indirect Client that belongs to such Account Structure. A CCM Client Trade Account is an account that records the Cleared Transactions registered in the name of the relevant CCM Indirect Client;
- a single CCM Indirect Client Net Segregated Margin Account, in which all Cleared Transactions of all the CCM Indirect Clients in that Structure are netted to create a single set of Open Positions per contract for purposes of calculating a single, overall initial and variation margin requirement in respect of such Account Structure; and
- a single CCM Client Collateral Account, which records the Collateral provided by the CCM to satisfy the CCM Client Margin Requirement(s) in respect of the Account Structure and for purposes of identifying any CCM Client Excess Collateral in respect of the Account Structure.

A CCM Indirect Client Gross Segregated Account Structure contains the following elements:

- A CCM Client Trade Account per CCM Indirect Client that belongs to such Account Structure;
- a CCM Indirect Client Gross[11] Segregated Margin Account per CCM Indirect Client that belongs to such Account Structure, in which the Cleared Transactions of such CCM Indirect Client are netted to create a set of Open Positions for purposes of calculating initial and variation margin requirements in respect of such CCM Indirect Client; and
- a single CCM Client Collateral Account, which records the Collateral provided by the CCM to satisfy the CCM Client Margin Requirement(s) in respect of the Account Structure and for purposes of identifying any CCM Client Excess Collateral in respect of the Account Structure.

Title V, Chapter 2 of the Rulebook has been amended to specify the circumstances in which such Account Structures may be opened. In particular, Article 5.2.1.3 has been amended to clarify that a given CCM Client that provides indirect clearing services to

[10] The indirect clearing arrangements for OTC derivatives described herein, in particular, the requirements relating to account structures and default management, generally will not be applicable to Clearing Members that are FCM Clearing Members or U.S. Clearing Members, *i.e.,* BDs. In this regard, in connection with the CDS Clearing Service, FCM Clearing Members will continue to be required to maintain cleared swaps customer accounts in accordance with the segregation requirements set out in Section 4d(f) of the Commodity Exchange Act and Part 22 of the CFTC's rules, 17 CFR 22.1 *et seq.* Similarly, a U.S. Clearing Member that is not also an FCM Clearing Member will be required to maintain customer security-based swap accounts in accordance with 17 CFR 240.15c3–3.

[11] Pursuant to an email from LCH SA's representative dated November 30, 2017, staff in the Division of Trading and Markets corrected an incorrect reference to a ''CCM Indirect Client Net Account.'' LCH SA intended to refer to a ''CCM Indirect Client Gross Account.''

CCM Indirect Clients must be allocated to one CCM Indirect Client Net Segregated Account Structure but may, upon request, be allocated to one CCM Indirect Client Gross Segregated Account Structure.

iii. Default Management

The Indirect Clearing RTS primarily address a Clearing Member's default management of an insolvent Direct Client and therefore do not specifically address an authorized CCP's treatment of CCP OSAs and CCP GOSAs in the event of a Clearing Member default. However, the better view appears to be that these accounts should be held to the extent possible in accordance with the requirements of EMIR Articles 39 and 48, which leads to the following obligations for an authorized CCP.

Porting/Leapfrog Payment. In line with the EMIR requirement that indirect clearing arrangements be of ''equivalent effect'' to client clearing protections, in the event of a Clearing Member default, a CCP is expected to be able to attempt to port the positions of Indirect Clients in a CCP GOSA to a backup Direct Client or, failing that, to attempt to make a ''leapfrog'' payment over the insolvency estate of the defaulted Clearing Member directly to the Direct Client for the account of its Indirect Clients.

Value Segregation Only. To facilitate the porting and leapfrog arrangements set out above, it will be necessary for an authorized CCP to maintain separate collateral pools for each CCP GOSA. However, in line with Article 39(10) of EMIR, the term ''assets''—which must be segregated—refers to collateral held to cover a given set of positions and includes the right to the return/transfer of equivalent assets. Accordingly, a CCP is not required to identify the specific collateral assets posted in respect of a given Indirect Client in a CCP GOSA but instead may rely on ''value segregation'' only.

The Rulebook addresses the treatment of CCM Indirect Client Segregated Account Structures in the event of the default of the CCM, the CCM Client and of LCH SA itself.

CCM Default.

• In the event of a CCM default, Clause 4.3 of the CDS Default Management Process states that LCH SA will attempt in the first instance to port the Client Cleared Transactions of a CCM Indirect Gross Segregated Account Client to a single Backup Clearing Member, provided that certain conditions are met, including that the Backup Clearing Member has unconditionally agreed to act as Backup Clearing Member and the instruction is received within the prescribed timeframe—referred to as the ''Porting Window''—established by LCH SA for this purpose. In the alternative, LCH SA may liquidate the existing Client Cleared Transactions and re-establish them with the Backup Clearing Member. LCH SA will also, upon instruction, transfer the associated Collateral to the Backup Clearing Member. There will be no porting attempted for Client Cleared Transactions in a CCM Indirect Client Net Segregated Account Structure.

• In respect of Client Cleared Transactions in a CCM Indirect Client Net Segregated Account Structure (or where porting is not achieved in respect of Client Cleared Transactions in a in a CCM Indirect Client Gross Segregated Account Structure), Clause 4.4.3 of the CDS Default Management Process requires LCH SA to calculate an amount—called the ''CDS Client Clearing Entitlement''—equal to: (1) The pro rata share of the liquidation of the Non-Ported Cleared Transactions; plus (2) the pro rata share of the liquidation value of the Client Assets recorded in the relevant Client Collateral Account; minus (2) the pro rata share of the costs of any hedging undertaken; minus (4) the pro rata share of the costs, expenses and liabilities of LCH SA in implementing the CDS Client Default Management Process, in each case where such pro rata share is attributable to a given CCM Indirect Client. The relevant CDS Clearing Entitlement(s) will then be paid to the CCM Client of the defaulting CCM.

• Upon a CCM default, Article 4.3.3.1 of the Rulebook clarifies that CCM Indirect Clients belonging to a CCM Indirect Client Gross Segregated Account Structure bear no fellow-customer risk: only the value of the Collateral referable to a given CCM Indirect Client—called the ''CCM Indirect Client Gross Account Balance''—will be available to satisfy any Damages attributable to the liquidation of any Non-Ported Cleared Transactions referable to such CCM Indirect Client. By contrast, all Collateral recorded in respect of a given CCM Indirect Client Net Segregated Account will be available to satisfy any Damages relating to the liquidation of any Non-Ported Cleared Transactions of any CCM Indirect Client belonging to such CCM Indirect Client Net Segregated Account.

CCM Client Default. In the event of the default of a CCM Client that has CCM Indirect Clients, LCH SA's normal default management arrangements for CCMs will not apply. Instead, the defaulting CCM Client will be default managed by the CCM, which will determine whether to liquidate the Client Cleared Transactions registered in the relevant CCM Indirect Client Segregated Account Structures or to attempt to port the Client Cleared Transactions of the CCM Indirect Clients belonging to a CCM Indirect Client Gross Segregated Account Structure to a Backup Client. Porting may occur on a consolidated basis, *i.e.,* where all the CCM Indirect Clients appoint a single Backup Client, or on a per-CCM Client Trade Account basis, *i.e.,* where a given CCM Indirect Client appoints a single Backup Client specific to that CCM Indirect Client. Article 5.4.1.3 of the Rulebook provides that LCH SA will make the relevant transfers in its records at the instruction of the CCM undertaking the default management of its defaulting CCM Client.

