



# FEDERAL REGISTER

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Vol. 82

Wednesday,

No. 238

December 13, 2017

Pages 58533–58706

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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# Rules and Regulations

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

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

## FARM CREDIT ADMINISTRATION

### 12 CFR Part 607

RIN 3052-AD30

#### Assessment and Apportionment of Administrative Expenses

**AGENCY:** Farm Credit Administration.

**ACTION:** Notification of effective date.

**SUMMARY:** The Farm Credit Administration (FCA or we) issued a direct final rule adopting technical amendments to eliminate language that is obsolete, confusing, and unnecessary to determine the annual assessment amount of Farm Credit System institutions. In accordance with the law, the effective date of the rule is no earlier than 30 days from the date of publication in the **Federal Register** during which either or both Houses of Congress are in session.

**DATES:** *Effective date:* Under the authority of 12 U.S.C. 2252, the regulation amending 12 CFR part 607 published on October 20, 2017 (82 FR 48758) is effective December 13, 2017.

#### FOR FURTHER INFORMATION CONTACT:

Jeremy R. Edelstein, Senior Policy Analyst, Office of Regulatory Policy, (703) 883-4497, TTY (703) 883-4056, [edelsteinj@fca.gov](mailto:edelsteinj@fca.gov);

or

Jennifer A. Cohn, Senior Counsel, Office of General Counsel, (303) 696-9737, TTY (703) 883-4056, [cohnj@fca.gov](mailto:cohnj@fca.gov).

**SUPPLEMENTARY INFORMATION:** The Farm Credit Administration (FCA or we) issued a direct final rule adopting technical amendments to eliminate language that is obsolete, confusing, and unnecessary to determine the annual assessment amount of Farm Credit System institutions. In accordance with 12 U.S.C. 2252, the effective date of the final rule is no earlier than 30 days from the date of publication in the **Federal Register** during which either or both Houses of Congress are in session. Based

on the records of the sessions of Congress, the effective date of the regulations is December 13, 2017.

(12 U.S.C. 2252(a)(9) and (10))

Dated: December 8, 2017.

**Dale L. Aultman,**

*Secretary, Farm Credit Administration Board.*

[FR Doc. 2017-26835 Filed 12-12-17; 8:45 am]

**BILLING CODE 6705-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

**[Docket No. FAA-2017-1101; Product Identifier 2016-NM-030-AD; Amendment 39-19122; AD 2017-25-08]**

RIN 2120-AA64

#### Airworthiness Directives; ATR-GIE Avions de Transport Régional Airplanes

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

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

**SUMMARY:** We are adopting a new airworthiness directive (AD) for certain ATR-GIE Avions de Transport Régional Model ATR42-500 and ATR72-212A airplanes. This AD requires revising the airplane flight manual to provide procedures to the flightcrew for operational restrictions affecting in-flight use of the autopilot (AP) or yaw damper (YD) during single source operation. This AD was prompted by flight test evaluations that revealed discrepancies with the YD and AP when in single source operation on certain airplanes. We are issuing this AD to address the unsafe condition on these products.

**DATES:** This AD becomes effective December 28, 2017.

We must receive comments on this AD by January 29, 2018.

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

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Fax:* 202-493-2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M-

30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

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

#### Examining the AD Docket

You may examine the AD docket on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2017-1101; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800-647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

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

#### SUPPLEMENTARY INFORMATION:

##### Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2016-0046, dated March 9, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or “the MCAI”), to correct an unsafe condition on certain ATR-GIE Avions de Transport Régional Model ATR42-500 and Model ATR72-212A airplanes. The MCAI states:

Following investigations after EASA AD 2015-0237R1 was issued, additional flight tests evaluations performed on ATR aeroplanes equipped with New Avionics Suite Standard 2 have revealed an unsatisfactory behaviour of the Yaw Damper/Autopilot (YD/AP), when in ‘single source operation’ (i.e. one Air Data Computer (ADC) inoperative, one Attitude and Heading Reference System (AHRS) inoperative, or failure of both Direct Current (DC) Generators), upon a sudden engine power asymmetry at low Indicated Air Speed (IAS).

This unsatisfactory behavior is due to the YD limited authority in single source and is

characterized by inappropriate flight equilibrium, with important flight control efforts needed on the roll axis to safely control the aeroplane.

This condition, if not corrected, could result in loss of control of the aeroplane.

For the reasons described above, this [EASA] AD requires amendment of the applicable Airplane Flight Manual (AFM) to introduce AP and YD operational restrictions, when in single source and operating at an IAS below 160kt.

This [EASA] AD is considered an interim action and further [EASA] AD action may follow.

You may examine the MCAI on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2017-1101.

#### FAA's Determination and Requirements of This AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI referenced above. We are issuing this AD because we evaluated all pertinent information and determined the unsafe condition exists and is likely to exist or develop on other products of these same type designs.

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

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

#### Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and opportunity for public comment. We invite you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2017-1101; Product Identifier 2016-NM-030-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this AD based on those comments.

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

will also post a report summarizing each substantive verbal contact we receive about this AD.

#### Costs of Compliance

Currently, there are no affected U.S.-registered airplanes. If an affected airplane is imported and placed on the U.S. Register in the future, we provide the following cost estimates to comply with this AD:

We estimate that it will take about 1 work-hour per product to comply with the basic requirements of this AD. The average labor rate is \$85 per work-hour. Based on these figures, we estimate the cost of this AD on U.S. operators to be \$85 per product.

#### Authority for This Rulemaking

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

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

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

#### Regulatory Findings

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

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

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

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

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

#### Adoption of the Amendment

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

#### PART 39—AIRWORTHINESS DIRECTIVES

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

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

#### § 39.13 [Amended]

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

**2017-25-08 ATR-GIE Avions de Transport Régional:** Amendment 39-19122; Docket No. FAA-2017-1101; Product Identifier 2016-NM-030-AD.

#### (a) Effective Date

This AD becomes effective December 28, 2017.

#### (b) Affected ADs

None.

#### (c) Applicability

This AD applies to ATR-GIE Avions de Transport Régional Model ATR42-500 and ATR72-212A airplanes, certificated in any category, all manufacturer serial numbers, as specified in paragraphs (c)(1) and (c)(2) of this AD.

(1) Airplanes modified in production by incorporation of Avions de Transport Régional modification 6977 (New Avionics Suite Standard 2).

(2) Airplanes modified in service by incorporation of Avions de Transport Régional Service Bulletin ATR42-31-0091, Revision 02, January 18, 2016, or Avions de Transport Régional Service Bulletin ATR72-31-1092, Revision 03, dated January 18, 2016, as applicable.

#### (d) Subject

Air Transport Association (ATA) of America Code 22, Auto Flight.

#### (e) Reason

This AD was prompted by flight test evaluations that revealed discrepancies with

the yaw damper (YD) and autopilot (AP) when in single source operation on certain airplanes. We are issuing this AD to prevent failure of certain operational systems in flight, which could result in loss of control of the airplane.

**(f) Compliance**

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

**(g) Revise the Airplane Flight Manual**

(1) Within 15 days after the effective date of this AD, revise the Limitations Section, Emergency Procedures section, and Procedures Following Failures section of the ATR-42 and ATR-72 airplane flight manuals (AFMs), as applicable, to include the information in figure 1 to paragraph (g) of this AD or figure 2 to paragraph (g) of this AD, as applicable; inform all flight crews;

and thereafter operate the airplane accordingly.

(2) Revising the AFM as specified in paragraph (g)(1) of this AD can be done by inserting a copy of figure 1 to paragraph (g) of this AD or figure 2 to paragraph (g) of this AD, as applicable, into the applicable AFM.

**BILLING CODE 4910-13-P**

Figure 1 to paragraph (g) of this AD – AFM 42-500 revision


 AFM	<b>LIMITATIONS</b>  SYSTEMS	2-05	
		PAGE : 1	820
		EASA APPROVED	FEB 16
<p><b><u>2.05.01 - AIR PRESSURIZATION</u></b></p> <p>Maximum differential pressure ..... 6.35 PSI                  Maximum negative differential pressure ..... - 0.5 PSI                  Maximum differential pressure for landing ..... 0.35 PSI                  Maximum differential pressure for OVBD VALVE full open selection ..... 1 PSI                  Maximum altitude for one bleed off operation ..... 20000 ft</p> <p><b><u>2.05.02 - HYDRAULIC SYSTEM</u></b></p> <p>All hydraulic fluids compliant with technical specification : NSA 307110                  Compliant fluids are listed in the AMM (Chapter20, 20-31-30)</p> <p><b><u>2.05.03 - LANDING GEAR</u></b></p> <ul style="list-style-type: none"> <li>- Do not perform pivoting (sharp turns) upon a landing gear with fully braked wheels except in case of emergency.</li> <li>- In case of ground speed over 165 kt all tires to be replaced.</li> <li>- Towbarless Towing is prohibited, unless the towbarless towing operations are performed in compliance with the appropriate operational requirements (JAR-OPS-1 for Commercial Air Transportation) using towbarless towing vehicles that are designed and operated to preclude damage to the aeroplane nose wheel steering system or which provide a reliable and unmistakable warning when damage to the steering system may have occurred. Towbarless towing vehicles that are specifically accepted for ATR aircraft are listed in ATR Service Letter 42-09-5001.</li> </ul> <p><b><u>2.05.04 - FLAPS</u></b></p> <p>Holding with any flaps extended is prohibited in icing conditions (except for single engine operations).</p> <p><b><u>2.05.05 - AUTOMATIC FLIGHT CONTROL SYSTEM (AFCS)</u></b></p> <ul style="list-style-type: none"> <li>- Minimum height for autopilot engagement on take off : 100 ft.</li> <li>- Limitation in use when in single source configuration (one ADC FAIL and/or, one AHRS FAIL, and/or DUAL DC GEN LOSS)                         <ul style="list-style-type: none"> <li>- Do not use AP and/or YD:                                 <ul style="list-style-type: none"> <li>- below 1000 ft AGL and/or</li> <li>- IAS below 160 kt</li> </ul> </li> <li>- Do not use AP with the stall warning inoperative</li> </ul> </li> <li>- NAV mode for VOR approach, using either autopilot or flight director is authorized only if :                         <ul style="list-style-type: none"> <li>- a co-located DME is available, and</li> <li>- DME HOLD is not selected</li> </ul> </li> <li>- Minimum height for use of either autopilot or flight director :                         <ul style="list-style-type: none"> <li>- Except during take off or executing an approach : 1000 ft</li> <li>- VS or IAS mode during approach : 160 ft</li> <li>- CAT 1 APP mode : 160 ft</li> </ul> </li> </ul> <p>Refer to 7.01.03 for CAT II operation</p>			
Mod : 5948 + 6977		ATR42 Model: 500	

Figure 1 to paragraph (g) of this AD – AFM 42-500 revision (Continued)

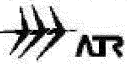
 ATR  AFM	<b>EMERGENCY PROCEDURES</b>	<b>4 - 04</b>					
	ELECTRICAL SYSTEM	PAGE : 1	820				
		EASA APPROVED	FEB 16				
<b>4.04.01 - DUAL DC GEN LOSS</b>							
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">PF .....</td> <td style="width: 20%;">CAPT</td> </tr> <tr> <td>DC GEN 1+2 .....</td> <td>OFF then ON</td> </tr> </table> <p> <span style="color: black;">■</span> <b>If no generator recovered</b>                  HYD GREEN PUMP ..... OFF                  TRU ..... ON             </p> <p>Make sure that TRU arrow illuminates and BAT arrows extinguish.</p> <p><b>NOTE:</b> If TRU FAULT LAND ASAP</p> <p>                 MAN RATE KNOB ..... 9 O'CLOCK                  CAB PRESS MODE SEL ..... MAN                  AVIONICS VENT EXHAUST MODE ..... OVBD                  BAT SW ..... OVRD                  F/O ATT HDG ..... SWITCH TO SYS 1                  F/O ADC ..... SWITCH TO SYS 1                  AP USE ..... AS RQD                  YD USE ..... AS RQD             </p> <p><b>CAUTION :</b> use of AP and / or YD are prohibited below 1000 ft AGL                  use of AP and / or YD are prohibited for IAS &lt; 160 kt</p> <p><b>CAUTION :</b> In single engine operation , AP may disconnect with rapid power change . Avoid large PL movement.</p> <p>                 COM / SURV / NAV ..... USE MCDU1                  XPDR ..... SET XPDR 1                  ATC (VHF 1 or HF or HF 2) ..... NOTIFY                  MIN CAB LIGHT ..... OFF             </p> <p><b>NOTE:</b> NAV lights switch set to ON is necessary to provide IEP illumination</p> <p>TLU ..... MAN MODE LO SPD</p> <p> <span style="color: black;">●</span> <b>When TLU LO SPD illuminates</b>                  TLU ..... AUTO             </p> <p><b>CAUTION:</b> Avoid large rudder input if IAS above 180 kt.</p> <p>                 STICK PUSHER / SHAKER ..... OFF                  STICK PUSHER / SHAKER FAULT procedure ..... APPLY                  SIDE WINDOW / WINDSHIELD HTG ..... OFF                  DE-/ANTI-ICING MODE SEL AUTO FAULT procedure ..... APPLY                  AUTO PRESS FAULT procedure ..... APPLY                  BUS EQPT LIST ..... CHECK             </p> <p><b>NOTE:</b> periodically compare PFD with IES , crosscheck HDG / TK / STBY-HDG</p> <p style="text-align: right;">..... to be continued next page .../...</p>				PF .....	CAPT	DC GEN 1+2 .....	OFF then ON
PF .....	CAPT						
DC GEN 1+2 .....	OFF then ON						
Mod:5948+6977		ATR42 Model : 500					

Figure 1 to paragraph (g) of this AD – AFM 42-500 revision (Continued)

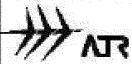
 ATR AFM	<b>EMERGENCY PROCEDURES</b>	<b>4 - 04</b>	
	ELECTRICAL SYSTEM	PAGE : 2	820
		EASA APPROVED	FEB 16
<p style="text-align: center;">.....</p> <ul style="list-style-type: none"> <li>● <b>Before descent</b></li> <li style="padding-left: 20px;">PAX INSTRUCTIONS ..... USE PA</li> <li style="padding-left: 20px;">HYD X FEED ..... ON</li> </ul> <p style="padding-left: 20px;"><u>NOTE:</u> Selecting HYD X FEED ON allows to recover green hydraulic system</p> <ul style="list-style-type: none"> <li>● <b>At touch down</b></li> <li style="padding-left: 20px;">IDLE GATE LEVER ..... PULL</li> </ul>			
Mod:5948 +6977		ATR42 Model : 500	

Figure 1 to paragraph (g) of this AD – AFM 42-500 revision (Continued)


 ATR  AFM	<b>PROCEDURES FOLLOWING FAILURES</b>  SYSTEMS	<b>5 - 04</b>	
		PAGE : 18	820
		EASA APPROVED	FEB 16
<p><b>5.04.11 - MISCELLANEOUS</b></p> <p>▶ <b>ONE AHRS FAIL</b></p> <p>AFFECTED ATT / HDG SWITCHING ..... ALTERNATE SYS                  FD MODES ..... CONFIRM                  AP USE ..... AS RQRD                  YD USE ..... AS RQRD</p> <p><u>Note:</u> RNP AR IS PROHIBITED IF NOT STARTED (if available).</p> <p>WHEN WINGS LEVELED :                  PERIODICALLY COMPARE PFD with IESI.                  CROSSCHECK HDG / TK / STBY-COMPASS</p> <p><b>CAUTION</b> : use of AP and / or YD are prohibited below 1000 ft AGL                  use of AP and / or YD are prohibited for IAS &lt; 160 kt</p> <p><b>CAUTION</b> : In single engine operation , AP may disconnect with                  rapid power change . Avoid large PL movement.</p> <p>▶ <b>AHRS 1 + 2 LOSS</b></p> <p>PF ..... CAPT                  IESI ..... USE                  STBY COMPASS ..... USE                  AIRCRAFT ..... STABILIZE SPEED AND LEVEL                  VISUAL FLYING CONDITIONS ..... MAINTAIN IF POSSIBLE                  ATC ..... NOTIFY                  FMS PROG PAGE ..... USE</p> <p><u>Note:</u> PFD ATT and HDG are lost, ILS deviation and ADF BRG are valid  <u>Note:</u> TERRAIN PICTURE DISPLAY IS AVAILABLE  <u>Note:</u> RNP AR IS PROHIBITED (if available)</p> <p>▶ <b>AHRS NOT ALIGN</b></p> <p>■ <b>If AHRS not align on ground</b>                  AIRCRAFT ..... STOP UNTIL ALERT DISAPPEARS</p> <p>■ <b>If AHRS not align in flight</b>                  AHRS FAULT ..... IDENTIFIED                  AIRCRAFT ..... STABILIZE SPEED AND LEVEL DURING 90s</p> <p>■ <b>If alert disappears</b>                  AP may be re-engaged</p> <p>■ <b>If AHRS NOT ALIGN persists after 3 minutes</b>                  ONE AHRS FAIL procedure ..... APPLY</p>			
Mod : 5948 + 6977		ATR42 Model : 500	

Figure 1 to paragraph (g) of this AD – AFM 42-500 revision (Continued)

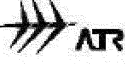
 ATR  AFM	<b>PROCEDURES FOLLOWING FAILURES</b>  SYSTEMS	<b>5-04</b>	
		PAGE : 17	820
		EASA APPROVED	FEB 16
<p><b>5.04.11 - MISCELLANEOUS</b></p> <p>▶ <b>ADC FAIL</b></p> <p>■ <b>If one ADC fail</b></p> <p>AFFECTED ADC SWITCHING ..... ALTERNATE SYS                  FD MODES ..... CONFIRM                  AP USE ..... AS RQRD                  YD USE ..... AS RQRD</p> <p>PERIODICALLY COMPARE IAS/ALT ON PFDs WITH IESI</p> <p><b>CAUTION</b> : use of AP and / or YD are prohibited below 1000 ft AGL                  use of AP and / or YD are prohibited for IAS &lt; 160 kt</p> <p><b>CAUTION</b> : In single engine operation , AP may disconnect with                  rapid power change . Avoid large PL movement.</p> <p><b>CAUTION</b> : baro setting is available only on non affected side</p> <p><u>Note</u> : RNP AR IS PROHIBITED IF NOT STARTED (if available)</p> <p>■ <b>If ADC 1 lost</b></p> <p>LANDING ELEVATION ..... SET PRESSURE ALTITUDE</p> <p>■ <b>If ADC 1 + 2 are lost</b></p> <p>PF ..... CAPT                  IESI ..... USE                  MAN RATE KNOB ..... 9 O'CLOCK                  CAB PRESS MODE SEL ..... MAN                  AUTO PRESS FAULT procedure ..... APPLY                  ENG PARAMETERS ..... MONITOR                  TCAS ..... STBY                  GPWS ..... OFF                  TLU ..... HI or LO ACCORDING TO IAS                  TLU FAULT procedure ..... APPLY</p> <p><u>Note</u>: DE-/ANTI-ICING auto mode selection is lost.  <u>Note</u> : RNP AR IS PROHIBITED (if available)</p>			
Mod : 5948 + 6977		ATR42 Model : 500	

Figure 2 to paragraph (g) of this AD – AFM 72-212A revision


 ATR 72 A AFM	<b>LIMITATIONS</b>  SYSTEMS	<b>2-05</b>	
		PAGE : 1	820
		EASA APPROVED	FEB 16
<p><b><u>2.05.01 - PRESSURIZATION</u></b></p> <p>Maximum differential pressure . . . . . 6.35 PSI                  Maximum negative differential pressure . . . . . - 0.5 PSI                  Maximum differential pressure for landing . . . . . 0.35 PSI                  Maximum differential pressure for OVBD VALVE                  full open selection . . . . . 1 PSI                  Maximum altitude for one bleed off operation . . . . . 20000 ft</p> <p><b><u>2.05.02 - HYDRAULIC SYSTEM</u></b></p> <p>All hydraulic fluids compliant with technical specification : NSA 307110                  Compliant fluids are listed in the AMM (Chapter20, 20-31-30)</p> <p><b><u>2.05.03 - LANDING GEAR</u></b></p> <ul style="list-style-type: none"> <li>- Do not perform pivoting (sharp turns) upon a landing gear with fully braked wheels except in case of emergency.</li> <li>- In case of ground speed over 165 kt all tires to be replaced.</li> <li>- Towbarless Towing is prohibited, unless the towbarless towing operations are performed in compliance with the appropriate operational requirements (JAR-OPS-1 for Commercial Air Transportation) using towbarless towing vehicles that are designed and operated to preclude damage to the aeroplane nose wheel steering system or which provide a reliable and unmistakable warning when damage to the steering system may have occurred. Towbarless towing vehicles that are specifically accepted for ATR aircraft are listed in ATR Service Letter 72-09-6001.</li> </ul> <p><b><u>2.05.04 - FLAPS</u></b></p> <p>Holding with any flaps extended is prohibited in icing conditions (except for single engine operations).</p> <p><b><u>2.05.05 - AUTOMATIC FLIGHT CONTROL SYSTEM (AFCS)</u></b></p> <ul style="list-style-type: none"> <li>- Minimum height for autopilot engagement on take off : 100 ft.</li> <li>- Limitation in use when in single source configuration (one ADC FAIL and/or, one AHRS FAIL, and/or DUAL DC GEN LOSS)                         <ul style="list-style-type: none"> <li>- Do not use AP and/or YD:                                 <ul style="list-style-type: none"> <li>- below 1000 ft AGL and/or</li> <li>- IAS below 160 kt</li> </ul> </li> <li>- Do not use AP with the stall warning inoperative</li> </ul> </li> <li>- NAV mode for VOR approach, using either autopilot or flight director is authorized only if :                         <ul style="list-style-type: none"> <li>- a co-located DME is available, and</li> <li>- DME HOLD is not selected.</li> </ul> </li> <li>- Minimum height for use of either autopilot or flight director :                         <ul style="list-style-type: none"> <li>- Except during take off or executing an approach : 1000 ft</li> <li>- VS or IAS mode during approach : 160 ft</li> <li>- CAT 1 APP mode : 160 ft</li> </ul> </li> </ul> <p>Refer to 7.01.03 for CAT II operation</p>			
Mod : 5948 + 6977		Model : 212 A	

Figure 2 to paragraph (g) of this AD – AFM 72-212A revision (Continued)


 AFM	<b>EMERGENCY PROCEDURES</b>	<b>4 -04</b>	
	ELECTRICAL SYSTEM	PAGE : 1	820
		EASA APPROVED	FEB 16
<b>4 . 04 . 01 - DUAL DC GEN LOSS</b>			
FF ..... CAPT DC GEN 1+2 ..... OFF then ON			
<b>■ If no generator recovered</b> HYD GREEN PUMP ..... OFF TRU ..... ON			
Make sure that TRU arrow illuminates and BAT arrows extinguish. <b>NOTE:</b> If TRU FAULT LAND ASAP MAN RATE KNOB ..... 9 O'CLOCK CAB PRESS MODE SEL ..... MAN AVIONICS VENT EXHAUST MODE ..... OVBD BAT SW ..... OVRD F/O ATT HDG ..... SWITCH TO SYS 1 F/O ADC ..... SWITCH TO SYS 1 AP USE ..... AS RQD YD USE ..... AS RQD			
<b>CAUTION :</b> use of AP and / or YD are prohibited below 1000 ft AGL use of AP and / or YD are prohibited for IAS < 160 kt			
<b>CAUTION :</b> In single engine operation , AP may disconnect with rapid power change . Avoid large PL movement.			
COM / SURV / NAV ..... USE MCDU1 XPDR ..... SET XPDR 1 ATC (VHF 1 or HF or HF 2) ..... NOTIFY MIN CAB LIGHT ..... OFF <b>NOTE:</b> NAV lights switch set to ON is necessary to provide IEP illumination			
TLU ..... MAN MODE LO SPD <b>● When TLU LO SPD illuminates</b> TLU ..... AUTO			
<b>CAUTION:</b> Avoid large rudder input if IAS above 180 kt.			
STICK PUSHER / SHAKER ..... OFF STICK PUSHER / SHAKER FAULT procedure ..... APPLY SIDE WINDOW / WINDSHIELD HTG ..... OFF DE-/ANTI-ICING MODE SEL AUTO FAULT procedure ..... APPLY AUTO PRESS FAULT procedure ..... APPLY BUS EQPT LIST ..... CHECK			
<b>NOTE:</b> periodically compare PFD with IESI, crosscheck HDG / TK / STBY-HDG			
..... to be continued next page .../...			
Mod:5948+6977		Model : 212 A	

Figure 2 to paragraph (g) of this AD – AFM 72-212A revision (Continued)


 ATR 72 A AFM	<b>EMERGENCY PROCEDURES</b>	4 - 04	
	ELECTRICAL SYSTEM	PAGE : 2	820
		EASA APPROVED	FEB 16
.../...  <ul style="list-style-type: none"> <li>● <b>Before descent</b> <ul style="list-style-type: none"> <li>PAX INSTRUCTIONS ..... USE PA</li> <li>HYD X FEED ..... ON</li> </ul> </li> <li><b>NOTE:</b> Selecting HYD X FEED ON allows to recover green hydraulic system</li> <li>● <b>At touch down</b> <ul style="list-style-type: none"> <li>IDLE GATE LEVER ..... PULL</li> </ul> </li> </ul>			
Mod:5948 +6977		Model : 212 A	

Figure 2 to paragraph (g) of this AD – AFM 72-212A revision (Continued)



 <b>ATR 72 A</b>  AFM	<b>PROCEDURES FOLLOWING FAILURES</b>	<b>5-04</b>	
	SYSTEMS	PAGE : 17	820
		EASA APPROVED	FEB 16
<p><b><u>5.04.11 - MISCELLANEOUS</u></b></p> <p>▶ <b>ADC FAIL</b></p> <p>■ <b>If one ADC fail</b></p> <p>AFFECTED ADC SWITCHING ..... ALTERNATE SYS              FD MODES ..... CONFIRM              AP USE ..... AS RQRD              YD USE ..... AS RQRD</p> <p>PERIODICALLY COMPARE IAS/ALT ON PFDs WITH IESI</p> <p><b>CAUTION</b> : use of AP and / or YD are prohibited below 1000 ft AGL              use of AP and / or YD are prohibited for IAS &lt; 160 kt</p> <p><b>CAUTION</b> : In single engine operation , AP may disconnect with              rapid power change . Avoid large PL movement.</p> <p><b>CAUTION</b> : baro setting is available only on non affected side</p> <p><b>Note</b> : RNP AR IS PROHIBITED IF NOT STARTED (if available)</p> <p>■ <b>If ADC 1 lost</b></p> <p>LANDING ELEVATION ..... SET PRESSURE ALTITUDE</p> <p>■ <b>If ADC 1 + 2 are lost</b></p> <p>PF ..... CAPT              IESI ..... USE              MAN RATE KNOB ..... 9 O'CLOCK              CAB PRESS MODE SEL ..... MAN              AUTO PRESS FAULT procedure ..... APPLY              ENG PARAMETERS ..... MONITOR              TCAS ..... STBY              GPWS ..... OFF              TLU ..... HI or LO ACCORDING TO IAS              TLU FAULT procedure ..... APPLY</p> <p><b>Note</b>: DE-/ANTI-ICING auto mode selection is lost.  <b>Note</b> : RNP AR IS PROHIBITED (if available)</p>			
Mod : 5948 + 6977		Model : 212 A	

Figure 2 to paragraph (g) of this AD – AFM 72-212A revision (Continued)

 <b>AFM 72 A</b>	<b>PROCEDURES FOLLOWING FAILURES</b>	<b>5_04</b>	
	<b>SYSTEMS</b>	PAGE : 18	820
		EASA APPROVED	FEB 16
<p><b>5.04.11 – MISCELLANEOUS</b></p> <p>▶ <b>ONE AHRS FAIL</b></p> <p>AFFECTED ATT / HDG SWITCHING ..... ALTERNATE SYS          FD MODES ..... CONFIRM          AP USE ..... AS RQRD          YD USE ..... AS RQRD</p> <p><u>Note:</u> RNP AR IS PROHIBITED IF NOT STARTED (if available).</p> <p>WHEN WINGS LEVELED ;          PERIODICALLY COMPARE PFD with IESI.          CROSSCHECK HDG / TK / STBY-COMPASS</p> <p><b>CAUTION :</b> use of AP and / or YD are prohibited below 1000 ft AGL          use of AP and / or YD are prohibited for IAS &lt; 160 kt</p> <p><b>CAUTION :</b> In single engine operation , AP may disconnect with          rapid power change . Avoid large PL movement.</p> <p>▶ <b>AHRS 1 + 2 LOSS</b></p> <p>PF ..... CAPT          IESI ..... USE          STBY COMPASS ..... USE          AIRCRAFT ..... STABILIZE SPEED AND LEVEL          VISUAL FLYING CONDITIONS ..... MAINTAIN IF POSSIBLE          ATC ..... NOTIFY          FMS PROG PAGE ..... USE</p> <p><u>Note:</u> PFD ATT and HDG are lost, ILS deviation and ADF BRG are valid  <u>Note:</u> TERRAIN PICTURE DISPLAY IS AVAILABLE  <u>Note:</u> RNP AR IS PROHIBITED (if available)</p> <p>▶ <b>AHRS NOT ALIGN</b></p> <p>■ <b>If AHRS not align on ground</b>          AIRCRAFT ..... STOP UNTIL ALERT DISAPPEARS</p> <p>■ <b>If AHRS not align in flight</b>          AHRS FAULT ..... IDENTIFIED          AIRCRAFT ..... STABILIZE SPEED AND LEVEL DURING 90s</p> <p>■ <b>If alert disappears</b>          AP may be re-engaged</p> <p>■ <b>If AHRS NOT ALIGN persists after 3 minutes</b>          ONE AHRS FAIL procedure ..... APPLY</p>			
Mod : 5948 + 6977		Model : 212 A	

BILLING CODE 4910-13-C

**(h) Other FAA AD Provisions**

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Section, Transport Standards Branch, FAA,

has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Section, send it

to the attention of the person identified in paragraph (i)(2) of this AD. Information may be emailed to: [9-ANM-116-AMOC-REQUESTS@faa.gov](mailto:9-ANM-116-AMOC-REQUESTS@faa.gov). Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight

standards district office/certificate holding district office.

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

**(i) Related Information**

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2016-0046, dated March 9, 2016, for related information. You may examine the MCAI on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2017-1101.

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

**(j) Material Incorporated by Reference**

None.

Issued in Renton, Washington, on December 4, 2017.

**Jeffrey E. Duven,**

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

[FR Doc. 2017-26621 Filed 12-12-17; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 91**

[Docket No.: FAA-2007-27602; Amdt. No. 91-339A]

**RIN 2120-AL28**

**Extension of the Prohibition Against Certain Flights in the Territory and Airspace of Somalia**

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

**ACTION:** Final rule.

**SUMMARY:** This action extends the expiration date for the Special Federal Aviation Regulation (SFAR) that prohibits certain flights in the territory and airspace of Somalia at altitudes below flight level (FL) 260 by all: United States (U.S.) air carriers; U.S. commercial operators; persons exercising the privileges of an airman certificate issued by the FAA, except when such persons are operating U.S.-registered aircraft for a foreign air carrier; and operators of U.S.-registered

civil aircraft, except where the operator of such aircraft is a foreign air carrier. The FAA is taking this action because it has determined that there continues to be an unacceptable risk to U.S. civil aviation operating in the territory and airspace of Somalia at altitudes below FL260 resulting from terrorist and militant activity. The FAA also republishes, with minor revisions, the approval process and exemption information for this SFAR.

**DATES:** This final rule is effective on December 13, 2017.

**FOR FURTHER INFORMATION CONTACT:** Michael Filippell, Air Transportation Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone (202) 267-8166; email [michael.e.filippell@faa.gov](mailto:michael.e.filippell@faa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Executive Summary**

This action extends the prohibition of flight operations in the territory and airspace of Somalia at altitudes below FL260 by all: U.S. air carriers; U.S. commercial operators; persons exercising the privileges of an airman certificate issued by the FAA, except when such persons are operating U.S.-registered aircraft for a foreign air carrier; and operators of U.S.-registered civil aircraft, except where the operator of such aircraft is a foreign air carrier. The FAA finds this action necessary due to continued hazards to persons and aircraft engaged in such flight operations resulting from terrorist and militant activity, as described in the Background section of this rule.

**II. Legal Authority and Good Cause**

*A. Legal Authority*

The FAA is responsible for the safety of flight in the U.S. and for the safety of U.S. civil operators, U.S.-registered civil aircraft, and U.S.-certificated civil airmen throughout the world. The FAA's authority to issue rules on aviation safety is found in title 49, U.S. Code, Subtitle I, sections 106(f) and (g), describe the authority of the FAA Administrator. Subtitle VII of title 49, Aviation Programs, describes in more detail the scope of the agency's authority. Section 40101(d)(1) provides that the Administrator shall consider in the public interest, among other matters, assigning, maintaining, and enhancing safety and security as the highest priorities in air commerce. Section 40105(b)(1)(A) requires the Administrator to exercise his authority consistently with the obligations of the U.S. Government under international agreements.

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, subpart III, section 44701, General requirements. Under that section, the FAA is charged broadly with promoting safe flight of civil aircraft in air commerce by prescribing, among other things, regulations and minimum standards for practices, methods, and procedures that the Administrator finds necessary for safety in air commerce and national security.

This regulation is within the scope of the FAA's authority under the statutes cited previously, because it continues to prohibit the persons described in paragraph (a) of SFAR No. 107, title 14 Code of Federal Regulations (CFR) 91.1613, from conducting flight operations in the territory and airspace of Somalia at altitudes below FL260 due to the continued hazards to the safety of such persons' flight operations, as described in the Background section of this final rule.

*B. Good Cause for Immediate Adoption*

Title 5 U.S.C. 553(b)(3)(B) authorizes agencies to dispense with notice and comment procedures for rules when the agency for "good cause" finds that those procedures are "impracticable, unnecessary, or contrary to the public interest." Section 553(d) also authorizes agencies to forgo the delay in the effective date of the final rule for good cause found and published with the rule. In this instance, the FAA finds good cause to forgo notice and comment, because notice and comment would be impracticable and contrary to the public interest. To the extent that the rule is based upon classified information, such information is not permitted to be shared with the general public. Also, threats to U.S. civil aviation and intelligence regarding these threats are fluid. As a result, the agency's original proposal could become unsuitable for minimizing the hazards to U.S. civil aviation in the affected airspace during or after the notice and comment process. The FAA further finds an immediate need to address the continued hazard to U.S. civil aviation that exists in the territory and airspace of Somalia at altitudes below FL260 from terrorist and militant activity. This hazard is further described in the Background section of this rule.

For the reasons described previously, the FAA finds good cause to forgo notice and comment and any delay in the effective date for this rule. The FAA also finds that this action is fully consistent with the obligations under 49 U.S.C. 40105(b)(1)(A) to ensure that the FAA exercises its duties consistently

with the obligations of the United States under international agreements.

### III. Background

On January 7, 2016, the FAA expanded its existing prohibition of U.S. civil aviation operations in the territory and airspace of Somalia, after determining that the risk from terrorist and militant activity made it unsafe for U.S. civil flights to operate in the territory and airspace of Somalia at altitudes below FL260. 81 FR 721. In taking that action, the FAA determined that international civil air routes that transit Somali airspace and aircraft operating to and from Somali airports remained at risk from terrorist and militant groups potentially employing anti-aircraft weapons, including man-portable air defense systems (MANPADS), small-arms fire and indirect fire from mortars and rockets targeting airports. Some of the weapons that the FAA was concerned about have the capability to target aircraft upon approach and departure and aircraft at higher altitudes. The terrorist group al-Shabaab remained active in Somalia and had demonstrated the capability and intent to target U.S. and Western interests, including aviation. Al-Shabaab had conducted multiple attacks against civil aviation, including attacks on two IL-76 aircraft near Aden Adde International Airport (then known as Mogadishu International Airport) (HCMM) in March 2007, likely using MANPADS. These attacks had formed part of the basis for the original SFAR. Al-Shabaab had also conducted ground assaults against Aden Adde International Airport (then known as Mogadishu International Airport) (HCMM), the most recent of which had occurred in December 2014. As stated in the January 2016 final rule, in the FAA's view, attacks against aircraft in-flight or Somali airports could occur with little or no warning.

Since January 2016, al-Shabaab has continued to directly target civil aviation using concealed improvised explosive devices (IEDs) in an effort to bypass security screening at Aden Adde International Airport (HCMM) to detonate the device onboard an aircraft. This was demonstrated when al-Shabaab claimed responsibility for the onboard detonation of a concealed IED on a Daallo Airlines Flight 159, which originated from Aden Adde International Airport (HCMM) in February 2016. Al-Shabaab has also conducted frequent terror attacks in close proximity to the airport and has conducted indirect fire attacks targeting facilities within the perimeter of the airport. Al-Shabaab has also conducted

ground assaults against Aden Adde International Airport (formerly known as Mogadishu International Airport) (HCMM), the most recent of which included a vehicle-borne improvised explosive device in January 2017. Other extremists, to include elements of the Islamic State of Iraq and ash Sham (ISIS), also operate in Somalia and are capable of threatening civil aviation. With the unsettled security environment in Somalia, along with the continuing threat to civil aviation from al-Shabaab and/or ISIS-associated activity, the FAA continues to believe that attacks against aircraft in-flight or Somali airports can occur with little or no warning.

Therefore, as a result of the significant continuing risk to the safety of U.S. civil aviation in the territory and airspace of Somalia at altitudes below FL260, the FAA extends the expiration date of SFAR No. 107, § 91.1613, from January 7, 2018, to January 7, 2020, and maintains the prohibition on flight operations in the territory and airspace of Somalia at altitudes below FL260 by all: U.S. air carriers; U.S. commercial operators; persons exercising the privileges of an airman certificate issued by the FAA, except when such persons are operating U.S.-registered aircraft for a foreign air carrier; and operators of U.S.-registered civil aircraft, except where the operator of such aircraft is a foreign air carrier.

The FAA will continue to actively monitor the situation and evaluate the extent to which U.S. civil operators may be able to safely operate in the territory and airspace of Somalia at altitudes below FL260 in the future. Amendments to SFAR No. 107, § 91.1613, may be appropriate if the risk to aviation safety and security changes. The FAA may amend or rescind SFAR No. 107, § 91.1613, as necessary, prior to its expiration date.

The FAA also republishes, with minor revisions, the approval process and exemption information for this SFAR, so that persons described in paragraph (a) of the rule will be able to refer to this final rule, rather than having to search through previous final rules to find the relevant approval process and exemption information. This approval process and exemption information is consistent with other similar SFARs and recent agency practice.

### IV. Approval Process Based on a Request From a Department, Agency, or Instrumentality of the United States Government

If a department, agency, or instrumentality of the U.S. Government determines that it has a critical need to engage any person covered under SFAR

No. 107, § 91.1613, including a U.S. air carrier or a U.S. commercial operator, to conduct a charter to transport civilian or military passengers or cargo, or other operations, in the territory and airspace of Somalia at altitudes below FL260, that department, agency, or instrumentality may request that the FAA approve persons covered under SFAR No. 107, § 91.1613, to conduct such operations. An approval request must be made directly by the requesting department, agency or instrumentality of the U.S. Government to the FAA's Associate Administrator for Aviation Safety in a letter signed by an appropriate senior official of the requesting department, agency, or instrumentality. Requests for approval submitted to the FAA by anyone other than the requesting department, agency, or instrumentality will not be accepted and will not be processed. In addition, the senior official signing the letter requesting FAA approval on behalf of the requesting department, agency, or instrumentality must be sufficiently highly placed within the organization to demonstrate that the senior leadership of the requesting department, agency, or instrumentality supports the request for approval and is committed to taking all necessary steps to minimize operational risks to the proposed flights. The senior official must also be in a position to: (1) Attest to the accuracy of all representations made to the FAA in the request for approval, and (2) ensure that any support from the requesting U.S. government department, agency, or instrumentality described in the request for approval is in fact brought to bear and is maintained over time. Unless justified by exigent circumstances, requests for approval must be submitted to the FAA no less than 30 calendar days before the date on which the requesting department, agency, or instrumentality wishes the proposed operations, if approved by the FAA, to commence.

The letter must be sent by the requesting department, agency, or instrumentality to the Associate Administrator for Aviation Safety, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591. Electronic submissions are acceptable, and the requesting entity may request that the FAA notify it electronically as to whether the approval request is granted. If a requestor wishes to make an electronic submission to the FAA, the requestor should contact the Air Transportation Division, Flight Standards Service, at (202) 267-8166 to obtain the appropriate email address. A single

letter may request approval from the FAA for multiple persons covered under SFAR No. 107, § 91.1613, and/or for multiple flight operations. To the extent known, the letter must identify the person(s) covered under the SFAR on whose behalf the U.S. Government department, agency, or instrumentality is seeking FAA approval, and it must describe—

- The proposed operation(s), including the nature of the mission being supported;
- The service to be provided by the person(s) covered by the SFAR;
- To the extent known, the specific locations in the territory and airspace of Somalia at altitudes below FL260 where the proposed operation(s) will be conducted, including, but not limited to, the flight path and altitude of the aircraft while it is operating in the territory and airspace of Somalia at altitudes below FL260 and the airports, airfields and/or landing zones at which the aircraft will take-off and land; and
- The method by which the department, agency, or instrumentality will provide, or how the operator will otherwise obtain, current threat information and an explanation of how the operator will integrate this information into all phases of the proposed operations (*e.g.*, the pre-mission planning and briefing, in-flight, and post-flight phases).

The request for approval must also include a list of operators with whom the U.S. Government department, agency, or instrumentality requesting FAA approval has a current contract(s), grant(s), or cooperative agreement(s) (or with whom its prime contractor has a subcontract(s)) for specific flight operations in the territory and airspace of Somalia at altitudes below FL260. Additional operators may be identified to the FAA at any time after the FAA approval is issued. However, all additional operators must be identified to, and obtain an Operations Specification (OpSpec) or Letter of Authorization (LOA), as appropriate, from the FAA for operations in the territory and airspace of Somalia at altitudes below FL260, before such operators commence such operations. The approval conditions discussed below will apply to any such additional operators. Updated lists should be sent to the email address to be obtained from the Air Transportation Division by calling (202) 267-8166.