LCH SA Default. LCH SA has amended Article 1.3.1.9 of the Rulebook to clarify that, following a default by LCH SA, CCMs shall calculate a separate CCM Client Termination Amount in respect of each CCM Indirect Client Net Segregated Account Structure and each CCM Indirect Client Gross Segregated Account Structure it holds with LCH SA.

iv. Miscellaneous

Article 3(3) of the Indirect Clearing RTS requires an authorized CCP to identify, monitor and manage any ''material risks'' arising from the provision of indirect clearing services that may affect the resilience of the authorized CCP to adverse market developments. In addition, Article 2(3) of the Indirect Clearing RTS state that an authorized CCP may not ''prevent the conclusion of'' indirect clearing arrangements that are entered into on reasonable commercial terms.

Article 5.1.3.1 of the Rulebook has been amended to clarify that a CCM may permit its CCM Clients to offer clearing services to their CCM Indirect Clients provided certain conditions are met. Specifically, the contractual terms of the indirect clearing arrangements must comply with the relevant requirements of EMIR and MiFIR and must further provide for the establishment of CCM Indirect Client Segregated Account Structures (described in greater detail above) in accordance with the wishes of the relevant CCM Indirect Clients. LCH SA has also largely retained Article 5.1.3.2, which sets out the general terms on which LCH SA facilitates the offering of CDS Clearing Services to CCM Indirect Clients.

Article 5.2.1.1 of the Rulebook also includes an express recognition that a given CCM Client may be acting in the

capacity of clearing its own proprietary transactions as well as in the capacity of providing clearing services to its CCM Indirect Clients. Finally, Title V, Chapter 3 of the Rulebook has been amended to provide for non-default transfers of all Client Cleared Transactions in a given CCM Indirect Client Segregated Account Structure (accompanied by the associated Client Assets upon request) or partial transfers of Client Cleared Transactions in a given CCM Indirect Client Segregated Account Structure (without the associated Client Assets) to the relevant accounts of a Receiving Clearing Member.

d. Certain Clarifying Amendments

LCH SA has also made certain clarifying revisions to the Rulebook, Procedures and Clearing Notice as described below.

i. Auction Member Representative

Various provisions of the CDS Default Management Process (Annex 1 of the Rulebook) have been revised to clarify the responsibilities between a Non-Defaulting Clearing Member and the Auction Member Representative appointed by the Non-Defaulting Clearing Member to act in such Clearing Member's place in the competitive bidding process as described in Clause 5.4 of the CDS Default Management Process.

ii. Member Uncovered Risk

The definition of ''Member Uncovered Risk'', now ''Group Member Uncovered Risk'', has been revised to take into account the relevant LCH Group Risk Policy, which considers whether Clearing Members belong to the same group for purposes of the relevant risk calculations. The revisions are set out in Section 4.4.1.2 and Section 4.4.1.8 of the Rulebook and Section 2.12, Section 2.16 and Section 6.4 of the Procedures.

iii. Calculation of Contributed Prices

Section 5.18.2 of the Procedures has been revised to reflect changes made to the methodology with regard to the application of the bid-ask restraint in the calculation of contributed prices. In addition, the references to a particular time in the Rulebook regarding the price contribution process have been removed. Consequently, the definition of ''End of Day'' has been removed from the Rulebook. Article 4.2.7.7 of the Rulebook and Section 5.18.5 (b) and (d) of Procedure 5 have been amended accordingly.

iv. New Approved Trade Source System

Clearing Notice no. 2017/064 regarding the Approved Trade Source Systems has been amended to add a new Approved Trade Source System which is Bloomberg Trade Facility Ltd.

2. Statutory Basis

LCH SA has determined that Proposed Rule Change is consistent with the requirements of Section 17A of the Act [12] and regulations thereunder applicable to it. In particular, the amendments implementing the MiFIR requirements relating to straight-through processing and the EMIR requirements relating to indirect clearing arrangements for OTC derivatives promote the prompt and accurate clearance and settlement of derivatives transactions and ensure the safeguarding of securities and funds that are within the custody or control of LCH SA, each within the meaning of Section 17A(b)(3)(F) of the Act.[13]

B. Clearing Agency's Statement on Burden on Competition

LCH SA does not believe the Proposed Rule Change would have any impact, or impose any burden, on competition. The Proposed Rule Change does not address any competitive issue or have any impact on the competition among central counterparties. LCH SA operates an open access model, and the Proposed Rule Change will have no effect on this model.

C. Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to the Proposed Rule Change have not been solicited or received. LCH SA will notify the Commission of any written comments received by LCH SA.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove such 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:

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*) or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–LCH SA–2017–010 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–LCH SA–2017–010. 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 LCH SA and on LCH SA's Web site at *http://www.lch.com/asset-classes/cdsclear.*

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–LCH SA–2017–010 and should be submitted on or before December 28, 2017.

[12] 15 U.S.C. 78q–1.

[13] 15 U.S.C. 78q–1(b)(3)(F).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–26320 Filed 12–6–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 32931; 812–14834]

Regents Park Funds, LLC and Two Roads Shared Trust

December 1, 2017.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice.

Notice of an application for an order under section 6(c) of the Investment Company Act of 1940 (the ''Act'') for an exemption from sections 2(a)(32), 5(a)(1), 22(d), and 22(e) of the Act and rule 22c–1 under the Act, under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and 17(a)(2) of the Act, and under section 12(d)(1)(J) for an exemption from sections 12(d)(1)(A) and 12(d)(1)(B) of the Act. The requested order would permit (a) index-based series of certain open-end management investment companies (''Funds'') to issue shares redeemable in large aggregations only (''Creation Units''); (b) secondary market transactions in Fund shares to occur at negotiated market prices rather than at net asset value (''NAV''); (c) certain Funds to pay redemption proceeds, under certain circumstances, more than seven days after the tender of shares for redemption; (d) certain affiliated persons of a Fund to deposit securities into, and receive securities from, the Fund in connection with the purchase and redemption of Creation Units; and (e) certain registered management investment companies and unit investment trusts outside of the same group of investment companies as the Funds (''Funds of Funds'') to acquire shares of the Funds.

APPLICANTS: Regents Park Funds, LLC (the ''Initial Adviser''), a California limited liability company that is registered as an investment adviser under the Investment Advisers Act of 1940 and Two Roads Shared Trust (the ''Trust''), a Delaware statutory trust registered under the Act as a series open-end management investment company.

FILING DATE: The application was filed on October 12, 2017 and amended on November 8, 2017.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on December 26, 2017, and should be accompanied by proof of service on applicants, in the form of an affidavit, or for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090; Applicants: The Initial Adviser, 4041 MacArthur Blvd., Suite 155, Newport Beach, CA 92660; and the Trust, 17605 Wright Street, Omaha, NE 68130.

FOR FURTHER INFORMATION CONTACT: Courtney S. Thornton, Senior Counsel, at (202) 551–6812, or Robert H. Shapiro, Branch Chief, at (202) 551–6821 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Summary of the Application

1. Applicants request an order that would allow Funds to operate as index exchange traded funds (''ETFs'').[1] Fund shares will be purchased and redeemed at their NAV in Creation Units only. All orders to purchase Creation Units and all redemption requests will be placed by or through an ''Authorized Participant,'' which will have signed a participant agreement with the Distributor. Shares will be listed and traded individually on a national securities exchange, where share prices will be based on the current bid/offer market. Any order granting the requested relief would be subject to the terms and conditions stated in the application.

2. Each Fund will hold investment positions selected to correspond generally to the performance of an Underlying Index. In the case of Self-Indexing Funds, an affiliated person, as defined in section 2(a)(3) of the Act (''Affiliated Person''), or an affiliated person of an Affiliated Person (''Second-Tier Affiliate''), of the Trust or a Fund, of the Adviser, of any sub-adviser to or promoter of a Fund, or of the Distributor will compile, create, sponsor or maintain the Underlying Index.[2]

3. Shares will be purchased and redeemed in Creation Units and generally on an in-kind basis. Except where the purchase or redemption will include cash under the limited circumstances specified in the application, purchasers will be required to purchase Creation Units by depositing specified instruments (''Deposit Instruments''), and shareholders redeeming their shares will receive specified instruments (''Redemption Instruments''). The Deposit Instruments and the Redemption Instruments will each correspond pro rata to the positions in the Fund's portfolio (including cash positions) except as specified in the application.