If an approval request includes classified information, requestors may contact Aviation Safety Inspector Michael Filippell for instructions on submitting it to the FAA. His contact information is listed in the **FOR FURTHER**

**INFORMATION CONTACT** section of this final rule.

FAA approval of an operation under SFAR No. 107, § 91.1613, does not relieve persons subject to this SFAR of their responsibility to comply with all other applicable FAA rules and regulations. Operators of civil aircraft must also comply with the conditions of their certificate, OpSpecs, and LOAs, as applicable. Operators must further comply with all rules and regulations of other U.S. Government departments and agencies that may apply to the proposed operations, including, but not limited to, the Transportation Security Regulations issued by the Transportation Security Administration, Department of Homeland Security.

#### Approval Conditions

If the FAA approves the request, the FAA's Aviation Safety Organization (AVS) will send an approval letter to the requesting department, agency, or instrumentality informing it that the FAA's approval is subject to all of the following conditions:

(1) The approval will stipulate those procedures and conditions that limit, to the greatest degree possible, the risk to the operator, while still allowing the operator to achieve its operational objectives.

(2) Before any approval takes effect, the operator must submit to the FAA:

(a) A written release of the U.S. Government from all damages, claims, and liabilities, including without limitation legal fees and expenses, relating to any event arising out of or related to the approved operations in the territory and airspace of Somalia at altitudes below FL260; and

(b) the operator's agreement to indemnify the U.S. Government with respect to any and all third-party damages, claims, and liabilities, including without limitation legal fees and expenses, relating to any event arising out of or related to the approved operations in the territory and airspace of Somalia at altitudes below FL260.

(3) Other conditions that the FAA may specify, including those that may be imposed in OpSpecs or LOAs, as applicable.

The release and agreement to indemnify do not preclude an operator from raising a claim under an applicable non-premium war risk insurance policy issued by the FAA under chapter 443 of title 49, United States Code.

If the proposed operation(s) is approved, the FAA will issue an OpSpec or an LOA, as applicable, to the operator(s) identified in the original request authorizing them to conduct the approved operation(s), and will notify

the department, agency, or instrumentality that requested the FAA's approval of any additional conditions beyond those contained in the approval letter. The requesting department, agency, or instrumentality must have a contract, grant, or cooperative agreement (or its prime contractor must have a subcontract) with the person(s) described in paragraph (a) of this SFAR No. 107, § 91.1613, on whose behalf the department, agency, or instrumentality requests FAA approval.

#### V. Requests for Exemption

Any operations not conducted under an approval issued by the FAA through the approval process set forth previously must be conducted under an exemption from SFAR No. 107, § 91.1613. A request by any person covered under SFAR No. 107, § 91.1613, for an exemption must comply with 14 CFR part 11, and will require exceptional circumstances beyond those contemplated by the approval process set forth above. In addition to the information required by 14 CFR 11.81, at a minimum, the requestor must describe in its submission to the FAA—

- The proposed operation(s), including the nature of the operation;
- The service to be provided by the person(s) covered by the SFAR;
- The specific locations in the territory and airspace of Somalia at altitudes below FL260 where the proposed operation(s) will be conducted, including, but not limited to, the flight path and altitude of the aircraft while it is operating in the territory and airspace of Somalia at altitudes below FL260 and the airports, airfields and/or landing zones at which the aircraft will take-off and land;
- The method by which the operator will obtain current threat information, and an explanation of how the operator will integrate this information into all phases of its proposed operations (*e.g.*, the pre-mission planning and briefing, in-flight, and post-flight phases); and
- The plans and procedures that the operator will use to minimize the risks, identified in the Background section of this rule, to the proposed operations, so that granting the exemption would not adversely affect safety or would provide a level of safety at least equal to that provided by this SFAR. The FAA has found comprehensive, organized plans and procedures of this nature to be helpful in facilitating the agency's safety evaluation of petitions for exemption from other flight prohibition SFARs.

Additionally, the release and agreement to indemnify, as referred to above, will be required as a condition of

any exemption that may be issued under SFAR No. 107, § 91.1613.

The FAA recognizes that operations that may be affected by SFAR No. 107, § 91.1613, including this amendment, may be planned for the governments of other countries with the support of the U.S. Government. While these operations will not be permitted through the approval process, the FAA will process exemption requests for such operations on an expedited basis and prior to any private exemption requests.

## VI. Regulatory Notices and Analyses

Changes to Federal regulations must undergo several economic analyses. First, Executive Orders 12866 and 13563 direct that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 (Pub. L. 96–354), as codified in 5 U.S.C. 603 *et seq.*, requires agencies to analyze the economic impact of regulatory changes on small entities. Third, the Trade Agreements Act of 1979 (Pub. L. 96–39), 19 U.S.C. Chapter 13, prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. In developing U.S. standards, the Trade Agreements Act requires agencies to consider international standards and, where appropriate, that they be the basis of U.S. standards. Fourth, the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), as codified in 2 U.S.C. Chapter 25, requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of \$100 million or more annually (adjusted for inflation with base year of 1995). This portion of the preamble summarizes the FAA's analysis of the economic impacts of this final rule.

In conducting these analyses, the FAA has determined that this final rule has benefits that justify its costs and is a “significant regulatory action” as defined in section 3(f) of Executive Order 12866, because it raises novel policy issues contemplated under that Executive Order. The rule is also “significant” as defined in DOT's Regulatory Policies and Procedures. The final rule will not have a significant economic impact on a substantial number of small entities, will not create unnecessary obstacles to the foreign commerce of the United States, and will not impose an unfunded mandate on

State, local, or tribal governments, or on the private sector, by exceeding the threshold identified previously.

### A. Regulatory Evaluation

Department of Transportation Order 2100.5 prescribes policies and procedures for simplification, analysis, and review of regulations. If the expected cost impact is so minimal that a proposed or final rule does not warrant a full evaluation, this order permits a statement to that effect and the basis for it to be included in the preamble if a full regulatory evaluation of the costs and benefits is not prepared. Such a determination has been made for this final rule. The reasoning for this determination follows.

Due to the significant hazards to U.S. civil aviation described in the Background section of this rule, this rule extends the prohibition against U.S. civil flights in the territory and airspace of Somalia at altitudes below FL260. The FAA believes there are very few, if any, U.S. operators who wish to overfly Somalia at altitudes below FL260 or operate to, from, or within Somalia. Since January 7, 2016, the FAA has received very few requests for approval or exemption to conduct flight operations in the territory and airspace of Somalia at altitudes below FL260, and at least one was abandoned by the requestor before FAA processing was completed.

Consequently, the FAA estimates the costs of this rule to be minimal. These minimal costs are exceeded by the benefits of avoided deaths, injuries, and property damage that could result from a U.S. operator's aircraft being shot down (or otherwise damaged) due to the hazards described in the Background section of this final rule.

### B. Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (Pub. L. 96–354) (RFA) establishes “as a principle of regulatory issuance that agencies shall endeavor, consistent with the objectives of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the businesses, organizations, and governmental jurisdictions subject to regulation. To achieve this principle, agencies are required to solicit and consider flexible regulatory proposals and to explain the rationale for their actions to assure that such proposals are given serious consideration.” The RFA covers a wide range of small entities, including small businesses, not-for-profit organizations, and small governmental jurisdictions.

Agencies must perform a review to determine whether a rule will have a

significant economic impact on a substantial number of small entities. If the agency determines that it will, the agency must prepare a regulatory flexibility analysis as described in the RFA. However, if an agency determines that a rule is not expected to have a significant economic impact on a substantial number of small entities, section 605(b) of the RFA provides that the head of the agency may so certify and a regulatory flexibility analysis is not required. The certification must include a statement providing the factual basis for this determination, and the reasoning should be clear.

As noted previously, the FAA estimates that the costs of this rule will be minimal and that very few small entities will be adversely affected. Therefore, as provided in section 605(b), the head of the FAA certifies that this rulemaking will not have a significant economic impact on a substantial number of small entities.

### C. International Trade Impact Assessment

The Trade Agreements Act of 1979 (Pub. L. 96–39) prohibits Federal agencies from establishing standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. Pursuant to this Act, the establishment of standards is not considered an unnecessary obstacle to the foreign commerce of the United States, so long as the standard has a legitimate domestic objective, such as the protection of safety, and does not operate in a manner that excludes imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

The FAA has assessed the effect of this final rule and determined that its purpose is to protect the safety of U.S. civil aviation from a hazard to their operations in the territory and airspace of Somalia at altitudes below FL 260, a location outside the U.S. Therefore, the rule is in compliance with the Trade Agreements Act.

### D. Unfunded Mandates Assessment

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in an expenditure of \$100 million or more (in 1995 dollars) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a “significant

regulatory action.” The FAA currently uses an inflation-adjusted value of \$155.0 million in lieu of \$100 million.

This final rule does not contain such a mandate. Therefore, the requirements of Title II of the Act do not apply.

#### E. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that the FAA consider the impact of paperwork and other information collection burdens imposed on the public. The FAA has determined that there is no new requirement for information collection associated with this final rule.

#### F. International Compatibility and Cooperation

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA’s policy to conform to International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. The FAA has determined that there are no ICAO Standards and Recommended Practices that correspond to this regulation.

#### G. Environmental Analysis

The FAA has analyzed this action under Executive Order 12114, Environmental Effects Abroad of Major Federal Actions (44 FR 1957, January 4, 1979), and DOT Order 5610.1C, Paragraph 16. Executive Order 12114 requires the FAA to be informed of environmental considerations and take those considerations into account when making decisions on major Federal actions that could have environmental impacts anywhere beyond the borders of the United States. The FAA has determined that this action is exempt pursuant to Section 2–5(a)(i) of Executive Order 12114, because it does not have the potential for a significant effect on the environment outside the United States.

In accordance with FAA Order 1050.1F, “Environmental Impacts: Policies and Procedures,” paragraph 8–6(c), FAA has prepared a memorandum for the record stating the reasons for this determination, which has been placed in the docket for this rulemaking.

#### VII. Executive Order Determinations

##### A. Executive Order 13132, Federalism

The FAA has analyzed this final rule under the principles and criteria of Executive Order 13132, Federalism. The agency has determined that this action would not have a substantial direct effect on the States, or the relationship between the Federal Government and the States, or on the distribution of

power and responsibilities among the various levels of government, and, therefore, would not have Federalism implications.

##### B. Executive Order 13211, Regulations That Significantly Affect Energy Supply, Distribution, or Use

The FAA analyzed this final rule under Executive Order 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (May 18, 2001). The agency has determined that it would not be a “significant energy action” under the executive order and would not be likely to have a significant adverse effect on the supply, distribution, or use of energy.

##### C. Executive Order 13609, Promoting International Regulatory Cooperation

Executive Order 13609, Promoting International Regulatory Cooperation, (77 FR 26413, May 4, 2012) promotes international regulatory cooperation to meet shared challenges involving health, safety, labor, security, environmental, and other issues and to reduce, eliminate, or prevent unnecessary differences in regulatory requirements. The FAA has analyzed this action under the policies and agency responsibilities of Executive Order 13609, and has determined that this action would have no effect on international regulatory cooperation.

##### D. Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs

This rule is not subject to the requirements of EO 13771 (82 FR 9339, February 3, 2017) because it is issued with respect to a national security function of the United States.

#### VIII. Additional Information

##### A. Availability of Rulemaking Documents

An electronic copy of rulemaking documents may be obtained from the internet by—

- Searching the Federal eRulemaking Portal (<http://www.regulations.gov>);
- Visiting the FAA’s Regulations and Policies web page at [http://www.faa.gov/regulations\\_policies](http://www.faa.gov/regulations_policies) or
- Accessing the Government Publishing Office’s web page at <http://www.gpo.gov>.

Copies may also be obtained by sending a request (identified by amendment or docket number of this rulemaking) to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW, Washington, DC 20591, or by calling (202) 267–9677. Please identify the

docket or amendment number of this rulemaking in your request.

Except for classified material, all documents the FAA considered in developing this rule, including economic analyses and technical reports, may be accessed from the internet through the Federal eRulemaking Portal referenced above.

##### B. Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) requires FAA to comply with small entity requests for information or advice about compliance with statutes and regulations within its jurisdiction. A small entity with questions regarding this document may contact its local FAA official, or the person listed under the **FOR FURTHER INFORMATION CONTACT** heading at the beginning of the preamble. To find out more about SBREFA on the internet, visit [http://www.faa.gov/regulations\\_policies/rulemaking/sbre\\_act/](http://www.faa.gov/regulations_policies/rulemaking/sbre_act/).

#### List of Subjects in 14 CFR Part 91

Air traffic control, Aircraft, Airmen, Airports, Aviation safety, Freight, Somalia.

#### The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends chapter I of title 14, Code of Federal Regulations as follows:

#### PART 91—GENERAL OPERATING AND FLIGHT RULES

- 1. The authority citation for part 91 continues to read as follows:

**Authority:** 49 U.S.C. 106(f), 106(g), 1155, 40101, 40103, 40105, 40113, 40120, 44101, 44111, 44701, 44704, 44709, 44711, 44712, 44715, 44716, 44717, 44722, 46306, 46315, 46316, 46504, 46506–46507, 47122, 47508, 47528–47531, 47534, Pub. L. 114–190, 130 Stat. 615 (49 U.S.C. 44703 note); articles 12 and 29 of the Convention on International Civil Aviation (61 Stat. 1180), (126 Stat. 11).

- 2. Revise paragraph (e) in § 91.1613 to read as follows:

**§ 91.1613 Special Federal Aviation Regulation No. 107—Prohibition Against Certain Flights in the Territory and Airspace of Somalia.**

\* \* \* \* \*

(e) *Expiration.* This SFAR will remain in effect until January 7, 2020. The FAA may amend, rescind, or extend this SFAR as necessary.

Issued in Washington, DC, under the authority of 49 U.S.C. 106(f) and (g),

40101(d)(1), 40105(b)(1)(A), and 44701(a)(5), on December 6, 2017.

**Michael P. Huerta,**  
Administrator.

[FR Doc. 2017-26847 Filed 12-12-17; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF COMMERCE

### Bureau of Economic Analysis

#### 15 CFR Part 801

[Docket No. 170322304-7557-01]

RIN 0691-AA86

#### Direct Investment Surveys: BE-12, Benchmark Survey of Foreign Direct Investment in the United States

**AGENCY:** Bureau of Economic Analysis, Commerce.

**ACTION:** Final rule.

**SUMMARY:** This final rule amends regulations of the Department of Commerce's Bureau of Economic Analysis (BEA) to set forth the reporting requirements for the 2017 BE-12, Benchmark Survey of Foreign Direct Investment in the United States. The BE-12 survey is conducted every five years; the prior survey covered 2012. The benchmark survey covers the universe of foreign direct investment in the United States and is BEA's most detailed survey of such investment. For the 2017 benchmark survey, BEA will make changes in data items collected, the design of the survey forms, and the reporting requirements for the survey to satisfy changing data needs and to improve data quality and the effectiveness and efficiency of data collection.

**DATES:** This final rule is effective January 12, 2018.

**FOR FURTHER INFORMATION CONTACT:** Patricia Abaroa, Chief, Direct Investment Division (BE-49), Bureau of Economic Analysis, U.S. Department of Commerce, 4600 Silver Hill Road, Washington, DC 20233; phone (301) 278-9591; or via email at [Patricia.Abaroa@bea.gov](mailto:Patricia.Abaroa@bea.gov).

**SUPPLEMENTARY INFORMATION:** On July 27, 2017, BEA published a notice of proposed rulemaking that set forth revised reporting criteria for the BE-12, Benchmark Survey of Foreign Direct Investment in the United States (82 FR 34894). No comments on the proposed rule were received.

This final rule amends 15 CFR part 801 to set forth the reporting requirements for the BE-12, Benchmark Survey of Foreign Direct Investment in the United States.

BEA conducts the BE-12 survey once every five years under the authority of the International Investment and Trade in Services Survey Act (22 U.S.C. 3101-3108).

In 2012, BEA issued a rule (77 FR 24373) that established guidelines for collecting data on international trade in services and direct investment through notices, rather than through rulemaking. Persons are required to respond to other BEA surveys conducted under these guidelines only when they are contacted by BEA. Under this final rule, however, persons subject to the reporting requirements of the BE-12, Benchmark Survey of Foreign Direct Investment in the United States, will be required to respond whether or not they are contacted by BEA.

The benchmark survey covers the universe of foreign direct investment in the United States in terms of value and is BEA's most detailed survey of such investment. Foreign direct investment in the United States is defined as the ownership or control, directly or indirectly, by one foreign person (foreign parent) of 10 percent or more of the voting securities of an incorporated U.S. business enterprise or an equivalent interest in an unincorporated U.S. business enterprise, including a branch.

The purpose of the benchmark survey is to obtain universe data on the financial and operating characteristics of U.S. affiliates and on positions and transactions between U.S. affiliates and their foreign parent groups (which are defined to include all foreign parents and foreign affiliates of foreign parents). These data are needed to measure the size and economic significance of foreign direct investment in the United States, measure changes in such investment, and assess its impact on the U.S. economy. Such data are generally found in enterprise-level accounting records of respondent companies. These data are used to derive current universe estimates of direct investment from sample data collected in other BEA surveys in non-benchmark years. In particular, they serve as benchmarks for the quarterly direct investment estimates included in the U.S. international transactions, international investment position, and national income and product accounts, and for annual estimates of the foreign direct investment position in the United States and of the activities of the U.S. affiliates of foreign companies.

#### Description of Changes

This final rule amends the regulations (15 CFR part 801) and the survey forms for the BE-12 benchmark survey. These

amendments include changes in data items collected, the design of the survey forms, and the reporting requirements for the survey.

BEA changes the reporting requirements for certain private funds that file the BE-12 survey. BEA, in cooperation with the U.S. Department of the Treasury, instructs reporters of investments in private funds that meet the definition of direct investment (that is, ownership by one person of 10 percent or more of the voting interest of a business enterprise) but display characteristics of portfolio investment (specifically, investors who do not intend to control or influence the management of an operating company) to report through the Treasury International Capital (TIC) reporting system, where other related portfolio investments are already being reported, and not to report on BEA's direct investment surveys. Direct investment in operating companies, including investment by and through private funds, will continue to be reported to BEA.

BEA adds, deletes, and modifies some items on the benchmark survey forms. The following items are added to the benchmark survey:

(1) Expand sales of services breakdown on the BE-12A form to include sales of services to other U.S. affiliates of the same affiliated foreign group, sales to unaffiliated U.S. persons or entities, sales to the affiliated foreign group, sales to foreign affiliates owned by the U.S. affiliate responding to the survey, and sales to all other foreign persons or entities.

(2) Expand state-level data items on the BE-12A and BE-12B forms to include manufacturing employment; gross book value of property, plant, and equipment; and the portion of the gross book value that is commercial property.

(3) Add state of location to the BE-12C form, Part I.

(4) Add a question to collect the 20-digit Legal Entity Identifier of the U.S. affiliate on the BE-12A and BE-12B forms.

(5) Add a question asking whether the U.S. affiliate is a publicly traded company, and if it is, collect the stock exchange on which it is listed and the ticker symbol on the BE-12A and BE-12B forms.

(6) Add questions separating payables, receivables, interest payments, and interest receipts by foreign parents and foreign affiliates of foreign parents (FAFPs) on the BE-12B form.

(7) Add a Part III to the BE-12C form to expand information collected on foreign ownership to better align the data collected on the BE-12 benchmark

survey with the BE-605 quarterly survey and to assist in updating the statistics on foreign direct investment to include the benchmark survey results. Part III will include new questions on whether each parent has a direct or indirect ownership interest in the U.S. affiliate being reported, and if direct, the equity percentage of the parent's ownership in the affiliate. Part III will also include existing questions that were in Part II of the 2012 BE-12 survey about the name and industry of each foreign parent and the name, country, and industry of each ultimate beneficial owner. Part III will be preceded by a request at the end of Part II to enter the number of foreign parents and instructions to file a Part III for each foreign parent. Part III will only be completed by larger BE-12C filers (those with assets, sales, or net income greater than \$20 million).

(8) Add a private funds exemption option to the BE-12 Claim for Not Filing.

(9) Add U.S. tax withheld on dividends to the BE-12B Part III to better align the data collected on the BE-12 benchmark survey with the BE-605 quarterly survey and assist in updating the statistics on foreign direct investment to include the benchmark survey results.

(10) Add intercompany debt payables and receivables to the BE-12C Part I to provide information on debt transactions of smaller affiliates.

(11) Add questions to the BE-12C form to determine if the U.S. affiliate has consolidated and unconsolidated affiliates. Add Supplement A (list of the U.S. business enterprises consolidated) and Supplement B (list of U.S. business enterprises not consolidated) to the BE-12C form.

This final rule eliminates the following items from the benchmark survey:

(1) Questions on contract manufacturing services (BE-12A, items 24, 25, 26, and 27);

(2) Questions on wholesale and retail trade industry activities (BE-12A, items 63a, 63b, and 63c); and

(3) A question on prior year closing balance for voting interest (BE-12C).

In addition, this final rule makes the following modifications to the survey forms:

(1) Modify instructions on the BE-12B form for employment by location to explain the expanded state-level data items (see Item 2. in Additions).

(2) Modify question 87 on the BE-12A form to separate amounts reported for "change in entity" and "change in accounting methods or principles."

(3) Add a checkbox asking if the change in accounting methods or principles is due in whole or in part to early implementation of FASB ASU No. 2016-02, Leases (Topic 842).

#### Executive Order 12866

This final rule has been determined to be not significant for purposes of E.O. 12866.

#### Executive Order 13132

This final rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under Executive Order 13132.

#### Paperwork Reduction Act

The collection-of-information in this final rule was submitted to the Office of Management and Budget (OMB) pursuant to the requirements of the Paperwork Reduction Act (PRA). OMB approved the information collection under OMB control number 0608-0042.

Notwithstanding any other provisions of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA unless that collection displays a currently valid OMB control number.

The BE-12 survey is expected to result in the filing of reports from approximately 22,700 U.S. affiliates. The respondent burden for this collection of information will vary from one company to another. The estimated average time per respondent is 11.0 hours, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Thus, the total respondent burden for this survey is estimated at 249,625 hours, compared to 194,150 hours for the previous (2012) benchmark survey. An increase in the number of foreign-owned companies accounts for over 80 percent of the increase in the estimated respondent burden, and the new survey questions account for the rest of the increase.

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in the final rule should be sent to both BEA via email at [Patricia.Abaroa@bea.gov](mailto:Patricia.Abaroa@bea.gov), and to OMB, O.I.R.A., Paperwork Reduction Project 0608-0042, Attention PRA Desk Officer for BEA, via email at [jpark@omb.eop.gov](mailto:jpark@omb.eop.gov).

#### Regulatory Flexibility Act

The Chief Counsel for Regulation, Department of Commerce, certified to the Chief Counsel for Advocacy, Small Business Administration, under the provisions of the Regulatory Flexibility Act (RFA), 5 U.S.C. 605(b), that this action will not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the proposed rule and is not repeated here. No final regulatory flexibility analysis was prepared, as no comments were received regarding the determination that this action will not have a significant economic impact on a substantial number of small entities.

#### List of Subjects in 15 CFR Part 801

Economic statistics, Foreign investment in the United States, International transactions, Multinational enterprises, Penalties, Reporting and recordkeeping requirements.

Dated: December 7, 2017.

**Brian Moyer,**

*Director, Bureau of Economic Analysis.*

For reasons set forth in the preamble, BEA amends 15 CFR part 801 as follows:

#### **PART 801—SURVEY OF INTERNATIONAL TRADE IN SERVICES BETWEEN U.S. AND FOREIGN PERSONS AND SURVEYS OF DIRECT INVESTMENT**

■ 1. The authority citation for 15 CFR part 801 continues to read as follows:

**Authority:** 5 U.S.C. 301; 15 U.S.C. 4908; 22 U.S.C. 3101-3108; E.O. 11961 (3 CFR, 1977 Comp., p. 86), as amended by E.O. 12318 (3 CFR, 1981 Comp. p. 173); and E.O. 12518 (3 CFR, 1985 Comp. p. 348).

■ 2. Revise § 801.3 to read as follows:

#### **§ 801.3 Reporting requirements.**

Except for surveys subject to rulemaking in §§ 801.7, 801.8, 801.9, and 801.10, reporting requirements for all other surveys conducted by the Bureau of Economic Analysis shall be as follows:

(a) Notice of specific reporting requirements, including who is required to report, the information to be reported, the manner of reporting, and the time and place of filing reports, will be published by the Director of the Bureau of Economic Analysis in the **Federal Register** prior to the implementation of a survey;

(b) In accordance with section 3104(b)(2) of title 22 of the United States Code, persons notified of these surveys and subject to the jurisdiction of the United States shall furnish, under oath,

any report containing information which is determined to be necessary to carry out the surveys and studies provided for by the Act; and

(c) Persons not notified in writing of their filing obligation by the Bureau of Economic Analysis are not required to complete the survey.

■ 3. Add § 801.10 to read as follows:

**§ 801.10 Rules and regulations for BE-12, Benchmark Survey of Foreign Direct Investment in the United States—2017.**

A BE-12, Benchmark Survey of Foreign Direct Investment in the United States, will be conducted covering 2017. All legal authorities, provisions, definitions, and requirements contained in §§ 801.1 through 801.2 and §§ 801.4 through 801.6 are applicable to this survey. Specific additional rules and regulations for the BE-12 survey are given in paragraphs (a) through (e) of this section. More detailed instructions are given on the report forms and instructions.

(a) *Response required.* A response is required from persons subject to the reporting requirements of the BE-12, Benchmark Survey of Foreign Direct Investment in the United States—2017, contained in this section, whether or not they are contacted by BEA. Also, a person, or their agent, contacted by BEA about reporting in this survey, either by sending them a report form or a written inquiry, must respond in writing pursuant to this section. This may be accomplished by filing a properly completed BE-12 report (BE-12A, BE-12B, BE-12C, or BE-12 Claim for Not Filing);

(b) *Who must report.* A BE-12 report is required for each U.S. affiliate (except certain private funds as described below), that is, for each U.S. business enterprise in which a foreign person (foreign parent) owned or controlled, directly or indirectly, 10 percent or more of the voting securities in an incorporated U.S. business enterprise, or an equivalent interest in an unincorporated U.S. business enterprise, at the end of the business enterprise's fiscal year that ended in calendar year 2017. Certain private funds are exempt from reporting on the BE-12 survey. If a U.S. business meets ALL of the following 3 criteria, it is not required to file any BE-12 report except to indicate exemption from the survey if contacted by BEA: (1) The U.S. business enterprise is a private fund; (2) the private fund does not own, directly or indirectly through another business enterprise, an "operating company"—i.e., a business enterprise that is not a private fund or a holding company—in which the foreign parent owns at least

10 percent of the voting interest; AND (3) if the foreign parent owns the private fund indirectly (through one or more other U.S. business enterprises), there are no U.S. "operating companies" between the foreign parent and the indirectly-owned private fund.

(c) *Forms to be filed.* (1) Form BE-12A must be completed by a U.S. affiliate that was majority-owned by one or more foreign parents (for purposes of this survey, a "majority-owned" U.S. affiliate is one in which the combined direct and indirect ownership interest of all foreign parents of the U.S. affiliate exceeds 50 percent) if, on a fully consolidated basis, or, in the case of real estate investment, on an aggregated basis, any one of the following three items for the U.S. affiliate (not just the foreign parent's share) was greater than \$300 million (positive or negative) at the end of, or for, its fiscal year that ended in calendar year 2017:

- (i) Total assets (do not net out liabilities);
- (ii) Sales or gross operating revenues, excluding sales taxes; or
- (iii) Net income after provision for U.S. income taxes.

(2) Form BE-12B must be completed by:

(i) A majority-owned U.S. affiliate if, on a fully consolidated basis, or, in the case of real estate investment, on an aggregated basis, any one of the three items listed in paragraph (c)(1) of this section (not just the foreign parent's share), was greater than \$60 million (positive or negative) but none of these items was greater than \$300 million (positive or negative) at the end of, or for, its fiscal year that ended in calendar year 2017.

(ii) A minority-owned U.S. affiliate (for purposes of this survey, a "minority-owned" U.S. affiliate is one in which the combined direct and indirect ownership interest of all foreign parents of the U.S. affiliate is 50 percent or less) if, on a fully consolidated basis, or, in the case of real estate investment, on an aggregated basis, any one of the three items listed in paragraph (c)(1) of this section (not just the foreign parent's share), was greater than \$60 million (positive or negative) at the end of, or for, its fiscal year that ended in calendar year 2017.

(3) Form BE-12C must be completed by a U.S. affiliate if, on a fully consolidated basis, or, in the case of real estate investment, on an aggregated basis, none of the three items listed in paragraph (c)(1) of this section for a U.S. affiliate (not just the foreign parent's share), was greater than \$60 million (positive or negative) at the end of, or

for, its fiscal year that ended in calendar year 2017.

(4) BE-12 Claim for Not Filing will be provided for response by persons that are not subject to the reporting requirements of the BE-12 survey but have been contacted by BEA concerning their reporting status.

(d) *Aggregation of real estate investments.* All real estate investments of a foreign person must be aggregated for the purpose of applying the reporting criteria. A single report form must be filed to report the aggregate holdings, unless written permission has been received from BEA to do otherwise. Those holdings not aggregated must be reported separately on the same type of report that would have been required if the real estate holdings were aggregated.

(e) *Due date.* A fully completed and certified Form BE-12A, BE-12B, BE-12C, or BE-12 Claim for Not Filing is due to be filed with BEA not later than May 31, 2018 (or by June 30, 2018 for reporting companies that use BEA's eFile system).

[FR Doc. 2017-26887 Filed 12-12-17; 8:45 am]

BILLING CODE 3510-06-P

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

**21 CFR Part 14**

[Docket No. FDA-2017-N-6379]

**Advisory Committee; Food Advisory Committee; Termination**

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

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing the termination of the Food Advisory Committee. This document removes the Food Advisory Committee from the Agency's list of standing advisory committees.

**DATES:** This rule is effective December 13, 2017.

**FOR FURTHER INFORMATION CONTACT:** Karen Strambler, Center for Food Safety and Applied Nutrition (CFSAN), Food and Drug Administration, 5001 Campus Dr., Rm. 1C-008, College Park, MD 20740, 240-402-2589, Fax: 301-436-2637, [karen.strambler@fda.hhs.gov](mailto:karen.strambler@fda.hhs.gov).

**SUPPLEMENTARY INFORMATION:** The Food Advisory Committee (the Committee) was established on March 6, 1992 (57 FR 8064). The Committee provides advice to the Commissioner of Food and

Drugs and other appropriate officials on emerging food and cosmetic safety, food science, nutrition, and other food-related health issues that FDA considers of primary importance for its food and cosmetics programs. The Committee may also be asked to provide advice and make recommendations on ways of communicating to the public the potential risks associated with these issues and on approaches that might be considered for addressing the issues.

The Committee is no longer needed and will be terminated on December 12, 2017. Over the past several years, the Committee has met very infrequently, and the effort and expense of maintaining the Committee are no longer justified. Any relevant food issues in the future could be addressed by FDA's Science Board and/or FDA's Risk Communication Advisory Committee, with additional augmentation of expertise by appropriate subject matter experts serving as temporary members on either of those committees. In addition, CFSAN will continue to hold workshops, meetings, conferences, and webinars to engage with its stakeholders.

Under 5 U.S.C. 553(b)(3)(B) and (d) and 21 CFR 10.40(d) and (e), the Agency finds good cause to dispense with notice and public comment procedures and to proceed to an immediate effective date on this rule. Notice and public comment and a delayed effective date are unnecessary because the Committee is not being adequately used, and the final rule merely removes the name of the Food Advisory Committee from the list of standing advisory committees in § 14.100 (21 CFR 14.100).

Therefore, the Agency is amending § 14.100(f) as set forth in the regulatory text of the document.

**List of Subjects in 21 CFR Part 14**

Administrative practice and procedure, Advisory committee, Color additives, Drugs, Radiation protection.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 14 is amended as follows:

**PART 14—PUBLIC HEARING BEFORE A PUBLIC ADVISORY COMMITTEE**

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

**Authority:** 5 U.S.C. App. 2; 15 U.S.C 1451–1461, 21 U.S.C. 41–50, 141–149, 321–394, 467f, 679, 821, 1034; 28 U.S.C. 2112; 42 U.S.C. 201, 262, 263b, 264; Pub. L. 107–109; Pub. L. 108–155; Pub. L. 113–54.

**§ 14.100 [Amended]**

■ 2. Section 14.100 is amended by removing paragraph (f).

Dated: December 7, 2017.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2017–26829 Filed 12–12–17; 8:45 am]

**BILLING CODE 4164–01–P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

**21 CFR Parts 510, 520, 522, 524, 529, and 558**

[Docket No. FDA–2017–N–0002]

**New Animal Drugs; Approval of New Animal Drug Applications**

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

**ACTION:** Final rule; technical amendments.

**SUMMARY:** The Food and Drug Administration (FDA or we) is amending the animal drug regulations to reflect application-related actions for a new animal drug application (NADA) and abbreviated new animal drug applications (ANADAs) during May and June 2017. FDA is informing the public

of the availability of summaries of the basis of approval and of environmental review documents, where applicable. The animal drug regulations are also being amended to make technical amendments to improve the accuracy of the regulations.

**DATES:** This rule is effective December 13, 2017.

**FOR FURTHER INFORMATION CONTACT:**

George K. Haibel, Center for Veterinary Medicine (HFV–6), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 240–402–5689, [george.haibel@fda.hhs.gov](mailto:george.haibel@fda.hhs.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Approval Actions**

FDA is amending the animal drug regulations to reflect approval actions for a NADA and ANADAs during May and June 2017, as listed in table 1. In addition, FDA is informing the public of the availability, where applicable, of documentation of environmental review required under the National Environmental Policy Act (NEPA) and, for actions requiring review of safety or effectiveness data, summaries of the basis of approval (FOI Summaries) under the Freedom of Information Act (FOIA). These public documents may be seen in the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday. Persons with access to the internet may obtain these documents at the CVM FOIA Electronic Reading Room: <https://www.fda.gov/AboutFDA/CentersOffices/OfficeofFoods/CVM/CVMFOIAElectronicReadingRoom/default.htm>. Marketing exclusivity and patent information may be accessed in FDA's publication, Approved Animal Drug Products Online (Green Book) at: <https://www.fda.gov/AnimalVeterinary/Products/ApprovedAnimalDrugProducts/default.htm>.

TABLE 1—ORIGINAL AND SUPPLEMENTAL NADAs AND ANADAs APPROVED DURING MAY AND JUNE 2017

Approval date	File No.	Sponsor	Product name	Species	Effect of the action	Public documents
May 23, 2017 .....	055–099	Zoetis Inc., 333 Portage St., Kalamazoo, MI 49007.	CLAVAMOX (amoxicillin and clavulanate potassium tablets) Chewables.	Dogs and cats .....	Supplemental approval of a chewable tablet form of the approved tablet.	FOI Summary.
June 21, 2017 .....	141–338	Elanco US Inc., 2500 Innovation Way, Greenfield, IN 46140.	INTERCEPTOR SPECTRUM (milbemycin oxime/ praziquantel) Chewable Tablets.	Dogs .....	Supplemental approval for the treatment and control of adult tapeworm ( <i>Dipylidium caninum</i> ) infections in dogs and puppies 2 pounds of body weight or greater and 6 weeks of age and older.	FOI Summary.

TABLE 1—ORIGINAL AND SUPPLEMENTAL NADAs AND ANADAs APPROVED DURING MAY AND JUNE 2017—Continued

Approval date	File No.	Sponsor	Product name	Species	Effect of the action	Public documents
May 25, 2017 .....	200-610	Modern Veterinary Therapeutics, LLC, 14343 SW 119th Ave., Miami, FL 33186.	Medetomidine HCl (medetomidine hydrochloride) Injectable Solution.	Dogs .....	Original approval as a generic copy of NADA 140-999.	FOI Summary.
June 23, 2017 .....	200-618	Virbac AH, Inc., 3200 Meacham Blvd., Ft. Worth, TX 76137.	ZOLETIL (tiletamine HCl and zolazepam HCl) for Injection.	Dogs and cats .....	Original approval as a generic copy of NADA 106-111.	FOI Summary.

Following the approval of ANADA 200-610, Modern Veterinary Therapeutics, LLC, will now be included in the lists of sponsors of approved applications in § 510.600(c) (21 CFR 510.600(c)).

**II. Technical Amendments**

We are making several technical amendments in 21 CFR part 558, which was amended on December 27, 2016 (81 FR 94991), and February 24, 2017 (82 FR 11510), as part of the FDA Center for Veterinary Medicine’s (CVM’s) Judicious Use Initiative. We are also making several technical amendments to the regulations for dosage form drugs to reflect revised labeling. These actions are being taken to improve the accuracy of the regulations.

**III. Legal Authority**

This final rule is issued under section 512(i) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 360b(i)), which requires **Federal Register** publication of “notice[s] . . . effective as a regulation,” of the conditions of use of approved new animal drugs. This rule sets forth technical amendments to the regulations to codify recent actions on approved

new animal drug applications and corrections to improve the accuracy of the regulations, and as such does not impose any burden on regulated entities.

Although denominated a rule pursuant to the FD&C Act, this document does not meet the definition of “rule” in 5 U.S.C. 804(3)(A) because it is a “rule of particular applicability.” Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801-808. Likewise, this is not a rule subject to Executive Order 12866, which defines a rule as “an agency statement of general applicability and future effect, which the agency intends to have the force and effect of law, that is designed to implement, interpret, or prescribe law or policy or to describe the procedure or practice requirements of an agency.”

**List of Subjects**

21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

21 CFR Parts 520, 522, 524, and 529

Animal drugs.

21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR parts 510, 520, 522, 524, 529, and 558 are amended as follows:

**PART 510—NEW ANIMAL DRUGS**

■ 1. The authority citation for part 510 continues to read as follows:

**Authority:** 21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 379e.

■ 2. In § 510.600, in the table in paragraph (c)(1), alphabetically add an entry for “Modern Veterinary Therapeutics, LLC”; and in the table in paragraph (c)(2), numerically add an entry for “015914.” The additions read as follows:

**§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.**

\* \* \* \* \*  
 (c) \* \* \*  
 (1) \* \* \*

Firm name and address	Drug labeler code
* * * * *	*
Modern Veterinary Therapeutics, LLC, 14343 SW 119th Ave., Miami, FL 33186 .....	015914
* * * * *	*

(2) \* \* \*

Drug labeler code	Firm name and address
* * * * *	*
015914 .....	Modern Veterinary Therapeutics, LLC, 14343 SW 119th Ave., Miami, FL 33186.
* * * * *	*

**PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS**

■ 3. The authority citation for part 520 continues to read as follows:

**Authority:** 21 U.S.C. 360b.

■ 4. In § 520.88g, revise the section heading and paragraphs (a) and (b) to read as follows:

**§ 520.88g Amoxicillin trihydrate and clavulanate potassium tablets.**

(a) *Specifications.* Each tablet or chewable tablet contains amoxicillin trihydrate and clavulanate potassium equivalent to 50 milligrams (mg) of amoxicillin and 12.5 mg clavulanic acid, 100 mg of amoxicillin and 25 mg clavulanic acid, 200 mg amoxicillin and 50 mg clavulanic acid, or 300 mg amoxicillin and 75 mg clavulanic acid.

(b) *Sponsors.* See sponsors in § 510.600(c) of this chapter:

(1) No. 054771 for use of tablets and chewable tablets as in paragraph (c) of this section.

(2) No. 026637 for use of tablets as in paragraph (c) of this section.

\* \* \* \* \*

■ 5. In § 520.1445, revise paragraph (c)(1)(ii) to read as follows:

**§ 520.1445 Milbemycin oxime and praziquantel.**

\* \* \* \* \*

(c) \* \* \*  
(1) \* \* \*

(ii) *Indications for use.* For the prevention of heartworm disease caused by *Dirofilaria immitis* and for the treatment and control of adult roundworm (*Toxocara canis*, *Toxascaris leonina*), adult hookworm (*Ancylostoma caninum*), adult whipworm (*Trichuris vulpis*), and adult tapeworm (*Taenia pisiformis*, *Echinococcus multilocularis*, *E. granulosus*, and *Dipylidium caninum*) infections in dogs and puppies 2 pounds of body weight or greater and 6 weeks of age and older.

\* \* \* \* \*

**PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS**

■ 6. The authority citation for part 522 continues to read as follows:

**Authority:** 21 U.S.C. 360b.

**§ 522.1335 [Amended]**

■ 7. In § 522.1335, in paragraph (b), remove “052483” and in its place add “Nos. 015914 and 052483”.

■ 8. In § 522.2470, revise paragraphs (b), (c)(1)(i) and (ii), and (c)(2) to read as follows:

**§ 522.2470 Tiletamine and zolazepam for injection.**

\* \* \* \* \*

(b) *Sponsors.* See Nos. 026637, 051311, and 054771 in § 510.600(c) of this chapter.

(c) \* \* \*  
(1) \* \* \*

(i) *Healthy dogs.* An initial intramuscular dosage of 3 to 4.5 milligrams per pound (mg/lb) of body weight for diagnostic purposes; 4.5 to 6 mg/lb of body weight for minor procedures of short duration such as repair of lacerations and wounds, castrations, and other procedures requiring mild to moderate analgesia. Supplemental doses when required should be less than the initial dose and the total dose given should not exceed 12 mg/lb of body weight. The maximum total safe dose is 13.6 mg/lb of body weight.

(ii) *Healthy cats.* An initial intramuscular dosage of 4.4 to 5.4 mg/lb of body weight is recommended for such procedures as dentistry, treatment of abscesses, foreign body removal, and related types of surgery; 4.8 to 5.7 mg/lb of body weight for minor procedures requiring mild to moderate analgesia, such as repair of lacerations, castrations, and other procedures of short duration. Initial dosages of 6.5 to 7.2 mg/lb of body weight are recommended for ovariohysterectomy and onychectomy. When supplemental doses are required, such individual supplemental doses should be given in increments that are less than the initial dose, and the total dose given (initial dose plus supplemental doses) should not exceed the maximum allowable safe dose of 32.7 mg/lb of body weight.