4. Because shares will not be individually redeemable, applicants request an exemption from section 5(a)(1) and section 2(a)(32) of the Act that would permit the Funds to register as open-end management investment companies and issue shares that are redeemable in Creation Units only.

5. Applicants also request an exemption from section 22(d) of the Act and rule 22c–1 under the Act as secondary market trading in shares will take place at negotiated prices, not at a

[14] 17 CFR 200.30–3(a)(12).

[1] Applicants request that the order apply to Affinity World Leaders Equity ETF (the ''Initial Fund'') and any additional series of the Trust, and any other open-end management investment company or series thereof (each, included in the term ''Fund''), each of which will operate as an ETF and will track a specified index comprised of domestic or foreign equity and/or fixed income securities (each, an ''Underlying Index''). Each Fund will (a) be advised by the Initial Adviser or an entity controlling, controlled by, or under common control with the Initial Adviser (each such entity or any successor thereto, an ''Adviser'') and (b) comply with the terms and conditions of the application. For purposes of the requested order, ''successor'' is limited to an entity that results from a reorganization into another jurisdiction or a change in the type of business organization.

[2] The Initial Fund will track TRSAWL Index, which is compiled by Affinity Investment Advisors, LLC, the sub-adviser to the Initial Fund. Each Self-Indexing Fund will post on its Web site the identities and quantities of the investment positions that will form the basis for the Fund's calculation of its NAV at the end of the day. Applicants believe that requiring Self-Indexing Funds to maintain full portfolio transparency will help address, together with other protections, conflicts of interest with respect to such Funds.

current offering price described in a Fund's prospectus, and not at a price based on NAV. Applicants state that (a) secondary market trading in shares does not involve a Fund as a party and will not result in dilution of an investment in shares, and (b) to the extent different prices exist during a given trading day, or from day to day, such variances occur as a result of third-party market forces, such as supply and demand. Therefore, applicants assert that secondary market transactions in shares will not lead to discrimination or preferential treatment among purchasers. Finally, applicants represent that share market prices will be disciplined by arbitrage opportunities, which should prevent shares from trading at a material discount or premium from NAV.

6. With respect to Funds that effect creations and redemptions of Creation Units in kind and that are based on certain Underlying Indexes that include foreign securities, applicants request relief from the requirement imposed by section 22(e) in order to allow such Funds to pay redemption proceeds within fifteen calendar days following the tender of Creation Units for redemption. Applicants assert that the requested relief would not be inconsistent with the spirit and intent of section 22(e) to prevent unreasonable, undisclosed or unforeseen delays in the actual payment of redemption proceeds.

7. Applicants request an exemption to permit Funds of Funds to acquire Fund shares beyond the limits of section 12(d)(1)(A) of the Act; and the Funds, and any principal underwriter for the Funds, and/or any broker or dealer registered under the Exchange Act, to sell shares to Funds of Funds beyond the limits of section 12(d)(1)(B) of the Act. The application's terms and conditions are designed to, among other things, help prevent any potential (i) undue influence over a Fund through control or voting power, or in connection with certain services, transactions, and underwritings, (ii) excessive layering of fees, and (iii) overly complex fund structures, which are the concerns underlying the limits in sections 12(d)(1)(A) and (B) of the Act.

8. Applicants request an exemption from sections 17(a)(1) and 17(a)(2) of the Act to permit persons that are Affiliated Persons, or Second Tier Affiliates, of the Funds, solely by virtue of certain ownership interests, to effectuate purchases and redemptions in-kind. The deposit procedures for in-kind purchases of Creation Units and the redemption procedures for in-kind redemptions of Creation Units will be the same for all purchases and redemptions and Deposit Instruments and Redemption Instruments will be valued in the same manner as those investment positions currently held by the Funds. Applicants also seek relief from the prohibitions on affiliated transactions in section 17(a) to permit a Fund to sell its shares to and redeem its shares from a Fund of Funds, and to engage in the accompanying in-kind transactions with the Fund of Funds.[3] The purchase of Creation Units by a Fund of Funds directly from a Fund will be accomplished in accordance with the policies of the Fund of Funds and will be based on the NAVs of the Funds.

9. Section 6(c) of the Act permits the Commission to exempt any persons or transactions from any provision of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 12(d)(1)(J) of the Act provides that the Commission may exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision of section 12(d)(1) if the exemption is consistent with the public interest and the protection of investors. Section 17(b) of the Act authorizes the Commission to grant an order permitting a transaction otherwise prohibited by section 17(a) if it finds that (a) the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned; (b) the proposed transaction is consistent with the policies of each registered investment company involved; and (c) the proposed transaction is consistent with the general purposes of the Act.

For the Commission, by the Division of Investment Management, under delegated authority.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–26343 Filed 12–6–17; 8:45 am]

BILLING CODE 8011–01–P

[3] The requested relief would apply to direct sales of shares in Creation Units by a Fund to a Fund of Funds and redemptions of those shares. Applicants, moreover, are not seeking relief from section 17(a) for, and the requested relief will not apply to, transactions where a Fund could be deemed an Affiliated Person, or a Second-Tier Affiliate, of a Fund of Funds because an Adviser or an entity controlling, controlled by or under common control with an Adviser provides investment advisory services to that Fund of Funds.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82192; File No. SR–BX–2017–055]

Self-Regulatory Organizations; Nasdaq BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Extend the Pilot Period for the Retail Price Improvement Program Until June 30, 2018

December 1, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on November 28, 2017, Nasdaq BX, Inc. (''BX'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to extend the pilot period for the Exchange's Retail Price Improvement (''RPI'') Program (the ''Program''), which is set to expire on December 1, 2017, for an additional period, to expire on June 30, 2018.

The Exchange has designated December 1, 2017 as the date the proposed rule change becomes effective.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqbx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of 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.

[1] 15 U.S.C. 78s(b)(1).

[2] 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 purpose of this filing is to extend the pilot period of the RPI Program,[3] currently scheduled to expire on December 1, 2017, for an additional period, to expire on June 30, 2018.

Background

In November 2014, the Commission approved the RPI Program on a pilot basis.[4] The Program is designed to attract retail order flow to the Exchange, and allow such order flow to receive potential price improvement. The Program is currently limited to trades occurring at prices equal to or greater than $1.00 per share. Under the Program, a new class of market participant called a Retail Member Organization (''RMO'') is eligible to submit certain retail order flow (''Retail Orders'') [5] to the Exchange. BX members (''Members'') are permitted to provide potential price improvement for Retail Orders in the form of non-displayed interest that is priced more aggressively than the Protected National Best Bid or Offer (''Protected NBBO'').[6]

The Program was approved by the Commission on a pilot basis running one-year from the date of implementation.[7] The Commission approved the Program on November 28, 2014.[8] The Exchange implemented the Program on December 1, 2014 and the pilot has since been extended for a one year period twice with it now scheduled to end on December 1, 2017.[9]

Proposal To Extend the Operation of the Program

The Exchange established the RPI Program in an attempt to attract retail order flow to the Exchange by potentially providing price improvement to such order flow. The Exchange believes that the Program promotes competition for retail order flow by allowing Exchange members to submit Retail Price Improvement Orders (''RPI Orders'') [10] to interact with Retail Orders. Such competition has the ability to promote efficiency by facilitating the price discovery process and generating additional investor interest in trading securities, thereby promoting capital formation. The Exchange believes that extending the pilot is appropriate because it will allow the Exchange and the Commission additional time to analyze data regarding the Program that the Exchange has committed to provide.[11] As such, the Exchange believes that it is appropriate to extend the current operation of the Program.[12] Through this filing, the Exchange seeks to extend the current pilot period of the Program until June 30, 2018.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[13] in general, and with Section 6(b)(5) of the Act,[14] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

The Exchange believes that extending the pilot period for the RPI Program is consistent with these principles because the Program is reasonably designed to attract retail order flow to the exchange environment, while helping to ensure that retail investors benefit from the better price that liquidity providers are willing to give their orders. Additionally, as previously stated, the competition promoted by the Program may facilitate the price discovery process and potentially generate additional investor interest in trading securities. The extension of the pilot period will allow the Commission and the Exchange to continue to monitor the Program for its potential effects on public price discovery, and on the broader market structure.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange 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, as amended. The proposed rule change extends an established pilot program for an additional period, to expire on June 30, 2018, thus allowing the RPI Program to enhance competition for retail order flow and contribute to the public price discovery process.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) by its terms, become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, the proposed rule change has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act [15] and subparagraph (f)(6) of Rule 19b–4 thereunder.[16]

[3] Securities Exchange Act Release No. 73702 (November 28, 2014), 79 FR 72049 (December 4, 2014) (''RPI Approval Order'') (SR–BX–2014–048).

[4] *See id.*

[5] A ''Retail Order'' is defined in BX Rule 4780(a)(2) by referencing BX Rule 4702, and BX Rule 4702(b)(6) says it is an order type with a non-display order attribute submitted to the Exchange by a RMO. A Retail Order must be an agency order, or riskless principal order that satisfies the criteria of FINRA Rule 5320.03. The Retail Order must reflect trading interest of a natural person with no change made to the terms of the underlying order of the natural person with respect to price (except in the case of a market order that is changed to a marketable limit order) or side of market and that does not originate from a trading algorithm or any other computerized methodology.

[6] The term Protected Quotation is defined in Chapter XII, Sec. 1(19) and has the same meaning as is set forth in Regulation NMS Rule 600(b)(58). The Protected NBBO is the best-priced protected bid and offer. Generally, the Protected NBBO and the national best bid and offer (''NBBO'') will be the same. However, a market center is not required to route to the NBBO if that market center is subject to an exception under Regulation NMS Rule 611(b)(1) or if such NBBO is otherwise not available for an automatic execution. In such case, the Protected NBBO would be the best-priced protected bid or offer to which a market center must route interest pursuant to Regulation NMS Rule 611.

[7] *See* RPI Approval Order, *supra* note 3 at 72053.

[8] *Id.* at 72049.

[9] *See* Securities Exchange Act Release No. 76490 (November 20, 2015), 80 FR 74165 (November 27, 2015) (SR–BX–2015–073); Securities Exchange Act Release No. 79446 (December 1, 2016), 81 FR 88290 (December 7, 2016) (SR–BX–2016–065).

[10] A Retail Price Improvement Order is defined in BX Rule 4780(a)(3) by referencing BX Rule 4702 and BX Rule 4702(b)(5) says that it is as an order type with a non-display order attribute that is held on the Exchange Book in order to provide liquidity at a price at least $0.001 better than the NBBO through a special execution process described in Rule 4780.

[11] *See* RPI Approval Order, *supra* note 3 at 72051.

[12] Concurrently with this filing, the Exchange has submitted a request for an extension of the exemption under Regulation NMS Rule 612 previously granted by the Commission that permits it to accept and rank the RPI orders in sub-penny increments. *See* Letter from Jeffrey S. Davis, Vice President and Deputy General Counsel and Secretary, Nasdaq BX, Inc. to Eduardo A. Aleman, Assistant Secretary, Securities and Exchange Commission dated November 28, 2017.

[13] 15 U.S.C. 78f.

[14] 15 U.S.C. 78f(b)(5).

[15] 15 U.S.C. 78s(b)(3)(A)(iii).

[16] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

A proposed rule change filed under Rule 19b–4(f)(6) [17] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii) [18] 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 requested that the Commission waive the 30-day operative delay period. The Exchange states that waiving the operative delay would allow the pilot period to continue uninterrupted, which the Exchange argues would be beneficial to market participants and would help to eliminate the potential for investor confusion.

The Commission believes that waiver of the 30-day operative delay period is consistent with the protection of investors and the public interest. Specifically, the Commission believes that the proposal would allow the RPI Program to continue uninterrupted and to provide additional time for data about the program to be generated and analyzed. For these reasons, the Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, and designates the proposed rule change operative upon filing.[19]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act.[20]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–BX–2017–055 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–BX–2017–055. 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.

All submissions should refer to File Number SR–BX–2017–055 and should be submitted on or before December 28, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–26318 Filed 12–6–17; 8:45 am]

BILLING CODE 8011–01–P

[17] 17 CFR 240.19b–4(f)(6).

[18] 17 CFR 240.19b–4(f)(6)(iii).

[19] For purposes only of waiving the operative delay for this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[20] 15 U.S.C. 78s(b)(3)(C).

[21] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Meeting of the Advisory Committee on Veterans Business Affairs

AGENCY: U.S. Small Business Administration.

ACTION: Notice of open Federal Advisory Committee 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 Advisory Committee on Veterans Business Affairs. The meeting is open to the public.

DATES: Thursday, December 14, 2017, from 9:00 a.m. to 4:00 p.m.

ADDRESSES: U.S. Small Business Administration, 409 3rd Street SW., Washington, DC 20416.

Where: Office of Entrepreneurial Development Conference Room, 6th Floor. 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 Advisory Committee on Veterans Business Affairs (ACVBA). The ACVBA is established pursuant to 15 U.S.C. 657(b) note, and serves as an independent source of advice and policy. The purpose of this meeting is to focus on strategic planning, updates on past and current events, and the ACVBA's objectives for 2018.

This meeting is open to the public. Advance notice of attendance is requested. Anyone wishing to attend and/or make comments to the ACVBA must contact SBA's Office of Veterans Business Development no later than December 8, 2017 at *veteransbusiness@sba.gov.* Comments for the record will be limited to five minutes to accommodate as many participants as possible. Written comments should be sent to the above by December 8, 2017. Special accommodation requests should also be directed to SBA's Office of Veterans Business Development at (202) 205–6773 or *veteransbusiness@sba.gov.*

For more information on veteran owned small business programs, please visit *www.sba.gov/veterans.*

Dated: November 21, 2017.

Richard W. Kingan,

SBA Committee Management Officer.

[FR Doc. 2017–26352 Filed 12–6–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF STATE

[Public Notice: 10219]

Certification Pursuant to Section 7045(A)(4)(B) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2017

By virtue of the authority vested in me as the Secretary of State, including pursuant to section 7045(a)(4)(B) of the Department of State, Foreign

Operations, and Related Programs Appropriations Act, 2017 (Div. J, Pub. L. 115–31), I hereby certify that the central government of El Salvador is taking effective steps, which are in addition to those steps taken since the certification and report submitted during the prior year, to:

- Work cooperatively with an autonomous, publicly accountable entity to provide oversight of the Plan;
- Combat corruption, including investigating and prosecuting current and former government officials credibly alleged to be corrupt;
- Implement reforms, policies, and programs to improve transparency and strengthen public institutions, including increasing the capacity and independence of the judiciary and the Office of the Attorney General;
- Implement a policy to ensure that local communities, civil society organizations (including indigenous and other marginalized groups), and local governments are consulted in the design, and participate in the implementation and evaluation of, activities of the Plan that affect such communities, organizations, and governments;
- Counter the activities of criminal gangs, drug traffickers, and organized crime;
- Investigate and prosecute in the civilian justice system government personnel, including military and police personnel, who are credibly alleged to have violated human rights, and ensure that such personnel are cooperating in such cases;
- Cooperate with commissions against corruption and impunity and with regional human rights entities;
- Support programs to reduce poverty, expand education and vocational training for at-risk youth, create jobs, and promote equitable economic growth particularly in areas contributing to large numbers of migrants;
- Implement a plan that includes goals, benchmarks and timelines to create a professional, accountable civilian police force and end the role of the military in internal policing, and make such plan available to the Department of State;
- Protect the right of political opposition parties, journalists, trade unionists, human rights defenders, and other civil society activists to operate without interference;
- Increase government revenues, including by implementing tax reforms and strengthening customs agencies; and
- Resolve commercial disputes, including the confiscation of real property, between United States entities and such government.