(2) *Indications for use.* For restraint or for anesthesia combined with muscle relaxation in cats and in dogs for restraint and minor procedures of short duration (30 minutes average) requiring mild to moderate analgesia.

\* \* \* \* \*

**PART 524—OPHTHALMIC AND TOPICAL DOSAGE FORM NEW ANIMAL DRUGS**

■ 9. The authority citation for part 524 continues to read as follows:

**Authority:** 21 U.S.C. 360b.

**§ 524.1580a [Amended]**

■ 10. In § 524.1580a, in paragraph (d)(3), in the second sentence, remove “in” and in its place add “on”.

**PART 529—CERTAIN OTHER DOSAGE FORM NEW ANIMAL DRUGS**

■ 11. The authority citation for part 529 continues to read as follows:

**Authority:** 21 U.S.C. 360b.

■ 12. Amend 529.1030 as follows:

- a. Revise paragraph (d)(1)(ii);
- b. In the table in paragraph (d)(2)(i), revise footnote 1;
- c. In paragraph (d)(2)(ii), in the table, in the heading of the “Administer in earthen ponds indefinitely (µL/L or ppm)” column, remove “indefinitely” and in its place add “single treatment”; and
- d. Revise paragraphs (d)(2)(iii) and (d)(3).

The revisions read as follows:

**§ 529.1030 Formalin.**

\* \* \* \* \*

(d) \* \* \*  
(1) \* \* \*

(ii) All finfish. For control of external protozoa *Ichthyophthirius* spp., *Chilodonella* spp., *Ichthyobodo* spp., *Ambiphrya* spp., *Epistylis* spp., and *Trichodina* spp., and the monogeneans *Cleidodiscus* spp., *Gyrodactylus* spp., and *Dactylogyrus* spp.

\* \* \* \* \*

(2) \* \* \*  
(i) \* \* \*

<sup>1</sup> Treat for up to 4 hours daily. Treatment may be repeated daily until parasite control is achieved. Use the lower concentration when tanks or raceways are heavily loaded with phytoplankton or shrimp, to avoid oxygen depletion due to the biological oxygen demand created by decay of dead phytoplankton. Alternatively, a higher concentration might be used if dissolved oxygen is strictly monitored.

\* \* \* \* \*

(iii) For control of fungi of the family Saprolegniaceae on finfish eggs: Eggs of all finfish except Acipenseriformes, 1,000 to 2,000 µL/L (ppm) for 15 minutes; eggs of Acipenseriformes, up to 1,500 µL/L (ppm) for 15 minutes. A preliminary bioassay should be conducted on a small subsample of fish eggs to determine sensitivity before treating an entire group. This is necessary for all species because egg sensitivity can vary with species or strain and the unique conditions at each facility.

(3) *Limitations.* Fish tanks and raceways may be treated daily until parasite control is achieved. Pond treatment may be repeated in 5 to 10 days if needed. However, pond treatments for *Ichthyophthirius* spp. should be made at 2-day intervals until control is achieved. Egg tanks may be

treated as often as necessary to prevent growth of fungi. Do not use formalin which has been subjected to temperatures below 40 °F, or allowed to freeze. Treatments in tanks and raceways should never exceed 1 hour for fish or 4 hours for penaeid shrimp (even if they show no sign of distress), nor should it exceed 15 minutes for fish eggs. Do not apply formalin to ponds with water warmer than 27 °C (80 °F), when a heavy bloom of phytoplankton is present, or when the concentration of dissolved oxygen is less than 5 milligrams per liter.

#### **PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS**

■ 13. The authority citation for part 558 continues to read as follows:

**Authority:** 21 U.S.C. 354, 360b, 360ccc, 360ccc-1, 371.

#### **§ 558.58 [Amended]**

■ 14. In § 558.58, remove paragraphs (f)(4) and (5).

#### **§ 558.366 [Amended]**

■ 15. In § 558.366, remove paragraph (e).

Dated: December 5, 2017.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2017-26753 Filed 12-12-17; 8:45 am]

**BILLING CODE 4164-01-P**

## **DEPARTMENT OF JUSTICE**

### **Drug Enforcement Administration**

#### **21 CFR Part 1308**

[Docket No. DEA-451]

#### **Schedules of Controlled Substances: Placement of MT-45 Into Schedule I**

**AGENCY:** Drug Enforcement Administration, Department of Justice.

**ACTION:** Final order.

**SUMMARY:** With the issuance of this final order, the Administrator of the Drug Enforcement Administration places the substance MT-45 (Systematic IUPAC Name: 1-cyclohexyl-4-(1,2-diphenylethyl)piperazine), including its salts, isomers, and salts of isomers into schedule I of the Controlled Substances Act. This scheduling action is pursuant to the Controlled Substances Act and is required in order for the United States to discharge its obligations under the Single Convention on Narcotic Drugs, 1961. This action imposes the regulatory controls and administrative, civil, and criminal sanctions applicable to schedule I controlled substances on persons who handle (manufacture,

distribute, import, export, engage in research or conduct instructional activities with, or possess), or propose to handle, MT-45.

**DATES:** Effective January 12, 2018.

#### **FOR FURTHER INFORMATION CONTACT:**

Michael J. Lewis, Diversion Control Division, Drug Enforcement Administration; Mailing Address: 8701 Morrisette Drive, Springfield, Virginia 22152; Telephone: (202) 598-6812.

#### **SUPPLEMENTARY INFORMATION:**

#### **Legal Authority**

Section 201(d)(1) of the Controlled Substances Act (CSA) (21 U.S.C. 811(d)(1)) states that, if control of a substance is required “by United States obligations under international treaties, conventions, or protocols in effect on October 27, 1970, the Attorney General shall issue an order controlling such drug under the schedule he deems most appropriate to carry out such obligations, without regard to the findings required by subsection (a) of this section [811(a)] or section 812(b) . . . and without regard to the procedures prescribed by subsections (a) and (b) of this section [21 U.S.C. 811(a) and (b)] . . . .” If a substance is added to one of the schedules of the Single Convention on Narcotic Drugs, 1961 (“Single Convention”), then, in accordance with article 3, paragraph 7 of the Convention, as a signatory Member State, the United States is obligated to control the substance under its national drug control legislation, the CSA. The Attorney General has delegated scheduling authority under 21 U.S.C. 811 to the Administrator of the DEA. 28 CFR 0.100.

#### **Background**

On May 17, 2016, the Secretary-General of the United Nations advised the Secretary of State of the United States, by letter, that during the 59th session of the Commission on Narcotic Drugs, MT-45 was added to schedule I of the Single Convention. This letter was prompted by a decision at the 59th session of the Commission on Narcotic Drugs in March 2016 to schedule MT-45 under schedule I of the Single Convention. As a signatory Member State to the Single Convention, the United States is obligated to control MT-45 under its national drug control legislation, the CSA, in the schedule deemed most appropriate to carry out its international obligations. 21 U.S.C. 811(d)(1).

#### **MT-45**

MT-45 is an opioid analgesic drug with pharmacological effects similar to morphine. MT-45 was demonstrated to

produce physical dependence in mice. This compound is a piperazine derivative and is structurally unrelated to most other opioids. There are two enantiomers of MT-45 (*R* and *S*). Both enantiomers bind to opioid receptors, however (*S*)-(+)-MT-45 binds with a greater affinity than that of (*R*)-(–)-MT-45. In functional studies, (*S*)-(+)-MT-45 has an analgesic effect similar to morphine. In comparison, the analgesic effect of (*R*)-(–)-MT-45 is low.

Starting in 2013, MT-45 began appearing on the internet for sale as a ‘legal’ opioid. Recent reports from Japan have indicated that MT-45 is present in herbal and chemical mixtures containing synthetic cannabinoids and/or synthetic cathinones. Deaths associated with MT-45 abuse have occurred in the United States and in Europe. In addition, there have been at least 13 non-fatal overdoses associated with abuse of MT-45. There are no published studies as to the safety of MT-45 for human use. The DEA is not aware of any claims or any medical or scientific literature suggesting that MT-45 has a currently accepted medical use in treatment in the United States. Accordingly, the DEA has not requested that the Department of Health and Human Services (HHS) conduct a scientific and medical evaluation of the substance’s medical utility. Furthermore, the DEA is not required under 21 U.S.C. 811(d)(1) to make any findings required by 21 U.S.C. 811(a) or 812(b), and is not required to follow the procedures prescribed by 21 U.S.C. 811(a) and (b). Therefore, consistent with the framework of 21 U.S.C. 811(d), the DEA concludes that MT-45 has no currently accepted medical use in treatment in the United States and is most appropriately placed in schedule I of the CSA.

#### **Conclusion**

In order to meet the obligations of the United States under the Single Convention on Narcotic Drugs, 1961, and because MT-45 has no currently accepted medical use in treatment in the United States, the Administrator of the Drug Enforcement Administration has determined that this substance should be placed in schedule I of the Controlled Substances Act.

#### **Requirements for Handling**

Upon the effective date of this final order, MT-45 will become subject to the regulatory controls and administrative, civil, and criminal sanctions applicable to the manufacture, distribution, importation, exportation, engagement in research, and conduct of instructional

activities, and possession of schedule I controlled substances including the following:

1. *Registration.* Any person who handles (manufactures, distributes, imports, exports, engages in research or conducts instructional activities with, or possesses), or who desires to handle, MT-45 must be registered with the DEA to conduct such activities pursuant to 21 U.S.C. 822, 823, 957, and 958 and in accordance with 21 CFR parts 1301 and 1312, as of January 12, 2018. Any person who currently handles MT-45, and is not registered with the DEA, must submit an application for registration and may not continue to handle MT-45 as of January 12, 2018, unless the DEA has approved that application for registration pursuant to 21 U.S.C. 822, 823, 957, 958, and in accordance with 21 CFR parts 1301 and 1312.

2. *Disposal of stocks.* Any person who does not desire or is not able to obtain a schedule I registration to handle MT-45 must surrender all quantities of currently held MT-45, or may transfer all quantities of currently held MT-45 to a person registered with the DEA on or before January 12, 2018 in accordance with all applicable federal, state, local, and tribal laws. As of January 12, 2018, MT-45 must be disposed of in accordance with 21 CFR part 1317, in addition to all other applicable federal, state, local, and tribal laws.

3. *Security.* MT-45 will be subject to schedule I security requirements and must be handled and stored pursuant to 21 U.S.C. 821, 823, 871(b), and in accordance with 21 CFR 1301.71–1301.93, as of January 12, 2018.

4. *Labeling and packaging.* As of January 12, 2018, all labels, labeling, and packaging for commercial containers of MT-45 must be in compliance with 21 U.S.C. 825, 958(e), and be in accordance with 21 CFR part 1302.

5. *Inventory.* Every DEA registrant who possesses any quantity of MT-45 on the effective date of this order must take an inventory of all stocks of this substance on hand, pursuant to 21 U.S.C. 827 and 958, and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11. After the initial inventory, every DEA registrant must take an inventory of all MT-45 on hand on a biennial basis, pursuant to 21 U.S.C. 827 and 958, and in accordance with 21 CFR 1304.03, 1304.04, and 1304.11.

6. *Records.* All DEA registrants must maintain records with respect to MT-45 pursuant to 21 U.S.C. 827 and 958, and in accordance with 21 CFR parts 1304, and 1312, and 1317 as of January 12, 2018.

7. *Reports.* All DEA registrants who manufacture or distribute MT-45 must submit reports pursuant to 21 U.S.C. 827 and in accordance with 21 CFR parts 1304 and 1312 as of January 12, 2018.

8. *Order Forms.* All DEA registrants who distribute MT-45 must comply with order form requirements pursuant to 21 U.S.C. 828 and in accordance with 21 CFR part 1305 as of January 12, 2018.

9. *Importation and Exportation.* All importation and exportation of MT-45 must be in compliance with 21 U.S.C. 952, 953, 957, 958, and in accordance with 21 CFR part 1312 as of January 12, 2018.

10. *Quota.* Only DEA registered manufacturers may manufacture MT-45 in accordance with a quota assigned pursuant to 21 U.S.C. 826 and in accordance with 21 CFR part 1303 as of January 12, 2018.

11. *Liability.* Any activity involving MT-45 not authorized by, or in violation of the CSA, occurring as of January 12, 2018, is unlawful, and may subject the person to administrative, civil, and/or criminal sanctions.

#### Regulatory Analyses

##### *Executive Order 12866, Regulatory Planning and Review*

This action is not a significant regulatory action as defined by Executive Order 12866 (Regulatory Planning and Review), section 3(f), and, accordingly, this action has not been reviewed by the Office of Management and Budget (OMB).

##### *Executive Order 13132, Federalism*

This action does not have federalism implications warranting the application of Executive Order 13132. The action does not have substantial direct effects on the States, on the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government.

##### *Executive Order 13175*

This action does not have tribal implications warranting the application of Executive Order 13175. The action 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.

##### *Administrative Procedure Act*

The CSA provides for an expedited scheduling action where control is required by the United States obligations under international treaties,

conventions, or protocols. 21 U.S.C. 811(d)(1). If control is required pursuant to such international treaty, convention, or protocol, the Attorney General must issue an order controlling such drug under the schedule he deems most appropriate to carry out such obligations, without regard to the findings or procedures otherwise required for scheduling actions.

To the extent that 21 U.S.C. 811(d)(1) directs that if control is required by the United States obligations under international treaties, conventions, or protocols in effect on October 27, 1970, scheduling actions shall be issued by order (as compared to scheduling pursuant to 21 U.S.C. 811(a) by rule), the DEA believes that the notice and comment requirements of section 553 of the Administrative Procedure Act (APA), 5 U.S.C. 553, do not apply to this scheduling action. In the alternative, even if this action does constitute “rule making” under 5 U.S.C. 551(5), this action is exempt from the notice and comment requirements of 5 U.S.C. 553 pursuant to 21 U.S.C. 553(a)(1) as an action involving a foreign affairs function of the United States given that this action is being done in accordance with 21 U.S.C. 811(d)(1)’s requirement that such action be taken to comply with the United States obligations under the specified international agreement.

##### *Regulatory Flexibility Act*

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612) applies to rules that are subject to notice and comment under section 553(b) of the APA or any other law. As explained above, the CSA exempts this final order from notice and comment. Consequently, the RFA does not apply to this action.

##### *Paperwork Reduction Act of 1995*

This action does not impose a new collection of information under the Paperwork Reduction Act of 1995. 44 U.S.C. 3501–3521. 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.

##### *Congressional Review Act*

This action is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996 (Congressional Review Act (CRA)). This order will not result in: “an annual effect on the economy of \$100,000,000 or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on

competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign based enterprises in domestic and export markets.” However, pursuant to the CRA, the DEA has submitted a copy of this order to both Houses of Congress and to the Comptroller General.

**List of Subjects in 21 CFR Part 1308**

Administrative practice and procedure, Drug traffic control, Reporting and recordkeeping requirements.

For the reasons set out above, 21 CFR part 1308 is amended as follows:

**PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES**

■ 1. The authority citation for part 1308 continues to read as follows:

**Authority:** 21 U.S.C. 811, 812, 871(b), 956(b), unless otherwise noted.

■ 2. Amend § 1308.11 by:

- a. Redesignating paragraphs (b)(40) through (57) as (b)(41) through (58);
- b. Adding new paragraph (b)(40).

The addition reads as follows:

**§ 1308.11 Schedule I.**

\* \* \* \* \*

(b) \* \* \*

(40) MT-45 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine) . . . (9560)

\* \* \* \* \*

Dated: December 5, 2017.

**Robert W. Patterson,**  
*Acting Administrator.*

[FR Doc. 2017-26853 Filed 12-12-17; 8:45 am]

**BILLING CODE 4410-09-P**

**DEPARTMENT OF THE INTERIOR**

**Office of Surface Mining Reclamation and Enforcement**

**30 CFR Part 936**

[SATS No. OK-037-FOR; Docket ID: OSM-2015-0006; S1D1S SS08011000 SX064A000 189S180110; S2D2S SS08011000 SX064A000 18XS501520]

**Oklahoma Regulatory Program**

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

**ACTION:** Final rule; approval of amendment.

**SUMMARY:** We, the Office of Surface Mining Reclamation and Enforcement (OSMRE), are approving an amendment to the Oklahoma regulatory program (Oklahoma program) under the Surface Mining Control and Reclamation Act of

1977 (SMCRA or the Act). Oklahoma proposed revisions to its regulations regarding: Permit eligibility for permits with violations on lands eligible for remining; permit suspension or rescission posting locations and appeal procedures; requiring GPS coordinates for aspects of permit maps; topsoil removal distances; blasting records requirements; annual reporting requirements; temporary cessation of operations requirements; casing and sealing temporary underground openings; right of entry requirements; surface drainage associated with auger mining; correcting reference errors; updating addresses; and correcting spelling and grammatical errors. Oklahoma intended to revise its program to be no less effective than the Federal regulations and to improve operational efficiency.

**DATES:** The effective date is January 12, 2018.

**FOR FURTHER INFORMATION CONTACT:** Bill Joseph, Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 1645 South 101st East Avenue, Suite 145, Tulsa, Oklahoma 74128-4629. Telephone: 918-581-6431 ext. 230. Email: [bjoseph@osmre.gov](mailto:bjoseph@osmre.gov).

**SUPPLEMENTARY INFORMATION:**

- I. Background on the Oklahoma Program
- II. Submission of the Amendment
- III. OSMRE's Findings
- IV. Summary and Disposition of Comments
- V. OSMRE's Decision
- VI. Procedural Determinations

**I. Background on the Oklahoma 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 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 Oklahoma program on January 19, 1981. You can find background information on the Oklahoma program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Oklahoma program in the January 19, 1981, **Federal Register** (46 FR 4902). You can also find later actions concerning the Oklahoma program and program amendments at 30 CFR 936.10, 936.15, and 936.16.

**II. Submission of the Amendment**

By letter dated September 25, 2015 (Administrative Record No. OK-1003), Oklahoma sent us an amendment to its program under SMCRA (30 U.S.C. 1201 *et seq.*). Oklahoma submitted the proposed amendment on its own initiative.

We announced receipt of the proposed amendment in the February 8, 2016, **Federal Register** (81 FR 6477). In the same document, we opened the public comment period and provided an opportunity for a public hearing or meeting on the adequacy of the amendment. We did not hold a public hearing or meeting because no one requested one. The public comment period ended on March 9, 2016. We did not receive any comments.

**III. OSMRE's Findings**

We are approving the amendment as described below. The following are the findings we made concerning Oklahoma's amendment under SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17. Any revisions that we do not specifically discuss below concerning non-substantive wording or editorial changes can be found in the full text of the program amendment available at [www.regulations.gov](http://www.regulations.gov).

*1. Subchapter 15. Requirements for Permits and Permit Processing*

Oklahoma removed paragraphs 460:20-15-6.7(a)(2)(A) and (B) regarding permit eligibility and unabated violations at remining sites issued before September 30, 2004, and added language to paragraph (a)(2) to substantively match the Federal requirements of 30 CFR 773.13(a)(2).

Oklahoma modified section 460:20-15-10.1(c) regarding the suspension and rescission appeal process so that it substantively matches the counterpart Federal regulations at 30 CFR 773.23(c). Additionally, Oklahoma modified 460:20-15-10.1(d) and added paragraph (e) to substantively match the requirements of 30 CFR 773.23 (d).

We find that Oklahoma's changes to this subchapter substantively match the counterpart Federal requirements and do not make its rules or regulations less effective than the Federal requirements. Therefore, we are approving Oklahoma's revisions.

*2. Subchapter 29. Underground Mining Permit Applications: Minimum Requirements for Information on Environmental Resources*

Oklahoma added the requirement for GPS coordinates for each building on permit application maps in section 460:20-29-10(4). Although there is no

direct counterpart Federal regulation requiring this, the addition does not make Oklahoma's regulations less effective than the Federal requirements for general map requirements at 30 CFR 783.24.

Oklahoma added the permitting requirement to list the depth to mined coal in section 460:20–29–11(a)(5). Although there is no direct counterpart Federal regulation requiring this, the addition does not make Oklahoma's regulations less effective than the Federal requirements for map cross sections, maps, and plans at 30 CFR 783.25.

We find that Oklahoma's changes to this subchapter, although not specifically required by the counterpart Federal regulations, do not make its regulations less effective than the Federal requirements. Therefore, we are approving Oklahoma's revisions.

### 3. Subchapter 43. Permanent Program Performance Standards: Surface Mining Standards

Oklahoma added paragraph 460:20–43–7(a)(1) requiring that topsoil be removed a minimum of 60 feet or one pit width, whichever is less, in advance of the active pit. Although there is no specific requirement in the counterpart Federal regulations at 30 CFR 816.22, this addition does not make Oklahoma's regulations less effective than the Federal requirements.

Oklahoma added new language to section 460:20–43–23 regarding blasting records. Oklahoma added the requirement that operators maintain the names of blasting crew members, expiration date of blaster's certification, a digital video of each blast, and drill logs. Although there is no specific requirement regarding this in the counterpart Federal regulations at 30 CFR 816.68, these additions do not make Oklahoma's regulations less effective than the Federal requirements.

Oklahoma added new language regarding annual reporting requirements for contemporaneous reclamation in section 460:20–43–37(2). Although there is no specific requirement regarding this in the counterpart Federal regulations, these additions do not make Oklahoma's regulations less effective than the Federal requirements.

Oklahoma added new language regarding qualification standards for temporary cessation of operations in section 460:20–43–49(a) and (c). For a site to qualify for temporary cessation, Oklahoma will now require that minable coal be available under a valid lease and it must be located within or adjacent to the current permit area. Additionally, other requirements have

been added if temporary cessation exceeds twelve months. Although there are no specific requirements regarding this in the counterpart Federal regulations at 30 CFR 816.131, these additions do not make Oklahoma's regulations less effective than the Federal requirements.

We find that Oklahoma's changes to this subchapter, although not specifically required, do not make its rules or regulations less effective than the Federal requirements. Therefore, we are approving Oklahoma's revisions.

### 4. Subchapter 45. Permanent Program Performance Standards: Underground Mining Activities

Oklahoma added paragraph 460:20–45–5(c) regarding casing and sealing underground openings during temporary cessation of operations. The language added is similar to that contained in the counterpart Federal regulation at 817.15. This addition does not make Oklahoma's regulations less effective than the Federal requirements.

Oklahoma added language regarding right of entry information in section 460:20–45–17(b). The new language requires proof that the applicant has legal rights to enter and begin underground coal mining and reclamation operations. Although there is no specific counterpart Federal requirement for underground mining permit applications, the language added is similar to the requirements for surface mining permit applications found in 30 CFR 778.15. This addition does not make Oklahoma's regulations less effective than the Federal requirements.

We find that Oklahoma's changes do not make its rules or regulations less effective than the Federal requirements. Therefore, we are approving Oklahoma's revision.

### 5. Subchapter 47. Special Permanent Program Performance Standards: Auger Mining

Oklahoma added new paragraph 460:20–47–4(d) requiring surface drainage to be directed away from highwalls during augering operations. There is no direct Federal counterpart to this requirement within 30 CFR 819. This addition does not make Oklahoma's regulations less effective than the Federal requirements.

We find that Oklahoma's changes do not make its rules or regulations less effective than the Federal requirements. Therefore, we are approving Oklahoma's revision.

## IV. Summary and Disposition of Comments

### Public Comments

We asked for public comments on the amendment but did not receive any.

### Federal Agency Comments

On October 15, 2015, under 30 CFR 732.17(h)(11)(i) and section 503(b) of SMCRA, we requested comments on the amendment from various Federal agencies with an actual or potential interest in the Oklahoma program (Administrative Record No. OK–1003.01). We did not receive any comments.

### Environmental Protection Agency (EPA) Concurrence and Comments

Under 30 CFR 732.17(h)(11)(ii), we are required to get a 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.*). None of the revisions that Oklahoma proposed to make in this amendment pertain to air or water quality standards. Therefore, we did not ask EPA to concur on the amendment. However, on October 15, 2015, under 30 CFR 732.17(h)(11)(i), we requested comments from the EPA on the amendment (Administrative Record No. OK–1003.01). The EPA did not respond to our request.

### State Historical 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. On October 15, 2015, we requested comments on the amendment (Administrative Record No. OK–1003.01). We did not receive any comments.

## V. OSMRE's Decision

Based on the above findings, we approve the amendment Oklahoma sent us on September 25, 2015 (Administrative Record No. OK–1003).

To implement this decision, we are amending the Federal regulations, at 30 CFR part 936, that codify decisions concerning the Oklahoma 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 demonstrate 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.

## VI. Procedural Determinations

### *Executive Order 12630—Takings*

This rulemaking 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 Oklahoma 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 Oklahoma 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 rulemaking on Federally-recognized Indian tribes and have determined that the rulemaking 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 basis for this determination is that our decision is on a State regulatory program and does not involve Federal regulations involving Indian lands.

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

Executive Order 13211 of May 18, 2001, which 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 rulemaking 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 rulemaking does not require an environmental impact statement because section 702(d) of SMCRA (30 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)).

### *Paperwork Reduction Act*

This rulemaking does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

### *Regulatory Flexibility Act*

The Department of the Interior certifies that this rulemaking 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 rulemaking, 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 rulemaking 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 rulemaking is not a major rulemaking under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rulemaking: (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; and (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 rulemaking, 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 rulemaking 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 rulemaking, 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 936**

Intergovernmental relations, Surface mining, Underground mining.

Dated: September 12, 2017.  
**Alfred L. Clayborne,**  
*Regional Director, Mid-Continent Region.*

For the reasons set out in the preamble, 30 CFR part 936 is amended as set forth below:

**PART 936—OKLAHOMA**

■ 1. The authority citation for part 936 continues to read as follows:

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

■ 2. Section 936.15 is amended in the table by adding a new entry in

chronological order by “Date of final publication” to read as follows:

**§ 936.15 Approval of Oklahoma regulatory program amendments.**

\* \* \* \* \*

Original amendment submission date	Date of final publication	Citation/description
September 25, 2015	December 13, 2017	OAC 460:20–15–6.7(a)(2)(A) and (B), 10.1(c), (d), and (e); 20–29–10(4) and 11(a)(5); 20–43–7(a)(1), 23, 37(2), 49(a), and (c); 20–45–5(c) and 17(b); and 20–47–4(d).

[FR Doc. 2017–26843 Filed 12–12–17; 8:45 a.m.]  
**BILLING CODE 4310–05–P**

**DEPARTMENT OF DEFENSE**

**Office of the Secretary**

**32 CFR Part 45**

[Docket ID: DOD–2017–OS–0044]

RIN 0790–AJ88

**Certificate of Release or Discharge From Active Duty (DD Form 214/5 Series)**

**AGENCY:** Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense.

**ACTION:** Final rule.

**SUMMARY:** This final rule removes the DoD’s regulation concerning the certificate of release or discharge from active duty (Department of Defense Form (DD Form) 214/5 Series). DoD has determined that the rule has no impact on the general public; rather, the rule focuses on internal DoD management and personnel matters. Therefore, this part is unnecessary and can be removed from the CFR.

**DATES:** This rule is effective on December 13, 2017.

**FOR FURTHER INFORMATION CONTACT:** Kent Bauer, 703–693–4204.

**SUPPLEMENTARY INFORMATION:** It has been determined that publication of this CFR part removal rule for public comment is unnecessary because it removes DoD internal policies and procedures that are publicly available on the Department’s issuance website.

DoD internal guidance concerning the Certificate of Release or Discharge from Active Duty (DD Form 214/5 Series) will continue to be published in DoD Instruction 1336.01 and made available

at <http://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/133601p.pdf>. DoD Instruction 1336.01 will be the authorizing document for the DD Form 214/5 Series.

Repealing this part will reduce unnecessary Federal regulation and associated administrative costs. Because the rule focuses on internal DoD management and personnel matters, however, its repeal will not result in a cost savings for the public.

**List of Subjects in 32 CFR Part 45**

Armed forces reserves.

**PART 45—[REMOVED]**

■ Accordingly, by the authority of 5 U.S.C. 301, 32 CFR part 45 is removed.

Dated: December 8, 2017.

**Aaron Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2017–26886 Filed 12–12–17; 8:45 am]

**BILLING CODE 5001–06–P**

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 117**

[Docket No. USCG–2017–1075]

**Drawbridge Operation Regulation; Carquinez Strait, at Martinez, CA**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of deviation from drawbridge regulation.

**SUMMARY:** The Coast Guard has issued a temporary deviation from the operating schedule that governs the Benicia-Martinez Union Pacific Railroad Drawbridge across the Carquinez Strait, mile 7.0, at Martinez, CA. The deviation is necessary to allow the bridge owner

to replace drawspan operational components. This deviation allows the bridge to remain in the closed-to-navigation position during the deviation period.

**DATES:** This deviation is effective from 8 a.m. on December 20, 2017, to 4 p.m. on January 10, 2018.

**ADDRESSES:** The docket for this deviation, USCG–2017–1075, is available at <http://www.regulations.gov>. Type the docket number in the “SEARCH” box and click “SEARCH.” Click on Open Docket Folder on the line associated with this deviation.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this temporary deviation, call or email Carl T. Hausner, Chief, Bridge Section, Eleventh Coast Guard District; telephone 510–437–3516; email [Carl.T.Hausner@uscg.mil](mailto:Carl.T.Hausner@uscg.mil).

**SUPPLEMENTARY INFORMATION:** Union Pacific Railroad has requested a temporary change to the operation of the Benicia-Martinez Railroad Drawbridge across the Carquinez Strait, mile 7.0, at Martinez, CA. The drawbridge navigation span provides a vertical clearance of 70 feet above Mean High Water in the closed-to-navigation position. The draw operates as required by 33 CFR 117.5. Navigation on the waterway is commercial and recreational.

The drawspan will be secured in the closed-to-navigation position from 8 a.m. to 4 p.m., December 20, 2017 through December 21, 2017, December 27, 2017 through December 28, 2017, December 30, 2017, January 3, 2018 through January 5, 2018, and January 8, 2018 through January 10, 2018 to allow the bridge owner to replace the down haul wire ropes of the drawspan. This temporary deviation has been coordinated with the waterway users. No objections to the proposed temporary deviation were raised.

Vessels able to pass through the bridge in the closed position may do so at anytime. The bridge will not be able to open for emergencies and there is no alternative route for vessels to pass. The Coast Guard will also inform the users of the waterway through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessel operators can arrange their transits to minimize any impact caused by the temporary deviation.

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

Dated: December 7, 2017.

**Carl T. Hausner,**

*District Bridge Chief, Eleventh Coast Guard District.*

[FR Doc. 2017-26768 Filed 12-12-17; 8:45 am]

**BILLING CODE 9110-04-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R03-OAR-2017-0437; FRL-9971-98-Region 3]

#### Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Adoption of Control Techniques Guidelines for Control of Volatile Organic Compound Emissions From Miscellaneous Metal Parts Surface Coating, Miscellaneous Plastic Parts Surface Coating, and Pleasure Craft Surface Coatings; Withdrawal of Direct Final Rule

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Withdrawal of direct final rule.

**SUMMARY:** Due to receipt of an adverse comment, the Environmental Protection Agency (EPA) is withdrawing the October 16, 2017 direct final rule (DFR) that approved a revision to the Commonwealth of Pennsylvania's state implementation plan (SIP). The revision included amendments to the Pennsylvania Department of Environmental Protection's (PADEP) regulations and addressed the requirement to adopt reasonably available control technology (RACT) for sources covered by EPA's control techniques guidelines (CTG) standards for the following categories: Miscellaneous metal parts surface coating, miscellaneous plastic parts

surface coating, and pleasure craft surface coatings, as well as related cleaning activities. The SIP revision also amended regulations for graphic arts systems and mobile equipment repair and refinishing as well as made general administrative changes. 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 the comments received in a subsequent final action based upon the proposed 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 47988 on October 16, 2017 is withdrawn as of December 13, 2017.

**FOR FURTHER INFORMATION CONTACT:**

Gregory A. Becoat, (215) 814-2036, or by email at [becoat.gregory@epa.gov](mailto:becoat.gregory@epa.gov).

**SUPPLEMENTARY INFORMATION:** On November 18, 2016, PADEP submitted a revision to the Pennsylvania SIP concerning the adoption of EPA's CTG for miscellaneous metal parts surface coating processes, miscellaneous plastic parts surface coating processes, and pleasure craft surface coatings. Specifically, PADEP amended 25 Pennsylvania Code (Pa. Code) Chapter 129 (relating to standards for sources) to address RACT and further reduce volatile organic compounds (VOC) emissions in Pennsylvania. In accordance with sections 172(c)(1), 182(b)(2)(A) and 184(b)(1)(B) of the CAA, Pennsylvania's SIP revision submittal established VOC emission limitations and other requirements consistent with the recommendations of EPA's 2008 Control Techniques Guidelines for Miscellaneous Metal and Plastic Parts Coatings (MMPP) (Publication No. EPA 453/R-08-003; September 2008) and Control Techniques Guidelines for Automobile and Light-Duty Truck Assembly Coatings for these sources in the Commonwealth of Pennsylvania (Publication No. EPA 453/R-08-006). In the direct final rule published on October 16, 2017 (82 FR 47988), 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. EPA will address the comments received in a subsequent final action based upon this proposed action and will not institute a second comment period on this action.

As a result of the comments received, EPA is withdrawing the DFR approving the Commonwealth of Pennsylvania's SIP revision adopting CTGs for

miscellaneous metal parts surface coating, miscellaneous plastic parts surface coating, and pleasure craft surface coatings, as well as general administrative changes related to cleaning activities in the Pennsylvania SIP.

### List of Subjects in 40 CFR Part 52

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

Dated: December 1, 2017.

**Cosmo Servidio,**

*Regional Administrator, Region III.*

■ Accordingly, the amendments to § 52.2020(c) published on October 16, 2017 (82 FR 47988), which were to become effective December 15, 2017, are withdrawn as of December 13, 2017.

[FR Doc. 2017-26764 Filed 12-12-17; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R03-OAR-2017-0342; FRL-9971-93-Region 3]

#### Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Pennsylvania's Adoption of Control Techniques Guidelines for Automobile and Light-Duty Truck Assembly Coatings; Withdrawal of Direct Final Rule

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Withdrawal of direct final rule.

**SUMMARY:** Due to receipt of adverse comment, the Environmental Protection Agency (EPA) is withdrawing the direct final rule published on Tuesday, October 24, 2017 to approve revisions to the Pennsylvania state implementation plan (SIP) pertaining to the addition of new regulations to address the requirement to adopt reasonably available control technology (RACT) for sources covered by EPA's control techniques guidelines (CTG) for automobile and light-duty truck assembly coatings.

**DATES:** The direct final rule published at 82 FR 49128, on October 24, 2017, is withdrawn as of December 13, 2017.

**FOR FURTHER INFORMATION CONTACT:**

Joseph Schulingkamp, (215) 814-2021, or by email at [schulingkamp.joseph@epa.gov](mailto:schulingkamp.joseph@epa.gov).

**SUPPLEMENTARY INFORMATION:** On November 18, 2016, the Commonwealth

of Pennsylvania, through the Pennsylvania Department of Environmental Protection (PADEP), submitted a formal revision to the Pennsylvania SIP. The SIP revision consists of the adoption of EPA's CTG for automobile and light duty assembly coatings. In the direct final rule published on October 24, 2017 (82 FR 49128), EPA stated that if EPA received adverse comments by November 24, 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 promulgated by EPA on October 24, 2017 (82 FR 49128) approving the revision to the Pennsylvania SIP pertaining to the addition of new regulations to address the requirement to adopt RACT for sources covered by EPA's CTG for automobile and light-duty truck assembly coatings. 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, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: November 30, 2017.

**Cosmo Servidio,**

*Regional Administrator, Region III.*

■ Accordingly, the amendments to 40 CFR 52.2020 published on October 24, 2017 (82 FR 49128) are withdrawn as of December 13, 2017.

[FR Doc. 2017-26763 Filed 12-12-17; 8:45 am]

**BILLING CODE 6560-50-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 300

[Docket No. 160205084-6510-02]

RIN 0648-XF873

#### International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; 2017 Purse Seine FAD Fishery Closure

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

**ACTION:** Temporary rule; fishery closure.

**SUMMARY:** NMFS announces that U.S. purse seine vessels will be prohibited from fishing on fish aggregating devices (FADs) in the area of application of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Convention) in the area between the latitudes of 20° N. and 20° S., as a result of reaching the 2017 limit on FAD sets. This action is taken to enable the United States to implement provisions of a conservation and management measure adopted by the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (WCPFC or Commission) and to satisfy the obligations of the United States under the Convention, to which it is a Contracting Party.

**DATES:** Effective 00:00 on December 24, 2017, universal time coordinated (UTC), until 24:00 on December 31, 2017 UTC.

**FOR FURTHER INFORMATION CONTACT:** Rini Ghosh, NMFS Pacific Islands Regional Office, 808-725-5033.

**SUPPLEMENTARY INFORMATION:** U.S. purse seine fishing in the area of application of the Convention, or Convention Area, is managed, in part, under the Western and Central Pacific Fisheries Convention Implementation Act (16 U.S.C. 6901, *et seq.*). Regulations implementing the Act are at 50 CFR part 300, subpart O. On behalf of the Secretary of Commerce, NMFS promulgates regulations under the Act that enable the United States to carry out its obligations under the Convention, including implementation of the decisions of the Commission.

Pursuant to WCPFC Conservation and Management Measure 2015-01, NMFS issued regulations that established a limit of 2,522 FAD sets that may be used by U.S. purse seine fishing vessels in the Convention Area between the latitudes of 20° N and 20° S in calendar year 2017 (see final rule at 81 FR 41239, June 24, 2016, codified at 50 CFR 300.223).

Based on data submitted in logbooks and other available information, NMFS expects that the limit of 2,522 FAD sets for 2017 will be reached and, in accordance with the procedures established at 50 CFR 300.223(b)(2)(iii), announces that restrictions on the use of FADs will be in effect starting at 00:00 on December 24, 2017, UTC. These restrictions will remain in effect until 24:00 on December 31, 2017, UTC.

The specific restrictions, detailed at 50 CFR 300.223(b)(1), prohibit owners, operators, and crew of fishing vessels of the United States from doing any of the following activities in the Convention

Area in the area between 20° N latitude and 20° S latitude: (1) Set a purse seine around a FAD or within one nautical mile of a FAD; (2) set a purse seine in a manner intended to capture fish that have aggregated in association with a FAD or a vessel, such as by setting the purse seine in an area from which a FAD or a vessel has been moved or removed within the previous eight hours, or setting the purse seine in an area in which a FAD has been inspected or handled within the previous eight hours, or setting the purse seine in an area into which fish were drawn by a vessel from the vicinity of a FAD or a vessel; (3) deploy a FAD into the water; and (4) repair, clean, maintain, or otherwise service a FAD, including any electronic equipment used in association with a FAD, in the water or on a vessel while at sea.

Notwithstanding the restrictions, a FAD may be inspected and handled as needed to identify the FAD, identify and release incidentally captured animals, un-foul fishing gear, or prevent damage to property or risk to human safety. A FAD may also be removed from the water and, if removed, may be cleaned, provided that it is not returned to the water. The following additional restriction also applies: owners, operators and crew of a U.S. fishing vessel shall not submerge lights under water, suspend or hang lights over the side of the purse seine vessel, skiff, watercraft or equipment, or direct or use lights in a manner other than as needed to illuminate the deck of the purse seine vessel or associated skiffs, watercraft or equipment, to comply with navigational requirements, and to ensure the health and safety of the crew. This final restriction does not apply in emergencies as needed to prevent human injury or the loss of human life, the loss of the purse seine vessel, skiffs, watercraft or aircraft, or environmental damage.

#### Classification

There is good cause under 5 U.S.C. 553(b)(B) to waive prior notice and opportunity for public comment on this action. Compliance with the notice and comment requirement would be impracticable and contrary to the public interest, because NMFS cannot ensure timely compliance with the 2017 limit on FAD sets in the Convention Area based on its receipt of the logbook data and other relevant information to calculate that the FAD limit has been reached. This action is based on the best available information on U.S. purse seine fishing effort on FADs in the Convention Area. The action is taken to enable the United States to comply with

its obligations under the Convention and is important for the conservation and management of bigeye tuna, yellowfin tuna, and skipjack tuna in the western and central Pacific Ocean. For the same reasons, there is good cause under 5 U.S.C. 553(d)(3) to establish an

effective date less than 30 days after the date of publication of this notice.

This action is required by 50 CFR 300.223(b)(2)(iii) and is exempt from review under Executive Order 12866.

**Authority:** 16 U.S.C. 6901 *et seq.*

Dated: December 8, 2017.

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

[FR Doc. 2017-26879 Filed 12-12-17; 8:45 am]

**BILLING CODE 3510-22-P**

# Proposed Rules

Federal Register

Vol. 82, No. 238

Wednesday, December 13, 2017

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

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2017-1102; Product Identifier 2017-NM-078-AD]

RIN 2120-AA64

#### Airworthiness Directives; Airbus Airplanes

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

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

**SUMMARY:** We propose to supersede Airworthiness Directive (AD) 2016-01-11, which applies to certain Airbus Model A320-211, -212, and -231 airplanes. AD 2016-01-11 requires repetitive inspections for cracking of the radius of the front spar vertical stringers and the horizontal floor beam on frame 36, repetitive inspections for cracking of the fastener holes of the front spar vertical stringers on frame 36, and repair if necessary. Since we issued AD 2016-01-11, we received a report that, during a center fuselage certification full scale fatigue test, cracks were found on the front vertical stringer at a certain frame. This proposed AD would add new thresholds and intervals for the repetitive inspections; would require, for certain airplanes, a modification of the center wing box area; and would expand the applicability. We are proposing this AD to address the unsafe condition on these products.