This certification shall be published in the **Federal Register** and, along with the accompanying Memorandum of Justification, shall be reported to Congress.

Dated: November 29, 2017.

Rex W. Tillerson,

Secretary of State.

[FR Doc. 2017–26428 Filed 12–6–17; 8:45 am]

BILLING CODE 4710–29–P

DEPARTMENT OF STATE

[Public Notice 10224]

Overseas Schools Advisory Council Notice of Meeting

The Overseas Schools Advisory Council, Department of State, will hold its Annual Committee Meeting on Thursday, January 18, 2018, at 9:30 a.m. in Conference Room 1105, Department of State Building, 2201 C Street NW., Washington, DC. The meeting is open to the public and will last until approximately 12:00 p.m.

The Overseas Schools Advisory Council works closely with the U.S. business community in improving those American-sponsored schools overseas that are assisted by the Department of State and attended by dependents of U.S. government employees, and the children of employees of U.S. corporations and foundations abroad.

This meeting will deal with issues related to the work and the support provided by the Overseas Schools Advisory Council to the American-sponsored overseas schools. There will be a report and discussion about the status of the Council-sponsored projects: Child Protection Project and Special Needs Project. The Regional Education Officers in the Office of Overseas Schools will make presentations on the activities and initiatives in the American-sponsored overseas schools.

Members of the public may attend the meeting and join in the discussion, subject to the instructions of the Chair. Admittance of public members will be limited to the seating available. Access to the State Department is controlled, and individual building passes are required for all attendees. Persons who plan to attend should advise the office of Mr. Thomas Shearer, Department of State, Office of Overseas Schools, telephone 202–261–8200, prior to January 11, 2018. Each visitor will be asked to provide his/her date of birth and either driver's license or passport number at the time of registration and attendance, and must carry a valid photo ID to the meeting.

Personal data is requested pursuant to Public Law 99–399 (Omnibus Diplomatic Security and Antiterrorism Act of 1986), as amended; Public Law 107–56 (USA PATRIOT Act); and Executive Order 13356. The purpose of the collection is to validate the identity of individuals who enter Department facilities. The data will be entered into the Visitor Access Control System (VACS–D) database. Please see the Security Records System of Records Notice (State-36) at *https://www.state.gov/documents/organization/242611.pdf* for additional information.

Any requests for reasonable accommodation should be made at the time of registration. All such requests will be considered, however, requests made after January 11th might not be possible to fill. All attendees must use the C Street entrance to the building.

Thomas Shearer,

Executive Secretary, Overseas Schools Advisory Council.

[FR Doc. 2017–26366 Filed 12–6–17; 8:45 am]

BILLING CODE 4710–24–P

DEPARTMENT OF STATE

[Public Notice: 10221]

Certification Pursuant to Section 7045(a)(4)(B) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2017 (DIV. J, Pub. L. 115–31)

By virtue of the authority vested in me as the Secretary of State, including pursuant to section 7045(a)(4)(B) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2017 (Div. J, Pub. L. 115–31), I hereby certify that the central government of Honduras is taking effective steps, which are in addition to those steps taken since the certification and report submitted during the prior year, to:

- Work cooperatively with an autonomous, publicly accountable entity to provide oversight of the Plan;
- combat corruption, including investigating and prosecuting current and former government officials credibly alleged to be corrupt;
- implement reforms, policies, and programs to improve transparency and strengthen public institutions, including increasing the capacity and independence of the judiciary and the Office of the Attorney General;
- implement a policy to ensure that local communities, civil society organizations (including indigenous and

other marginalized groups), and local governments are consulted in the design, and participate in the implementation and evaluation of, activities of the plan that affect such communities, organizations, and governments;

• counter the activities of criminal gangs, drug traffickers, and organized crime;

• investigate and prosecute in the civilian justice system government personnel, including military and police personnel, who are credibly alleged to have violated human rights, and ensure that such personnel are cooperating in such cases;

• cooperate with commissions against corruption and impunity and with regional human rights entities;

• support programs to reduce poverty, expand education and vocational training for at-risk youth, create jobs, and promote equitable economic growth particularly in areas contributing to large numbers of migrants;

• implement a plan that includes goals, benchmarks and timelines to create a professional, accountable civilian police force and end the role of the military in internal policing, and make such plan available to the Department of State;

• protect the right of political opposition parties, journalists, trade unionists, human rights defenders, and other civil society activists to operate without interference;

• increase government revenues, including by implementing tax reforms and strengthening customs agencies; and

• resolve commercial disputes, including the confiscation of real property, between United States entities and such government.

This certification shall be published in the **Federal Register** and, along with the accompanying Memorandum of Justification, shall be reported to Congress.

Dated: November 29, 2017.

Rex W. Tillerson,

Secretary of State.

[FR Doc. 2017–26427 Filed 12–6–17; 8:45 am]

BILLING CODE 4710–29–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36128]

Vicksburg Southern Railroad, L.L.C.—Lease and Operation Exemption—Kansas City Southern Railway Company

Vicksburg Southern Railroad, L.L.C. (VSOR), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR. 1150.41 to continue to lease and operate from Kansas City Southern Railway Company (KCS) approximately 21.7 miles [1] of rail line consisting of the following lines located in Mississippi: (1) KCS's Redwood Branch, which is located between milepost 21.9, at the end of the line near Redwood, Miss., and milepost 220.3,[2] north of KCS's Vicksburg Yard, at Vicksburg, Miss; and (2) the portion of the Redwood Branch located between milepost 223.0, south of the connection with the KCS main line, and milepost 225.6.[3]

According to VSOR, it first entered into a lease agreement with KCS in 2005. *See Vicksburg S. R.R.—Lease & Operation Exemption—Kan. City S. Ry.,* FD 34765 (STB served Jan. 13, 2006). VSOR states that it recently entered into an amended and restated lease agreement (Amended Agreement) to extend the term of the lease through March 1, 2027, and to change the mileposts of the leased line and remove track numbers and buildings, as noted.

VSOR states that the Amended Agreement does not contain any provision that prohibits VSOR from interchanging traffic with a third party or limits VSOR's ability to interchange with a third party.

VSOR also certifies that its projected annual revenues as a result of the transaction will not result in VSOR becoming a Class II or Class I rail carrier and further certifies that its projected annual revenues will not exceed $5 million.

The transaction may be consummated on or after December 21, 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 for stay must be filed no later than December 14, 2017 (at least seven days before the exemption becomes effective).

An original and ten copies of all pleadings, referring to Docket No. FD 36128, 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 Karl Morell, Karl Morell & Associates, 440 1st Street NW., Suite 440, Washington, DC 20001.

Board decisions and notices are available on our Web site at ''*WWW.STB.GOV*.''

Decided: December 4, 2017.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Rena Laws-Byrum,

Clearance Clerk.

[FR Doc. 2017–26403 Filed 12–6–17; 8:45 am]

BILLING CODE 4915–01–P

[1] By letter filed on November 30, 2017, VSOR corrected the length of the rail line from 21.5 miles to 21.7 miles.