**DATES:** We must receive comments on this proposed AD by January 29, 2018.

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

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Fax:* 202-493-2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room

W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact Airbus, Airworthiness Office-EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email [account.airworth-eas@airbus.com](mailto:account.airworth-eas@airbus.com); internet <http://www.airbus.com>. You may view this referenced service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW, Renton, WA. For information on the availability of this material at the FAA, call 425-227-1221.

#### Examining the AD Docket

You may examine the AD docket on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2017-1102; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800-647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:** Sanjay Ralhan, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 1601 Lind Avenue SW, Renton, WA 98057-3356; telephone 425-227-1405; fax 425-227-1149.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2017-1102; Product Identifier 2017-NM-078-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

#### Discussion

Fatigue damage can occur locally, in small areas or structural design details, or globally, in widespread areas. Multiple-site damage is widespread damage that occurs in a large structural element such as a single rivet line of a lap splice joining two large skin panels. Widespread damage can also occur in multiple elements such as adjacent frames or stringers. Multiple-site damage and multiple-element damage cracks are typically too small initially to be reliably detected with normal inspection methods. Without intervention, these cracks will grow, and eventually compromise the structural integrity of the airplane. This condition is known as widespread fatigue damage (WFD). It is associated with general degradation of large areas of structure with similar structural details and stress levels. As an airplane ages, WFD will likely occur, and will certainly occur if the airplane is operated long enough without any intervention.

The FAA's WFD final rule (75 FR 69746, November 15, 2010) became effective on January 14, 2011. The WFD rule requires certain actions to prevent structural failure due to WFD throughout the operational life of certain existing transport category airplanes and all of these airplanes that will be certificated in the future. For existing and future airplanes subject to the WFD rule, the rule requires that DAHs establish a limit of validity (LOV) of the engineering data that support the structural maintenance program. Operators affected by the WFD rule may not fly an airplane beyond its LOV, unless an extended LOV is approved.

The WFD rule (75 FR 69746, November 15, 2010) does not require identifying and developing maintenance actions if the DAHs can show that such actions are not necessary to prevent WFD before the airplane reaches the LOV. Many LOVs, however, do depend on accomplishment of future maintenance actions. As stated in the WFD rule, any maintenance actions

necessary to reach the LOV will be mandated by airworthiness directives through separate rulemaking actions.

In the context of WFD, this action is necessary to enable DAHs to propose LOVs that allow operators the longest operational lives for their airplanes, and still ensure that WFD will not occur. This approach allows for an implementation strategy that provides flexibility to DAHs in determining the timing of service information development (with FAA approval), while providing operators with certainty regarding the LOV applicable to their airplanes.

We issued AD 2016–01–11, Amendment 39–18370 (81 FR 3316, January 21, 2016) (“AD 2016–01–11”), for certain Airbus Model A320–211, –212, and –231 airplanes. AD 2016–01–11 was prompted by reports that indicate new repetitive inspections having new thresholds and intervals were needed and that additional work was needed to accomplish the inspections on airplanes on which a previous modification has been accomplished. AD 2016–01–11 requires repetitive high frequency eddy current (HFEC) inspections for cracking of the radius of the front spar vertical stringers and the horizontal floor beam on frame 36, repetitive rototest inspections for cracking of the fastener holes of the front spar vertical stringers on frame 36, and repair if necessary. We issued AD 2016–01–11 to detect and correct fatigue cracking of the front spar vertical stringers on the wings, which could result in the reduced structural integrity of the airplane.

Since we issued AD 2016–01–11, the European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2017–0099, dated June 8, 2017 (referred to after this as the Mandatory Continuing Airworthiness Information, or “the MCAI”), to correct an unsafe condition for certain Airbus Model A318 series airplanes; Model A319 series airplanes; Model A320–211, –212, –214, –231, –232, and –233 airplanes; and Model A321 series airplanes. The MCAI states:

During centre fuselage certification full scale fatigue test, cracks were found on the front vertical stringer at frame (FR) 36. Analysis of these findings indicated that a number of in-service aeroplanes could be similarly affected.

This condition, if not detected and corrected, could lead to crack propagation and consequent deterioration of the structural integrity of the aeroplane.

To address this potential unsafe condition, Airbus issued Airbus Service Bulletin (SB)

A320–57–1016 to provide inspection instructions, and, consequently, [Directorate General for Civil Aviation] DGAC France issued AD 97–311–105 [which corresponds to FAA AD 98–18–26, Amendment 39–10742 (63 FR 47423, September 8, 1998)] to require those repetitive [high frequency eddy current (HFEC)] inspections [for cracking]. At the same time, modification in accordance with Airbus SB A320–57–1017 was introduced as (optional) terminating action for the repetitive inspections \* \* \*.

After that [DGAC] AD was issued, and following new analysis, modification per Airbus SB A320–57–1017 was no longer considered to be terminating action for the repetitive inspections as required by DGAC France AD 97–311–105. Aeroplanes with [manufacturer serial number] MSN 0080 up to MSN 0155 inclusive were delivered with the addition of a 5 [millimeter] mm thick light alloy shim under the heads of 2 fasteners at the top end of the front spar vertical stringers (Airbus mod 21290P1546, which is the production line equivalent to in-service modification through Airbus SB A320–57–1017). Aeroplanes with MSN 0156 or higher are delivered with vertical stiffeners of the forward wing spar upper end with stiffener cap thickness increased from 4 to 6 mm (Airbus mod 21290P1547).

Prompted by these findings, Airbus issued SB A320–57–1178 Revision 01 to introduce new repetitive inspections and, consequently, EASA issued AD 2014–0069 [which corresponds to FAA AD 2016–01–11], superseding DGAC France AD 97–311–105 to require the new repetitive inspections, and, depending on findings, accomplishment of applicable corrective action(s).

Since AD 2014–0069 was issued, further investigations in the frame of the Widespread Fatigue Damage (WFD) campaign identified that some repetitive inspection thresholds and intervals have to be revised or introduced, and a new terminating action modification has been designed.

For the reasons described above, this [EASA] AD retains the requirements of EASA AD 2014–0069, which is superseded, revises and introduces thresholds and intervals for the repetitive inspections, and expands the Applicability.

Required actions also include reporting. Although this proposed AD does not explicitly restate the requirements of AD 2016–01–11, this proposed AD would retain certain requirements of AD 2016–01–11. Those requirements are referenced in the service information identified below in “Related Service Information under 1 CFR part 51,” which is referenced in paragraph (i)(1) of this proposed AD. You may examine the MCAI in the AD docket on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA–2017–1102.

#### Related Service Information Under 1 CFR Part 51

Airbus has issued the following service information:

- Service Bulletin A320–57–1178, Revision 03, dated November 29, 2016; excluding Appendices 01 and 04, and including Appendix 03, all dated November 29, 2016. Appendix 02 does not exist. The service information describes procedures for a rototest inspection for cracking of the radius of the front spar vertical stringers on frame 36, a HFEC for cracking of the horizontal floor beam, and an HFEC inspection for cracking of the fastener holes of the front spar vertical stringers.

- Service Bulletin A320–57–1200, dated November 20, 2015. The service information describes procedures for modifying the center wing box area, which includes related investigative and corrective actions. Related investigative actions include an HFEC inspection on the radius of the rib flanges, a rototest inspection of the fastener holes, detailed and high frequency eddy current inspections for cracking on the cut edges, detailed and rototest inspections on all open fastener holes and an inspection to determine if secondary structure brackets are installed. Corrective action includes reworking the secondary structure bracket and repair.

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

#### FAA’s Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

#### Explanation of Compliance Time

The compliance time for the replacement specified in this proposed AD for addressing WFD was established to ensure that discrepant structure is replaced before WFD develops in airplanes. Standard inspection techniques cannot be relied on to detect WFD before it becomes a hazard to flight. We will not grant any extensions of the compliance time to complete any AD-mandated service bulletin related to WFD without extensive new data that would substantiate and clearly warrant such an extension.

### Costs of Compliance

We estimate that this proposed AD affects 815 airplanes of U.S. registry.

The actions required by AD 2016-01-11, take about 24 work-hours per product, at an average labor rate of \$85 per work-hour. Based on these figures, the estimated cost of the actions that are required by AD 2016-01-11 is \$2,040 per product.

We also estimate that it would take about 25 work-hours per product to comply with the basic requirements of this proposed AD and 1 work-hour for reporting. The average labor rate is \$85 per work-hour. Required parts would cost about \$180 per product. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be \$1,947,850, or \$2,390 per product.

We have received no definitive data that would enable us to provide cost estimates for the repair of cracking specified in this proposed AD.

### Paperwork Reduction Act

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

### Authority for This Rulemaking

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

We are issuing this rulemaking under the authority described in "Subtitle VII, Part A, Subpart III, Section 44701: General requirements." Under that

section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

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

### Regulatory Findings

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

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

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

### List of Subjects in 14 CFR Part 39

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

### The Proposed Amendment

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

### PART 39—AIRWORTHINESS DIRECTIVES

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

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

### § 39.13 [Amended]

- 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2016-01-11, Amendment 39-18370 (81 FR 3316, January 21, 2016), and adding the following new AD:

**Airbus:** Docket No. FAA-2017-1102; Product Identifier 2017-NM-078-AD.

#### (a) Comments Due Date

We must receive comments by January 29, 2018.

#### (b) Affected ADs

This AD replaces AD 2016-01-11, Amendment 39-18370 (81 FR 3316, January 21, 2016) ("AD 2016-01-11").

#### (c) Applicability

This AD applies to Airbus Model A318-111, -112, -121, and -122 airplanes; Model A319-111, -112, -113, -114, -115, -131, -132, and -133 airplanes; Model A320-211, -212, -214, -216, -231, -232, and -233 airplanes; and Model A321-111, -112, -131, -211, -212, -213, -231, and -232 airplanes; certificated in any category; all manufacturer serial numbers, except airplanes specified in paragraphs (c)(1) and (c)(2) of this AD.

(1) Model A319 and A320 series airplanes on which Airbus Modification (Mod) 160000 (structural reinforcement for sharklet installation) has been embodied in production.

(2) Model A321 series airplanes on which Airbus Modification (Mod) 160021 (structural reinforcement for sharklet installation) has been embodied in production.

#### (d) Subject

Air Transport Association (ATA) of America Code 57, Wings.

#### (e) Reason

This AD was prompted by a report that, during a center fuselage certification full scale fatigue test, cracks were found on the front vertical stringer at frame (FR) 36. We are issuing this AD to detect and correct fatigue cracking of the front spar vertical stringers on the wings, which could result in the reduced structural integrity of the airplane.

#### (f) Compliance

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

#### (g) Definition of Airplane Configurations

For the purposes of this AD, airplane configurations are defined in table 1 to paragraphs (g), (h), (i)(1), and (j) of this AD and table 2 to paragraphs (g) and (i)(1) of this AD.

**BILLING CODE 4910-13-P**

**Table 1 to Paragraphs (g), (h), (i)(1), and (j) of this AD – Airplane Configuration**  
(Config.) Definition for Configs. 1, 2, 3, 5, 6, and 7

Config.	Airbus Modification (Mod) embodied in production / Service Bulletin (SB) embodied				Affected Airplanes			
	21290P1546	21290P1547	36993P9963	SB A320-57-1017	A320 Series	A321 Series	A319 Series	A318 Series
1	No	No	No	No	X			
2	No	No	No	Yes	X			
3	Yes	No	No	No	X			
5	No	Yes	No	No	X			
	No	Yes	No	No			X	
	No	Yes	No	No				X
6	No	Yes	Yes	No	X			
	No	Yes	Yes	No			X	
	No	Yes	Yes	No				X
7	No	No	No	No		X		

**Table 2 to Paragraphs (g) and (i)(1) of this AD – Airplane Configuration**  
(Config.) Definition for Configs. 4, 8, 9, and 10

Config.	Airbus Modification (Mod) embodied / not embodied in production / Service Bulletin (SB) embodied	Affected Airplanes		
		A319 Series	A320 Series	A318 and A321 Series
4	Not applicable (N/A)	N/A	N/A	N/A
8	Airplanes on which Mod 28162, 28238 and 28342 have been embodied (“Corporate Jet”), and Mod 36993P9963 is not embodied	X		
9	Airplanes on which Mod 28162, 28238 and 28342 have been embodied (“Corporate Jet”), and Mod 36993P9963 is embodied	X		
10	Airplanes post-SB A320-57-1200		X	

**(h) Actions Required for Previously Inspected Airplanes**

For Configuration 1, 2, or 3 airplanes, as identified in table 1 to paragraphs (g), (h), (i)(1), and (j) of this AD, on which the inspections specified in Airbus Service Bulletin A320-57-1178, dated October 29, 2013, have been accomplished before the effective date of this AD; but the additional

work specified in Airbus Service Bulletin A320-57-1178, Revision 01, dated May 28, 2014, including Appendix 01, dated May 28, 2014, has not been accomplished before the effective date of this AD: Before accomplishing the initial inspection required by paragraph (i)(1) of this AD, contact the Manager, International Section, Transport Standards Branch, FAA; or the European

Aviation Safety Agency (EASA); or Airbus’s EASA Design Organization Approval (DOA) for further instructions and accomplish those instructions accordingly.

**(i) Repetitive Inspections**

(1) Within the compliance time defined in table 3 to paragraph (i)(1) of this AD, as applicable to airplane configuration as identified in table 1 to paragraphs (g), (h),

(i)(1), and (j) of this AD and table 2 to paragraphs (g) and (i)(1) of this AD, accomplish a special detailed inspection (SDI) for cracking of the radius of the front

spar vertical stringers and the horizontal floor beam and the fastener holes on frame 36, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320-

57-1178, Revision 03, dated November 29, 2016.

**Table 3 to paragraph (i)(1) of this AD – Initial inspection, A or B, whichever occurs later**

<b>Configuration</b>	<b>A (Flight Cycles (FC) or Flight Hours (FH), whichever occurs first)</b>	<b>B (Calendar time, FC or FH, whichever occurs first)</b>
1	Before exceeding 25,100 FC or 50,200 FH since airplane first flight	Within 8,800 FC or 17,700 FH, since the last SDI performed in accordance with the instructions of Airbus Service Bulletin A320-57-1178
2	Within 8,800 FC or 17,700 FH after embodiment of Airbus Service Bulletin A320-57-1017 without prior accomplishment of Airbus Service Bulletin A320-57-1016 or Airbus Service Bulletin A320-57-1178, and before exceeding 32,000 FC or 64,000 FH since airplane first flight	Within 15,900 FC or 31,900 FH since last SDI performed in accordance with the instructions of Airbus Service Bulletin A320-57-1178; or within 12 months, or 2,500 FC or 5,000 FH, after the effective date of this AD; whichever occurs first
3	Before exceeding 32,000 FC or 64,000 FH since airplane first flight	Within 4 months or 750 FC or 750 FH after the effective date of this AD
5 and 6	Before exceeding 48,000 total flight cycles or 96,000 total flight hours since airplane first flight	Within 4 months or 750 FC or 750 FH after the effective date of this AD
7	Before exceeding 44,400 FC or 88,900 FH since airplane first flight	Within 4 months or 750 FC or 750 FH after the effective date of this AD
8 and 9	Before exceeding 26,880 FC or 115,580 FH since airplane first flight	Within 30 days after the effective date of this AD
10	Within 48,000 FC or 96,000 FH after embodiment of Airbus Service Bulletin A320-57-1200	Within 4 months or 750 FC or 750 FH after the effective date of this AD

(2) If no cracking is found during any inspection required by paragraph (i)(1) of this AD, repeat the inspection required by

paragraph (i)(1) of this AD thereafter at intervals not to exceed the inspection interval values defined in table 4 to

paragraphs (i)(2) and (l) of this AD, except as provided by paragraph (l) of this AD.

**Table 4 to paragraphs (i)(2) and (l) of this AD – Repetitive inspections, A or B, whichever occurs later**

<b>Configuration</b>	<b>A Interval (FC or FH, whichever occurs first)</b>	<b>B (Calendar time, FC or FH, whichever occurs first)</b>
1	Within 8,800 FC or 7,700 FH	None
2 and 3	Within 15,900 FC or 31,900 FH	Within 12 months or 2,500 FC or 5,000 FH after the effective date of this AD, without exceeding 24,900 FC or 49,800 FH since last inspection (for the first inspection only)
5 and 6	Within 11,500 FC or 23,000 FH	None
7	Within 10,200 FC or 20,500 FH	None
8 and 9	Within 6,240 FC or 26,830 FH	None
10	Within 11,500 FC or 23,000 FH	None

**(j) Modification**

For A320 series airplanes, Configuration 1, 2, or 3 as identified in table 1 to paragraphs (g), (h), (i)(1), and (j) of this AD: Within the compliance time defined in table 5 to

paragraph (j) of this AD, as applicable, modify the center wing box area, including doing all applicable related investigative and corrective actions, in accordance with the Accomplishment Instructions of Airbus

Service Bulletin A320-57-1200, dated November 20, 2015, except as required by paragraph (k) of this AD. Do all applicable related investigative and corrective actions before further flight.

**Table 5 to paragraph (j) of this AD – Airbus Service Bulletin A320-57-1200 Modification Threshold**

<b>Airplane Mod-Status</b>	<b>Compliance time (whichever occurs later, A or B, C or D, as applicable to mod-status)</b>	
Pre-mod 21290P1546	A	Before exceeding 37,700 FC or 75,400 FH, whichever occurs first since airplane first flight, but not before reaching 28,000 FC and 56,000 FH since airplane first flight
	B	Within 12 months after the effective date of this AD
Post-mod 21290P1546	C	Before exceeding 48,000 FC or 96,000 FH, whichever occurs first since airplane first flight, but not before reaching 28,000 FC and 56,000 FH since airplane first flight
	D	Within 12 months after the effective date of this AD

**BILLING CODE 4910-13-C****(k) Corrective Action**

If any crack is found during any inspection required by this AD: Before further flight, repair using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or the EASA; or Airbus's EASA DOA. If approved by the

DOA, the approval must include the DOA-authorized signature. Where Airbus Service Bulletin A320-57-1178, Revision 03, dated November 29, 2016; and Airbus Service Bulletin A320-57-1200, dated November 20, 2015; specify to contact Airbus for appropriate action, and specifies that action as "RC" (Required for Compliance),

accomplish corrective actions in accordance with this paragraph.

**(l) Previous Repairs**

For airplanes that have been repaired in the inspection area specified in paragraph (i)(1) of this AD before the effective date of this AD, using a method approved by the

Manager, International Section, Transport Standards Branch, FAA; or the EASA; or Airbus's EASA DOA: Accomplish repetitive SDIs within the compliance time defined in those repair instructions for repetitive SDIs. If no compliance time is identified in the repair instructions for repetitive SDIs, accomplish the repetitive SDIs required by paragraph (i)(2) of this AD at the compliance times defined in table 4 to paragraphs (i)(2) and (l) of this AD.

**(m) No Terminating Action**

Modification or repair of an airplane, as specified in paragraph (j) or (k) of this AD, does not constitute terminating action for the repetitive inspections required by this AD, unless it is specified otherwise in a repair method approved by the Manager, International Section, Transport Standards Branch, FAA; or the EASA; or Airbus's EASA DOA.

**(n) Reporting Requirement**

Submit a report of the findings (both positive and negative) of the inspections required by paragraphs (i) and (j) of this AD to "Airbus Service Bulletin Reporting Online Application" on Airbus World (<https://w3.airbus.com/>), at the applicable time specified in paragraph (n)(1) or (n)(2) of this AD.

(1) If the inspection was done on or after the effective date of this AD: Report within 30 days after that inspection.

(2) If the inspection was done before the effective date of this AD: Report within 30 days after the effective date of this AD.

**(o) Other FAA AD Provisions**

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

(2) *Contacting the Manufacturer*: As of the effective date of this AD, for any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or the EASA; or Airbus's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC)*: Except as specified in paragraph (k) of this AD, if any service information contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified

as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

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

**(p) Related Information**

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2017-0099, dated June 8, 2017, for related information. This MCAI may be found in the AD docket on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2017-1102.

(2) For more information about this AD, contact Sanjay Ralhan, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 1601 Lind Avenue SW, Renton, WA 98057-3356; telephone 425-227-1405; fax 425-227-1149.

(3) For service information identified in this AD, contact Airbus, Airworthiness Office-EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email [account.airworth-eas@airbus.com](mailto:account.airworth-eas@airbus.com); internet <http://www.airbus.com>. You may view this service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW, Renton, WA. For information on the availability of this material at the FAA, call 425-227-1221.

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

**Jeffrey E. Duven,**

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

[FR Doc. 2017-26622 Filed 12-12-17; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

**21 CFR Part 15**

[Docket No. FDA-2017-N-6502]

**Opioid Policy Steering Committee: Prescribing Intervention—Exploring a Strategy for Implementation; Public Hearing; Request for Comments**

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

**ACTION:** Notification of public hearing; request for comments.

**SUMMARY:** The Food and Drug Administration (FDA, the Agency, or we) is announcing a public hearing entitled, "Opioid Policy Steering Committee: Prescribing Intervention—Exploring a Strategy for Implementation." The purpose of the public hearing is to receive stakeholder input on how FDA might, under its Risk Evaluation and Mitigation Strategy (REMS) authority, improve the safe use of opioid analgesics by curbing overprescribing to decrease the occurrence of new addictions and limit misuse and abuse of opioid analgesics.

**DATES:** The public hearing will be held on January 30, 2018, from 8:30 a.m. to 4:30 p.m. The public hearing may be extended or may end early depending on the level of public participation. Persons seeking to attend, or to present at, the public hearing must register by January 16, 2018. Electronic or written comments will be accepted after the public hearing until March 16, 2018. See the **SUPPLEMENTARY INFORMATION** section for registration date and information.

**ADDRESSES:** The public hearing will be held at FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (Rm. 1503 B and C), Silver Spring, MD 20993-0002. Entrance for public hearing participants (non-FDA employees) is through Building 1 where routine security check procedures will be performed. For parking and security information, please refer to <https://www.fda.gov/AboutFDA/WorkingatFDA/BuildingsandFacilities/WhiteOakCampusInformation/ucm241740.htm>.

You may submit comments as follows. Please note that late, untimely filed comments will not be considered.

*Electronic Submissions*

Electronic comments must be submitted on or before March 16, 2018. The <https://www.regulations.gov>

electronic filing system will accept comments until midnight Eastern Time at the end of March 16, 2018. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked, or the delivery service acceptance receipt is, on or before that date.

- **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-6502 for "Opioid Policy Steering Committee: Prescribing Intervention—Exploring a Strategy for Implementation; Public Hearing; Request for Comments." Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- **Confidential Submissions—**To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION." The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as "confidential." Any information marked as "confidential" will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

**Docket:** For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

#### FOR FURTHER INFORMATION CONTACT:

Kathleen Davies, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 1, Rm. 2310, Silver Spring, MD 20993, 301-796-2205, [kathleen.davies@fda.hhs.gov](mailto:kathleen.davies@fda.hhs.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On May 23, 2017, the FDA Commissioner announced the establishment of an Opioid Policy Steering Committee (Steering Committee) to explore and develop additional approaches or strategies FDA could consider using to combat the opioid crisis. Given the unprecedented nature of the opioid crisis and the role of prescription opioids in the crisis, the Steering Committee is considering novel ways to reduce the number of new cases

of addiction while continuing to ensure the benefits of opioid products outweigh their risks.

Recent studies suggest that prescriptions for opioid analgesics are frequently dispensed for a number of tablets that exceed those needed for adequate pain control, particularly for acute pain. The Steering Committee is considering whether current prescribing patterns are contributing to the development of new addiction in patients, and whether the excess unused pills are a gateway to misuse, abuse, and addiction among family members and others who might have access to the unused pills. Therefore, the Steering Committee is exploring, by means of FDA's REMS authorities, the option of facilitating appropriate prescribing by requiring sponsors to implement a prescriber intervention at the point when the prescriber determines an opioid analgesic prescription is necessary for a patient. For example, a REMS could impact prescribing by requiring that sponsors ensure that prescribers provide specific documentation for a prescription above a specified amount, such as a statement that the quantity prescribed is medically necessary for the patient. The documentation requirement would not be intended to prevent access for patients in whom chronic use of opioid analgesics is the most appropriate therapy. Instead, it would be designed to ensure that prescribers consider whether the amount prescribed is appropriate for the patient and, if above the specified amount, document that necessity. The Steering Committee's view is that one way sponsors could implement this type of prescribing documentation requirement is through an electronic system at the point of prescribing (*i.e.*, incorporated into the prescriber's workflow) to minimize the burden on patient access and on the health care delivery system. Thus, the Steering Committee is interested in exploring evidence-based approaches that would encourage electronic prescribing as a mechanism for the prescriber to provide documentation of a safe-use condition (*e.g.*, that the quantity prescribed is medically necessary for the patient) before the drug is dispensed by the pharmacy. The Steering Committee also seeks input from the public on alternative REMS models or approaches for consideration.

##### II. Topics for Discussion at the Public Hearing

In this public hearing, FDA seeks stakeholder input on new approaches to promote the safe use of opioid analgesics using FDA's REMS

authorities. FDA is seeking feedback from a broad group of stakeholders, both private and public, who are working on the challenges of improving pain management while addressing the opioid epidemic. The Agency is also particularly interested in ensuring that any REMS intervention minimizes the burden on patient access and, to the extent practicable, on the health care delivery system. Relevant questions for consideration are provided below.

#### *Prescriber Documentation*

Many REMS programs rely on pharmacies to verify that required safe-use conditions have been documented prior to dispensing a drug product. One alternative approach under consideration would require sponsors to ensure that prescribers follow specific requirements outlined in the REMS for each opioid analgesic prescription for a quantity above a specified amount. This approach could involve use of an electronic system (e.g., electronic prescribing integrated into a prescriber's workflow) that would require prescribers to specifically document the medical necessity of the quantity prescribed for a particular patient. This documentation would be verified before the prescription reaches the pharmacy. For prescribers who intend to prescribe below the specified amount, no additional documentation of medical necessity or electronic prescription would be required.

1. If a REMS were to specify threshold drug amounts for opioid analgesic prescriptions above which prescribers would be required to provide additional documentation of medical necessity, what should the amounts be and how should they be determined for various clinical indications? What data are there to support such amounts? What additional data would be useful?

2. If such measures were required, how should prescribers be made aware of them? Within the Agency's statutory REMS authority, how should the Agency require sponsors to ensure compliance with them? How should the Agency require sponsors to assess their effect in reducing misuse, abuse, and new addictions?

#### *Additional REMS Approaches*

Health care providers generally have the capability to access state prescription drug monitoring program (PDMP) data that include patient prescription history and prescribing patterns. PDMPs are separately managed and maintained by the individual states, which may result in disparate data elements and data sharing challenges. Additionally, review of PDMP data

requires health care providers to access a database that may not be integrated into their workflow.

Either in conjunction with, or separate from, the prescriber intervention approach discussed above, the Steering Committee is considering whether to require sponsors to create a system that would leverage a nationwide database to be more effective in helping health care providers identify potential misuse and abuse (e.g., doctor shopping) and facilitate safe use of opioid analgesics (e.g., real-time identification of potential harmful drug-drug combinations). Such an approach could be integrated into the health care provider's workflow to minimize burden on the health care system.

3. The Steering Committee requests input from the public on whether, in addition to, or in conjunction with the above described prescriber intervention, and to the extent consistent with its statutory authority, the Agency should consider requiring sponsors to create a system that utilizes a nationwide prescription history database to facilitate safe use of opioid analgesics.

4. If this approach were adopted, how should the Agency require sponsors to assess the impact of such requirements?

#### *Additional Considerations*

The Steering Committee acknowledges that the approaches described above emphasize specific components within the opioid prescribing pathway and might not address other areas where misuse and abuse may be occurring. The Steering Committee seeks input from the public on additional approaches the Agency may consider, within its statutory authority, to reduce misuse, abuse, and addiction associated with opioid analgesics.

5. The proposed Opioid Analgesics REMS includes a Medication Guide and a Patient Counseling Document to educate patients. It also includes a *Blueprint for Health Care Providers Involved in the Management or Support of Patients with Pain* that contains information on counseling patients and caregivers about the safe use of opioid analgesics. Consistent with its statutory authority, should FDA require sponsors to take additional measures to ensure that health care providers, their patients, and patient caregivers and family members are educated on safe storage and disposal and the risks of misuse, abuse, and addiction associated with opioid analgesics (e.g., a public health campaign targeted at these groups)?

6. Should the Agency consider additional measures intended to improve the safety of patient storage and handling of opioid analgesics?

7. How might use of unit-of-use packaging play a role in encouraging appropriate prescribing of opioid analgesics?

8. Should the Agency require sponsors to create a mechanism by which patients could return unused pills, and if so, to whom?

### **III. Participating in the Public Hearing**

*Registration:* The FDA Conference Center at White Oak is a Federal facility with security procedures and limited seating. Attendance will be free and on a first-come, first-served basis. If you wish to attend, either in person or by webcast (see *Streaming Webcast of the Public Hearing*), and/or present at the hearing, please register for the hearing and/or make a request for oral presentations or comments at <https://www.eventbrite.com/e/opioid-policy-steering-committee-tickets-39490940466> by January 16, 2018, and provide complete contact information for each attendee, including name, title, affiliation, address, email, and telephone.

FDA will try to accommodate all persons who wish to make a presentation. Individuals wishing to present should identify the number of the question, or questions, they wish to address. This will help FDA organize the presentations. Individuals and organizations with common interests should consolidate or coordinate their presentations and request time for a joint presentation. FDA will notify registered presenters of their scheduled presentation times. Time allotted for each presentation will depend on the number of individuals who wish to speak. Once FDA notifies registered presenters of their scheduled times, they are encouraged to submit an electronic copy of their presentation (.DOC, .DOCX, .PPT, .PPTX, .XLS, .XLSX, .PDF formats preferred) to [kathleen.davies@fda.hhs.gov](mailto:kathleen.davies@fda.hhs.gov) on or before January 22, 2018. No commercial or promotional material will be permitted to be presented or distributed at the public hearing. Persons registered to make an oral presentation are encouraged to arrive at the hearing room early and check in at the onsite registration table to confirm their designated presentation time. An agenda for the hearing and any other background materials will be made available 3 days before the hearing at <https://www.fda.gov/NewsEvents/MeetingsConferencesWorkshops/ucm583543.htm>.

If you need special accommodations due to a disability, please contact Kathleen Davies at least 7 days before the hearing.

*Streaming Webcast of the Public Hearing:* This public hearing will also be webcast for those unable to attend in person. To join the hearing via the webcast, please go to <https://collaboration.fda.gov/opsc>.

If you have never attended a Connect Pro event before, test your connection at [https://collaboration.fda.gov/common/help/en/support/meeting\\_test.htm](https://collaboration.fda.gov/common/help/en/support/meeting_test.htm). To get a quick overview of the Connect Pro program, visit [https://www.adobe.com/go/connectpro\\_overview](https://www.adobe.com/go/connectpro_overview). FDA has verified the website addresses in this document, as of the date this document publishes in the **Federal Register**, but websites are subject to change over time.

*Transcripts:* Please be advised that as soon as a transcript of the public hearing is available, it will be accessible at <https://www.regulations.gov>. It may be viewed at the Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

#### IV. Notice of Public Hearing Under 21 CFR Part 15

The Commissioner of Food and Drugs is announcing that the public hearing will be held in accordance with part 15 (21 CFR part 15). The hearing will be conducted by a presiding officer, accompanied by FDA senior management from the Office of the Commissioner and the relevant centers/offices. Under § 15.30(f) (21 CFR 15.30(f)), the hearing is informal and the rules of evidence do not apply. Only the presiding officer and panel members may question any person during or at the conclusion of each presentation (§ 15.30(e)). Public hearings under part 15 are subject to FDA's policy and procedures for electronic media coverage of FDA's public administrative proceedings (21 CFR part 10, subpart C) (§ 10.203(a)). Under § 10.205, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants. The hearing will be transcribed as stipulated in § 15.30(b) (see section V). To the extent that the conditions for the hearing as described in this document conflict with any provisions set out in part 15, this notice acts as a waiver of those provisions as specified in § 15.30(h).

Dated: December 4, 2017.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2017-26785 Filed 12-11-17; 8:45 am]

**BILLING CODE 4164-01-P**

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### 21 CFR Part 1308

[Docket No. DEA-475]

#### Schedules of Controlled Substances: Temporary Placement of Seven Fentanyl-Related Substances in Schedule I

**AGENCY:** Drug Enforcement Administration, Department of Justice.

**ACTION:** Proposed amendment; notification of intent.

**SUMMARY:** The Administrator of the Drug Enforcement Administration is issuing this notice of intent to publish a temporary order to schedule seven fentanyl-related substances in schedule I. These seven substances are: *N*-(1-phenethylpiperidin-4-yl)-*N*-phenylpentanamide (valeryl fentanyl), *N*-(4-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)butyramide (*para*-fluorobutyryl fentanyl), *N*-(4-methoxyphenyl)-*N*-(1-phenethylpiperidin-4-yl)butyramide (*para*-methoxybutyryl fentanyl), *N*-(4-chlorophenyl)-*N*-(1-phenethylpiperidin-4-yl)isobutyramide (*para*-chloroisobutyryl fentanyl), *N*-(1-phenethylpiperidin-4-yl)-*N*-phenylisobutyramide (isobutyryl fentanyl), *N*-(1-phenethylpiperidin-4-yl)-*N*-phenylcyclopentane carboxamide (cyclopentyl fentanyl), and *N*-(2-fluorophenyl)-2-methoxy-*N*-(1-phenethylpiperidin-4-yl)acetamide (ocfentanil). This action is based on a finding by the Administrator that the placement of these seven synthetic opioids in schedule I of the Controlled Substances Act (CSA) is necessary to avoid an imminent hazard to the public safety. When it is issued, the temporary scheduling order will impose the administrative, civil, and criminal sanctions and regulatory controls applicable to schedule I controlled substances under the CSA on the manufacture, distribution, reverse distribution, possession, importation, exportation, research, and conduct of instructional activities, and chemical analysis of these synthetic opioids.

**DATES:** December 13, 2017.

**ADDRESSES:** The DEA's three-factor analysis is available in its entirety under "Supporting and Related Material" of the public docket for this action at [www.regulations.gov](http://www.regulations.gov) under Docket Number DEA-475.

**FOR FURTHER INFORMATION CONTACT:**

Michael J. Lewis, Diversion Control Division, Drug Enforcement Administration; Mailing Address: 8701 Morrisette Drive, Springfield, Virginia 22152; Telephone: (202) 598-6812.

**SUPPLEMENTARY INFORMATION:** This notice of intent contained in this document is issued pursuant to the temporary scheduling provisions of 21 U.S.C. 811(h). The Drug Enforcement Administration (DEA) intends to issue a temporary scheduling order (in the form of a temporary amendment) to add valeryl fentanyl, *para*-fluorobutyryl fentanyl, *para*-methoxybutyryl fentanyl, *para*-chloroisobutyryl fentanyl, isobutyryl fentanyl, cyclopentyl fentanyl, and ocfentanil to schedule I of the Controlled Substances Act.<sup>1</sup> The temporary scheduling order will be published in the **Federal Register**, but will not be issued before January 12, 2018.

#### Legal Authority

Section 201 of the Controlled Substances Act (CSA), 21 U.S.C. 811, provides the Attorney General with the authority to temporarily place a substance in schedule I of the CSA for two years without regard to the requirements of 21 U.S.C. 811(b) if he finds that such action is necessary to avoid an imminent hazard to the public safety. 21 U.S.C. 811(h)(1). In addition, if proceedings to control a substance are initiated under 21 U.S.C. 811(a)(1), the Attorney General may extend the temporary scheduling for up to one year. 21 U.S.C. 811(h)(2).

Where the necessary findings are made, a substance may be temporarily scheduled if it is not listed in any other schedule under section 202 of the CSA, 21 U.S.C. 812, or if there is no exemption or approval in effect for the substance under section 505 of the Federal Food, Drug, and Cosmetic Act (FDCA), 21 U.S.C. 355. 21 U.S.C. 811(h)(1); 21 CFR part 1308. The Attorney General has delegated scheduling authority under 21 U.S.C. 811 to the Administrator of the DEA. 28 CFR 0.100.

<sup>1</sup> Though DEA has used the term "final order" with respect to temporary scheduling orders in the past, this notice of intent adheres to the statutory language of 21 U.S.C. 811(h), which refers to a "temporary scheduling order." No substantive change is intended.

## Background

Section 201(h)(4) of the CSA, 21 U.S.C. 811(h)(4), requires the Administrator to notify the Secretary of the Department of Health and Human Services (HHS) of his intention to temporarily place a substance in schedule I of the CSA.<sup>2</sup> The Administrator transmitted notice of his intent to place valeryl fentanyl, *para*-fluorobutyryl fentanyl, *para*-methoxybutyryl fentanyl, *para*-chloroisobutyryl fentanyl, isobutyryl fentanyl, cyclopentyl fentanyl, and *ocfentanil* in schedule I on a temporary basis to the Assistant Secretary for Health of HHS by letter dated October 20, 2017. The Assistant Secretary responded to this notice of intent by letter dated November 8, 2017 and advised that based on a review by the Food and Drug Administration (FDA), there are currently no investigational new drug applications or approved new drug applications for valeryl fentanyl, *para*-fluorobutyryl fentanyl, *para*-methoxybutyryl fentanyl, *para*-chloroisobutyryl fentanyl, isobutyryl fentanyl, cyclopentyl fentanyl, and *ocfentanil*. The Assistant Secretary also stated that the HHS has no objection to the temporary placement of these seven substances in schedule I of the CSA. Valeryl fentanyl, *para*-fluorobutyryl fentanyl, *para*-methoxybutyryl fentanyl, *para*-chloroisobutyryl fentanyl, isobutyryl fentanyl, cyclopentyl fentanyl, and *ocfentanil* are not currently listed in any schedule under the CSA, and no exemptions or approvals are in effect for these seven substances under section 505 of the FDCA, 21 U.S.C. 355.

To find that placing a substance temporarily in schedule I of the CSA is necessary to avoid an imminent hazard to the public safety, the Administrator is required to consider three of the eight factors set forth in 21 U.S.C. 811(c): The substance's history and current pattern of abuse; the scope, duration and significance of abuse; and what, if any, risk there is to the public health. 21 U.S.C. 811(h)(3). Consideration of these factors includes actual abuse, diversion from legitimate channels, and clandestine importation, manufacture, or distribution. 21 U.S.C. 811(h)(3).

<sup>2</sup> As discussed in a memorandum of understanding entered into by the Food and Drug Administration (FDA) and the National Institute on Drug Abuse (NIDA), the FDA acts as the lead agency within the HHS in carrying out the Secretary's scheduling responsibilities under the CSA, with the concurrence of NIDA. 50 FR 9518, Mar. 8, 1985. The Secretary of the HHS has delegated to the Assistant Secretary for Health of the HHS the authority to make domestic drug scheduling recommendations. 58 FR 35460, July 1, 1993.

A substance meeting the statutory requirements for temporary scheduling may only be placed in schedule I. 21 U.S.C. 811(h)(1). Substances in schedule I are those that have a high potential for abuse, no currently accepted medical use in treatment in the United States, and a lack of accepted safety for use under medical supervision. 21 U.S.C. 812(b)(1).

The recent identification of valeryl fentanyl, *para*-fluorobutyryl fentanyl, *para*-methoxybutyryl fentanyl, *para*-chloroisobutyryl fentanyl, isobutyryl fentanyl, cyclopentyl fentanyl, and *ocfentanil* in forensic evidence indicates that these substances are being misused and abused. No approved medical use has been identified for these seven substances, nor have they been approved by the FDA for human consumption.

Available data and information for valeryl fentanyl, *para*-fluorobutyryl fentanyl, *para*-methoxybutyryl fentanyl, *para*-chloroisobutyryl fentanyl, isobutyryl fentanyl, cyclopentyl fentanyl, and *ocfentanil*, summarized below, indicate that these substances have a high potential for abuse, no currently accepted medical use in treatment in the United States, and a lack of accepted safety for use under medical supervision. The DEA's three-factor analysis is available in its entirety under "Supporting and Related Material" of the public docket for this action at [www.regulations.gov](http://www.regulations.gov) under Docket Number DEA-475.

### Factor 4. History and Current Pattern of Abuse

The recreational abuse of fentanyl-related substances continues to be a significant concern. These substances are distributed to users, often with unpredictable outcomes. Evidence suggests that the pattern of abuse of these fentanyl-related substances parallels that of heroin and prescription opioid analgesics. Valeryl fentanyl, *para*-fluorobutyryl fentanyl, *para*-methoxybutyryl fentanyl, *para*-chloroisobutyryl fentanyl, isobutyryl fentanyl, cyclopentyl fentanyl, and *ocfentanil* are fentanyl-related substances that have been encountered by law enforcement and/or reported in the scientific literature by public health officials. Adverse health effects and outcomes related to the abuse of fentanyl-related substances have been documented in previous temporary scheduling actions (see DEA 3-Factor Analysis).

On October 1, 2014, the DEA implemented STARLiMS (a web-based, commercial laboratory information management system) to replace the

System to Retrieve Information from Drug Evidence (STRIDE) as its laboratory drug evidence data system of record. DEA laboratory data submitted after September 30, 2014, are repositied in STARLiMS. Data from STRIDE and STARLiMS were queried on November 2, 2017. STARLiMS registered the following reports: Valeryl fentanyl (15), *para*-fluorobutyryl fentanyl (5), isobutyryl fentanyl (116), and cyclopentyl fentanyl (1). These identifications were made beginning in 2015.

The National Forensic Laboratory Information System (NFLIS) is a national drug forensic laboratory reporting system that systematically collects results from drug chemistry analyses conducted by other federal, state, and local forensic laboratories across the country. NFLIS was queried on November 3, 2017<sup>3</sup> and the following substances (number of drug reports) were identified from state and local forensic laboratories since 2015: Valeryl fentanyl (69), *para*-fluorobutyryl fentanyl (220), *para*-methoxybutyryl fentanyl (1), and isobutyryl fentanyl (4). The identification in other countries of *para*-fluorobutyryl fentanyl (Poland and Sweden), *para*-methoxybutyryl fentanyl (Sweden), *ocfentanil* (Belgium and Switzerland), cyclopentyl fentanyl (Sweden), and *para*-chloroisobutyryl fentanyl (Sweden) in toxicological samples associated with fatal and non-fatal overdoses was reported in the scientific literature.