[2] VSOR states that KCS agreed to extend the leased line from milepost 218.0 to milepost 220.3 to provide VSOR better access to KCS's Vicksburg Yard.

[3] VSOR states that the Amended Agreement no longer includes track numbers 418, 419, 429, 430, 431, 432, and (as indicated in VSOR's November 30 letter) 433, and the locomotive facility buildings within the Vicksburg Yard. VSOR states that it intends to file for authority to discontinue its operations over those tracks.

TENNESSEE VALLEY AUTHORITY

Webinar Meeting of the Regional Energy Resource Council

AGENCY: Tennessee Valley Authority (TVA).

ACTION: Notice of webinar meeting.

SUMMARY: The TVA Regional Energy Resource Council (RERC) has scheduled a webinar meeting to discuss guiding principles that TVA should consider when designing wholesale rate changes and the mechanisms TVA should use to engage Valley stakeholders in discussions relating to wholesale rate changes. The RERC initiated discussions on these issues at its meeting on November 29, 2017, and intends to continue those discussions at this scheduled webinar meeting.

The RERC was established to advise TVA on its energy resource activities and the priority to be placed among competing objectives and values. Notice of this webinar meeting is given under the Federal Advisory Committee Act (FACA).

DATES: The webinar meeting will be held on Friday, December 22, 2017, from 10:30 a.m. to 11:30 a.m., EST.

ADDRESSES: The meeting will be conducted by webinar only. An individual requiring special accommodation for a disability, should let the contact below know at least a week in advance.

FOR FURTHER INFORMATION CONTACT: Barbie Perdue, 865–632–6113, *baperdue@tva.gov.*

SUPPLEMENTARY INFORMATION:

The meeting agenda includes the following items:

1. Introductions and Webinar Logistics
2. Remarks of Wayne Davis, RERC Chair
3. Summary of Rate Change Discussion from November 29 meeting
4. Council Discussion and Advice

The webinar is open to the public, to register for webinar go to *http://dpregister.com/171222.* No oral comments from the public will be accepted during the webinar session. The public may provide written comments to the RERC at any time through links on TVA's Web site at *www.tva.com/rerc* or by mailing written comments to the Regional Energy Resource Council, Tennessee Valley Authority, 400 West Summit Hill Drive, WT–9–D, Knoxville, Tennessee 37902.

Dated: December 1, 2017.

Joseph J. Hoagland,

Vice President, Enterprise Relations and Innovation, Tennessee Valley Authority.

[FR Doc. 2017–26365 Filed 12–6–17; 8:45 am]

BILLING CODE 8120–08–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2006–26367]

Medical Review Board Advisory Committee; Charter Renewal

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Announcement of Charter Renewal of the Medical Review Board Advisory Committee (MRB).

SUMMARY: FMCSA announces the charter renewal of the MRB, a Federal Advisory Committee that provides the Agency with medical advice and recommendations on medical standards and guidelines for the physical qualifications of operators of commercial motor vehicles (CMVs), medical examiner education, and medical research. This charter renewal took effect on November 25, 2017, and will expire after 2 years.

FOR FURTHER INFORMATION CONTACT: Ms. Shannon L. Watson, Senior Advisor to the Associate Administrator for Policy, Federal Motor Carrier Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590, (202) 366–2551, *mrb@dot.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), FMCSA is giving notice of the charter renewal for the MRB. The MRB was established to provide FMCSA with medical advice and recommendations on medical standards and guidelines for the physical qualifications of operators of CMVs, medical examiner education, and medical research.

The MRB is composed of five members selected from medical institutions and private practice. The membership shall reflect expertise in a variety of medical specialties relevant to the driver fitness requirements of the Federal Motor Carrier Safety Administration. See the MRB's Web site for details on pending tasks at *http://www.fmcsa.dot.gov/mrb.*

Issued on: November 30, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–26371 Filed 12–6–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2017–0073; Notice 1]

FCA US LLC, Receipt of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Receipt of petition.

SUMMARY: FCA US LLC (FCA US), (f/k/a Chrysler Group LLC) has determined that certain Mopar Service seat belt assemblies sold to FCA dealers as replacement equipment in certain model year (MY) 1992–2018 FCA US motor vehicles do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 209, *Seat Belt Assemblies.* FCA US filed a noncompliance report dated July 25, 2017. FCA US also petitioned NHTSA on August 17, 2017, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety.

DATES: The closing date for comments on the petition is January 8, 2018.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited in the title of this notice and submitted by any of the following methods:

- *Mail:* Send comments by mail addressed to 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 comments by hand to U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays.
- *Electronically:* Submit comments electronically by logging onto the Federal Docket Management System (FDMS) Web site at *https://www.regulations.gov/.* Follow the online instructions for submitting comments.
- Comments may also be faxed to (202) 493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that comments you have submitted by mail were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided.

All comments and supporting materials received before the close of business on the closing date indicated above will be filed in the docket and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the fullest extent possible.

When the petition is granted or denied, notice of the decision will also be published in the **Federal Register** pursuant to the authority indicated at the end of this notice.

All comments, background documentation, and supporting materials submitted to the docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the Internet at *https://www.regulations.gov* by following the online instructions for accessing the dockets. The docket ID number for this petition is shown in the heading of this notice.

DOT's complete Privacy Act Statement is available for review in a **Federal Register** notice published on April 11, 2000, (65 FR 19477–78).

SUPPLEMENTARY INFORMATION:

I. *Overview:* FCA US LLC (FCA US), (f/k/a Chrysler Group LLC) has determined that certain Mopar Service seat belt assemblies sold to FCA dealers as replacement equipment in certain model year (MY) 1992–2018 FCA US motor vehicles do not fully comply with paragraphs S4.1(k) and S4.1(l) of Federal Motor Vehicle Safety Standard (FMVSS) No. 209, *Seat Belt Assemblies.* FCA US filed a noncompliance report dated July 25, 2017, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.* FCA US also petitioned NHTSA on August 17, 2017, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of FCA US petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

II. Equipment and Vehicles Involved: Approximately 728,100 Mopar Service seat belt assemblies sold to FCA dealers as replacement equipment for use in the following FCA motor vehicles are potentially involved:

- 2010–2017 Ram 3500 Cab Chassis (''DD'')
- 2016–2017 Ram 3500 Cab Chassis (''DF'')
- 2010–2017 Ram 2500 (''DJ'')
- 2010–2017 Ram 4500/5500 Cab Chassis (''DP'')
- 2009–2017 Ram 1500 (''DS'')
- 2010–2017 Ram 3500 (''D2'')
- 2012–2017 Fiat 500 (''FF'')
- 2009–2017 Dodge Journey (''JC'')
- 2007–2017 Jeep Wrangler (''JK'')
- 2014–2017 Jeep Cherokee (''KL'')
- 2015–2017 Dodge Challenger (''LA'')
- 2012–2017 Chrysler 300 (''LX'')
- 2012–2017 Dodge Charger (''LD'')
- 2008–2017 Jeep Compass (''MK'')
- 2008–2017 Jeep Patriot (''MK'')
- 2012–2017 Dodge Dart (''PF'')
- 2015–2017 Chrysler 200 (''UF'')
- 2008–2017 Chrysler Town & Country (''RT'')
- 2008–2017 Dodge Grand Caravan (''RT'')
- 2017 Chrysler Pacifica (''RU'')
- 2011–2017 Dodge Durango (''WD'')
- 2011–2017 Jeep Grand Cherokee (''WK'')
- 2013–2017 Dodge SRT Viper (''ZD'')
- 2002–2008 Dodge Ram 1500 (''DR'')
- 2004–2010 Dodge Durango (''HB'')
- 2007–2010 Chrysler Aspen (''HG'')
- 2005–2012 Dodge Dakota (''ND'')
- 1994–2002 Dodge Ram 1500 (''BR'')
- 1993–2004 Dodge Intrepid (''LH'')
- 1993–2004 Chrysler Concorde (''LH'')
- 1993–2004 Chrysler 300M (''LH'')
- 1995–2005 Dodge Neon (''PL'')
- 2006–2012 Dodge Caliber (''PM'')
- 1997–2000 Plymouth Prowler (''PR'')
- 2001–2002 Chrysler Prowler (''PR'')
- 2001–2010 Chrysler PT Cruiser (''PT'')
- 1992–2002 Dodge Viper (''SR'')
- 2003–2010 Dodge Viper (''ZB'')
- 1993–1998 Jeep Grand Cherokee (''ZJ'')
- 2014–2018 Ram ProMaster (''VF'')
- 2015–2018 Ram ProMaster City (''VM'')
- 2015–2018 Jeep Renegade (''BU'')
- 2015–2017 Fiat 500x (''FB'')
- 2014–2017 Fiat 500L (''BF'')
- 2016–2017 Alfa Romeo Giulia (''GA'')
- 2015–2017 Alfa Romeo 4C (''4C'')
- 2017 Fiat 124 Spider (''BA'')

III. Noncompliance: FCA US explains that the noncompliance is that the Mopar Service Seat Belt assemblies sold to FCA US dealerships for use or for subsequent resale to dealership customers for the subject vehicles, were sold without the proper inclusion of the ''I-Sheets'' (*i.e.,* ''Installation instructions'' and ''Usage and maintenance instructions''), and therefore, do not meet all applicable requirements specified in paragraphs S4.1(k) and 4.1(l) of FMVSS No. 209.

IV. Rule Text: Paragraph S4.1(k) and S4.1(l) of FMVSS No. 209 states, in pertinent part:

S4 *Requirements.*

S4.1 . . .

(k) *Installation instructions.* A seat belt assembly, other than a seat belt assembly installed in a motor vehicle by an automobile manufacturer, shall be accompanied by an instruction sheet providing sufficient information for installing the assembly in a motor vehicle. The installation instructions shall state whether the assembly is for universal installation or for installation only in specifically stated motor vehicles, and shall include at least those items specified in SAE Recommended Practice J800c (1973) (incorporated by reference, see § 571.5). If the assembly is for use only in specifically stated motor vehicles, the assembly shall either be permanently and legibly marked or labeled with the following statement, or the instruction sheet shall include the following statement:

This seat belt assembly is for use only in [insert specific seating position(s), *e.g.,* ''front right''] in [insert specific vehicle make(s) and model(s)].

(l) *Usage and maintenance instructions.* A seat belt assembly or retractor shall be accompanied by written instructions for the proper use of the assembly, stressing particularly the importance of wearing the assembly snugly and properly located on the body, and on the maintenance of the assembly and periodic inspection of all components. The instructions shall show the proper manner of threading webbing in the hardware of seat belt assemblies in which the webbing is not permanently fastened. Instructions for a nonlocking retractor shall include a caution that the webbing must be fully extended from the retractor during use of the seat belt assembly unless the retractor is attached to the free end of webbing which is not subjected to any tension during restraint of an occupant by the assembly. Instructions for Type 2a shoulder belt shall include a warning that the shoulder belt is not to be used without a lap belt.

V. Summary of FCA US's Petition: As background, FCA US stated that the packaging for the Mopar Service Seat Belts should have been accompanied by the I-Sheets, but there was insufficient information to confirm that the I-Sheets, in fact, accompanied the affected products that were sent to FCA US dealers.

FCA US described the subject noncompliance and stated its belief that the noncompliance is inconsequential as it relates to motor vehicle safety.

In support of its petition, FCA US submitted the following reasoning:

FCA US understands that S4.1 concerns, among other things, the threading of webbing and location and drilling of anchorage holes. Moreover, S4.l(k) is specifically aimed at preventing the mismatch of a seat belt assembly in the wrong model vehicle or the wrong seating position and preventing improper installation of a seat belt at the correct position. These provisions were once correctly aimed at addressing the concern of aftermarket, universal seatbelt assemblies being added into vehicles that were not originally equipped with seatbelt assemblies. It has been many decades since vehicles without seatbelt assemblies have been sold in the United States.

As NHTSA has noted many times, the end-user's reliance on packaging literature for proper part selection, part installation and seatbelt use is now highly unlikely. This is particularly true for the subject seat belt assemblies, for the following reasons:

- Mopar Service Seat Belt assemblies are only sold in FCA US authorized dealerships and used for service within the dealership and for sale to dealer customers. These assemblies are not sold to aftermarket auto parts distributors or retail outlets.
- The Mopar Service Seat Belt assemblies are clearly identified in the FCA US part system for very specific make, model and model year vehicles and specific seating positions through DealerCONNECT, the web-based parts ordering system used between FCA US and its dealers. In order to purchase these parts, the buyer would need to supply either the part assembly number or make, model and model year and seating position of vehicle. In either case, only the proper assembly will be sold to the end user.
- The proper installation of all Mopar Service Seat Belt assemblies are clearly described in FCA US service manuals, which are also available on-line through DealerCONNECT and sold to the public through Mopar and FCA US brand Web sites. Installation of the seatbelt

assembly is a complex process in the modern motor vehicle, unlike the vehicles in the past that the S4.1 provisions were intended to address.

• All Mopar Service Seat Belt assemblies are properly labeled with the correct service part number so that the correct parts are shipped to FCA US dealerships for use on specific make, model and model year vehicles and specific seating positions.

• The owner's manual for the FCA US vehicles at issue have always provided instruction about proper usage and maintenance information for seatbelts to the vehicle owner and operator. Therefore, incorrect usage and maintenance by the vehicle owner is highly unlikely. The seatbelt usage requirement language S4.1(l) is far exceeded in any of the vehicle owner's manuals implicated by the recall.

• In over 25 years and hundreds of thousands of parts sales, FCA US is not aware of a single field incident or consumer complaint arising from the absence of an I-Sheet during the sale of any Mopar Service Seat Belt assemblies.

There have been many instances of similar documentation omissions where the agency has granted inconsequential treatment. NHTSA has granted similar petitions for noncompliance with seat belt assembly installation and usage instruction standards. *See* Mitsubishi Motors North America, Inc. (77 FR 24762, April 25, 2012); Bentley Motors, Inc. (75 FR 35877, September 20, 2011); Hyundai Motor Company (73 FR 49238, March 2, 2009); Ford Motor Company (73 FR 11462, March 3, 2008); Mazda North America Operations (73 FR 11464, March 3, 2008); Ford Motor Company (73 FR 63051, October 22, 2008); and TRW, Inc. (58 FR 7171, February 4, 1993).

The most notable grant of inconsequential treatment, and one which is substantially similar to equipment recall T49 (NHTSA 17E–039), is Subaru of America, Inc. (65 FR 67471, November 9, 2000), where the agency made the following succinct observations:

> There seems to be little need for the installation instructions with replacements for original equipment seat belts. The SAE J800c Recommended Practice incorporated in FMVSS No. 209 appears to have been written as a guide on how to install a seat belt where one does not exist. The Recommended Practice discusses such things as how to determine the correct location for anchorages, how to create adequate anchorages and how to properly attach webbing to the newly installed anchorages. These instructions do not apply to today's replacement market. Additionally, vehicle manufacturers provide service manuals on how seat belts should be replaced. NHTSA does not believe the ''how to'' instructions are necessary in this case. Next, we note that the subject seat belt assemblies were distributed without the required 'usage and maintenance instructions' specified in FMVSS No. 209, S4.1(l), which requires that seat belt assemblies sold as replacement equipment have owner instructions on how to wear the seat belt and how to properly thread the webbing on seat belts where the webbing is not permanently attached. NHTSA believes that the proper usage is adequately described in the vehicle owner's manual. NHTSA does not believe that instructions about the proper threading of webbing is applicable to modern original equipment automobile seat belt systems. This second instruction sheet is either duplicated in the owner's manual or not applicable.