### Factor 5. Scope, Duration and Significance of Abuse

Fentanyl-related substances have recently re-emerged on the illicit market (see DEA 3-Factor Analysis for full discussion). Valeryl fentanyl, *para*-fluorobutyryl fentanyl, *para*-methoxybutyryl fentanyl, *para*-chloroisobutyryl fentanyl, isobutyryl fentanyl, cyclopentyl fentanyl, and *ocfentanil* have been identified in evidence submitted to law enforcement and/or reported in the scientific literature by public health forensic laboratories.

The identification of valeryl fentanyl, *para*-fluorobutyryl fentanyl, *para*-methoxybutyryl fentanyl, *para*-chloroisobutyryl fentanyl, isobutyryl fentanyl, cyclopentyl fentanyl, and *ocfentanil* in forensic evidence indicates that these substances are intended to be replacements for controlled synthetic opioids, heroin, and/or prescription opioids. Because abusers of these

<sup>3</sup> Data are still being collected for July 2017–October 2017 due to the normal lag period for labs reporting to NFLIS.

fentanyl-related substances obtain these substances through unregulated sources, the identity, purity, and quantity are uncertain and inconsistent, thus posing significant adverse health risks to the end user. Individuals who initiate (*i.e.*, use a drug for the first time) abuse of these substances are likely to be at risk of developing substance use disorder, overdose, and death similar to that of other opioid analgesics (*e.g.*, fentanyl, morphine).

#### **Factor 6. What, if Any, Risk There Is to the Public Health**

With no legitimate medical use, valeryl fentanyl, *para*-fluorobutyryl fentanyl, *para*-methoxybutyryl fentanyl, *para*-chloroisobutyryl fentanyl, isobutyryl fentanyl, cyclopentyl fentanyl, and *ocfentanil* have emerged on the illicit drug market. Substances within this chemical structural class have demonstrated pharmacological profiles similar to that of fentanyl and other  $\mu$ -opioid receptor agonists (see DEA 3-Factor Analysis). The abuse of these fentanyl-related substances poses significant adverse health risks when compared to abuse of pharmaceutical preparations of opioid analgesics, such as morphine and oxycodone. The toxic effects of substances within this structural class in humans are demonstrated by overdose fatalities described in previous scheduling actions.

Based on information received by the DEA, the misuse and abuse of valeryl fentanyl, *para*-fluorobutyryl fentanyl, *para*-methoxybutyryl fentanyl, *para*-chloroisobutyryl fentanyl, isobutyryl fentanyl, cyclopentyl fentanyl, and *ocfentanil* lead to, at least, the same qualitative public health risks as heroin, fentanyl and other opioid analgesic substances. As with any non-medically approved opioid, the health and safety risks for users are high. The public health risks attendant to the abuse of heroin and opioid analgesics are well established and have resulted in large numbers of drug treatment admissions, emergency department visits, and fatal overdoses.

#### **Finding of Necessity of Schedule I Placement To Avoid an Imminent Hazard to the Public Safety**

In accordance with 21 U.S.C. 811(h)(3), based on the available data and information, summarized above, the uncontrolled manufacture, distribution, reverse distribution, importation, exportation, conduct of research and chemical analysis, possession, and abuse of valeryl fentanyl, *para*-fluorobutyryl fentanyl, *para*-methoxybutyryl fentanyl, *para*-

chloroisobutyryl fentanyl, isobutyryl fentanyl, cyclopentyl fentanyl, and *ocfentanil*, resulting from the lack of control of these substances, pose an imminent hazard to the public safety. The DEA is not aware of any currently accepted medical uses for these seven fentanyl-related substances in the United States. A substance meeting the statutory requirements for temporary scheduling, 21 U.S.C. 811(h)(1), may only be placed in schedule I. Substances in schedule I are those that have a high potential for abuse, no currently accepted medical use in treatment in the United States, and a lack of accepted safety for use under medical supervision. Available data and information for valeryl fentanyl, *para*-fluorobutyryl fentanyl, *para*-methoxybutyryl fentanyl, *para*-chloroisobutyryl fentanyl, isobutyryl fentanyl, cyclopentyl fentanyl, and *ocfentanil* indicate that these substances have a high potential for abuse, no currently accepted medical use in treatment in the United States, and a lack of accepted safety for use under medical supervision. As required by section 201(h)(4) of the CSA, 21 U.S.C. 811(h)(4), the Administrator, through a letter dated October 20, 2017, notified the Assistant Secretary of the DEA's intention to temporarily place these substances in schedule I.

#### **Conclusion**

This notice of intent provides the 30-day notice pursuant to section 201(h) of the CSA, 21 U.S.C. 811(h), of DEA's intent to issue a temporary scheduling order. In accordance with the provisions of section 201(h) of the CSA, 21 U.S.C. 811(h), the Administrator considered available data and information, herein set forth the grounds for his determination that it is necessary to temporarily schedule valeryl fentanyl, *para*-fluorobutyryl fentanyl, *para*-methoxybutyryl fentanyl, *para*-chloroisobutyryl fentanyl, isobutyryl fentanyl, cyclopentyl fentanyl, and *ocfentanil* in schedule I of the CSA, and finds that placement of these seven fentanyl-related substances into schedule I of the CSA is necessary in order to avoid an imminent hazard to the public safety.

The temporary placement of valeryl fentanyl, *para*-fluorobutyryl fentanyl, *para*-methoxybutyryl fentanyl, *para*-chloroisobutyryl fentanyl, isobutyryl fentanyl, cyclopentyl fentanyl, and *ocfentanil* in schedule I of the CSA will take effect pursuant to a temporary scheduling order, which will not be issued before January 12, 2018. Because the Administrator hereby finds that it is necessary to temporarily place valeryl

fentanyl, *para*-fluorobutyryl fentanyl, *para*-methoxybutyryl fentanyl, *para*-chloroisobutyryl fentanyl, isobutyryl fentanyl, cyclopentyl fentanyl, and *ocfentanil* in schedule I to avoid an imminent hazard to the public safety, the temporary order scheduling these substances will be effective on the date that order is published in the **Federal Register**, and will be in effect for a period of two years, with a possible extension of one additional year, pending completion of the regular (permanent) scheduling process. 21 U.S.C. 811(h)(1) and (2). It is the intention of the Administrator to issue a temporary scheduling order as soon as possible after the expiration of 30 days from the date of publication of this notice. Upon publication of the temporary order, valeryl fentanyl, *para*-fluorobutyryl fentanyl, *para*-methoxybutyryl fentanyl, *para*-chloroisobutyryl fentanyl, isobutyryl fentanyl, cyclopentyl fentanyl, and *ocfentanil* will be subject to the regulatory controls and administrative, civil, and criminal sanctions applicable to the manufacture, distribution, reverse distribution, importation, exportation, research, conduct of instructional activities and chemical analysis, and possession of a schedule I controlled substance.

The CSA sets forth specific criteria for scheduling a drug or other substance. Regular scheduling actions in accordance with 21 U.S.C. 811(a) are subject to formal rulemaking procedures done "on the record after opportunity for a hearing" conducted pursuant to the provisions of 5 U.S.C. 556 and 557. 21 U.S.C. 811. The regular scheduling process of formal rulemaking affords interested parties with appropriate process and the government with any additional relevant information needed to make a determination. Final decisions that conclude the regular scheduling process of formal rulemaking are subject to judicial review. 21 U.S.C. 877. Temporary scheduling orders are not subject to judicial review. 21 U.S.C. 811(h)(6).

#### **Regulatory Matters**

Section 201(h) of the CSA, 21 U.S.C. 811(h), provides for a temporary scheduling action where such action is necessary to avoid an imminent hazard to the public safety. As provided in this subsection, the Attorney General may, by order, schedule a substance in schedule I on a temporary basis. Such an order may not be issued before the expiration of 30 days from (1) the publication of a notice in the **Federal Register** of the intention to issue such order and the grounds upon which such

order is to be issued, and (2) the date that notice of the proposed temporary scheduling order is transmitted to the Assistant Secretary of HHS. 21 U.S.C. 811(h)(1).

Inasmuch as section 201(h) of the CSA directs that temporary scheduling actions be issued by order and sets forth the procedures by which such orders are to be issued, the DEA believes that the notice and comment requirements of section 553 of the Administrative Procedure Act (APA), 5 U.S.C. 553, do not apply to this notice of intent. In the alternative, even assuming that this notice of intent might be subject to section 553 of the APA, the Administrator finds that there is good cause to forgo the notice and comment requirements of section 553, as any further delays in the process for issuance of temporary scheduling orders would be impracticable and contrary to the public interest in view of the manifest urgency to avoid an imminent hazard to the public safety.

Although the DEA believes this notice of intent to issue a temporary scheduling order is not subject to the notice and comment requirements of section 553 of the APA, the DEA notes that in accordance with 21 U.S.C. 811(h)(4), the Administrator took into consideration comments submitted by the Assistant Secretary in response to notice that DEA transmitted to the Assistant Secretary pursuant to section 811(h)(4).

Further, the DEA believes that this temporary scheduling action is not a "rule" as defined by 5 U.S.C. 601(2), and, accordingly, is not subject to the requirements of the Regulatory Flexibility Act (RFA). The requirements for the preparation of an initial regulatory flexibility analysis in 5 U.S.C. 603(a) are not applicable where, as here, the DEA is not required by section 553 of the APA or any other law to publish a general notice of proposed rulemaking.

Additionally, this action is not a significant regulatory action as defined by Executive Order 12866 (Regulatory Planning and Review), section 3(f), and, accordingly, this action has not been reviewed by the Office of Management and Budget.

This action will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132 (Federalism) it is determined that this action does not have sufficient

federalism implications to warrant the preparation of a Federalism Assessment.

#### List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Reporting and recordkeeping requirements.

For the reasons set out above, the DEA proposes to amend 21 CFR part 1308 as follows:

#### PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

■ 1. The authority citation for part 1308 continues to read as follows:

**Authority:** 21 U.S.C. 811, 812, 871(b), unless otherwise noted.

■ 2. In § 1308.11, add paragraphs (h)(23) through (29) to read as follows:

##### § 1308.11 Schedule I.

\* \* \* \* \*

(h) \* \* \*

(23) *N*-(1-phenethylpiperidin-4-yl)-*N*-phenylpentanamide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers (Other name: valeryl fentanyl) . . . (9804)

(24) *N*-(4-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)butyramide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers (Other name: *para*-fluorobutyryl fentanyl) . . . (9823)

(25) *N*-(4-methoxyphenyl)-*N*-(1-phenethylpiperidin-4-yl)butyramide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers (Other name: *para*-methoxybutyryl fentanyl) . . . (9837)

(26) *N*-(4-chlorophenyl)-*N*-(1-phenethylpiperidin-4-yl)isobutyramide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers (Other name: *para*-chloroisobutyryl fentanyl) . . . (9826)

(27) *N*-(1-phenethylpiperidin-4-yl)-*N*-phenylisobutyramide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers (Other name: isobutyryl fentanyl) . . . (9827)

(28) *N*-(1-phenethylpiperidin-4-yl)-*N*-phenylcyclopentanecarboxamide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers (Other name: cyclopentyl fentanyl) . . . (9847)

(29) *N*-(2-fluorophenyl)-2-methoxy-*N*-(1-phenethylpiperidin-4-yl)acetamide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers (Other name: ocfentanil) . . . (9832)

Dated: December 5, 2017.

**Robert W. Patterson,**  
*Acting Administrator.*

[FR Doc. 2017-26854 Filed 12-12-17; 8:45 am]

**BILLING CODE 4410-09-P**

#### DEPARTMENT OF HOMELAND SECURITY

#### Coast Guard

#### 33 CFR Part 100

[Docket Number USCG-2017-0332]

RIN 1625-AA08

#### Special Local Regulation; Gasparilla Marine Parade; Hillsborough Bay; Tampa, FL

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard is establishing a special local regulation for the annual Gasparilla Marine Parade on the waters of Hillsborough Bay in the vicinity of Tampa, Florida. This event is expected to attract over 600 spectator craft along the parade route, with approximately 18 vessels participating in the official flotilla. The parade is scheduled to take place annually on the last Saturday in January. This regulation is necessary to ensure the safety of public, the official flotilla, and spectator vessels before, during, and after the conclusion of the parade.

**DATES:** Comments and related material must be received by the Coast Guard on or before January 12, 2018.

**ADDRESSES:** You may submit comments identified by docket number USCG-2017-0332 using the Federal eRulemaking Portal at <http://www.regulations.gov>. See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about this proposed rulemaking, call or email Marine Science Technician First Class Michael D. Shackelford, Sector St. Petersburg Prevention Department, Coast Guard; telephone (813)228-2191, email [Michael.D.Shackelford@uscg.mil](mailto:Michael.D.Shackelford@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  
Pub. L. Public Law  
§ Section  
U.S.C. United States Code

##### II. Background, Purpose, and Legal Basis

The Coast Guard proposes to establish a special local regulation on the waters of the Hillsborough Bay, Tampa, Florida

during the annual Gasparilla Marine Parade. This event is expected to attract over 600 spectator craft along the parade route, with approximately 18 vessels participating in the official flotilla. The parade is scheduled to take place annually on the last Saturday in January. This proposed rulemaking is necessary to ensure the safety of public, the official flotilla, and spectator vessels on these navigable waters of the United States during the Annual Gasparilla Marine Parade. The Coast Guard proposes this rulemaking under authority in 33 U.S.C. 1233.

### III. Discussion of Proposed Rule

This rule establishes a temporary special local regulation for the Gasparilla Marine Parade on the waters of Hillsborough Bay in Tampa, Florida annually on the last Saturday in January. This special regulation sets forth specific requirements for vessels operating within the regulated area during the period of enforcement.

Persons and vessels not meeting the requirements of this regulation may request authorization to enter, transit through, anchor in, or remain within the regulated area by contacting the Captain of the Port St. Petersburg by telephone at (727) 824-7506, or a designated representative via VHF radio on channel 16. If authorization to enter, transit through, anchor in, or remain within the regulated area is granted by the Captain of the Port St. Petersburg or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port St. Petersburg or a designated representative. The Coast Guard will provide notice of the special local regulations by Local Notice to Mariners, Broadcast Notice to Mariners, and/or on-scene designated representatives.

### IV. Regulatory Analyses

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

#### A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting

flexibility. This NPRM has not been designated a “significant regulatory action,” under Executive Order 12866. Accordingly, the NPRM has not been reviewed by the Office of Management and Budget.

The economic impact of this rule is not significant for the following reasons: (1) The special local regulation will be enforced for only nine hours; (2) although certain persons and vessels are prohibited to enter, transit through, anchor in, or remain within the regulated area without authorization from the Captain of the Port St. Petersburg or a designated representative, they may operate in the surrounding area during the enforcement period; (3) the Coast Guard will provide advance notification of the special local regulations to the local maritime community by Local Notice to Mariners and/or Broadcast Notice to Mariners; and (4) persons and vessels not meeting the requirements of this regulation may request authorization to enter, transit through, anchor in, or remain within the regulated area by contacting the Captain of the Port or a designated representative.

#### B. Impact on Small Entities

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

This rule may affect the following entities, some of which may be small entities: The owners or operators of vessels intending to enter, transit through, anchor in, or remain within that portion of Hillsborough Bay, Tampa, FL, encompassed within the special local regulation annually on the last Saturday in January. For the reasons stated in section IV.A above, this rule will not have a significant economic impact on a substantial number of small entities.

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

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

#### C. Collection of Information

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

#### D. Federalism and Indian Tribal Governments

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

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

#### E. Unfunded Mandates Reform Act

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

effects of this rule elsewhere in this preamble.

#### F. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023-01 and Commandant Instruction M16475.ID, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a special local regulation issued in conjunction with a regatta or marine parade. This rule is categorically excluded from further review under paragraph (34) (h) of Figure 2-1 of Commandant Instruction M16475.ID. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

#### G. Protest Activities

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

#### V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comments 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, you may review a Privacy

Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

Documents mentioned in this NPRM as being available in the docket, and all public comments, will be in our online docket at <http://www.regulations.gov> and can be viewed by following that website'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 100

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

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 100 as follows:

#### PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

**Authority:** 33 U.S.C. 1233.

■ 2. Revise § 100.734 to read as follows:

#### § 100.734 Special Local Regulation; Gasparilla Marine Parade; Hillsborough Bay; Tampa, FL.

(a) *Regulated area.* A regulated area is established consisting of the following waters of Hillsborough Bay and its tributaries north of 27°51'18" N and south of the John F. Kennedy Bridge: Hillsborough Cut "D" Channel, Seddon Channel, Sparkman Channel and the Hillsborough River south of the John F. Kennedy Bridge. All coordinates referenced use datum: NAD 83.

(b) *Regulations.* (1) Entrance into the regulated area is prohibited to all commercial marine traffic from 9 a.m. to 6 p.m. EST on the day of the event.

(2) The regulated area will include a 100 yard Safety Zone around the vessel JOSE GASPAS while docked at the Tampa Yacht Club until 6 p.m. EST on the day of the event.

(3) The regulated area is a "no wake" zone.

(4) All vessels within the regulated area shall stay 50 feet away from and give way to all officially entered vessels in parade formation in the Gasparilla Marine Parade.

(5) When within the marked channels of the parade route, vessels participating in the Gasparilla Marine Parade may not exceed the minimum speed necessary to maintain steerage.

(6) Jet skis and vessels without mechanical propulsion are prohibited from the parade route.

(7) Vessels less than 10 feet in length are prohibited from the parade route unless capable of safely participating.

(8) Vessels found to be unsafe to participate at the discretion of a present Law Enforcement Officer are prohibited from the parade route.

(9) Northbound vessels in excess of 65 feet in length without mooring arrangement made prior to the date of the event are prohibited from entering Seddon Channel unless the vessel is officially entered in the Gasparilla Marine Parade.

(10) Vessels not officially entered in the Gasparilla Marine Parade may not enter the parade staging area box within the following coordinates: 27°53'53" N, 082°27'47" W; 27°53'22" N, 082°27'10" W; 27°52'36" N, 082°27'55" W; 27°53'02" N, 082°28'31" W.

(c) *Enforcement period.* This rule will be enforced from 9 a.m. to 6 p.m. annually on the last Saturday in January.

**Holly L. Najarian,**

*Captain, U.S. Coast Guard, Captain of the Port Saint Petersburg.*

[FR Doc. 2017-26830 Filed 12-12-17; 8:45 am]

**BILLING CODE 9110-04-P**

#### POSTAL SERVICE

#### 39 CFR Part 111

#### Revenue Deficiency

**AGENCY:** Postal Service™.

**ACTION:** Proposed rule.

**SUMMARY:** The Postal Service is proposing to amend *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM®) to clarify the Postal Service revenue deficiency policy.

**DATES:** Submit comments on or before January 12, 2018.

**ADDRESSES:** Mail or deliver written comments to the manager, Product Classification, U.S. Postal Service, 475 L'Enfant Plaza SW, Room 4446, Washington, DC 20260-5015. If sending comments by email, include the name and address of the commenter and send to [ProductClassification@usps.gov](mailto:ProductClassification@usps.gov), with a subject line of "Verification Standards". Faxed comments are not accepted.

You may inspect and photocopy all written comments, by appointment only, at USPS® Headquarters Library, 475 L'Enfant Plaza SW, 11th Floor North, Washington, DC, 20260. These records are available for review on Monday through Friday, 9 a.m.-4 p.m., by calling 202-268-2906.

**FOR FURTHER INFORMATION CONTACT:** Janet Meddick at (202) 268–2652, Pierre DeFelice at 724–993–3596, or Garry Rodriguez at (202) 268–7281.

**SUPPLEMENTARY INFORMATION:** The Postal Service is proposing to amend DMM section 604.10.0, *Revenue Deficiency*, to update the definition of a revenue deficiency, as well as the designation of Postal Service contacts for submitting appeals. The Postal Service also proposes to add sections to provide the definition of a mailer, the description of assessments and mailer's responsibilities, and the policy on assessed revenue deficiencies. We believe that these revisions will ensure the proper payment of postage while providing a superb customer experience from sender to receiver.

Additionally, the Postal Service will revise subsection 607.2.1 to include the relocation of subsection 604.10.2, *Nonprofit USPS Marketing Mail*, as new 607.2.1.2, *Nonprofit USPS Marketing Mail Decision*.

#### List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

Although exempt from the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites public comments on the following proposed revisions to *Mailing Standards of the United States Postal Service*, Domestic Mail Manual (DMM), incorporated by reference in the Code of Federal Regulations. See 39 CFR 111.1.

Accordingly, 39 CFR part 111 is proposed to be amended as follows:

#### PART 111—[AMENDED]

■ 1. The authority citation for 39 CFR part 111 continues to read as follows:

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

■ 2. Revise the *Mailing Standards of the United States Postal Service* Domestic Mail Manual (DMM) as follows:

#### Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM)

\* \* \* \* \*

#### 600 Basic Standards for All Mailing Services

\* \* \* \* \*

#### 604 Postage Payment Methods and Refunds

\* \* \* \* \*

#### 10.0 Revenue Deficiency

##### 10.1 General

*[Revise 10.1 by adding text to read as follows:]*

The revenue deficiency process is an administrative process that supplements and does not diminish any rights the Postal Service has to recover revenue deficiencies through other legally available methods, such as when the deficiency arises as a result of fraud, misrepresentation, or the misuse of PC Postage products or other Postage Evidencing Systems.

*[Revise the heading and text of 10.1.1 to read as follows:]*

##### 10.1.1 Definitions

Revenue deficiency definitions are as follows:

a. *Revenue deficiency:* means a shortage or underpayment of postage or fees that has been calculated and assessed to a mailer. Unless assessed under other applicable postal regulations, revenue deficiencies are generally assessed as provided herein by the Postmaster; manager, Business Mail Entry; the program manager, Revenue and Compliance, or other postal official, who issues a written notification to the mailer citing the amount of the deficiency and the circumstances.

b. *Mailer:* A mailer is defined as the mail owner or an individual or entity that prepares or presents a mailing to the Postal Service and includes those who allow others to use a postage meter or PC postage product (collectively “postage evidence system”—see 604.4.1.1 and 604.4.1.2) that has been authorized for use by the individual or entity.

*[Renumber 10.1.2, Appeal of Ruling, as 10.1.3 and add new 10.1.2 to read as follows:]*

##### 10.1.2 Assessments

Postal officials review mailings, postage statements, and other relevant documentation in assessing a revenue deficiency. Mailers are required to cooperate and provide any documentation or information requested by postal officials during the review and assessment process. A mailer's failure to provide requested documentation or information during a review may result in a negative inference concerning the documentation or information requested.

##### 10.1.3 Appeal of Ruling

*[Revise the introductory text of 10.1.3 to read as follows:]*

Except as provided in 4.4.4 through 4.4.5, and 703.1.0, a mailer may appeal a revenue deficiency assessment by sending a written appeal to the postmaster or manager in 10.1.3a through 10.1.3c within 30 days of receipt of the notification. In all cases, the mailer may be asked to provide more information or documentation to support the appeal. Failure to do so within 30 days of the request is grounds for denying an appeal. Any decision that is not appealed as prescribed becomes the final agency decision. Mailers may send appeals as follows:

\* \* \* \* \*

*[Revise the text of item b to read as follows:]*

b. To the Postmaster; manager, Business Mail Entry; program manager, Revenue and Compliance; or other postal official for revenue deficiencies for postage. The appeal is then forwarded to the manager, PCSC, who issues the final agency decision.

\* \* \* \* \*

*[Add new 10.1.4 to read as follows:]*

##### 10.1.4 Assessed Revenue Deficiencies

Assessed revenue deficiencies may be subject to the following:

a. If a mailer fails to tender payment to the Postal Service within 30 days of receipt of a final agency decision, or fails to comply with the terms or conditions of a payment plan agreed to by the Postal Service concerning the final agency decision, or is suspected by the Postal Service of continuing to repeatedly short pay postage, the Postal Service may:

1. Deduct from the mailer's trust account or any other funds in USPS possession any deficiencies incurred within 12 months of the date of the final mailing on which the deficiency was assessed.

2. Initiate debt collection procedures.

3. Restrict or suspend discounted mailing privileges with the concurrence of the manager, Revenue Assurance and Vice President Controller, or as otherwise allowed by regulation, or in accordance with any agreement with the mailer.

b. Discounted mailing privileges may be suspended or restricted regardless of payment status of an assessed revenue deficiency if underpayment of postage occurs again after a mailer has been assessed a revenue deficiency.

c. Interest on assessed revenue deficiencies will accrue at a rate of 6% per annum beginning 30 days after the receipt of the final agency decision and will continue until the debt is paid.

d. Other fees and costs related to an assessed revenue deficiency may be

collected as allowed by law or regulation.

[Delete 10.2 in its entirety.]

\* \* \* \* \*

607 Mailer Compliance and Appeals of Classification Decisions

\* \* \* \* \*

2.0 Rulings on Mailing Standards

[Revise the heading of 2.1 to read as follows:]

2.1 Decisions

[Move text of 2.1 under new heading 2.1.1, Local Decision to read as follows:]

2.1.1 Local Decision

A mailer who disagrees with a classification decision by a local Post Office, whether on a pending or a proposed mailing, may send a written appeal to the postmaster within 30 days. The appeal is forwarded to the manager, Pricing and Classification Service Center (PCSC). The manager, PCSC

issues the final agency decision. Only the manager, PCSC may rule on an appeal or initial request for a ruling on an exception to a USPS standard in the DMM.

[Add new 2.1.2, Nonprofit USPS Marketing Mail Decision, to read as follows:]

2.1.2 Nonprofit USPS Marketing Mail Decision

Nonprofit mailers have two levels of appeal. They may appeal revenue deficiency assessments as follows:

Table with 3 columns: If the initial revenue deficiency assessment was made by, First-level appeal, Second-level appeal and final USPS decision. Rows include Postmaster; manager, Business Mail Entry; manager, Revenue and Compliance; or other Postal official; manager, PCSC and manager, Product Classification (see 608.8.0 for address); manager, Product Classification; vice president, Marketing (see 608.8.0 for address).

All appeals must be submitted in writing within 30 days of the previous USPS decision. Any decision that is not appealed as prescribed becomes the final agency decision; no appeals are available within the USPS beyond the second appeal.

\* \* \* \* \*

We will publish an appropriate amendment to 39 CFR part 111 to reflect these changes if this proposal is adopted.

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2017-26740 Filed 12-12-17; 8:45 am]

BILLING CODE 7710-12-P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Part 174

[Docket No. PHMSA-2017-0102; Notice No. 2017-12]

Hazardous Materials: Announcement of the Department of Transportation's Decision on Electronically Controlled Pneumatic Braking

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Announcement of Department determination.

SUMMARY: In this document, the Department of Transportation is announcing that after careful review, and as mandated by Section 7311 of the Fixing America's Surface Transportation (FAST) Act, the Department of

Transportation has reviewed the final updated Regulatory Impact Analysis (RIA) and determined that the HM-251 Final Rule's electronically controlled pneumatic (ECP) brake requirements are not economically justified. As the expected benefits do not exceed the expected costs, PHMSA and the Federal Railroad Administration (FRA) will initiate a rulemaking to rescind the necessary regulatory provisions.

DATES: December 13, 2017.

ADDRESSES: All documents and comments related to this matter, including the final updated RIA, are still available for review at http://www.regulations.gov in Docket Number PHMSA-2017-0102.

FOR FURTHER INFORMATION CONTACT: For public affairs related questions, please contact Patricia Klinger, Deputy Director within PHMSA's Office of Governmental, International, and Public Affairs, by email at phmsa.publicaffairs@dot.gov, or by telephone at 202-366-4831. For economic (RIA) related questions, please contact Mark Johnson, Senior Economist, PHMSA, by telephone at 202-366-4495 or by email at mark.johnson@dot.gov. For rulemaking related questions, please contact Matthew Nickels, Senior Regulations Officer, PHMSA, by telephone at 202-366-8553 or by email at matthew.nickels@dot.gov.

SUPPLEMENTARY INFORMATION:

HM-251 Final Rule

On May 8, 2015, PHMSA, in coordination with FRA, published a Final Rule adopting requirements intended to reduce the consequences and, in some instances, reduce the

probability of accidents involving trains transporting large quantities of flammable liquids. See 80 FR 26643. The Final Rule defined certain trains transporting large volumes of flammable liquids as high-hazard flammable trains (HHFT) and others as high-hazard flammable unit trains (HHFUT). The Final Rule required HHFUTs transporting at least one flammable liquid classified as a packing group I material be operated with an ECP braking system by January 1, 2021, and all other HHFUTs be operated with an ECP braking system by May 1, 2023. See 49 CFR 174.310(a)(3).

Fixing America's Surface Transportation (FAST) Act

In December 2015, Congress passed the FAST Act. Public Law 114-94, 129 Stat. 1686 (Dec. 4, 2015). Section 7311 of the FAST Act (Section 7311) established a process, including independent study and testing, for DOT to use in developing an updated RIA related to the Final Rule's ECP brake provision. The Secretary was also required to solicit public comment on the updated RIA, and issue a final updated RIA, responding to comments and incorporating any useful information provided. Finally, Section

1 https://www.gpo.gov/fdsys/pkg/FR-2015-05-08/pdf/2015-10670.pdf

2 The Final Rule defined an HHFT as "a single train transporting 20 or more loaded tank cars of a Class 3 flammable liquid in a continuous block or a single train carrying 35 or more loaded tank cars of a Class 3 flammable liquid throughout the train consist." See 49 CFR 171.8.

3 The Final Rule defined an HHFUT as "a single train transporting 70 or more loaded tank cars containing Class 3 flammable liquid."

4 https://www.gpo.gov/fdsys/pkg/PLAW-114publ94/html/PLAW-114publ94.htm.

7311 required the Secretary of Transportation to review the final updated RIA and determine if the final rule's ECP brake requirements are justified, based on whether the final updated RIA demonstrated that the benefits exceed the costs. The FAST Act required this process to be completed no later than December 4, 2017.

Section 7311 required DOT to enter into an agreement with National Academy of Sciences (NAS) to test ECP brakes and reevaluate the economic analysis supporting the ECP brake requirement of the Final Rule.<sup>5</sup> Section 7311 required the testing to "objectively, accurately, and reliably measure[s] the performance of ECP brake systems relative to other braking technologies or systems, such as distributed power and 2-way end-of-train devices." The FAST Act also

provided for U.S. General Accountability Office (GAO) review of the potential costs and benefits of ECP brakes. In response, GAO completed an evaluation of the business benefits, safety benefits, and costs that DOT estimated in the RIA for the final rule.<sup>6</sup> Additionally, GAO recently completed a second evaluation comparing the forecasted values of certain data points that were used to support DOT's ECP brake analysis.<sup>7</sup> Both audits are discussed in the final updated RIA.

**October 16, 2017—Federal Register Document and Request for Comments**

On October 16, 2017, PHMSA published a **Federal Register** document that provided the public with an opportunity to comment on the updated RIA. See 82 FR 48006.<sup>8</sup> All documents and comments related to this matter,

including the updated RIA, are still available for review at <http://www.regulations.gov> in Docket Number PHMSA-2017-0102.

**Final Determination**

The final updated RIA shows that the ECP brake requirements are not expected to be cost beneficial under any scenario assessed. These include a range of crude oil volume by rail forecasts—one that shows volumes shipped by rail rebounding over a period of time to close to the levels predicted at the rulemaking stage, one that shows levels flattening at those seen over the past few years, and a third showing declining volumes of crude oil shipped by rail. The estimated costs and benefits for the 20-year analysis are presented in the following (figures are in millions of dollars):

**TABLE #1**  
[Millions of dollars]

	Total			7 Percent			3 Percent		
	Low	High	Sensitivity	Low	High	Sensitivity	Low	High	Sensitivity
Tank Cars .....	\$274.48	\$364.48	\$191.69	\$237.76	\$318.49	\$165.00	\$256.18	\$341.52	\$178.39
Locomotives .....	115.67	153.25	85.86	105.03	140.42	77.13	110.79	147.39	81.84
Asset Management .....	0.52	0.52	0.52	0.52	0.52	0.52	0.52	0.52	0.52
Training .....	36.58	36.58	36.58	32.29	32.29	32.29	34.62	34.62	34.62
<b>Total Costs .....</b>	<b>427.25</b>	<b>554.83</b>	<b>314.65</b>	<b>375.60</b>	<b>491.72</b>	<b>274.95</b>	<b>402.11</b>	<b>524.05</b>	<b>295.37</b>
Damage Mitigation .....	89.52	146.16	70.07	48.16	78.19	37.36	67.19	109.44	52.41
Set Out Reliefs .....	11.04	14.18	6.62	5.87	7.46	3.56	8.24	10.55	4.97
Class IA Brake Test .....	67.90	87.58	40.29	27.54	46.04	21.68	45.07	65.12	30.24
Wheel Savings .....	46.39	71.15	33.22	26.77	37.40	17.87	36.08	52.90	24.93
Fuel Savings .....	42.70	54.88	25.63	22.70	28.85	13.79	31.90	40.81	19.23
<b>Total Benefits .....</b>	<b>257.54</b>	<b>373.95</b>	<b>175.82</b>	<b>131.03</b>	<b>197.95</b>	<b>94.27</b>	<b>188.49</b>	<b>278.81</b>	<b>131.78</b>
<b>Net Benefits .....</b>	<b>-169.71</b>	<b>-180.88</b>	<b>-138.83</b>	<b>-244.57</b>	<b>-293.78</b>	<b>-180.68</b>	<b>-213.63</b>	<b>-245.24</b>	<b>-163.59</b>

As mandated by Section 7311, the Department of Transportation has reviewed the final updated RIA and determined that the HM-251 final rule's ECP brake requirements are not economically justified as the final updated RIA demonstrates that the expected benefits do not exceed the expected costs. As such, PHMSA and FRA will initiate a rulemaking to rescind the necessary regulatory provisions.

Issued in Washington, DC on December 5, 2017, under authority delegated in 49 CFR 1.97.

**Drue Pearce,**  
*Deputy Administrator, Pipeline and Hazardous Materials Safety Administration.*  
[FR Doc. 2017-26546 Filed 12-12-17; 8:45 am]  
**BILLING CODE 4910-60-P**

**DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**

**50 CFR Part 648**

[Docket No. 170713663-7663-01]

**RIN 0648-BH04**

**Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Specifications**

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

<sup>5</sup> In a March 17, 2016, letter, NAS declined to perform the testing, citing preliminary cost estimates to perform the testing in excess of \$100 million and expressing concern about meeting the statutory deadline. As an alternative, to meet the intent of the FAST Act, DOT conducted the testing

itself and contracted with NAS to review and monitor the test plan.

<sup>6</sup> DOT's Rulemaking on Electronically Controlled Pneumatic Brakes Could Benefit from Additional Data and Transparency, GAO-17-122, Oct 12, 2016.

<sup>7</sup> 2015 Electronically Controlled Pneumatic Brake Rule: Comparison of DOT Forecasts for Selected Data Points for 2015 and 2016 to Preliminary Data for Those Years, GAO-17-567R, May 31, 2017.

<sup>8</sup> <https://www.gpo.gov/jdsys/pkg/FR-2017-10-16/pdf/2017-22281.pdf>.

**ACTION:** Proposed rule, request for comments.

**SUMMARY:** NMFS proposes revised longfin squid, *Illex* squid, and butterfish specifications for the 2018 fishing year and projected specifications for fishing years 2019 and 2020. NMFS previously set specifications for Atlantic mackerel for three years in 2016 (2016–2018) and, therefore, new Atlantic mackerel specifications will not be included in this year’s specification rulemaking. This action is necessary to specify catch levels for the squid and butterfish fisheries based upon updated information on stock status. These proposed and projected specifications are intended to promote the sustainable utilization and conservation of the squid and butterfish resources.

**DATES:** Public comments must be received by January 12, 2018.

**ADDRESSES:** Copies of supporting documents used by the Mid-Atlantic Fishery Management Council, including the Environmental Assessment (EA), the Regulatory Impact Review (RIR), and the Regulatory Flexibility Act (RFA) analysis are available from: Dr. Christopher M. Moore, Executive Director, Mid-Atlantic Fishery Management Council, 800 North State Street, Suite 201, Dover, DE 19901, telephone (302) 674–2331. The EA/RIR/RFA analysis is also accessible via the internet at [www.regulations.gov/#/docketDetail;D=NOAA-NMFS-2017-0089](http://www.regulations.gov/#/docketDetail;D=NOAA-NMFS-2017-0089).

You may submit comments, identified by NOAA–NMFS–2017–0089, by any of the following methods:

- **Electronic Submission:** Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to [www.regulations.gov/#/docketDetail;D=NOAA-NMFS-2017-0089](http://www.regulations.gov/#/docketDetail;D=NOAA-NMFS-2017-0089), click the “Comment Now!” icon, complete the required fields, and enter or attach your comments.
- **Mail:** Submit written comments to NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope “Comments on 2018 MSB Specifications.”
- **Fax:** 978–281–9135; Attn: Douglas Christel.

**Instructions:** Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on [www.regulations.gov](http://www.regulations.gov) without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or

otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

**FOR FURTHER INFORMATION CONTACT:** Douglas Christel, Fishery Policy Analyst, (978) 281–9141, fax (978) 281–9135.

**SUPPLEMENTARY INFORMATION:**

**Background**

This rule proposes specifications, which are the combined suite of commercial and recreational catch levels established for one or more fishing years. Section 302(g)(1)(B) of the Magnuson-Stevens Fishery Conservation and Management Act states that the Scientific and Statistical Committee (SSC) for each regional fishery management council shall provide its Council ongoing scientific advice for fishery management decisions, including recommendations for acceptable biological catch (ABC), preventing overfishing, ensuring maximum sustainable yield, and achieving rebuilding targets. The ABC is a level of catch that accounts for the scientific uncertainty in the estimate of the stock’s defined overfishing level (OFL).

The regulations implementing the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan (FMP) require the Council’s Atlantic Mackerel, Squid, and Butterfish Monitoring Committee to develop specification recommendations for each species based upon the ABC advice of the Council’s SSC. The FMP regulations also require the specification of annual catch limits (ACLs) and accountability measure (AM) provisions for butterfish. Both squid species are exempt from the ACL/AM requirements because they have a life cycle of less than one year. In addition, the regulations require the specification of domestic annual harvest (DAH), domestic annual processing (DAP), total allowable level of foreign fishing (TALFF), joint venture processing (JVP), commercial and recreational annual catch targets (ACT), the butterfish mortality cap in the longfin squid fishery, and initial optimum yield (IOY) for both squid species.

The Council’s SSC met on May 17 and 18, 2017, and the Monitoring Committee met on June 7, 2017, to recommend revised longfin squid, *Illex* squid, and butterfish specifications for the 2018 and projected specifications for the 2019

and 2020 fishing years. The Council considered the recommendations of the SSC, the Monitoring Committee, and public comments at its June 6–8, 2017, meeting. The Council submitted its recommendations, as summarized below, along with the required analyses, for agency review on August 24, 2017. NMFS must review the Council’s recommendations for compliance with the FMP and applicable law, and conduct notice-and-comment rulemaking to propose and implement the final specifications.

This action does not consider revisions to existing specifications for Atlantic mackerel. On April 26, 2016, we implemented Atlantic mackerel specifications for fishing years 2016–2018 (81 FR 24504). That action implemented a 2018 mackerel ABC of 19,898 mt, an ACL of 11,009 mt, a commercial ACT of 9,294 mt, a commercial DAH of 9,177 mt, and a recreational ACT of 614 mt. A new stock assessment for Atlantic mackerel is expected to be completed as part of Stock Assessment Workshop 64 in November 2017. This will inform updated mackerel specifications starting in fishing year 2019.

*Proposed 2018 and Projected 2019–2020 Illex Squid Specifications*

**TABLE 1—PROPOSED 2018 AND PROJECTED 2019 AND 2020 ILLEX SQUID SPECIFICATIONS IN METRIC TON (mt)**

OFL .....	Unknown
ABC .....	24,000
IOY .....	22,915
DAH/DAP .....	22,915

The *Illex* squid stock was most recently assessed at the 42nd Northeast Regional Stock Assessment Workshop in late 2005. The assessment did not generate reliable estimates of stock biomass or fishing mortality. The Northeast Fisheries Science Center conducted a data update for *Illex* squid in April 2017. The update indicated that abundance continues to be highly variable, but that relative abundance was near the long-term median during 2014–2016. The SSC considered the results of this data update in recommending revised 2018 and projected 2019 and 2020 ABCs. In the absence of an updated stock assessment and the inadequacy of information to determine an OFL and assess the probability of overfishing, the SSC recommended maintaining the status quo ABC of 24,000 mt for 2018 and continuing that for 2019 and 2020. The SSC concluded that landings of 24,000–

26,000 mt do not appear to have caused harm to the *Illex* stock based on trawl survey indices and landings following years in which the fishery landed 24,000–26,000 mt of *Illex* squid.

The Council recommended that the ABC be reduced by the status quo discard rate of 4.52 percent, which results in an IOY, DAH, and DAP of 22,915 mt for 2018 that would be maintained for the 2019 and 2020 fishing years. These are the same specifications for the *Illex* fishery since 2012. The Council will review this decision during its annual specifications process following annual data updates each spring, and may change its recommendations for 2019 or 2020 if new information is available. Consistent with the Council’s recommendation, NMFS proposes to specify the *Illex* ABC as 24,000 mt, and to specify IOY, DAH, and DAP as 22,915 mt for the 2015–2017 fishing years.