FCS US understands that while FMVSS No. 209 S4.1(k) and S4.1(l) may be somewhat antiquated, it is nevertheless required to fully comply with this safety standard. In this regard FCA US has made process changes to ensure that hard copies of the I-Sheets will be included with all Mopar Service Seat Belt assemblies shipped to its dealers. Moreover, FCA US has implemented changes in its part ordering process to ensure that all I-Sheets for Mopar Service Seat Belt assemblies affected by recall T49 (NHTSA 17E–039) have been uploaded to on-line resources (StarParts™ and DealerCONNECT) and directly linked to the specific Mopar Service Seat Belt part numbers. Going forward, this hard copy and on-line mating of the service parts and S4.1(k) and S4.1(l) instructions will ensure that the documentation requirement of FMVSS No. 209 will be met.

FCA US concluded by expressing the belief that the subject noncompliance is inconsequential as it relates to motor vehicle safety, and that its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the subject vehicles that FCA US no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after FCA US notified them that the subject noncompliance existed.

Authority: 49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8.

Jeffrey M. Giuseppe,

Associate Administrator for Enforcement.

[FR Doc. 2017–26425 Filed 12–6–17; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0399]

Agency Information Collection Activity Under OMB Review: Student Beneficiary Report—REPS (Restored Entitlement Program for Survivors)

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 (VBA), 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 8, 2018.

ADDRESSES: Submit written comments on the collection of information through *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*. Please refer to ''OMB Control No. 2900–0399'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor, Office of Quality, Privacy and Risk, Department of Veterans Affairs, 811 Vermont Avenue, Floor 5, Area 368, Washington, DC 20420, (202) 461–5870 or email *cynthia.harvey-pryor@va.gov*. Please refer to ''OMB Control No. 2900–0399'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 42 U.S.C. 402; Executive Order 12436.

Title: Student Beneficiary Report—REPS (Restored Entitlement Program for Survivors) (VA Forms 21P–8938 & 21P–8938–1).

OMB Control Number: 2900–0399.

Type of Review: Revision of a currently approved collection.

Abstract: Restored Entitlement Program for Survivors (REPS) benefits are payable to certain surviving spouses and children of veterans who died in service prior to August 13, 1981 or who died as a result of a service-connected disability incurred or aggravated prior to August 13, 1981. Child beneficiaries over age 18 and under age 23 must be enrolled full-time in an approved post-secondary school.

Executive Order 12436 ''Payment of Certain Benefits to Survivors of Persons Who Died In or As A Result of Military Service'' (found at 42 U.S.C. 402 (Note)) directs VA administer the provisions of Public Law 97–377 Section 156. VA codified this authority at 38 CFR 3.812.

VBA uses VA Forms 21–8938 and 21–8938–1 to verify that a surviving child who is receiving REPS benefits based on schoolchild status is in fact enrolled full-time in an approved school and is otherwise eligible for continued benefits. VA Form 21–8938 is generated by VA's central computer system each March and sent to all student beneficiaries. If the completed form is not received by the end of May, the beneficiary is sent a system-generated due process letter with another VA Form 21–8938. VBA uses VA Form 21–8938–1 if another copy of the form is needed by a respondent.

The VA Form number is being changed to ''21P–8941'' to reflect Pension and Fiduciary Service's responsibility for the form.

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 45363 on September 28, 2017.

Affected Public: Individuals and households.

Estimated Annual Burden: 1,767 hours.

Estimated Average Burden per Respondent: 20 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents: 5,300.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Quality, Privacy and Risk, Department of Veterans Affairs.

[FR Doc. 2017–26315 Filed 12–6–17; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0394]

Agency Information Collection Activity Under OMB Review: Certification of School Attendance—REPS

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 (VBA), 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 8, 2018.

ADDRESSES: Submit written comments on the collection of information through *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.* Please refer to ''OMB Control No. 2900–0394'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor, Office of Quality, Privacy and Risk, Department of Veterans Affairs, 811 Vermont Avenue, Floor 5, Area 368, Washington, DC 20420, (202) 461–5870 or email *cynthia.harvey-pryor@va.gov.* Please refer to ''OMB Control No. 2900–0394'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: Public Law 97–377 Section 156; 42 U.S.C. 402; Executive Order 12436.

Title: Certification of School Attendance—REPS (VA Form 21P–8926)

OMB Control Number: 2900–0394.

Type of Review: Reinstatement with change of a currently approved collection.

Abstract: Restored Entitlement Program for Survivors (REPS) benefits are payable to certain surviving spouses and children of veterans who died in service prior to August 13, 1981 or who died as a result of a service-connected disability incurred or aggravated prior to August 13, 1981. Child beneficiaries over age 18 and under age 23 must be enrolled full-time in an approved post-secondary school.

VBA uses VA Form 21–8926 to verify that a beneficiary who is receiving REPS benefits based on schoolchild status is enrolled full-time in an approved school and is otherwise eligible for continued benefits. VBA has used the information collected to make such benefit eligibility determinations and ensure REPS payments are issued properly.

This form number has been updated to ''21P–8926'' from ''21–8926'' to reflect change of ownership of the form to VBA's Pension and Fiduciary Service.

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 45112 on November 27, 2017.

Affected Public: Individuals and households.

Estimated Annual Burden: 300 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: Annual.

Estimated Number of Respondents: 1,200.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Quality, Privacy and Risk, Department of Veterans Affairs.

[FR Doc. 2017–26313 Filed 12–6–17; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0405]

Agency Information Collection Activity Under OMB Review: REPS Annual Eligibility Report

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 (VBA), 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 8, 2018.

ADDRESSES: Submit written comments on the collection of information through *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.* Please refer to ''OMB Control No. 2900–0405'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor, Office of Quality, Privacy and Risk, Department of Veterans Affairs, 811 Vermont Avenue, Floor 5, Area 368, Washington, DC 20420, (202) 461–5870 or email *cynthia.harvey-pryor@va.gov.* Please refer to ''OMB Control No. 2900–0405'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 42 U.S.C. 402; Executive Order 12436.

Title: REPS Annual Eligibility Report (Under the Provisions of Section 156, Public Law 97–377) (VA Form 21P–8941)

OMB Control Number: 2900–0405.

Type of Review: Extension without change of a currently approved collection.

Abstract: Restored Entitlement Program for Survivors (REPS) benefits are payable to certain surviving spouses and children of veterans who died in service prior to August 13, 1981 or who died as a result of a service-connected disability incurred or aggravated prior to August 13, 1981. Child beneficiaries over age 18 and under age 23 must be enrolled full-time in an approved post-secondary school. Executive Order 12436 ''Payment of Certain Benefits to Survivors of Persons Who Died In or As A Result of Military Service'' (found at 42 U.S.C. 402 (Note)) directs VA administer the provisions of Public Law 97–377 Section 156. VA codified this authority at 38 CFR 3.812.

VBA uses VA Form 21–8941 to verify a REPS beneficiary's entitlement factors including annual earnings, marital status, and the status of children. The form is completed annually by beneficiaries who have earned income that is at or near the limit of earned income. Benefits may be reduced or increased based on the beneficiary's responses.

The VA Form number is being changed to ''21P–8941'' to reflect Pension and Fiduciary Service's responsibility for the form.

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 45362 on November 28, 2017.

Affected Public: Individuals and households.

Estimated Annual Burden: 300 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents: 1,200.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Quality, Privacy and Risk, Department of Veterans Affairs.

[FR Doc. 2017–26314 Filed 12–6–17; 8:45 am]

BILLING CODE 8320–01–P

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