*Proposed 2018 and Projected 2019–2020 Longfin Squid Specifications*

TABLE 2—PROPOSED 2018 AND PROJECTED 2019 AND 2020 LONGFIN SQUID SPECIFICATIONS IN METRIC TONS (mt)

OFL .....	Unknown
ABC .....	23,400
IOY .....	22,932
DAH/DAP .....	22,932

The most recent longfin squid assessment, the 51st Northeast Regional Stock Assessment Workshop published in January 2011, found that the longfin squid stock was not overfished in 2009 based on recent biomass estimates from NMFS surveys. The Workshop concluded that the overfishing status was unknown in 2009 because the short lifespan of longfin squid and the lack of evidence correlating fishing effort with changes in biomass prevented the estimation of a fishing mortality reference point. The SSC considered the results of an April 2017 assessment update for longfin squid, which included more recent fishery dependent and independent information on longfin catch and abundance. Based on that update, the longfin squid stock was not overfished in 2016 because the average swept-area biomass estimates derived from recent surveys were much higher (73,762 mt) than the threshold biomass proxy (21,203 mt) for determining overfished status and the target biomass proxy at maximum sustainable yield (42,205 mt). Thus, the current stock biomass is estimated to be approximately 174 percent of the biomass target. The assessment concluded that the stock is likely lightly exploited because annual catches since 1987 were less than annual biomass and did not result in a multi-year decrease in biomass. Based on the above, the SSC recommended maintaining current levels for another three years, subject to annual review, resulting in a proposed

ABC of 23,400 mt for 2018 and projected ABCs for 2019 and 2020. This recommendation corresponds to catch in the year with the highest observed exploitation fraction (catch divided by estimated biomass) during a period of light exploitation (1976–2009), interpreting this level of exploitation to be sustainable over the long term.

The Council recommended reducing the ABC by an updated discard rate of 2.0 percent derived from the April 2017 assessment update. This discard rate is lower than previous discard rates estimated at 4.08 percent, and reflects the discards observed since 2007, the year in which the current trimester management approach was implemented. Using this updated discard estimate results in a recommended IOY, DAH, and DAP of 22,932 mt for 2018 and the same projected catch levels for 2019 and 2020. Consistent with the Council’s recommendation, NMFS proposes an ABC of 23,400 mt, and an IOY, DAH, and DAP of 22,932 mt for 2018 and projects the same catch levels for 2019 and 2020.

*Distribution of the Longfin DAH*

The Council did not recommend any changes to the trimester allocation of the 2018–2020 longfin DAH. Therefore, allocations would remain consistent with the distribution implemented since 2007 according to percentages specified in the FMP, as follows:

TABLE 3—PROPOSED 2018 AND PROJECTED 2019–2020 LONGFIN QUOTA TRIMESTER ALLOCATIONS

Trimester	Percent	Metric tons
I (Jan–Apr) .....	43	9,861
II (May–Aug) .....	17	3,898
III (Sep–Dec) .....	40	9,173

*Proposed 2018 and Projected 2019–2020 Butterfish Specifications*

TABLE 4—PROPOSED 2018 AND PROJECTED 2019–2020 BUTTERFISH SPECIFICATIONS IN METRIC TONS (mt)

	2018	2019	2020
OFL .....	28,628	37,637	39,592
ABC .....	17,801	27,108	32,063
Commercial ACT (ABC—management uncertainty buffers for each year) .....	16,911	25,075	28,857
DAH (ACT minus butterfish cap and discards) .....	12,093	20,061	23,752
Directed Fishery closure limit (DAH—1,000 mt incidental landings buffer) .....	11,093	19,061	22,752
Butterfish Cap (in the longfin squid fishery) .....	3,884	3,884	3,884

The status of the butterfish stock was last assessed in the 58th Northeast Regional Stock Assessment Workshop (March 2014), and updated through a March 2017 assessment update. The

2017 assessment update concluded that the stock was neither overfished, nor subject to overfishing. The butterfish stock biomass is estimated to be 64,376 mt, well above the target stock biomass

at maximum sustainable yield (45,616 mt). In addition, the fishing mortality rate was estimated to be very low (0.05), well below the overfishing reference point of 0.81. However, trawl survey

information suggests that recruitment has been declining in recent years. Due to reduced recruitment, biomass is expected to decline below target levels (45,616 mt) in 2017, but remain above the overfishing threshold (22,808 mt). If recruitment returns to average levels, then the stock is predicted to rebound above the biomass target by 2020.

The SSC derived OFLs for 2018 and projected OFLs for 2019–2020 by applying estimated natural and fishing mortality to the size of the existing stock, assuming the ABCs are fully harvested each year (see Table 4). However, the SSC noted that the estimated uncertainties from the OFLs derived from the assessment make them unrealistic for setting ABCs. In addition, the SSC was concerned about the declining trend in recruitment from recent trawl surveys, suggesting that catch projections may be overly optimistic. As a result, the SSC recommended an ABC of 17,801 mt in 2018, 27,108 mt in 2019, and 32,063 mt in 2020. The low 2018 ABC is 42 percent below the 2017 ABC and reflects projections using low recruitment estimates from 2016. In contrast, the 2019 and 2020 ABC recommendations are based upon long-term average recruitment. The SSC admitted that these catch levels are very conservative, estimating that the probability of overfishing is very low (8 percent).

At its June 2017 meeting, the Council adopted the SSC’s butterflyfish ABC recommendations subject to annual review, as required by existing regulations. The Monitoring Committee

indicated that discards and landings are adequately controlled under existing measures. Accordingly, the Monitoring Committee and the Council recommended using a lower estimate of management uncertainty when setting ACTs, adopting a 5-percent management uncertainty buffer in 2018, a 7.5-percent buffer in 2019, and maintaining the current 10-percent buffer for 2020. The Council reasoned that there is a lower likelihood of an unexpected change in butterflyfish discarding in the directed fishery with lower catch levels, allowing for a smaller ACT buffer in 2018 and 2019. This results in a proposed commercial ACT of 12,093 mt in 2018, and proposed ACTs of 25,075 mt in 2019 and 28,857 in 2020.

To prevent butterflyfish catch from exceeding the ACT, the Council subtracts butterflyfish catch in the longfin squid fishery, catch in other fisheries, and discards in the directed fishery. The Council recommended maintaining the butterflyfish cap for the longfin squid fishery at the 2014 level of 3,884 mt for 2018 and projected maintaining that level for 2019 and 2020. This cap is not constraining on the longfin fishery and reserves most of the available butterflyfish quota for the directed butterflyfish fishery. The maximum amount of butterflyfish discards in non-longfin fisheries from 2011–2013 was 637 mt. The Council did not indicate that there is a need to revise this estimate. Therefore, 4,521 mt (the 3,884-mt butterflyfish cap plus 637 mt of discards) would be subtracted from the ACT, as recommended. Next, the Council deducts an estimate of butterflyfish discards in the directed

fishery to calculate the DAH (*i.e.*, commercial landings). Previous analysis used an assumed discard rate of 11.4 percent. However, updated analysis using more recent observed trips targeting butterflyfish (trips that landed over 25,000 lb (9.33 mt) of butterflyfish) suggests that a discard rate of 2.4 percent is more accurate. Using this updated discard estimate results in a Council-recommended DAH of 12,093 mt in 2018, 20,061 mt in 2019, and 23,752 mt in 2020.

Current regulations require butterflyfish specifications to establish a buffer to account for butterflyfish landings once the directed fishery is closed and a 5,000-lb (2,268-kg) incidental limit is imposed. Based on previous analysis, if such an incidental limit is implemented, less than 700 mt of butterflyfish would be landed after the directed fishery is closed. Therefore, the Council recommended closing the directed butterflyfish fishery once 11,093 mt is caught in 2018, 19,061 mt is caught in 2019, and 22,752 is caught in 2020. This would provide a 1,000-mt set aside in each year to account for incidental landings of butterflyfish after a closure of the directed fishery.

NMFS proposes specifications, consistent with the Council’s recommendations, as outlined in Table 4. Because the Council did not recommend any changes to the allocation of the butterflyfish mortality cap on the longfin squid fishery, we also propose that the 2018–2020 butterflyfish mortality cap be allocated to Trimesters as follows:

TABLE 5—PROPOSED TRIMESTER ALLOCATION OF BUTTERFISH MORTALITY CAP ON THE LONGFIN SQUID FISHERY FOR 2018 AND PROJECTED ALLOCATIONS FOR 2019 AND 2020

Trimester	Percent	Metric tons
I (Jan–Apr) .....	43	1,670
II (May–Aug) .....	17	660
III (Sep–Dec) .....	40	1,554
Total .....	100	3,844

**Classification**

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator has determined that this proposed rule is consistent with the Atlantic Mackerel, Squid, and Butterflyfish FMP, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

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

an Executive Order 13771 regulatory action because this proposed rule is not significant under Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The purpose, context, and statutory basis for this action is described above and not repeated here. Business entities

affected by this action include vessels that are issued limited access longfin squid/butterfish and *Illex* squid permits. Although vessels issued open access incidental catch permits for these species are also potentially affected by this action, because these vessels land only small amounts of squid and butterflyfish and this action would not revise the amount of squid and butterflyfish that these vessels can land, these entities would not be affected by this proposed rule.

Any entity with combined annual fishery landing receipts less than \$11 million is considered a small entity based on standards published in the **Federal Register** (80 FR 81194, December 29, 2015). In 2016, 298 separate vessels were issued longfin squid/butterfish and *Illex* squid limited access permits. These vessels were owned by 222 entities, of which 214 earned less and 8 earned more than \$11 million in revenue. Average revenue among all entities was \$2.1 million in 2016. Therefore, 214 entities affected by this action are classified as small businesses based on current definitions.

The existing *Illex* squid commercial landing limit would not be changed by this proposed action, while the commercial longfin squid landing limit would be slightly increased by 2 percent (487 mt). Fishing revenue and, therefore, economic impacts of yearly squid specifications depend upon species availability. In 2016, the longfin squid fishery landed 81 percent of the 2016 commercial landing limit, resulting in nearly \$50 million in fishing revenue. The *Illex* squid fishery landed just 29 percent of the 2016 commercial landing limit, resulting in a value of \$7.2 million, but landed 100 percent of the 2017 commercial limit as of September 15, 2017. If both fisheries fully harvested proposed 2018 commercial landing limits, the longfin and *Illex* squid fisheries could generate approximately \$63 and \$25 million in fishing revenue, respectively, based on 2016 prices. Because this action would essentially maintain existing landing limits, it imposes no costs and is not

expected to alter fishing behavior or resulting revenues.

This action would reduce current commercial butterfish landing limits in 2018 and 2019. Compared to the 2017 commercial butterfish landing limit (20,652 mt), the proposed 2018 and projected 2019 commercial landing limits are 41 and 3 percent lower (12,093 mt and 20,061 mt, respectively), while the projected 2020 landing limit (23,752 mt) is 15 percent higher. Since 2014, the butterfish fishery has not landed more than 3,135 mt in any year. Recent landings peaked at 4,435 mt in 2001, representing only 37 percent of the proposed quota for 2018. Even at its peak, domestic landings reached 11,715 mt in 1984, which is still 3 percent shy of the proposed 2018 commercial quota. It is possible for the fishery to substantially increase butterfish landings compared to recent years without approaching the reduced limits proposed in this action. Therefore, although the proposed action would substantially reduce commercial butterfish landing limits in 2018, such a reduction is unlikely to impede commercial operations or reduce domestic butterfish landings from recent levels. Based on 2016 prices, if the fishery fully harvested the proposed 2018 commercial limit, it may generate nearly \$17 million in fishery revenue, which would be a 41-percent reduction from potential revenue under landing limits consistent with 2017 landing limits. However, because we expect the fishery to land much less than the landing limit, these potential revenues are not realistic. Instead, we expect that

the fishery would maintain recent catch levels, which would produce \$2.3 million in fishing revenue based on average landings since 2012 and 2016 price estimates.

In determining the significance of the economic impacts of the proposed action, we considered the following two criteria outlined in applicable National Marine Fisheries Service guidance: Disproportionality and profitability. The proposed measures would not place a substantial number of small entities at a significant competitive disadvantage to large entities; all entities affected by this action would be equally affected. Accordingly, there are no distributional economic effects from this action between small and large entities. Proposed measures would not reduce fishing opportunities based on recent squid and butterfish landings, change any entity's access to these resources, or impose any costs to affected entities. Therefore, it is unlikely that this action would reduce revenues or profit for affected entities. Based on the above justification, the proposed action is not expected to have a significant economic impact on a substantial number of small entities.

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

Dated: December 7, 2017.

**Alan D. Risenhoover,**

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

[FR Doc. 2017-26840 Filed 12-12-17; 8:45 am]

**BILLING CODE 3510-22-P**

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

### Submission for OMB Review; Comment Request

December 7, 2017.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Comments are requested regarding (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by January 12, 2018 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW, Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: [OIRA\\_Submission@OMB.EOP.GOV](mailto:OIRA_Submission@OMB.EOP.GOV) or fax (202) 395-5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250-7602. Copies of the submission(s) may be obtained by calling (202) 720-8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs

potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

### Rural Housing Service

*Title:* Fire and Rescue Loans—7 CFR 1942, Subpart C, “Fire and Rescue Loans and Other Small Community Facilities Projects”.

*OMB Control Number:* 0575-0120.

*Summary of Collection:* The Rural Housing Service (RHS) is authorized by Section 306 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926) to make loans to public agencies, nonprofit corporations, and Indian tribes for the development of essential community facilities primarily servicing rural residents. The primary regulation for administering this Community Facility program is 7 CFR 1942-A. The Community Facilities program has been used to finance about 100 different types of facilities varying in size and complexity from fire trucks to hospitals. A significant portion of the loans made have been used for public safety to finance fire stations, fire trucks, ambulances, and rescue facilities and other small Community Facilities projects. The information must be collected to determine eligibility, analyze financial feasibility, take security, monitor the use of loan funds, and monitor the financial condition of borrowers, and otherwise assisting borrowers.

*Need and Use of the Information:* The Rural Development requires that an application form SF-424 be completed by applicant/borrowers with each application package in addition to other necessary information. This form gives basic information regarding the applicant, including the type of loan/grant assistance they are seeking. This information will be used to determine applicant/borrower eligibility, project feasibility, and ensure borrowers operate on a sound basis and use loan funds for authorized purposes.

*Description of Respondents:* Business or other for-profit; Not-for-profit institutions; State, Local or Tribal Government.

*Number of Respondents:* 2,968.

*Frequency of Responses:* Reporting: On occasion; Quarterly; Annually.

*Total Burden Hours:* 24,865.

### Rural Housing Service

*Title:* 7 CFR 1902-A, Supervised Bank Accounts.

*OMB Control Number:* 0575-0158.

*Summary of Collection:* 7 CFR 1902-A, Supervised Bank Accounts (SBA), prescribes the policies and procedures for disbursing loan and grant funds, establishing and closing supervised accounts, and placing Multi-Family housing reserve accounts in supervised accounts. The Rural Business Service extends financial assistance to applicants that do not qualify for loans under commercial rates and terms. The Rural Housing Service (RHS) is the credit agency for agriculture and rural development in USDA. Supervised accounts are accounts with a financial institution in the names of a borrower and the United States Government, represented by Rural Housing Service, Rural Business-Cooperative Service, Rural Utilities Service, (Agency). Section 339 of the Consolidated Farm and Rural Development Act, 7 U.S.C. 1989 and Section 510 of the Housing Act of 1949, as amended, (42 U.S.C. 1480) is the legislative authorities requiring the use of supervised accounts.

*Need and Use of the Information:* The agency's state and field offices will collect information from borrowers and financial institutions. The Agency use SBA's as a mechanism to (1) ensure correct disbursement and expenditure of all funds designated for a project; (2) help a borrower properly manage its financial affairs; (3) ensure that the Government's security is protected adequately from fraud, waste and abuse. The consequence to Federal program and policy activities if the collection of information was not conducted would be detrimental to both the Government and to borrowers.

*Description of Respondents:* Business or other for-profit.

*Number of Respondents:* 15,000.

*Frequency of Responses:* Reporting: On occasion.

*Total Burden Hours:* 26,169.

### Rural Housing Service

*Title:* 7 CFR part 3565, “Guaranteed Rural Rental Housing Program” and Its Supporting Handbook.

*OMB Control Number:* 0575-0174.

*Summary of Collection:* On March 28, 1996, the Housing Opportunity Program Extension Act of 1996 was signed. One

of the provisions of the Act was the authorization of the section 538 Guaranteed Rural Rental Housing Program (GRRHP), adding the program to the Housing Act of 1949. The purpose of the GRRHP is to increase the supply of affordable rural rental housing through the use of loan guarantees that encourage partnerships between the Rural Housing Service (RHS), private lenders and public agencies. RUS will approve qualified lenders to participate and monitor lender performance to ensure program requirements are met. RHS will collect information from lenders on the eligibility cost, benefits, feasibility, and financial performance of the proposed project.

**Need and Use of the Information:** RHS will collect information from lenders to manage, plan, evaluate, and account for Government resources and from time to time, propose demonstration programs that use loan guarantees or interest credit. The GRRHP regulation and handbook will provide lenders and agency staff with guidance on the origination, and servicing of GRRHP loans and the approval of qualified lenders. RHS will use the information to evaluate a lender's request and make determination that the interests of the government are protected. Failure to collect information could have an adverse impact on the agency ability to monitor lenders and assess program effectiveness and effectively guarantee loans.

**Description of Respondents:** Business or other for-profit; Not-for-profit Institutions.

**Number of Respondents:** 150.

**Frequency of Responses:** Reporting: Quarterly; Monthly; Annually.

**Total Burden Hours:** 2,059.

#### Rural Housing Service

**Title:** RD 1951–65, “Customer Initiated Payments”, RD 1951–66, “FedWire Worksheet”, and 3550–28, “Authorization Agreement for Preauthorization Payments”.

**OMB Control Number:** 0575–0184.

**Summary of Collection:** Rural Development (RD) uses electronic methods for receiving and processing loan payments and collections. These electronic collection methods are approved by Treasury and include Preauthorized Debits (PAD), Customer Initiated Payments (CIP), and FedWire. These electronic collection methods provide the borrower the ability to submit their loan payments the day prior to, or the day of their installment due date. To administer these electronic payment methods, RD will use approved agency forms for collecting

financial institution routing information. Form RD 3550–28, Authorization Agreement for Preauthorized Payments, is prepared by the borrower to authorize RD to electronically collect regular loan payments from a borrower's account at a financial institution (FI) as preauthorized debits. Form RD 1951–65, is prepared by the borrower to enroll in CIP. CIP is an electronic collection method that enables borrowers to input payment data to a contract bank via telephone (touch tone and voice) or computer terminal. Form RD 1951–66, FedWire Worksheet, is completed by the borrower to establish an electronic FedWire format with their FI.

**Need and Use of the Information:** RD will request that borrowers make payments electronically via PAD, CIP, or FedWire. The information is collected only once unless the FI routing information changes. If the information were not collected, RD would be unable to collect loan payments electronically.

**Description of Respondents:** Not-for-profit institutions; Business or other for-profit; State, Local or Tribal Government.

**Number of Respondents:** 8,260.

**Frequency of Responses:** Reporting: On occasion.

**Total Burden Hours:** 4,242.

**Ruth Brown,**

*Departmental Information Collection Clearance Officer.*

[FR Doc. 2017–26786 Filed 12–12–17; 8:45 am]

**BILLING CODE 3410–XV–P**

#### DEPARTMENT OF AGRICULTURE

##### Animal and Plant Health Inspection Service

[Docket No. APHIS–2017–0083]

##### General Conference Committee of the National Poultry Improvement Plan; Solicitation for Membership

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Notice of solicitation for membership.

**SUMMARY:** We are giving notice that the Secretary of Agriculture is soliciting nominations for the election of a member at-large and regional members and their alternates for the General Conference Committee of the National Poultry Improvement Plan.

**DATES:** Consideration will be given to nominations received on or before May 1, 2018.

**ADDRESSES:** Completed nomination forms should be sent to the person listed

under **FOR FURTHER INFORMATION CONTACT.**

**FOR FURTHER INFORMATION CONTACT:** Dr. Denise L. Brinson, Senior Coordinator, National Poultry Improvement Plan, VS, APHIS, USDA, 1506 Klondike Road, Suite 101, Conyers, GA 30094; phone (770) 922–3496; fax (770)–922–3498; [Denise.l.brinson@aphis.usda.gov](mailto:Denise.l.brinson@aphis.usda.gov).

#### SUPPLEMENTARY INFORMATION:

The General Conference Committee (the Committee) of the National Poultry Improvement Plan (NPIP) is the Secretary's Advisory Committee on poultry health. The Committee serves as a forum for the study of problems relating to poultry health and, as necessary, makes specific recommendations to the Secretary concerning ways the U.S. Department of Agriculture may assist the industry in addressing these problems. The Committee assists the Department in planning, organizing, and conducting the Biennial Conference of the NPIP. The Committee recommends whether new proposals should be considered by the delegates to the Biennial Conference and serves as a direct liaison between the NPIP and the United States Animal Health Association.

The Committee consists of an elected member-at-large who is an NPIP participant and an elected member (and alternate) from each of the six U.S. regions represented on the Committee. Terms will expire for three current regional members of the Committee, as well as the member-at-large, in June 2018. We are soliciting nominations from interested organizations and individuals to replace the member-at-large and members from the North Atlantic (Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont), East North Central (Illinois, Indiana, Michigan, Ohio, and Wisconsin), and Western (Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming) regions.

Member selection is determined by a majority vote of the NPIP delegates from the respective regions. The member-at-large will be elected by a majority vote of all official delegates. There must be at least two nominees for each position. Persons interested in serving on the Committee or nominating another individual to serve must complete Form AD–755, which is available on the internet at <https://www.ocio.usda.gov/document/ad-755> or may be obtained by contacting the person listed under **FOR FURTHER INFORMATION CONTACT.**

To ensure the recommendations of the Committee have taken into account the needs of the diverse groups served by the Department, membership should include, to the extent practicable, individuals with demonstrated ability to represent underrepresented groups (minorities, women, and persons with disabilities). At least one nominee from each of the three regions, as well as for the member-at-large, must be from an underrepresented group. The voting will be by secret ballot of official delegates, and the results will be recorded.

Done in Washington, DC, this 7th day of December 2017.

**Kevin Shea,**

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 2017-26787 Filed 12-12-17; 8:45 am]

**BILLING CODE 3410-34-P**

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

[Docket No. APHIS-2017-0093]

#### Notice of Request for Revision to and Extension of Approval of an Information Collection; Commercial Transportation of Equines for Slaughter

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Revision to and extension of approval of an information collection; comment request.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request a revision to and extension of approval of an information collection associated with the regulations for the commercial transportation of equines to slaughtering facilities.

**DATES:** We will consider all comments that we receive on or before February 12, 2018.

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

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov/#!docketDetail;D=APHIS-2017-0093>.

- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS-2017-0093, Regulatory Analysis and Development, PPD, APHIS, Station 3A-03.8, 4700 River Road, Unit 118, Riverdale, MD 20737-1238.

Supporting documents and any comments we receive on this docket may be viewed at <http://www.regulations.gov/#!docketDetail;D=>

APHIS-2017-0093 or in our reading room, which is located in Room 1141 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call 202-799-7039 before coming.

**FOR FURTHER INFORMATION CONTACT:** For information on the regulations for the commercial transportation of equines for slaughter, contact Mr. Joseph Astling, Compliance & Outreach, Commercial Transport of Equines for Slaughter, Surveillance, Preparedness, and Response Services, VS, APHIS, 4700 River Road, Unit 46, Riverdale, MD 20737; (817) 247-3704. For copies of more detailed information on the information collection, contact Ms. Kimberly Hardy, APHIS' Information Collection Coordinator, at (301) 851-2843.

#### SUPPLEMENTARY INFORMATION:

*Title:* Commercial Transportation of Equines for Slaughter.

*OMB Control Number:* 0579-0332.

*Type of Request:* Revision to and extension of approval of an information collection.

*Abstract:* Sections 901-905 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 1901) authorize the Secretary of Agriculture to issue guidelines for regulating the commercial transportation of equines for slaughter by persons regularly engaged in that activity within the United States. Specifically, the Secretary is authorized to regulate the food, water, and rest provided to these equines while the equines are in transit and to review related issues appropriate to ensuring that these animals are treated humanely. Based on that authority, the U.S. Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS) established regulations in 9 CFR part 88, "Commercial Transportation of Equines for Slaughter."

The regulations in part 88 provide minimum standards that cover, among other things, the food, water, and rest provided to such equines prior to transportation. The regulations also prohibit the commercial transportation for slaughter of equines considered to be unfit for travel, the use of electric prods on such animals in commercial transportation for slaughter, and the use of double-deck trailers for commercial transportation of equines for slaughter.

APHIS' regulations also require the application of backtags and the completion of owner/shipper

certificates of fitness to travel to a slaughter facility that include identification of the animals, details of the transportation, and signatures attesting to compliance with the provision of food, rest, and water, and to the animal's fitness to travel. In addition, any owner/shipper transporting equines to slaughtering facilities outside the United States must present the owner-shipper certificates to USDA representatives at the U.S. border.

Implementing these regulations entails the use of information collection activities, such as providing business information, completing owner/shipper certificates of fitness to travel to a slaughter facility, certificates of veterinary inspection, maintaining records of the owner/shipper certificate and continuation sheet, and applying backtags, as needed.

The information collection requirements above are currently approved by the Office of Management and Budget (OMB) for the commercial transportation of equines for slaughter under OMB control numbers 0579-0332 and 0579-0160. After OMB approves this combined information collection package (0579-0332), APHIS will retire OMB control number 0579-0160.

We are asking OMB to approve our use of these information collection activities, as described, for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

- (1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

- (2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

- (3) Enhance the quality, utility, and clarity of the information to be collected; and

- (4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; e.g., permitting electronic submission of responses.

*Estimate of burden:* The public burden for this collection of information is estimated to average 0.465 hours per response.

*Respondents:* Owners and shippers of slaughter horses, owners or operators of slaughtering facilities, and drivers of the transport vehicles.

*Estimated annual number of respondents: 302.*

*Estimated annual number of responses per respondent: 61.*

*Estimated annual number of responses: 18,500.*

*Estimated total annual burden on respondents: 8,608 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)*

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 7th day of December 2017.

**Kevin Shea,**

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 2017-26788 Filed 12-12-17; 8:45 am]

BILLING CODE 3410-34-P

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

[B-53-2017]

#### **Foreign-Trade Zone (FTZ) 26—Atlanta, Georgia; Authorization of Production Activity; Nisshinbo Automotive Manufacturing, Inc. (Automotive Brake Linings, Pads, and Disc Pads); Covington, Georgia**

On August 10, 2017, the Georgia Foreign Trade Zone, Inc., grantee of FTZ 26, submitted a notification of proposed activity to the FTZ Board on behalf of Nisshinbo Automotive Manufacturing, Inc., within FTZ 26, Site 33, in Covington, Georgia.

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 41208, August 30, 2017). On December 8, 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 8, 2017.

**Elizabeth Whiteman,**

*Acting Executive Secretary.*

[FR Doc. 2017-26852 Filed 12-12-17; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

[B-42-2017]

#### **Foreign-Trade Zone (FTZ) 122—Corpus Christi, Texas; Authorization of Production Activity; Voestalpine Texas, LLC; Subzone 122T (Hot Briquetted Iron By-Products); Portland, Texas**

On June 12, 2017, the Port of Corpus Christi Authority, grantee of FTZ 122, submitted a notification of proposed production activity to the FTZ Board on behalf of Voestalpine Texas, LLC, within Subzone 122T, in Portland, Texas.

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 30821, July 3, 2017). On October 10, 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 6, 2017.

**Andrew McGilvray,**

*Executive Secretary.*

[FR Doc. 2017-26851 Filed 12-12-17; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

[S-161-2017]

#### **Approval of Expanded Subzone Status; Orgill, Inc., Post Falls and Coeur d'Alene, Idaho**

On October 13, 2017, the Executive Secretary of the Foreign-Trade Zones (FTZ) Board docketed an application submitted by the Southwest Idaho Manufacturers' Alliance, grantee of FTZ 280, requesting expanded subzone status subject to the existing activation limit of FTZ 280, on behalf of Orgill, Inc., in Coeur d'Alene, Idaho.

The application was processed in accordance with the FTZ Act and Regulations, including notice in the **Federal Register** inviting public comment (82 FR 48481, October 18, 2017). The FTZ staff examiner reviewed the application and determined that it meets the criteria for approval. Pursuant to the authority delegated to the FTZ Board Executive Secretary (15 CFR Sec. 400.36(f)), the application to expand

Subzone 280B was approved on December 4, 2017, subject to the FTZ Act and the Board's regulations, including Section 400.13, and further subject to FTZ 280's 2,000-acre activation limit.

Dated: December 5, 2017.

**Andrew McGilvray,**

*Executive Secretary.*

[FR Doc. 2017-26850 Filed 12-12-17; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

[B-46-2017]

#### **Foreign-Trade Zone (FTZ) 106—Oklahoma City, Oklahoma; Authorization of Production Activity, Eastman Kodak Company (Printing Flexographic Plates), Weatherford, Oklahoma**

On June 21, 2017, Eastman Kodak Company submitted a notification of proposed production activity to the FTZ Board for its facility within Subzone 106F, in Weatherford, Oklahoma.

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 31554, July 7, 2017). On October 19, 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 6, 2017.

**Andrew McGilvray,**

*Executive Secretary.*

[FR Doc. 2017-26849 Filed 12-12-17; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

[B-76-2017]

#### **Foreign-Trade Zone (FTZ) 82—Mobile, Alabama; Notification of Proposed Production Activity, Aker Solutions, Inc., (Undersea Umbilicals), Mobile, Alabama**

The City of Mobile, grantee of FTZ 82, submitted a notification of proposed production activity to the FTZ Board on behalf of Aker Solutions, Inc. (Aker), located in Mobile, Alabama. The notification conforming to the requirements of the regulations of the

FTZ Board (15 CFR 400.22) was received on December 5, 2017.

Aker already has authority for the production of undersea umbilicals within Site 7 of FTZ 82. The current request would add finished products and foreign status materials/components to the scope of authority. Pursuant to 15 CFR 400.14(b), additional FTZ authority would be limited to the specific foreign-status materials/components and specific finished products described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt Aker from customs duty payments on the foreign-status materials/components used in export production. On its domestic sales, for the foreign-status materials/components noted below and in the existing scope of authority, Aker would be able to choose the duty rates during customs entry procedures that apply to: Steel tube flying leads; hydraulic flying leads; cobra head terminations; umbilical termination assemblies; subsea distribution assemblies; mud mat assemblies; and, integrated controls jumpers/hydraulic bridge jumpers (duty rate ranges from duty-free to 3.7%). Aker would be able to avoid duty on foreign-status components which become scrap/waste. Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

The materials/components sourced from abroad include: Super duplex steel tubes; electrical cables exceeding 1000V; electrical cables exceeding 600V; fiber optic cables; rotary disc valves; valve bodies, bonnets, gates, seats, stems, non-elastomeric seals, elastomeric seals and fastener hardware for rotary disc valves; clamp connector assemblies; inboard hub forgings of low alloy steel; inboard hub flanges of low alloy steel; outboard hub forgings of low alloy steel; hub retainer flanges of low alloy steel; pressure cap forgings of low alloy steel; rotary gate valves; hydraulic gate valves; vertical connection system guide cone weldments; left/right retainer ring elements for clamp connector assemblies; and, top ring elements for clamp connector assemblies (duty rate ranges from duty-free to 5.3%).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is January 22, 2018.

A copy of the notification will be available for public inspection at the Office of the Executive Secretary,

Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230-0002, and in the "Reading Room" section of the Board's website, which is accessible via [www.trade.gov/ftz](http://www.trade.gov/ftz).

For further information, contact Elizabeth Whiteman at [Elizabeth.Whiteman@trade.gov](mailto:Elizabeth.Whiteman@trade.gov) or (202) 482-0473.

Dated: December 6, 2017.

**Andrew McGilvray,**  
*Executive Secretary.*

[FR Doc. 2017-26848 Filed 12-12-17; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Advisory Committee on Supply Chain Competitiveness Solicitation of Nominations for Membership

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

**ACTION:** Notice of an opportunity to apply for membership on the Advisory Committee on Supply Chain Competitiveness.

**SUMMARY:** The Department of Commerce, International Trade Administration (ITA), is requesting nominations for the Advisory Committee on Supply Chain Competitiveness ("The Committee"). The Committee was established under the Federal Advisory Committee Act. The Committee was first chartered on November 21, 2011, and subsequently renewed on November 20, 2013, and November 17, 2015. The Department of Commerce most recently renewed the Committee for another two-year term beginning on November 16, 2017. The Committee has functioned effectively, and the Department has an on-going need for consensus advice regarding U.S. supply chain competitiveness. The Committee advises the Secretary on the necessary elements of a comprehensive policy approach to supply chain competitiveness designed to support U.S. export growth and national economic competitiveness, encourage innovation, facilitate the movement of goods, and improve the competitiveness of U.S. supply chains for goods and services in the domestic and global economy; and provides advice to the Secretary on regulatory policies and programs and investment priorities that affect the competitiveness of U.S. supply chains. The Department is seeking nominations for the newly-rechartered Committee.

**DATES:** Applications for immediate consideration for appointment must be received on or before 5:00 p.m. EDT on January 12, 2018. After that date, the Department of Commerce will continue to accept applications to fill any vacancies that may arise during the charter period.

**ADDRESSES:** Richard Boll, Office of Supply Chain, Professional & Business Services, Room 11014, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; phone 202-482-1135; email: [richard.boll@trade.gov](mailto:richard.boll@trade.gov).

**FOR FURTHER INFORMATION CONTACT:** Richard Boll, Office of Supply Chain, Professional & Business Services, Room 11014, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; phone 202-482-1135; email: [richard.boll@trade.gov](mailto:richard.boll@trade.gov). Please visit the Advisory Committee on Supply Chain Competitiveness website at: <http://trade.gov/td/services/oscpb/supplychain/acsccl/>.

**SUPPLEMENTARY INFORMATION:** The Committee has a maximum of 45 members. The Department of Commerce is seeking nominations for immediate consideration to fill positions on the Committee for the 2017-2019 charter term, and will continue to accept nominations under this notice on an on-going basis for two-years for consideration to fill vacancies that may arise during the charter term. Member appointment terms run for two-years concurrently with the Committee charter. Members will be selected based upon their ability to advise the Secretary of Commerce on the necessary elements of a comprehensive policy approach to supply chain competitiveness designed to support U.S. export growth and national economic competitiveness, encourage innovation, facilitate the movement of goods, and improve the competitiveness of U.S. supply chains for goods and services in the domestic and global economy; and to provide advice to the Secretary on regulatory policies and programs and investment priorities that affect the competitiveness of U.S. supply chains. The Committee provides detailed policy and technical advice, information, and recommendations to the Secretary regarding:

(1) National, state, or local factors in trade programs and policies that affect the efficient domestic and international operation and competitiveness of U.S. global supply chains from point of origin to destination;

(2) elements of national policies affecting the movement of goods, infrastructure, investment, and

regulatory factors that affect supply chain competitiveness and sustainability; and

(3) information and data systems to generate metrics that can be used to quantify and improve supply chain performance.

Members shall be selected in a manner that ensures that the Committee remains balanced in terms of product and service lines and reflects the diversity of the supply chain sector, including in terms of geographic location and company size.

Members of the Committee shall represent companies, organizations, and stakeholders involved in the U.S. supply chain, with at least one individual representing each of the following: Supply chain firms or their associations; users of supply chains (e.g., retailers, distributors, manufacturers or other sectors); freight transportation providers; ports; and academia. Based on the balance of viewpoints currently represented on the Committee, representatives from the rail, trucking, airport, energy, logistics and freight forwarding, infrastructure financing, and big data analysis sectors are encouraged to apply.

Other than the experts from academia, all members shall serve in a representative capacity, expressing the views and interests of a U.S. company or U.S. organization, as well as its particular sector. Members serving in such a representative capacity are not Special Government Employees. The members from academia serve as experts and therefore are Special Government Employees (SGEs) and shall be subject to the ethical standards applicable to SGEs. Members who serve as SGEs must certify that they are not Federally-registered lobbyists.

Each member of the Committee must be a U.S. citizen and not registered as a foreign agent under the Foreign Agents Registration Act. All appointments are made without regard to political affiliation. Self-nominations will be accepted.

Members of the Committee will not be compensated for their services or reimbursed for their travel expenses. The Committee shall meet approximately quarterly, or as determined by the DFO.

Members shall serve at the pleasure of the Secretary.

All nominations for membership on the Committee should provide the following information:

(1) Name, title, and relevant contact information (including phone, fax, and email address) of the individual requesting consideration; and

(2) An affirmative statement that the applicant is not required to register as a foreign agent under the Foreign Agents Registration Act of 1938.

In addition to the above requirements for all nominations, nominations for representatives of companies, organizations, and stakeholders involved in the U.S. supply chain, including supply chain firms or their associations; users of supply chains (e.g., retailers, distributors, manufacturers, or other sectors); freight transportation providers; and ports, should also provide the following information:

(1) A sponsor letter on the letterhead of the sponsoring U.S. company or U.S. organization to be represented, containing a brief description why the nominee should be considered for membership;

(2) Short biography of nominee including credentials;

(3) Brief description of the U.S. company or U.S. organization to be represented and its activities and size (number of employees or members and annual sales, if applicable); and

(4) An affirmative statement that the applicant meets all Committee eligibility requirements for representative members, including that the applicant represents a U.S. company or U.S. organization.

a. For purposes of Committee eligibility, a U.S. company is at least 51 percent owned by U.S. persons.

b. For purposes of Committee eligibility, a U.S. organization is controlled by U.S. persons, as determined based on its board of directors (or comparable governing body), membership, and funding sources, as applicable.

In addition to the above requirements for all nominations, nominations for experts from academia should also provide the following information:

(1) A description of the nominee's area(s) of expertise;

(2) A concise Curriculum Vitae (CV) or resume that covers education, experience, and relevant publications and summarizes how this expertise addresses supply chain competitiveness;

(3) An affirmative statement that the applicant meets all Committee eligibility requirements.

Please do not send company or organization brochures.

Nominations may be emailed to [richard.boll@trade.gov](mailto:richard.boll@trade.gov), faxed to the attention of Richard Boll at 202-482-2669, or mailed to Richard Boll, Office of Supply Chain, Professional & Business Services, Room 11014, U.S. Department of Commerce, 1401

Constitution Avenue NW, Washington, DC 20230, and must be received on or before January 12, 2018. Nominees selected for appointment to the Committee will be notified.

Dated: December 7, 2017.

**Maureen Smith,**

*Director, Office of Supply Chain and Professional & Business Services.*

[FR Doc. 2017-26897 Filed 12-12-17; 8:45 am]

**BILLING CODE 3510-DR-P**

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## COMMODITY FUTURES TRADING COMMISSION

### Technology Advisory Committee

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice of meeting.

**SUMMARY:** The Commodity Futures Trading Commission (CFTC) announces that on January 23, 2018, from 10:00 a.m. to 4:00 p.m., the Technology Advisory Committee (TAC) will hold a public meeting in the Conference Center at the CFTC's Washington, DC, headquarters. At this meeting, the TAC will: (1) Discuss the scope, plan, and approach for the Committee's efforts in 2018; (2) explore timely topics and issues involving financial technology in CFTC regulated markets, potentially including blockchain/DLT, data standardization and analytics, algorithmic trading, virtual currencies, cybersecurity, and RegTech; and (3) identify work streams and/or subcommittee groups that can help generate actionable recommendations to the Commission on select issues.

**DATES:** The meeting will be held on January 23, 2018, from 10:00 a.m. to 4:00 p.m. Members of the public who wish to submit written statements in connection with the meeting should submit them by January 30, 2018.

**ADDRESSES:** The meeting will take place in the Conference Center at the CFTC's headquarters, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581. Written statements should be submitted by mail to: Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581, attention: Office of the Secretary; or by electronic mail to: [secretary@cftc.gov](mailto:secretary@cftc.gov). Please use the title "Technology Advisory Committee" in any written statement you submit. Any statements submitted in connection with the committee meeting will be made available to the public, including publication on the CFTC website, <http://www.cftc.gov>.

**FOR FURTHER INFORMATION CONTACT:**

Daniel Gorfine, TAC Designated Federal Officer, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW, Washington, DC 20581; (202) 418-5625.

**SUPPLEMENTARY INFORMATION:** The meeting will be open to the public with seating on a first-come, first-served basis. Members of the public may also listen to the meeting by telephone by calling a domestic toll-free telephone or international toll or toll-free number to connect to a live, listen-only audio feed. Call-in participants should be prepared to provide their first name, last name, and affiliation.

*Domestic Toll Free:* 1-866-844-9416.

*International Toll and Toll Free:* Will be posted on the CFTC's website, <http://www.cftc.gov>, on the page for the meeting, under Related Links.

*Pass Code/Pin Code:* 3599656.

The meeting agenda may change to accommodate other TAC priorities. For agenda updates, please visit the TAC committee site at: [http://www.cftc.gov/About/CFTCCcommittees/TechnologyAdvisory/tac\\_meetings](http://www.cftc.gov/About/CFTCCcommittees/TechnologyAdvisory/tac_meetings).

After the meeting, a transcript of the meeting will be published through a link on the CFTC's website, <http://www.cftc.gov>. All written submissions provided to the CFTC in any form will also be published on the CFTC's website. Persons requiring special accommodations to attend the meeting because of a disability should notify the contact person above.

**Authority:** 5 U.S.C. app. 2 § 10(a)(2).

Dated: December 8, 2017.

**Christopher J. Kirkpatrick,**  
*Secretary of the Commission.*

[FR Doc. 2017-26869 Filed 12-12-17; 8:45 am]

**BILLING CODE 6351-01-P**

**DEPARTMENT OF DEFENSE****Office of the Secretary****Charter Amendment of Department of Defense Federal Advisory Committees**

**AGENCY:** Department of Defense.

**ACTION:** Amendment of Federal Advisory Committee.

**SUMMARY:** The Department of Defense (DoD) is publishing this notice to announce that it is amending the charter for the Defense Policy Board.

**FOR FURTHER INFORMATION CONTACT:** Jim Freeman, Advisory Committee Management Officer for the Department of Defense, 703-692-5952.

**SUPPLEMENTARY INFORMATION:** This committee's charter is being amended in accordance with the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 CFR 102-3.50(d). The amended charter and contact information for the Designated Federal Officer (DFO) can be obtained at <http://www.faca.database.gov/>.

The DoD is amending the charter for the Defense Policy Board previously announced in the **Federal Register** on September 5, 2017 (82 FR 41941). Specifically, the DoD is amending the charter to update the estimated annual operating costs and estimated personnel costs and the total membership of the Defense Policy Board.

Dated: December 8, 2017.

**Aaron Siegel,**  
*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2017-26859 Filed 12-12-17; 8:45 am]

**BILLING CODE 5001-06-P**

**DEPARTMENT OF DEFENSE****Office of the Secretary**

[Transmittal No. 17-51]

**Arms Sales Notification**

**AGENCY:** Defense Security Cooperation Agency, Department of Defense.

**ACTION:** Arms sales notice.

**SUMMARY:** The Department of Defense is publishing the unclassified text of an arms sales notification.

**FOR FURTHER INFORMATION CONTACT:** Pamela Young, (703) 697-9107, [pamela.a.young14.civ@mail.mil](mailto:pamela.a.young14.civ@mail.mil) or Kathy Valadez, (703) 697-9217, [kathy.a.valadez.civ@mail.mil](mailto:kathy.a.valadez.civ@mail.mil); DSCA/DSA-RAN.

**SUPPLEMENTARY INFORMATION:** This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104-164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 17-51 with attached Policy Justification and Sensitivity of Technology.

Dated: December 8, 2017.

**Aaron Siegel,**  
*Alternate OSD Federal Register Liaison Officer, Department of Defense.*



## DEFENSE SECURITY COOPERATION AGENCY

201 12TH STREET SOUTH, SUITE 205  
ARLINGTON, VA 22202-5408

The Honorable Paul D. Ryan  
Speaker of the House  
U.S. House of Representatives  
Washington, DC 20515

NOV 14 2017

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 17-51, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Norway for defense articles and services estimated to cost \$170 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles W. Hooper".

Charles W. Hooper  
Lieutenant General, USA  
Director

Enclosures:

1. Transmittal
2. Policy Justification
3. Sensitivity of Technology



Transmittal No. 17–51

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as Amended

(i) *Prospective Purchaser:* The Government of Norway

(ii) *Total Estimated Value:*

Major Defense Equipment * ..	\$150 million
Other .....	\$ 20 million
Total .....	\$170 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

*Major Defense Equipment (MDE):*

Sixty (60) AIM–120 C–7 Advanced Medium Range Air-to-Air Missiles (AMRAAM)

Four (4) AMRAAM Guidance Section Spares

*Non-MDE:*

Missile containers, weapon system support, support equipment, spare and repair parts, publications and technical documentation, personnel training, training equipment, U.S. Government and contractor engineering, logistics, technical and support services, and other related elements of logistics and program support.

(iv) *Military Department:* Air Force (X6–D–YAE)

(v) *Prior Related Cases, if any:* NO–D–YME

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* November 14, 2017

\*As defined in Section 47(6) of the Arms Export Control Act.

#### POLICY JUSTIFICATION

*Norway—AIM–120 C–7 Advanced Medium Range Air-to-Air Missile (AMRAAM)*

The Government of Norway requested a possible sale of sixty (60) AIM–120 C–7 Advanced Medium Range Air-to-Air Missiles (AMRAAM) and four (4) AMRAAM guidance section spares. Also included are missile containers, weapon system support, support equipment, spare and repair parts, publications and technical documentation, personnel training, training equipment, U.S. Government and contractor engineering, logistics, technical and support services, and other related elements of logistics and program support. The estimated total case value is \$170 million.

This proposed sale will support the foreign policy and national security

objectives of the United States by improving the security of a NATO ally which continues to be an important force for political stability and economic progress in Europe.

The proposed sale will improve Norway's capabilities for mutual defense, regional security, force modernization, and U.S. and NATO interoperability. This sale will enhance the Royal Norwegian Air Force's ability to defend Norway against future threats and contribute to current and future NATO operations. This is a follow-on buy of additional AIM–120 C–7 missiles. Norway will be able to absorb these additional missiles and support into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractor will be Raytheon Missile Systems, Tucson, AZ. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government personnel or contractor representatives to Norway.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 17–51

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii

(vii) *Sensitivity of Technology:*

1. AIM–120C Advanced Medium Range Air-to-Air Missile (AMRAAM) is a radar guided missile featuring digital technology and micro-miniature solid-state electronics. AMRAAM capabilities include look-down/shoot-down, multiple launches against multiple targets, resistance to electronic counter measures, and interception of high flying, low flying and maneuvering targets. The AMRAAM is classified CONFIDENTIAL, major components and subsystems range from UNCLASSIFIED to CONFIDENTIAL, and technology data and other documentation are classified up to SECRET.

2. If a technologically advanced adversary obtains knowledge of the specific hardware and software elements, the information could be used to develop countermeasures or equivalent systems that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

3. A determination has been made that Norway can provide substantially

the same degree of protection for the sensitive technology being released as the U.S. Government. This proposed sale is necessary to the furtherance of the U.S. foreign policy and national security objectives outlined in the policy justification.

4. All defense articles and services listed in this transmittal are authorized for release and export to the Government of Norway.

[FR Doc. 2017–26882 Filed 12–12–17; 8:45 am]

BILLING CODE 5001–06–P

## DEPARTMENT OF DEFENSE

### Department of the Navy

#### Notice of Availability of Government-Owned Inventions; Available for Licensing

**AGENCY:** Department of the Navy; DoD.

**ACTION:** Notice of availability for licensing.

**SUMMARY:** The inventions listed below are assigned to the United States Government as represented by the Secretary of the Navy and are available for domestic and foreign licensing by the Department of the Navy.

The following patents are available for licensing://U.S. Patent No. 9,459,079: LIGHTWEIGHT ARMOR WITH SLIDE REGION FOR SLIDABLY REDIRECTING PROJECTILES//U.S. Patent No. 9,499,890: HIGH-STRENGTH, HIGH-TOUGHNESS STEEL ARTICLES FOR BALLISTIC AND CRYOGENIC APPLICATIONS AND METHOD OF MAKING THEREOF//U.S. Patent No. 9,524,358: CORE-MODULAR INTEROPERABILITY ARCHITECTURE FOR MODELING AND SIMULATION//U.S. Patent No. 9,557,414: ULTRA-BROADBAND COHERENT RADAR TRANSPONDER FOR PRECISION TRACKING//U.S. Patent No. 9,588,011: SHIP RESISTANCE PREDICTION USING A TURBULENT SPOT INDUCER IN MODEL TESTING//U.S. Patent No. 9,628,314: DIGITAL I/Q REPROCESSING DEMODULATOR (DIRD)//U.S. Patent No. 9,630,812: LOAD TRANSFER ACCESSORY FOR DIMINISHING UNWANTED MOTION OF CYLINDRICAL CARGO DURING LOADING OPERATIONS//U.S. Patent No. 9,651,374: METHOD AND SYSTEM FOR MEASURING PHYSICAL PHENOMENA IN AN OPEN WATER ENVIRONMENT//U.S. Patent No. 9,666,864: VERTICALLY ORIENTED GRAPHENE-SUPPORTED ANODE//U.S. Patent No. 9,667,349: DYNAMIC RANGE EXTENSION OF HETERODYNE FIBER-OPTIC INTERFEROMETERS VIA

**INSTANTANEOUS CARRIER MEASUREMENT//**

**ADDRESSES:** Requests for copies of the patents cited should be directed to Office of Counsel, Naval Surface Warfare Center Carderock Division, 9500 MacArthur Blvd., West Bethesda, MD 20817-5700.

**FOR FURTHER INFORMATION CONTACT:** Dr. Joseph Teter, Director, Technology Transfer Office, Naval Surface Warfare Center Carderock Division, Code 00T, 9500 MacArthur Blvd., West Bethesda, MD 20817-5700, telephone 301-227-4299.

**Authority:** 35 U.S.C. 207, 37 CFR part 404.

Dated: December 7, 2017.

**E.K. Baldini,**

*Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.*

[FR Doc. 2017-26839 Filed 12-12-17; 8:45 am]

**BILLING CODE 3810-FF-P**

**DEPARTMENT OF EDUCATION****National Advisory Committee on Institutional Quality and Integrity**

**AGENCY:** National Advisory Committee on Institutional Quality and Integrity, U.S. Department of Education.

**ACTION:** Notice of membership.

**SUMMARY:** This notice lists the members of the National Advisory Committee on Institutional Quality and Integrity (NACIQI). This notice is required under the Higher Education Act of 1965, as amended (HEA).

**ADDRESSES:** U.S. Department of Education, Office of Postsecondary Education, 400 Maryland Ave. SW, Room 6W250, Washington, DC 20202.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Hong, Executive Director/ Designated Federal Official, NACIQI, U.S. Department of Education, 400 Maryland Ave. SW, Room 6W250, Washington, DC 20202, telephone: (202) 453-7805, or email [Jennifer.Hong@ed.gov](mailto:Jennifer.Hong@ed.gov).

**SUPPLEMENTARY INFORMATION:****NACIQI's Statutory Authority and Functions**

NACIQI is established under Section 114 of the HEA, and is composed of 18 members appointed—

(A) On the basis of the individuals' experience, integrity, impartiality, and good judgment;

(B) From among individuals who are representatives of, or knowledgeable concerning, education and training beyond secondary education,

representing all sectors and types of institutions of higher education; and,

(C) On the basis of the individuals' technical qualifications, professional standing, and demonstrated knowledge in the fields of accreditation and administration of higher education.

NACIQI meets at least twice a year and advises the Secretary of Education with respect to:

- The establishment and enforcement of the standards of accrediting agencies or associations under subpart 2 of part G of Title IV of the HEA;
- The recognition of specific accrediting agencies or associations;
- The preparation and publication of the list of nationally recognized accrediting agencies and associations;
- The eligibility and certification process for institutions of higher education under Title IV of the HEA and part C of subchapter I of chapter 34 of Title 42, together with recommendations for improvements in such process;
- The relationship between (1) accreditation of institutions of higher education and the certification and eligibility of such institutions, and (2) State licensing responsibilities with respect to such institutions; and
- Any other advisory functions relating to accreditation and institutional eligibility that the Secretary of Education may prescribe by regulation.

**What are the terms of office for the committee members?**

The term of office of each member is six years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of such term.

**Who are the current members of the committee?**

The current members of the NACIQI are:

*Members Appointed by the Secretary of Education With Terms Expiring September 30, 2019:*

- Simon J. Boehme (Student Member), Independent Consultant, San Francisco, California.
- Roberta L. Derlin, Ph.D., Associate Provost Emeritus, New Mexico State University, Albuquerque, New Mexico.
- John Etchemendy, Ph.D., Provost Emeritus, Stanford University, Stanford, California.
- Susan D. Phillips, Ph.D., Professor, University at Albany/SUNY and Leadership Fellow, SAIL Institute, Albany, New York.

- Frank H. Wu, J.D., Distinguished Professor, University of California Hastings College of Law, San Francisco, California.

- Federico Zaragoza, Ph.D., Vice Chancellor for Economic and Workforce Development, Alamo Colleges, San Antonio, Texas.

*Members Appointed by the Speaker of the House of Representatives With Terms Expiring September 30, 2020:*

- Kathleen Sullivan Alioto, Ed.D., Strategic Advisor, Fundraiser, and Consultant, New York, New York, San Francisco, California, and Boston, Massachusetts.
- George T. French, Jr., Ph.D., President, Miles College, Fairfield, Alabama.
- Brian W. Jones, J.D., President, Strayer University.
- Arthur E. Keiser, Ph.D., Chancellor, Keiser University, Fort Lauderdale, Florida.
- Arthur J. Rothkopf, J.D., President Emeritus, Lafayette College, Washington, DC.
- Ralph Wolff, J.D., President, The Quality Assurance Commons for Higher and Postsecondary Education, Oakland, California.

*Members Appointed by the President Pro Tempore of the Senate With Terms Expiring September 30, 2022:*

- Jill Derby, Ph.D., Senior Consultant, Association of Governing Boards of Universities and Colleges, Gardnerville, Nevada.
- Paul J. LeBlanc, Ph.D., President, Southern New Hampshire University, Manchester, New Hampshire.
- Anne D. Neal, J.D., Senior Fellow, American Council of Trustees and Alumni, Washington, DC.
- Richard F. O'Donnell, Founder and CEO, Skills Fund, Austin, Texas.
- Claude O. Pressnell, Jr., Ed.D., President, Tennessee Independent Colleges and Universities Association.
- Steven Van Ausdler, Ph.D., President Emeritus, Walla Walla Community College, Walla Walla, Washington.

*Electronic Access to This Document:*

The official version of this document is the document published in the **Federal Register**. Free internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at [www.gpo.gov/fdsys](http://www.gpo.gov/fdsys). At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is

available free at the site. You may also access documents of the Department published in the **Federal Register** by using the article search feature at: [www.federalregister.gov](http://www.federalregister.gov). Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

**Authority:** Section 114 of the HEA.

**Betsy DeVos,**

*Secretary of Education.*

[FR Doc. 2017-26889 Filed 12-12-17; 8:45 am]

**BILLING CODE 4000-01-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-9971-96-OARM]

### Senior Executive Service Performance Review Board; Membership

**AGENCY:** U.S. Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given of the membership of the U.S. Environmental Protection Agency (EPA) Performance Review Board for 2017.

**FOR FURTHER INFORMATION CONTACT:**

Vickie H. Tellis, Acting Director, Executive Resources Division, 3606A, Office of Human Resources, Office of Administration and Resources Management, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460 (202) 564-2653.

**SUPPLEMENTARY INFORMATION:** Section 4314(c)(1) through (5) of Title 5, U.S.C., requires each agency to establish in accordance with regulations prescribed by the Office of Personnel Management, one or more SES performance review boards. This board shall review and evaluate the initial appraisal of a senior executive's performance by the supervisor, along with any recommendations to the appointment authority relative to the performance of the senior executive.

Members of the 2017 EPA Performance Review Board are:

Regional Allen, Director, Office of Administrative and Executive Services, Office of the Administrator  
John Armstead, Director, Land and Chemicals Division, Region 3  
Beverly Banister, Director, Air, Pesticides and Toxics Management Division, Region 4  
Sheryl Bilbrey, Director, Office of Environmental Cleanup, Region 10  
David Bloom, Deputy Chief Financial Officer, Office of the Chief Financial Officer

Edward Chu, Deputy Regional Administrator, Region 7  
Sam Coleman, Deputy Regional Administrator, Region 6  
Diana Esher, Assistant Regional Administrator for Policy and Management, Region 3  
Sheila Frace, Deputy Director, Office of Wastewater Management, Office of Water  
Lynn Flowers, Associate Director for Science, Office of Science Policy, Office of Research and Development  
Nancy Grantham, Senior Advisor for Emergency Response Communications, Office of the Administrator  
Linda Gray (Ex-Officio), Director, Office of Human Resources, Office of Administration and Resources Management  
Peter Grevatt, Director, Office of Ground Water and Drinking Water, Office of Water  
Christopher Grundler, Director, Office of Transportation and Air Quality, Office of Air and Radiation  
Margaret Guerriero, Director, Land and Chemicals Division, Region 5  
Randy Hill, Director, Enforcement Targeting & Data Division, Office of Enforcement and Compliance Assurance  
Deborah Jordan, Director, Air Division, Region 9  
Mark Kasman, Director, Office of Regional & Bilateral Affairs, Office of International and Tribal Affairs  
Richard Keigwin, Deputy Director, Office of Pesticide Programs, Office of Chemical Safety and Pollution Prevention  
Michael Kenyon, Assistant Regional Administrator for Administration and Resources Management, Region 1  
Kenneth Lapiere, Assistant Regional Administrator for Policy and Management, Region 4  
Tanya Lawrence, Acting Director, Office of Civil Rights, Office of the Administrator  
Matthew Leopard, Director, Office of Information Management, Office of Environmental Information  
David Lloyd, Director, Office of Brownfields and Land Revitalization, Office of Land and Emergency Management  
Catherine McCabe, Deputy Regional Administrator, Region 2  
James McDonald, Assistant Regional Administrator for Management, Region 6  
Oscar Morales, Associate Assistant Administrator for Management, Office of Chemical Safety and Pollution Prevention  
Howard Osborne, Associate Chief Financial Officer, Office of the Chief Financial Officer

Elise Packard, Associate General Counsel, Civil Rights and Finance Law, Office of General Counsel  
Denise Polk, Director, Office of Grants and Debarment, Office of Administration and Resources Management  
Sylvia Quast, Regional Counsel—Region 9, Office of Enforcement and Compliance Assurance  
Mary Ellen Radzikowski, Deputy Director for Management, National Center for Environmental Research, Office of Research and Development  
Christopher Robbins, Associate Assistant Administrator, Office of Research and Development  
Gregory Sayles, Director, National Homeland Security Research Center, Office of Research and Development  
Lorie Schmidt, Associate General Counsel—Air and Radiation, Office of General Counsel  
John Showman, Director, Office of Resources, Operations and Management, Office of Administration and Resources Management  
Nigel Simon, Director, Office of Program Management, Office of Land and Emergency Management  
Walker Smith, Director, Office of Global Affairs and Policy, Office of International and Tribal Affairs  
Kevin Teichman, Senior Science Advisor, Office Research and Development  
Vickie Tellis, Acting Director, Executive Resources Division, Office of Human Resources, Office of Administration and Resources Management  
Debra Thomas, Deputy Regional Administrator, Region 8  
Donna Vizian, (Ex-Officio), Principal Deputy Assistant Administrator, Office of Administration and Resources Management  
Jeffery Wells, Deputy Director, Office of Customer Advocacy, Policy and Portfolio Management, Office of Environmental Information  
Pai-Yei Whung, Senior Research Scientist, Office of Research and Development  
Anna Wood, Director, Air Quality Policy Division—Research Triangle Park, Office of Air and Radiation  
Helena Wooden-Aguilar, Acting Deputy Chief of Staff, Office of the Administrator  
Dated: December 4, 2017.

**Donna J. Vizian,**

*Principal Deputy Assistant Administrator, Office of Administration and Resources Management.*

[FR Doc. 2017-26895 Filed 12-12-17; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

[EPA-HQ-OPP-2016-0630; FRL-9967-07-OEI]

**Agency Information Collection Activities; Compliance Requirement for Child-Resistant Packaging; Submitted to OMB for Review and Approval; Comment Request****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

**SUMMARY:** EPA has submitted the following information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA): "Compliance Requirement for Child-Resistant Packaging" and identified by EPA ICR No. 0616.12 and OMB Control No. 2070-0052. The ICR, which is available in the docket along with other related materials, provides a detailed explanation of the collection activities and the burden estimate that is only briefly summarized in this document. EPA has addressed the comments received in response to the previously provided public review opportunity issued in the **Federal Register** on November 29, 2016 (81 FR 85951). With this submission, EPA is providing an additional 30 days for public review.

**DATES:** Additional comments may be submitted on or before January 12, 2018.

**ADDRESSES:** Submit your comments, referencing Docket ID Number EPA-HQ-OPP-2016-0630, to both EPA and OMB as follows:

- To EPA online using <http://www.regulations.gov> (our preferred method) or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

- To OMB via email to [oira\\_submission@omb.eop.gov](mailto:oira_submission@omb.eop.gov). Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

**FOR FURTHER INFORMATION CONTACT:** Joe Hogue, Field and External Affairs Division, Office of Pesticide Programs, 7506P, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone

number: 703-308-9072; email address: [hogue.joe@epa.gov](mailto:hogue.joe@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**Docket:** Supporting documents, including the ICR that explains in detail the information collection activities and the related burden and cost estimates that are summarized in this document, are available in the docket for this ICR. The docket can be viewed online at <http://www.regulations.gov> or in person at the EPA Docket Center, West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is (202) 566-1744. For additional information about EPA's public docket, visit <http://www.epa.gov/dockets>.

**ICR status:** OMB approval for this ICR expired on July 1, 2017, due to administrative error. This action is a request to reinstate OMB approval for the information collection activities outlined in this document. Under PRA, 44 U.S.C. 3501 *et seq.*, 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 OMB control numbers are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers for certain EPA regulations is consolidated in 40 CFR part 9.

**Abstract:** This information collection program is designed to provide the EPA with assurances that the packaging of pesticide products sold and distributed to the general public in the United States meets standards set forth by the Agency pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Registrants of such pesticide products must certify to the Agency that the packaging or device meets these standards, in order to protect children and adults from serious illness or injury resulting from accidental ingestion or contact. The law requires that these standards are designed to be consistent with those under the Poison Prevention Packaging Act, administered by the Consumer Product Safety Commission (CPSC). Unless a pesticide product qualifies for an exemption, if the product meets certain criteria regarding toxicity and use, it must be sold and distributed in child-resistant packaging (CRP). The authority for this information collection is pursuant to Section 25(c)(3) of the FIFRA.

**Respondents/affected entities:** Respondents include entities involved in manufacturing of pesticide

chemicals, wholesale merchandising of pesticide products, or pest management activities who submit CRP applications. The North American Industrial Classification System (NAICS) codes for respondents under this ICR include 325320 (Pesticide and other Agricultural Chemical Manufacturing), 424690 (Other Chemical and Allied Products Merchant Wholesalers), and 561710 (Exterminating and Pest Control Services). EPA recognizes that this list may not be comprehensive.

**Respondent's obligation to respond:** Mandatory.

**Estimated number of respondents:** 31 (total).

**Frequency of response:** On occasion.

**Estimated total burden:** 3,535 hours (per year). Burden is defined at 5 CFR 1320.03(b).

**Estimated total cost:** \$249,292 (per year), includes \$0 annualized capital or operation & maintenance costs.

**Changes in the Estimates:** There is a decrease of 1,972 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This decrease reflects EPA's updating of burden estimates for this collection, including an increase in the estimated burden per response, and a decrease in the number of responses per year. This change is an adjustment.

**Courtney Kerwin,**

*Director, Regulatory Support Division.*

[FR Doc. 2017-26776 Filed 12-12-17; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

[EPA-HQ-OPPT-2015-0436; FRL-9967-79-OEI]

**Agency Information Collection Activities; TSCA Section 4 Test Rules, Consent Orders, Enforceable Consent Agreements, Voluntary Testing Agreements, Voluntary Data Submissions, and Exemptions From Testing Requirements; Submitted to OMB for Review and Approval; Comment Request****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

**SUMMARY:** EPA has submitted the following information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA): "TSCA Section 4 Test Rules, Consent Orders, Enforceable Consent Agreements, Voluntary Testing Agreements, Voluntary Data

Submissions, and Exemptions from Testing Requirements” and identified by EPA ICR No. 1139.11, OMB Control No. 2070-0033. The ICR, which is available in the docket along with other related materials, provides a detailed explanation of the collection activities and the burden estimate that is only briefly summarized in this document. EPA has addressed the comments received in response to the previously provided public review opportunity issued in the **Federal Register** on March 15, 2016 (81 FR 13790). With this submission, EPA is providing an additional 30 days for public review.

**DATES:** Comments must be received on or before January 12, 2018.

**ADDRESSES:** Submit your comments, identified by Docket ID number EPA-HQ-OPPT-2015-0436, to both EPA and OMB as follows:

- To EPA online using <http://www.regulations.gov> (our preferred method) or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460, and

- To OMB via email to [oira\\_submission@omb.eop.gov](mailto:oira_submission@omb.eop.gov). Address comments to OMB Desk Officer for EPA.

EPA’s policy is that all comments received will be included in the public docket without change, including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

**FOR FURTHER INFORMATION CONTACT:**

Colby Lintner, Environmental Assistance Division (7408M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; telephone number: (202) 554-1404; email address: [TSCA-Hotline@epa.gov](mailto:TSCA-Hotline@epa.gov).

**SUPPLEMENTARY INFORMATION:**

*Docket:* Supporting documents, including the ICR that explains in detail the information collection activities and the related burden and cost estimates that are summarized in this document, are available in the docket for this ICR. The docket can be viewed online at <http://www.regulations.gov> or in person at the EPA Docket Center, West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is (202) 566-1744. For additional information about EPA’s public docket, visit <http://www.epa.gov/dockets>.

*ICR status:* OMB approval for this ICR expired on September 1, 2016, due to

administrative error. This action is a request to reinstate OMB approval for the information collection activities outlined in this document. Under PRA, 44 U.S.C. 3501 *et seq.*, 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 OMB control numbers are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers for certain EPA regulations is consolidated in 40 CFR part 9.

*Abstract:* Section 4 of the Toxic Substances Control Act (TSCA) is designed to assure that chemicals that may pose serious risks to human health or the environment undergo testing by manufacturers or processors, and that the results of such testing are made available to EPA. EPA uses the information collected under the authority of TSCA section 4 to assess risks associated with the manufacture, processing, distribution, use or disposal of a chemical, and to support any necessary regulatory action with respect to that chemical.

EPA must assure that appropriate tests are performed on a chemical if it decides: (1) That a chemical being considered under TSCA section 4(a) may pose an “unreasonable risk” or is produced in “substantial” quantities that may result in substantial or significant human exposure or substantial environmental release of the chemical; (2) that additional data are needed to determine or predict the impacts of the chemical’s manufacture, processing, distribution, use or disposal; and (3) that testing is needed to develop such data. Rules and consent orders under TSCA section 4 require that one manufacturer or processor of a subject chemical perform the specified testing and report the results of that testing to EPA. TSCA section 4 also allows a manufacturer or processor of a subject chemical to apply for an exemption from the testing requirement if that testing will be or has been performed by another party. This information collection applies to reporting and recordkeeping activities associated with the information that EPA requires industry to provide in response to TSCA section 4 test rules, consent orders, test rule exemptions and other data submissions.

*Respondents/affected entities:* Entities potentially affected by this ICR are manufacturers, processors, importers, users, distributors or disposers of one or more specified chemical substances.

*Respondent’s obligation to respond:* Mandatory (see 40 CFR part 790).

*Estimated number of respondents:* 15 (total).

*Frequency of response:* On occasion.

*Total estimated burden:* 3,127 hours (per year). Burden is defined at 5 CFR 1320.3(b).

*Total estimated cost:* \$9,232,952 (per year), includes \$9,010,065 annualized capital investment or maintenance and operational costs.

*Changes in the estimates:* There is a decrease of 626,766 hours in the total estimated respondent burden compared with that identified in the ICR currently approved by OMB. This decrease reflects EPA’s corrections to the previous renewal of this collection, plus reduced levels of activity in test rules, methodological corrections and updates, and requirements for electronic reporting of information. This change is both the result of a program change (electronic reporting) and an adjustment (all other factors).

**Courtney Kerwin,**

*Director, Regulatory Support Division.*

[FR Doc. 2017-26777 Filed 12-12-17; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[Docket ID No. EPA-HQ-ORD-2013-0357; FRL-9971-90-ORD]

### Integrated Science Assessment for Sulfur Oxides—Health Criteria

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of availability.

**SUMMARY:** EPA is announcing the availability of a final document titled, “Integrated Science Assessment for Sulfur Oxides—Health Criteria” (EPA/600/R-17/451). The document was prepared by the National Center for Environmental Assessment (NCEA) within EPA’s Office of Research and Development (ORD) as part of the review of the primary (health-based) National Ambient Air Quality Standards (NAAQS) for sulfur oxides (SO<sub>x</sub>). This Integrated Science Assessment (ISA) provides a comprehensive review, synthesis, and evaluation of the most policy-relevant science to serve as the scientific foundation for EPA’s review of the current primary NAAQS for SO<sub>x</sub>.<sup>1</sup> EPA is developing a separate ISA as part of an independent review for the

<sup>1</sup> Sulfur dioxide (SO<sub>2</sub>) is the indicator for the current primary NAAQS, so it is also commonly referred to as the primary SO<sub>2</sub> NAAQS.

secondary (welfare-based) NAAQS for oxides of nitrogen and sulfur.

**DATES:** The “Integrated Science Assessment for Sulfur Oxides—Health Criteria” will be available on or before December 14, 2017.

**ADDRESSES:** The “Integrated Science Assessment for Sulfur Oxides—Health Criteria” will be available primarily via the internet on EPA’s Integrated Science Assessment for Sulfur Oxides (Health Criteria) home page at <http://www2.epa.gov/isa/integrated-science-assessment-isa-sulfur-dioxide-health-criteria> or the public docket at <http://www.regulations.gov>, Docket ID: EPA–HQ–ORD–2013–0357. A limited number of CD–ROM copies will be available. Contact Ms. Marieka Boyd by phone: 919–541–0031; fax: 919–541–5078; or email: [boyd.marieka@epa.gov](mailto:boyd.marieka@epa.gov) to request a CD–ROM, and please provide your name, your mailing address, and the document title, “Integrated Science Assessment for Sulfur Oxides—Health Criteria” to facilitate processing of your request.

**FOR FURTHER INFORMATION CONTACT:** For technical information, contact Dr. Tom Long, NCEA; phone: 919–541–1880; fax: 919–541–1818; or email: [long.tom@epa.gov](mailto:long.tom@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Information About the Document**

Section 108(a) of the Clean Air Act directs the Administrator to identify certain pollutants which, among other things, “cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare” and to issue air quality criteria for them. These air quality criteria are to “accurately reflect the latest scientific knowledge useful in indicating the kind and extent of all identifiable effects on public health or welfare which may be expected from the presence of [a] pollutant in the ambient air . . . .” Under section 109 of the Act, EPA is then to establish NAAQS for each pollutant for which EPA has issued criteria. Section 109(d) of the Act subsequently requires periodic review and, if appropriate, revision of existing air quality criteria to reflect advances in scientific knowledge on the effects of the pollutant on public health or welfare. EPA is also required to periodically review and, if appropriate, revise the NAAQS, based on the revised air quality criteria (for more information on the NAAQS review process, see <https://www.epa.gov/naaqs>).

Sulfur oxides are one of six criteria pollutants for which EPA has established NAAQS. Periodically, EPA reviews the scientific basis for these

standards by preparing an ISA (formerly called an Air Quality Criteria Document). The ISA provides a comprehensive review, synthesis, and evaluation of the most policy-relevant science to serve as the scientific foundation for EPA’s review of the current primary NAAQS for SO<sub>x</sub>. The Clean Air Scientific Advisory Committee (CASAC), an independent science advisory committee whose review and advisory functions are mandated by Section 109(d)(2) of the Clean Air Act, is charged (among other things) with independent scientific review of the EPA’s air quality criteria.

On May 10, 2013 (78 FR 27387), EPA formally initiated its current review of the air quality criteria for the health effects of sulfur oxides and the primary (health-based) NAAQS for SO<sub>x</sub>, requesting the submission of recent scientific information on specified topics. EPA held a workshop on June 12–13, 2013, to gather input from invited scientific experts, both internal and external to EPA, as well as from the public, regarding key science and policy issues relevant to the review of the health effects of sulfur oxides and the primary NAAQS for SO<sub>x</sub> (78 FR 27387). These science and policy issues were incorporated in EPA’s “Integrated Review Plan for the Primary National Ambient Air Quality Standard for Sulfur Dioxide” (EPA–452/R–14–007), which was finalized in October 2014 (79 FR 66721) with a prior draft available for public comment (79 FR 14035) and discussion by the CASAC via publicly accessible teleconference consultations (79 FR 16325, 79 FR 30137, 79 FR 34739). On June 23–24, 2014, EPA held a workshop to discuss, with invited internal and external scientific experts, initial draft materials prepared in the development of the ISA (79 FR 33750). EPA considered comments on these draft materials in preparing the first external review draft of the ISA, which was released on November 24, 2015 (80 FR 73183). The first draft ISA was discussed at a public CASAC meeting on January 27–28, 2016 (80 FR 79330). Subsequently, on April 15, 2016, the CASAC provided a consensus letter to the EPA Administrator summarizing their review ([https://yosemite.epa.gov/sab/sabproduct.nsf/4620a620d0120f93852572410080d786/8DEC36A7E2A54BA485257F9600667D81/\\$File/EPA-CASAC+2016-002+Unsigned.pdf](https://yosemite.epa.gov/sab/sabproduct.nsf/4620a620d0120f93852572410080d786/8DEC36A7E2A54BA485257F9600667D81/$File/EPA-CASAC+2016-002+Unsigned.pdf)). The second draft ISA was then developed with consideration of comments from the CASAC and the public, and includes consideration of scientific studies published through September 2016 (81 FR 89097). The

CASAC panel met at a public meeting on March 20–21, 2017, to review the second draft ISA (82 FR 11449). Subsequently, on June 30, 2017, the CASAC provided a consensus letter for their review to the EPA Administrator ([https://yosemite.epa.gov/sab/sabproduct.nsf/4620a620d0120f93852572410080d786/88CD26BC35A8C8688525814F004D86EC/\\$File/EPA-CASAC-17-003.pdf](https://yosemite.epa.gov/sab/sabproduct.nsf/4620a620d0120f93852572410080d786/88CD26BC35A8C8688525814F004D86EC/$File/EPA-CASAC-17-003.pdf)). The letters from CASAC, as well as public comments received on the ISA drafts, can be found in Docket ID No. EPA–HQ–ORD–2013–0357.

EPA has considered comments by the CASAC panel and by the public in preparing this final ISA.

Dated: November 29, 2017.

**Tina Bahadori,**

*Director, National Center for Environmental Assessment.*

[FR Doc. 2017–26893 Filed 12–12–17; 8:45 am]

**BILLING CODE 6560–50–P**

**ENVIRONMENTAL PROTECTION AGENCY**

[FLR–9971–99–Region 10]

**Proposed Re-Issuance of a General NPDES Permit (GP) for Small Suction Dredges in Idaho**

**AGENCY:** Environmental Protection Agency, Region 10.

**ACTION:** Proposed reissuance of a general permit.

**SUMMARY:** The EPA is proposing to reissue a National Pollutant Discharge Elimination System (NPDES) General Permit (IDG370000) for small suction dredge operations in Idaho (intake nozzle size of 5 inches in diameter or a diametric equivalent or less and with equipment rated at 15 horsepower or less). The current permit established effluent limitations, standards, prohibitions and other conditions on discharges from covered facilities. These conditions are based on existing national effluent guidelines, the state of Idaho’s Water Quality Standards and material contained in the administrative record. The EPA is proposing to retain most conditions of the current General Permit. A description of the basis for the conditions and requirements of the proposed general permit is given in the Fact Sheet. This is also notice of the draft Section 401 Certification provided by the state of Idaho.

**DATES:** Interested persons may submit comments on the proposed reissuance of the general permit to EPA, Region 10 at the address below. Comments must be postmarked by January 29, 2018.

**ADDRESSES:** Comments on the draft General Permit should be sent to Director, Office of Water and Watersheds; USEPA Region 10; 1200 Sixth Avenue, Suite 900, OWW-191; Seattle, WA 98101 and may also be submitted by fax to (206) 553-1280 or electronically to [godsey.cindi@epa.gov](mailto:godsey.cindi@epa.gov).

Comments on the draft § 401 Certification should be sent to Nicole Deinarowicz, Idaho Department of Environmental Quality, 1410 N. Hilton, Boise, Idaho 83706 or electronically to [Nicole.Deinarowicz@deq.idaho.gov](mailto:Nicole.Deinarowicz@deq.idaho.gov).

**FOR FURTHER INFORMATION CONTACT:** These documents may be found on the EPA Region 10 website at [www.epa.gov/npdes-permits/draft-mpdes-general-permit-small-suction-dredge-placer-miners-idaho](http://www.epa.gov/npdes-permits/draft-mpdes-general-permit-small-suction-dredge-placer-miners-idaho). Copies of the proposed general permit and Fact Sheet are also available upon request. Requests may be made to Audrey Washington at (206) 553-0523 or to Cindi Godsey at (206) 553-1676. Requests may also be electronically mailed to: [washington.audrey@epa.gov](mailto:washington.audrey@epa.gov), [godsey.cindi@epa.gov](mailto:godsey.cindi@epa.gov), or [peak.tracy@epa.gov](mailto:peak.tracy@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**EXECUTIVE ORDER 12866:** This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

Dated: December 5, 2017.

**Michael J. Lidgard,**

*Acting Director, Office of Water & Watersheds, Region 10.*

[FR Doc. 2017-26896 Filed 12-12-17; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

[EPA-HQ-OPPT-2015-0437; FRL-9967-78-OEI]

**Agency Information Collection Activities; Safer Choice Product Recognition Program; Submitted to OMB for Review and Approval; Comment Request**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA has submitted the following information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA): "Safer Choice Product Recognition Program" and identified by EPA ICR No. 2302.03 and OMB Control No. 2070-0178. The ICR, which is available in the docket along

with other related materials, provides a detailed explanation of the collection activities and the burden estimate that is only briefly summarized in this document. EPA did not receive any comments in response to the previously provided public review opportunity issued in the **Federal Register** on March 8, 2016 (81 FR 12097). With this submission, EPA is providing an additional 30 days for public review.

**DATES:** Comments must be received on or before January 12, 2018.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA-HQ-OPPT-2015-0437, to (1) EPA online using <http://www.regulations.gov> (our preferred method) or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460 and (2) OMB via email to [oira\\_submission@omb.eop.gov](mailto:oira_submission@omb.eop.gov). Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the docket without change, including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute. Do not submit electronically any information you consider to be CBI or information whose disclosure is restricted by statute.

**FOR FURTHER INFORMATION CONTACT:** Colby Lintner, Environmental Assistance Division (7408M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; telephone number: (202) 554-1404; email address: [TSCA-Hotline@epa.gov](mailto:TSCA-Hotline@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**Docket:** Supporting documents, including the ICR that explains in detail the information collection activities and the related burden and cost estimates that are summarized in this document, are available in the docket. The docket can be viewed online at <http://www.regulations.gov> or in person at the EPA Docket Center, West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is (202) 566-1744. For additional information about EPA's public docket, visit <http://www.epa.gov/dockets>.

**ICR status:** This ICR expires on August 31, 2016. Under PRA, 44 U.S.C. 3501 *et seq.*, 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 OMB control numbers are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers for certain EPA regulations is consolidated in 40 CFR part 9.

**Abstract:** EPA's Safer Choice program formally recognizes safer products where all ingredients have an environmental and human health profile showing that they are the safest in their functional use class. Under the encouragement of this program, leading companies have made great progress in developing safer, highly effective chemical products. Since the program's inception in 1997, formulators have used the program as a portal to EPA's unique chemical expertise, information resources, and guidance on greener chemistry. Safer Choice program partners enjoy Agency recognition, including the use of the Safer Choice program logo on products with the safest possible formulations. In the future, EPA expects much greater program participation due to rising demand for safer products. This information collection enables EPA to accommodate participation by more than nine formulators each year and to enhance program transparency.

Information collection activities associated with this program will assist the Agency in meeting the goals of the Pollution Prevention Act (PPA) by providing resources and recognition for businesses committed to promoting and using safer chemical products. In turn, the program will help businesses meet corporate sustainability goals by providing the means to, and an objective measure of, environmental stewardship. Investment analysts and advisers seek these types of measures in evaluating a corporation's sustainability profile and investment worthiness. Safer Choice Product Recognition program partnership is an important impetus for prioritizing and completing the transition to safer chemical products. The Safer Choice Product Recognition program is also needed to promote greater use of safer chemical products by companies unaware of the benefits of such a change.

EPA has tailored its request for information, and especially the Safer Choice Product Recognition program application forms, to ensure that the Agency requests only that information essential to verify applicants' eligibility for recognition.

**Respondents/Affected Entities:** Companies engaged in the formulation of end-use, for-sale products that have

furthered the goals of the Safer Choice program through participation in and promotion of the program, and that wish to receive recognition for their achievements.

*Respondent's obligation to respond:*

Responses to the collection of information are voluntary. Respondents may claim all or part of a response confidential. EPA will disclose information that is covered by a claim of confidentiality only to the extent permitted by, and in accordance with, the procedures in TSCA section 14 and 40 CFR part 2.

*Estimated total number of potential respondents:* 157.

*Frequency of response:* On occasion.

*Estimated total burden:* 1,596 hours (per year). Burden is defined at 5 CFR 1320.3(b).

*Estimated total costs:* \$ 652,359 (per year), includes no annualized capital investment or maintenance and operational costs.

*Changes in the estimates:* There is an increase of 362 hours in the total estimated respondent burden compared with that identified in the ICR currently approved by OMB. This increase reflects EPA's estimate of a greater number of respondents, due to historical experience and increases in the expected future number of responses due to greater consumer awareness and demand for products with the Safer Choice label. This increase is partially offset by reduced per-response burden estimates based on expected efficiencies created by using the Salesforce-based Safer Choice Community on the part of respondents. This change is an adjustment.

**Courtney Kerwin,**

*Director, Regulatory Support Division.*

[FR Doc. 2017-26778 Filed 12-12-17; 8:45 am]

**BILLING CODE 6560-50-P**

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## FEDERAL ELECTION COMMISSION

### Sunshine Act Meeting

**FEDERAL REGISTER CITATION NOTICE OF PREVIOUS ANNOUNCEMENT:** 82 FR 56827.

**PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING:** Tuesday, December 5, 2017 at 10:00 a.m. and its continuation at the conclusion of the open meeting on December 7, 2017.

**CHANGES IN THE MEETING:** This meeting also discussed:

Matters concerning participation in civil actions or proceedings or arbitration.

\* \* \* \* \*

**CONTACT FOR MORE INFORMATION:** Judith Ingram, Press Officer, Telephone: (202) 694-1220.

**Laura E. Sinram,**

*Deputy Secretary of the Commission.*

[FR Doc. 2017-26920 Filed 12-11-17; 11:15 am]

**BILLING CODE 6715-01-P**

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## FEDERAL MARITIME COMMISSION

[Petition No. P3-17]

### Petition of Great White Fleet Liner Services Ltd. and Great White Fleet Corp.; Notice of Filing and Request for Comments

Notice is hereby given that Great White Fleet Liner Services Ltd. and Great White Fleet Corp. ("Petitioners"), have petitioned the Commission pursuant to 46 U.S.C. 40103 of the Shipping Act of 1984 and Rules 92 and 94 of the Commission's Rules of Practice and Procedure, 46 CFR 502.92, and 46 CFR 502.94, for an exemption from "the provisions of 46 CFR 530.10 requiring each service contract amendment to be signed by both parties and filed with the Commission."

The Petitioners state that a pending corporate restructuring will result in Great White Fleet Liner Services Ltd. transferring agreed upon assets and services to Great White Fleet Corp. As some of the transferred services will be ". . . service contracts with shippers filed with the Commission under the Shipping Act . . .," the Petitioners are requesting an exemption from 46 CFR 530.10 that requires ". . . all amendments to service contracts to be manually amended by both parties, including amendments changing the carrier party to a successor carrier, even to an affiliate." The Petitioners claim that ". . . approximately 300 service contracts would require manual amendments" which would "place a severe administrative burden upon the carriers and shippers alike . . ." among other issues. The Petitioners claim that "the potential for negative competitive or commercial effects is minimal . . ." due to the terms of their corporate restructuring.

In order for the Commission to make a thorough evaluation of the exemption requested in the Petition, pursuant to 46 CFR 502.92, interested parties are requested to submit views or arguments in reply to the Petition no later than December 27, 2017. Replies shall be sent to the Secretary by email to [Secretary@fmc.gov](mailto:Secretary@fmc.gov) or by mail to Federal Maritime Commission, 800 North Capitol Street NW, Washington, DC 20573-0001, and replies shall be served on Petitioners'

counsel, Wade S. Hooker, Law Office of Wade S. Hooker, 211 Central Park W, New York, New York 10024, [wadeshooker@gmail.com](mailto:wadeshooker@gmail.com).

Non-confidential filings may be submitted in hard copy to the Secretary at the above address or by email as a PDF attachment to [Secretary@fmc.gov](mailto:Secretary@fmc.gov) and include in the subject line: P3-17 (Commenter/Company). Confidential filings should not be filed by email. A confidential filing must be filed with the Secretary in hard copy only, and be accompanied by a transmittal letter that identifies the filing as "Confidential-Restricted" and describes the nature and extent of the confidential treatment requested. The Commission will provide confidential treatment to the extent allowed by law for confidential submissions, or parts of submissions, for which confidentiality has been requested. When a confidential filing is submitted, there must also be submitted a public version of the filing. Such public filing version shall exclude confidential materials, and shall indicate on the cover page and on each affected page "Confidential materials excluded." Public versions of confidential filings may be submitted by email. The Petition will be posted on the Commission's website at <http://www.fmc.gov/P3-17>. Replies filed in response to the Petition will also be posted on the Commission's website at this location.

**Rachel E. Dickon,**

*Assistant Secretary.*

[FR Doc. 2017-26819 Filed 12-12-17; 8:45 am]

**BILLING CODE 6731-AA-P**

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## FEDERAL RESERVE SYSTEM

### Formations of, Acquisitions by, and Mergers of Savings and Loan Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Home Owners' Loan Act (12 U.S.C. 1461 *et seq.*) (HOLA), Regulation LL (12 CFR part 238), and Regulation MM (12 CFR part 239), and all other applicable statutes and regulations to become a savings and loan holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a savings association and nonbanking companies owned by the savings and loan holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank

indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the HOLA (12 U.S.C. 1467a(e)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 10(c)(4)(B) of the HOLA (12 U.S.C. 1467a(c)(4)(B)). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than January 8, 2018.

A. *Federal Reserve Bank of San Francisco* (Gerald C. Tsai, Director, Applications and Enforcement) 101 Market Street, San Francisco, California 94105–1579:

1. *The Charles Schwab Corporation, San Francisco, California*; to acquire voting shares of Charles Schwab Trust Bank, Henderson, Nevada.

Board of Governors of the Federal Reserve System, December 7, 2017.

**Ann E. Misback,**

*Secretary of the Board.*

[FR Doc. 2017–26792 Filed 12–12–17; 8:45 am]

**BILLING CODE P**

## FEDERAL RESERVE SYSTEM

### Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also

includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than January 8, 2018.

A. Federal Reserve Bank of Minneapolis (Mark A. Rauzi, Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. *Stearns Financial Services, Inc., Employee Stock Ownership Plan, Saint Cloud, Minnesota*; to acquire additional voting shares, for a total of 24.19 percent of the voting shares of Stearns Financial Services, Inc., Saint Cloud, Minnesota, and thereby indirectly acquire shares of Stearns Bank National Association, Saint Cloud, Minnesota, Stearns Bank of Upsala, National Association, Upsala, Minnesota, and Stearns Bank of Holdingford, National Association, Holdingford, Minnesota.

Board of Governors of the Federal Reserve System, December 7, 2017.

**Ann E. Misback,**

*Secretary of the Board.*

[FR Doc. 2017–26793 Filed 12–12–17; 8:45 am]

**BILLING CODE P**

## GENERAL SERVICES ADMINISTRATION

[Notice-MG–2017–03; Docket No. 2017–0002; Sequence 24]

### Office of Federal High-Performance Buildings; Initiation of Periodic Review of High Performance Building Certification Systems

**AGENCY:** Office of Government-wide Policy (OGP); General Services Administration, (GSA).

**ACTION:** Notice.

**SUMMARY:** GSA is initiating its high-performance building certification systems review, required every five years by the Energy Independence and Security Act (EISA) of 2007. GSA will identify a system(s) and certification level that “will be most likely to encourage a comprehensive and environmentally sound approach” to the certification of high-performance Federal buildings.

**DATES:** December 13, 2017.

**FOR FURTHER INFORMATION CONTACT:** Mr. Patrick R. Dale, Office of Federal High-Performance Buildings, Management and Program Analyst, 1800 F Street NW,

Washington, DC, 20405, telephone 202–999–9607, or via email, at [patrick.dale@gsa.gov](mailto:patrick.dale@gsa.gov).

**SUPPLEMENTARY INFORMATION:** In this review cycle, GSA will be directly contacting representatives of systems that have passed GSA’s screening criteria, described below, to request completion of a survey designed to provide GSA with detailed information about the identified system, in order to support its data collection process.

Systems deemed to meet all of the criteria will be evaluated in detail. GSA’s screening criteria follow:

1. The certification system is currently available for use in the U.S. commercial buildings market and is not limited to one climate zone or geographic region.

2. The certification system addresses buildings (rather than individual products) with multiple performance and sustainable design attributes identified in EISA, including (but not limited to) energy, water, natural resources and environmental quality.

3. The certification system is validated by an independent, third-party assessor.

4. The certification system incorporates (where feasible), measurable and/or calculated metrics to assess building performance as opposed to evidence of intent.

GSA will request input from representatives of certification systems meeting the above screening criteria, to better inform its recommendation to the Secretary of Energy on what certification system(s) best meet(s) the requirements described in Section 436 of EISA.

GSA will provide the findings from its evaluation and set of recommendations to the Secretary of Energy who, in consultation with the Department of Defense and GSA, may identify the system(s) to recommend for use across the Federal Government.

Additional information can be found online at: <http://www.gsa.gov/gbcertificationreview>

Dated: December 6, 2017.

**Kevin Kampschroer,**

*Director, Office of Federal High-Performance Green Buildings, General Services Administration.*

[FR Doc. 2017–26888 Filed 12–12–17; 8:45 am]

**BILLING CODE 6820–14–P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Centers for Disease Control and Prevention**

[30Day-18-0765]

**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 Fellowship Management System 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 September 5, 2017 to obtain comments from the public and affected agencies. CDC received two non-substantive 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](mailto: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**

Fellowship Management System, (OMB Control Number 0920-0765, Expiration date April 30, 2018)—Extension—Division of Scientific Education and Professional Development, Centers for Disease Control and Prevention (CDC).

**Background and Brief Description**

The Division of Scientific Education and Professional Development (DSEPD) requests a three-year extension to continue use of CDC’s Fellowship Management System (FMS) that allow individuals to apply to fellowships online, allow public health agencies to submit fellowship assignment proposals online, and track applicant and alumni information.

FMS is key to CDC’s ability to protect the public’s health by supporting training opportunities that strengthen the public health workforce. Since 2015, OMB has approved non-substantive changes to FMS information collection to accurately reflect evolving fellowship eligibility requirements, provide clarification of existing questions, accommodate the changing needs of host organizations, and to account for the addition of 150 new applicants to the Science Ambassadors Fellowship. A three-year extension will allow applicants, public health agencies, and alumni continued use of FMS for submission of electronic data.

The mission of DSEPD is to improve health outcomes through a competent,

sustainable, and empowered public health workforce. Professionals in public health, epidemiology, medicine, economics, information science, veterinary medicine, nursing, public policy, and other related professionals seek opportunities, through CDC fellowships, to broaden their knowledge, skills, and experience to improve the science and practice of public health. CDC fellows are assigned to state, tribal, local, and territorial public health agencies; federal government agencies, including CDC and Department of Health and Human Services’ operational divisions, such as Centers for Medicare & Medicaid Services; and to nongovernmental organizations, including academic institutions, tribal organizations, and private public health organizations.

FMS allows CDC to efficiently and effectively collect and process fellowship applications, fellowship assignment proposals, and fellowship alumni information from nonfederal persons. FMS is a flexible and robust data management system that is standardized and tailored for each CDC fellowship. CDC collects only the minimum amount of information required, thereby streamlining CDC’s decision processes and reducing burden for respondents.

Respondent types vary depending on fellowship eligibility requirements. Responses to FMS questions are voluntary, and there are no costs to respondents other than their time.

CDC uses the information gathered to identify participants for its fellowship programs and address each program’s needs and the needs of the public. By allowing online submissions of applications to fellowships and proposals for fellowship assignments, FMS can track fellowship applicants, alumni, and public health service agency employees seeking to host and work with fellows, all in one integrated database.

The total estimated annual burden hours are 4,556.

**ESTIMATED ANNUALIZED BURDEN HOURS**

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Fellowship Applicants .....	FMS Application .....	1,991	1	1.75
Science Ambassadors Fellowship .....	FMS Application for Science Ambassadors ..	150	1	45/60
Fellowship Alumni .....	FMS Alumni Directory .....	1,382	1	15/60
Public Health Agency Staff .....	FMS Host Site Module .....	408	1	1.5

**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. 2017-26781 Filed 12-12-17; 8:45 am]

**BILLING CODE 4163-18-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

[60Day-18-0800; Docket No. CDC-2017-  
 0113]

#### Proposed Data Collection Submitted for Public Comment and Recommendations

**AGENCY:** Centers for Disease Control and  
 Prevention (CDC), Department of Health  
 and Human Services (HHS).

**ACTION:** Notice with comment period.

**SUMMARY:** The Centers for Disease  
 Control and Prevention (CDC), as part of  
 its continuing effort to reduce public  
 burden and maximize the utility of  
 government information, invites the  
 general public and other Federal  
 agencies the opportunity to comment on  
 a proposed and/or continuing  
 information collection, as required by  
 the Paperwork Reduction Act of 1995.  
 This notice invites comment on a  
 proposed information collection project  
 titled *Focus Group Testing to Effectively  
 Plan and Tailor Cancer Prevention and  
 Control Communication Campaigns*.  
 Thus, CDC seeks to request Office of  
 Management and Budget (OMB)  
 approval to reinstatement OMB Control  
 Number 0920-0800.

**DATES:** CDC must receive written  
 comments on or before February 12,  
 2018.

**ADDRESSES:** You may submit comments,  
 identified by Docket No. CDC-2017-  
 0113 by any of the following methods:

*Federal eRulemaking Portal:*  
*Regulations.gov.* Follow the instructions  
 for submitting comments.

- *Mail:* Leroy A. Richardson,  
 Information Collection Review Office,  
 Centers for Disease Control and  
 Prevention, 1600 Clifton Road NE, MS-  
 D74, Atlanta, Georgia 30329.

*Instructions:* All submissions received  
 must include the agency name and  
 Docket Number. CDC will post, without  
 change, all relevant comments to  
*Regulations.gov.*

*Please note: Submit all comments  
 through the Federal eRulemaking portal  
 (regulations.gov) or by U.S. mail to the  
 address listed above.*

**FOR FURTHER INFORMATION:** To request  
 more information on the proposed  
 project or to obtain a copy of the  
 information collection plan and  
 instruments, contact Leroy A.  
 Richardson, Information Collection  
 Review Office, Centers for Disease  
 Control and Prevention, 1600 Clifton  
 Road NE, MS-D74, Atlanta, Georgia  
 30329; phone: 404-639-7570; Email:  
*omb@cdc.gov.*

**SUPPLEMENTARY INFORMATION:** Under the  
 Paperwork Reduction Act of 1995 (PRA)  
 (44 U.S.C. 3501-3520), Federal agencies  
 must obtain approval from the Office of  
 Management and Budget (OMB) for each  
 collection of information they conduct  
 or sponsor. In addition, the PRA also  
 requires Federal agencies to provide a  
 60-day notice in the **Federal Register**  
 concerning each proposed collection of  
 information, including each new  
 proposed collection, each proposed  
 extension of existing collection of  
 information, and each reinstatement of  
 previously approved information  
 collection before submitting the  
 collection to the OMB for approval. To  
 comply with this requirement, we are  
 publishing this notice of a proposed  
 data collection as described below.

The OMB is particularly interested in  
 comments that will help:

1. Evaluate whether the proposed  
 collection of information is necessary  
 for the proper performance of the  
 functions of the agency, including  
 whether the information will have  
 practical utility;
2. Evaluate the accuracy of the  
 agency's estimate of the burden of the  
 proposed collection of information,  
 including the validity of the  
 methodology and assumptions used;
3. Enhance the quality, utility, and  
 clarity of the information to be  
 collected; and
4. Minimize the burden of the  
 collection of information on those who  
 are to respond, including through the  
 use of appropriate automated,  
 electronic, mechanical, or other  
 technological collection techniques or  
 other forms of information technology,  
*e.g.*, permitting electronic submissions  
 of responses.
5. Assess information collection costs.

#### Proposed Project

Focus Group Testing to Effectively  
 Plan and Tailor Cancer Prevention and  
 Control Communications Campaigns—  
 (OMB No. 0920-0800, exp. 12/31/  
 2017)—Reinstatement without Change—  
 National Center for Chronic Disease  
 Prevention and Health Promotion  
 (NCCDPHP), Centers for Disease Control  
 and Prevention (CDC).

#### Background and Brief Description

The mission of the CDC's Division of  
 Cancer Prevention and Control (DCPC)  
 is to reduce the burden of cancer in the  
 United States through cancer  
 prevention, reduction of risk, early  
 detection, better treatment, and  
 improved quality of life for cancer  
 survivors. Toward this end, the DCPC  
 supports the scientific development and  
 implementation of various health  
 communication campaigns with an  
 emphasis on specific cancer burdens.

This process requires testing of  
 messages, concepts, and materials prior  
 to their final development and  
 dissemination, as described in the  
 second step of the health  
 communication process. The health  
 communication process is a scientific  
 model developed by the U.S.  
 Department of Health and Human  
 Services' National Cancer Institute to  
 guide sound campaign development.  
 The communication literature supports  
 various data collection methods, one of  
 which is focus groups, to conduct  
 credible formative, concept, message,  
 and materials testing. The purpose of  
 focus groups is to ensure that the public  
 and other key audiences, like health  
 professionals, clearly understand  
 cancer-specific information and  
 concepts, are motivated to take the  
 desired action, and do not react  
 negatively to the messages.

CDC is currently approved to collect  
 information needed to plan and tailor  
 cancer communication campaigns (OMB  
 No. 0920-0800, expiration date 12/31/  
 2017), and seeks OMB approval to  
 extend the existing generic clearance.

Information collection will involve  
 focus groups to assess numerous  
 qualitative dimensions of cancer  
 prevention and control messages  
 including, but not limited to, cancer  
 knowledge, attitudes, beliefs, behavioral  
 intentions, information needs and  
 sources, clinical practices (among  
 healthcare providers), and compliance  
 with recommended cancer screening.  
 Insights gained from the focus groups  
 will assist in the development and/or  
 refinement of future campaign messages  
 and materials.

Respondents will include healthcare  
 providers as well as members of the  
 general public. Communication  
 campaigns and messages will vary  
 according to the type of cancer, the  
 qualitative dimensions of the message  
 described above, and the type of  
 respondents.

DCPC plans to conduct or sponsor up  
 to 80 focus groups per year over a three-  
 year period. An average of 10  
 respondents will participate in each

focus group discussion. DCPC has developed a set of example questions that can be used to develop a discussion guide for each focus group activity. The average burden for response for each focus group will be two hours. DCPC has also developed a set of example questions that can be tailored to screen

for targeted groups of respondents. The average burden per response for screening and recruitment is three minutes.

A separate information collection request will be submitted to OMB for approval of each focus group activity. The request will describe the purpose of

the activity and include the customized information collection instruments.

OMB approval is requested for three years. There are no changes to information collection purpose or methodology. Participation is voluntary and there are no costs to respondents except their time.

**ESTIMATED ANNUALIZED BURDEN HOURS**

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
General Public .....	Screening Form .....	960	1	3/60	48
General Public .....	Focus Group Guide .....	480	6	2	960
Health Care Professionals .....	Screening Form .....	640	1	3/60	32
Health Care Professionals .....	Focus Group Guide .....	320	1	2	640
<b>Total .....</b>	.....	.....	.....	.....	<b>1,680</b>

**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. 2017-26783 Filed 12-12-17; 8:45 am]  
**BILLING CODE 4163-18-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Centers for Disease Control and Prevention**

[60Day-18-0213, Docket No. CDC-2017-0107]

**Proposed Data Collections Submitted for Public Comment and Recommendations**

**AGENCY:** Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

**ACTION:** Notice with comment period.

**SUMMARY:** The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled the National Vital Statistics Report Forms. These are the data collection forms used by State and/or county vital registration offices to report to the Federal government (a) provisional counts of births, deaths, and infant deaths at the end of each month and (b) annual counts of marriages and

divorces/annulments in support of the National Vital Statistics System. This submission contains no changes to the actual data collection forms. However, the number of respondent for the monthly and annual forms have shifted from 91 and 58 respectively to 58 and 91, since the 33 New Mexico Counties only send marriage and divorce information that is now only captured in the annual report.

**DATES:** CDC must receive written comments on or before February 12, 2018.

**ADDRESSES:** You may submit comments, identified by Docket No. CDC-2017-0107 by any of the following methods:

- *Federal eRulemaking Portal:*

*Regulations.gov.* Follow the instructions for submitting comments.

- *Mail:* Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS-D74, Atlanta, Georgia 30329.

*Instructions:* All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov.*

*Please note: Submit all comments through the Federal eRulemaking portal (regulations.gov) or by U.S. mail to the address listed above.*

**FOR FURTHER INFORMATION CONTACT:** To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS-D74, Atlanta, Georgia 30329; phone: 404-639-7570; Email: *omb@cdc.gov.*

**SUPPLEMENTARY INFORMATION:** Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501-3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below. The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

5. Assess information collection costs.

**Proposed Project**

National Vital Statistics Report Forms (OMB Control Number 0920–0213, expires 04/30/2018)—Revision—National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention (CDC).

**Background and Brief Description**

The compilation of national vital statistics dates back to the beginning of the 20th century and has been conducted since 1960 by the Division of Vital Statistics of the National Center for Health Statistics, CDC. The collection of the data is authorized by 42 U.S.C. 242k. This submission requests approval to collect the monthly and annually summary statistics for three years.

The Monthly Vital Statistics Report forms provide counts of monthly occurrences of births, deaths, and infant deaths. Similar data have been published since 1937 and are the sole source of these data at the National level. The data are used by the Department of Health and Human Services and by other government, academic, and private research and commercial organizations in tracking changes in trends of vital events. Respondents for the Monthly Vital Statistics Reports Form are registration officials in each State and Territory, the District of Columbia, and New York City. This form is also designed to collect counts of monthly occurrences of births, deaths, and infant deaths

immediately following the month of occurrence.

The Annual Vital Statistics Occurrence Report Form collects final annual counts of marriages and divorces by month for each State and Territory, the District of Columbia, and New York City as well as 33 counties in New Mexico. These final counts are usually available from State or county officials about eight months after the end of the data year. The data are widely used by government, academic, private research, and commercial organizations in tracking changes in trends of family formation and dissolution.

There are no costs to respondents other than their time.

**ESTIMATED ANNUALIZED BURDEN HOURS**

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
State, Territory, and other officials ...	Monthly Vital Statistics Report .....	58	12	8/60	93
State, Territory, and New Mexico County Officials.	Annual Vital Statistics Occurrence Report.	91	1	30/60	46
<b>Total .....</b>	<b>.....</b>	<b>.....</b>	<b>.....</b>	<b>.....</b>	<b>139</b>

**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. 2017–26782 Filed 12–12–17; 8:45 am]

**BILLING CODE 4163–18–P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Centers for Disease Control and Prevention**

[30Day–17–1054]

**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 *Drug Overdose Response Investigation (DORI) Data Collections* to the Office of Management and Budget (OMB) for review and approval. CDC previously published a “Proposed Data Collection Submitted for Public Comment and Recommendations” notice on July, 17, 2017 to obtain comments from the public and affected agencies. CDC received 10 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](mailto: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**

Drug Overdose Response Investigation (DORI) Data Collections (OMB Control Number 0920–1054, Expiration 03/31/2018)—Extension—National Center for Injury Prevention and Control (NCIPC), Centers for Disease Control and Prevention (CDC).

**Background and Brief Description**

In 2015, CDC received a three-year OMB approval (OMB Control Number 0920–1054) for a new generic clearance plan to collect information in response to urgent requests from state and local health authorities to provide epidemiological information that allows for the selection of interventions to curb local epidemics of drug overdose. CDC seeks OMB approval for an extension of this generic clearance plan for another three-year period.

Drug Overdose Response Investigation (DORI) are to be conducted in response to urgent requests from state and local health authorities to provide

epidemiological information that allows for the selection of interventions to curb local epidemics of drug overdose. Of particular interest is response to increasing trends in, or changing characteristics of, overdose from prescription drugs (with a special interest in opioid analgesics such as oxycodone or methadone; benzodiazepines such as alprazolam) and/or illicit drugs (e.g., heroin). CDC's National Center for Injury Prevention and Control (NCIPC) is frequently called upon to conduct DORIs at the request of state or local health authorities seeking support to respond to urgent public health problems resulting from drug use, misuse, addiction, and overdose. Such requests are typically, but not always, made through the Epi-Aid mechanism; in most investigations, CDC's epidemiological response entails

rapid and flexible collection of data that evolves during the investigation period. CDC requests this plan to ensure that timely information is collected during a DORI, which allows NCIPC to maintain critical mission function by working with state and local health authorities to protect the public's health. During an unanticipated rise in nonfatal or fatal drug overdose where the substances responsible for the health event need to be identified, drivers and risk factors are undetermined, and/or subgroups at risk need to be identified, immediate action by CDC is necessary to minimize or prevent public harm. CDC must have the ability to rapidly deploy data collection tools to understand the scope of the problem and determine appropriate action. Procedures for each investigation, including specific data collection plans, depend on the time and resources available, number of

persons involved, and other circumstances unique to the urgent conditions at hand. Data are collected by epidemiologists, psychologists, medical professionals, subject matter experts, and biostatisticians.

Data collected during a DORI are used to understand sudden increases in drug use and misuse associated with fatal and nonfatal overdoses, understand the drivers and risk factors associated with those trends, and identify the groups most affected. This allows CDC to effectively advise states on actions that could be taken to control the local epidemic.

During a DORI, data are collected once, with the rare need for follow-up. The estimated annual burden hours are 1,000, there is no increase in the burden hours from the previously approved collection. There are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Drug Overdose Response Investigation Participants.	DORI Data Collection Instruments .....	2,000	1	30/60

**Leroy A. Richardson,**  
*Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.*

[FR Doc. 2017-26780 Filed 12-12-17; 8:45 am]

BILLING CODE 4163-18-P

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Centers for Disease Control and Prevention**

[60Day-18-0910; Docket No. CDC-2017-0108]

**Proposed Data Collection Submitted for Public Comment and Recommendations**

**AGENCY:** Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

**ACTION:** Notice with comment period.

**SUMMARY:** The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing

information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on the proposed extension of the existing information *Message Testing for Tobacco Communication Activities (MTTCA)*. CDC's Office on Smoking and Health has used the MTTCA clearance to support the development and testing of tobacco-related health messages, including messages supporting CDC's National Tobacco Education Campaign (NTEC) called the *Tips from Former Smokers®* campaign.

**DATES:** CDC must receive written comments on or before February 12, 2018.

**ADDRESSES:** You may submit comments, identified by Docket No. CDC-2017-0108 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov.* Follow the instructions for submitting comments.

- *Mail:* Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road, NE, MS-D74, Atlanta, Georgia 30329.

*Instructions:* All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov.*

*Please note:* Submit all comments through the Federal eRulemaking portal ([regulations.gov](http://regulations.gov)) or by U.S. mail to the address listed above.

**FOR FURTHER INFORMATION CONTACT:** To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road, NE, MS-D74, Atlanta, Georgia 30329; phone: 404-639-7570; Email: [omb@cdc.gov](mailto:omb@cdc.gov).

**SUPPLEMENTARY INFORMATION:** Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501-3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are

publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.
5. Assess information collection costs.

**Proposed Project**

Message Testing for Tobacco Communication Activities (MTTCA)(OMB Control Number 0920–0910, expires 03/31/2018)—Extension—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

**Background and Brief Description**

In 2012, CDC's Office on Smoking and Health obtained OMB approval of a generic clearance plan to support the development and testing of tobacco-related health messages, including messages disseminated through multiple phases of a media campaign (Message Testing for Tobacco Communication Activities (MTTCA), OMB No. 0920–0910, expiration 1/31/2015). In 2014, OSH obtained approval

for a modification to the MTTCA clearance that granted a three-year extension and an increase in respondents and burden hours (MTTCA, OMB Control Number 0920–0910, exp. 3/31/2018). This MTTCA clearance was approved with 44,216 annualized responses and 10,998 annualized burden hours. CDC's authority to collect information for public health purposes is provided by the Public Health Service Act (41 U.S.C. 241) Section 301.

CDC has employed the MTTCA data collection plan to collect information about adult smokers' and nonsmokers' attitudes and perceptions, and to pretest draft messages and materials for clarity, salience, appeal, and persuasiveness. The MTTCA clearance has been used to obtain OMB approval for a variety of message testing activities, with particular emphasis on communications supporting CDC's National Tobacco Education Campaign (NTEC) called the *Tips from Former Smokers*® campaign. This national campaign is designed to increase public awareness of the health consequences of tobacco use and exposure to secondhand smoke. The MTTCA clearance has also supported formative research relating to the development of health messages that are not specifically associated with the national campaign.

Information collection modes under the MTTCA plan that are supported include in-depth interviews; in-person focus groups; online focus groups; computer-assisted, in-person, or telephone interviews; and online surveys. Each project approved under the MTTCA framework is outlined in a project-specific Information Collection Request that describes its purpose and methodology. Messages developed from MTTCA data collection have been disseminated via multiple media channels including television, radio, print, out-of-home, and digital formats.

CDC requests OMB approval to extend the MTTCA generic information

collection plan, without changes, for three years. No modification is requested for information collection activities, methodology, respondents, or burden from the existing generic clearance. The extension is needed to support CDC's planned information collections and to accommodate additional needs that CDC may identify during the next three years. For example, the MTTCA generic plan may be used to facilitate the development of tobacco-related health communications of interest for CDC's collaborative efforts with other federal partners including, but not limited to, the Food and Drug Administration's Center for Tobacco Products. At this time, the respondents and burden outlined in the existing MTTCA clearance are expected to be sufficient to test tobacco related messages developed by CDC for the general U.S. population and subpopulations of interest. The MTTCA clearance should not replace the need for additional generic clearance mechanisms of HHS and other federal partners that may need to test tobacco messages related to their campaigns and initiatives.

The existing MTTCA clearance was granted approval for a total of 132,648 respondents and 32,994 burden hours over a three-year period (annualized number of respondents of 44,216 and annualized burden hours to 10,998). To date, there have been 57,612 respondents and 10,515 burden hours used for this project, leaving a balance of 75,036 respondents and 22,479 burden hours (annualized number of respondents of 25,012 and annualized burden hours to 7,256 for each of the three years in the requested extension).

CDC will continue to use the MTTCA clearance to develop and test messages and materials. Participation is voluntary and there are no costs to respondents, other than their time.

**ESTIMATED ANNUALIZED BURDEN HOURS**

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
General Public and Special Populations.	Screening .....	* 25,012	1	2/60	834
	Short Surveys/employment application (Online, Bulletin Board, etc.).	16,000	1	10/60	2,667
	Medium Surveys (Online) .....	9,012	1	25/60	3,755
Total .....	.....	.....	.....	.....	7,256

**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. 2017-26784 Filed 12-12-17; 8:45 am]

**BILLING CODE 4163-18-P**

**DEPARTMENT OF HEALTH AND  
 HUMAN SERVICES**

**Centers for Disease Control and  
 Prevention**

[30Day-18-0706]

**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 National Program of Cancer Registries Program Evaluation Instrument (NPCR-PEI) 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 January 5, 2017 to obtain comments from the public and affected agencies. CDC did not receive comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639-7570 or send an email to *omb@cdc.gov*. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503 or by fax to (202) 395-5806. Provide written comments within 30 days of notice publication.

**Proposed Project**

National Program of Cancer Registries Program Evaluation Instrument (NPCR-PEI)—(OMB Control Number 0920-0706, expired 05/31/2016)—Reinstatement with change—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

**Background and Brief Description**

CDC is responsible for administering and monitoring the National Program of Cancer Registries (NPCR). The NPCR provides technical assistance and funding and sets program standards to assure that complete local, state, regional, and national cancer incidence data are available for national and state cancer control and prevention activities and health planning activities.

CDC has used the Program Evaluation Instrument for 24 years to monitor the performance of NPCR grantees in meeting the required Program Standards. In 2009, CDC reduced the frequency of the data collection from an annual to a biennial schedule in odd-numbered years.

CDC currently supports 48 population-based central cancer registries (CCR) in 45 states, one territory, the District of Columbia, and

the Pacific Islands. The National Cancer Institute supports the operations of CCRs in the five remaining states.

CDC released a new Funding Opportunity Announcement (FOA) (DP17-1701) on December 15, 2017. This FOA closed on March 24, 2017. A new project period began on July 1, 2017. DP17-1701 allowed previously unfunded states to apply for NPCR funding. DP17-1701 NPCR eligibility will include the 48 awardees funded under the DP12-1205 FOA and potentially two previously unfunded State health departments or their Bona Fide Agents, and US territories.

The Program Evaluation Instrument (NPCR-PEI) includes questions about the following categories of registry operations: (1) Staffing, (2) legislation, (3) administration, (4) reporting completeness, (5) data exchange, (6) data content and format, (7) data quality assurance, (8) data use, (9) collaborative relationships, (10) advanced activities, and (11) survey feedback.

Examples of possible obtainable information include, but are not limited to: (1) Number of filled staff full-time positions by position responsibility; (2) revision to cancer reporting legislation; (3) various data quality control activities; (4) data collection activities as they relate to achieving NPCR program standards for data completeness; and (5) whether registry data is being used for comprehensive cancer control programs, needs assessment/program planning, clinical studies, or incidence and mortality estimates.

The NPCR-PEI is needed to receive, process, evaluate, aggregate, and disseminate NPCR program information. The CDC and NPCR-funded registries use this information to monitor progress toward meeting established program standards, goals, and objectives; to evaluate various attributes of the registries funded by NPCR; and to respond to data inquiries made by CDC and other agencies of the federal government.

CDC requests a three-year OMB approval to collect information in the winter of 2017 and 2019. There are no costs to respondents except their time. CDC estimates 66 hours a year in time burden for the respondents.

**ESTIMATED ANNUALIZED BURDEN HOURS**

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Avg. burden per response (in hours)	Total burden (in hours)
NPCR Awardees .....	PEI (Online) .....	30	1	2	60
NPCR Awardees .....	PEI (Paper) .....	3	1	2	6

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Avg. burden per response (in hours)	Total burden (in hours)
Total .....	.....	.....	.....	.....	66

**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. 2017-26779 Filed 12-12-17; 8:45 am]

**BILLING CODE 4163-18-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Centers for Medicare & Medicaid Services**

[Document Identifier: CMS-10277]

**Agency Information Collection Activities: Proposed Collection; Comment Request**

**AGENCY:** Centers for Medicare & Medicaid Services, HHS.

**ACTION:** Notice.

**SUMMARY:** The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

**DATES:** Comments must be received by February 12, 2018.

**ADDRESSES:** When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to <http://www.regulations.gov>. Follow the instructions for "Comment or Submission" or "More Search Options" to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number \_\_\_\_\_, Room C4-26-05, 7500 Security Boulevard, Baltimore, Maryland 21244-1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at <http://www.cms.hhs.gov/PaperworkReductionActof1995>.

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to [Paperwork@cms.hhs.gov](mailto:Paperwork@cms.hhs.gov).

3. Call the Reports Clearance Office at (410) 786-1326.

**FOR FURTHER INFORMATION CONTACT:** William Parham at (410) 786-4669.

**SUPPLEMENTARY INFORMATION:**

**Contents**

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

**CMS-10277 Hospice Conditions of Participation**

Under the PRA (44 U.S.C. 3501-3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term "collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register**

concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

**Information Collection**

1. *Type of Information Collection Request:* Reinstatement of a previously approved collection; *Title of Information Collection:* Hospice Conditions of Participation; *Use:* The Conditions of Participation and accompanying requirements are used by Federal or State surveyors as a basis for determining whether a hospice qualifies for approval or re-approval under Medicare. The healthcare industry and CMS believe that the availability to the hospice of the type of records and general content of records, which the final rule (72 FR 32088) specifies, is standard medical practice, and is necessary in order to ensure the well-being and safety of patients and professional treatment accountability. *Form Number:* CMS-10277 (OMB control number: 0938-1067); *Frequency:* Reporting and Recordkeeping—Yearly; *Affected Public:* Private sector (Business or other for-profit and Not-for-profit institutions); *Number of Respondents:* 4,473; *Total Annual Responses:* 19,769,931; *Total Annual Hours:* 6,074,745. (For policy questions regarding this collection contact Mary Rossi-Coajou at 410-786-6051.)

Dated: December 8, 2017.

**William N. Parham, III,**

*Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.*

[FR Doc. 2017-26831 Filed 12-12-17; 8:45 am]

**BILLING CODE 4120-01-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Centers for Medicare & Medicaid Services**

[Document Identifiers: CMS–10398 and CMS–R–262]

**Agency Information Collection Activities: Submission for OMB Review; Comment Request**

AGENCY: Centers for Medicare &amp; Medicaid Services, HHS.

ACTION: Notice.

**SUMMARY:** The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected; and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

**DATES:** Comments on the collection(s) of information must be received by the OMB desk officer by January 12, 2018.

**ADDRESSES:** When commenting on the proposed information collections, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be received by the OMB desk officer via one of the following transmissions: OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer, Fax Number: (202) 395–5806 OR Email: [OIRA\\_submission@omb.eop.gov](mailto:OIRA_submission@omb.eop.gov)

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at Web site address at <https://www.cms.gov/Regulations-and-Guidance/Legislation/Paperwork-ReductionActof1995/PRA-Listing.html>.

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to [Paperwork@cms.hhs.gov](mailto:Paperwork@cms.hhs.gov).

3. Call the Reports Clearance Office at (410) 786–1326.

**FOR FURTHER INFORMATION CONTACT:** William Parham at (410) 786–4669.

**SUPPLEMENTARY INFORMATION:** Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term “collection of information” is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Generic Clearance for Medicaid and CHIP State Plan, Waiver, and Program Submissions; *Use:* State Medicaid and CHIP agencies are responsible for developing submissions to CMS, including state plan amendments and requests for waivers and program demonstrations. States use templates when they are available and submit the forms to review for consistency with statutory and regulatory requirements (or in the case of waivers and demonstrations whether the proposal is likely to promote the objectives of the Medicaid program). If the requirements are met, we approve the states' submissions giving them the authority to implement the flexibilities. For a state to receive Medicaid Title XIX funding, there must be an approved Title XIX state plan.

The development of streamlined submissions forms enhances the collaboration and partnership between states and CMS by documenting our policy for states to use as they are developing program changes. Streamlined forms improve efficiency of administration by creating a common and user-friendly understanding of the information we need to quickly process

requests for state plan amendments, waivers, and demonstration, as well as ongoing reporting. *Form Number:* CMS–10398 (OMB control number: 0938–1148); *Frequency:* Collection-specific, but generally the frequency is yearly, once, and occasionally; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 56; *Total Responses:* 1,540 (3-year total); *Total Hours:* 214,584 (3-year total). (For policy questions regarding this collection contact Annette Pearson at 410–786–6858.)

2. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Contract Year 2019 Plan Benefit Package (PBP) Software and Formulary Submission; *Use:* We require that Medicare Advantage and Prescription Drug Plan organizations submit a completed PBP and formulary as part of the annual bidding process. During this process, organizations prepare their proposed plan benefit packages for the upcoming contract year and submit them to us for review and approval. We publish beneficiary education information using a variety of formats. The specific education initiatives that utilize PBP and formulary data include web application tools on [www.medicare.gov](http://www.medicare.gov) and the plan benefit insert in the Medicare & You handbook. In addition, organizations utilize the PBP data to generate their Summary of Benefits marketing information. *Form Number:* CMS–R–262 (OMB control number 0938–0763); *Frequency:* Yearly; *Affected Public:* Private sector (Business or other for-profits and Not-for-profit institutions); *Number of Respondents:* 520; *Total Annual Responses:* 5,675; *Total Annual Hours:* 53,600. (For policy questions regarding this collection contact Kristy Holtje at 410–786–2209.)

Dated: December 7, 2017.

**William N. Parham, III,**  
*Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.*

[FR Doc. 2017–26770 Filed 12–12–17; 8:45 am]

**BILLING CODE 4120–01–P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Administration for Children and Families**

[OMB No. 0970–0407]

**Proposed Information Collection Activity; Comment Request**

*Title:* ORR–2 Quarterly Report on Expenditures and Obligations.

*Description:* The Office of Refugee Resettlement (ORR) reimburses, to the extent of available appropriations, certain non-federal costs for the provision of cash and medical assistance to refugees, along with allowable expenses for the administration the refugee resettlement program at the State level. States (Replacement Designees and Wilson/ Fish projects; *i.e.*, alternative projects for the administration of the refugee resettlement program) currently submit the ORR–2 Quarterly Report on Expenditures and Obligations, which provides aggregate expenditure and obligation data. This proposed data collection collects expenditures and obligations data separately for each of the four CMA program components:

Refugee cash assistance, refugee medical assistance, cash and medical assistance administration, and services for unaccompanied minors. This breakdown of financial status data allows ORR to track program expenditures in greater detail to anticipate any funding issues and to meet the requirements of ORR regulations at CFR 400.211 to collect these data for use in estimating future costs of the refugee resettlement program. ORR must implement the methodology at CFR 400.211 each year after receipt of its annual appropriation to ensure that appropriated funds will be adequate for reimbursement to States of the costs for assistance provided to entering refugees. The estimating methodology prescribed in the

regulations requires the use of actual past costs by program component. In the event that the methodology indicates that appropriated funds are inadequate, ORR must take steps to reduce federal expenses, such as by limiting the number of months of eligibility for Refugee Cash Assistance and Refugee Medical Assistance. This proposed single-page financial report allows ORR to collect the necessary data to ensure that funds are adequate for the projected need and thereby meet the requirements of both the Refugee Act and ORR regulations.

*Respondents:* State governments, Replacement Designees, and Wilson/ Fish Alternative Projects.

**ANNUAL BURDEN ESTIMATES**

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
ORR Financial Status Report Cash and Medical Assistance Program, Quarterly Report on Expenditures and Obligations .....	57	4	1.50	342

*Estimated Total Annual Burden Hours:* 342.

In compliance with the requirements of the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chap 35), the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 330 C Street SW, Washington, DC 20201. Attn: ACF Reports Clearance Officer. Email address: [infocollection@acf.hhs.gov](mailto:infocollection@acf.hhs.gov). All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency’s estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on

respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

**Robert Sargis,**  
*Reports Clearance Officer.*  
 [FR Doc. 2017–26817 Filed 12–12–17; 8:45 am]  
**BILLING CODE 4184–45–P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Administration for Children and Families**

**[OMB No.: 0970–0422]**

**Submission for OMB Review; Comment Request**

*Title:* Adoption and Foster Care Analysis Reporting System for title IV–B and title IV–E (AFCARS).

*Description:* The Adoption and Foster Care Analysis and Reporting System (AFCARS) is mandated by 42 U.S.C. 679. The regulation at 45 CFR 1355 sets forth the requirements of the statute for the collection of uniform, reliable information on children who are under the responsibility of the State or Tribal

title IV–B/IV–E agency for placement, care, and adoption. Effective October 1, 2009, section 479B(b) of the Act authorizes direct Federal funding of Indian Tribes, Tribal organizations, and Tribal consortia that choose to operate a foster care, adoption assistance and, at Tribal option, a kinship guardianship assistance program under title IV–E of the Act. The Federal regulations at 45 CFR 1355.40 were amended as part of an Interim Final Rule published January 6, 2012 to apply the same regulatory requirements for data collection and reporting to a Tribal title IV–E agency as are applied to a State title IV–E agency.

The data collected will inform State/ Tribal/Federal policy decisions, program management, and responses to Congressional and Departmental inquiries. Specifically, the data are used for short/long-term budget projections, trend analysis, child and family service reviews, and to target areas for improved technical assistance. The data will provide information about foster care placements, adoptive parents, length of time in care, delays in termination of parental rights and placement for adoption.

*Respondents:* Title IV–E State and Tribal Child Welfare Agencies.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
AFCARS .....	72	2	1,786	257,184

*Estimated Total Annual Burden Hours: 257,184.*

**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, 370 L'Enfant Promenade SW, Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: [infocollection@acf.hhs.gov](mailto: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, Fax: 202-395-7285, Email: [OIRA\\_SUBMISSION@OMB.EOP.GOV](mailto:OIRA_SUBMISSION@OMB.EOP.GOV), Attn: Desk Officer for the Administration for Children and Families.

**Robert Sargis,**

*Reports Clearance Officer.*

[FR Doc. 2017-26825 Filed 12-12-17; 8:45 am]

**BILLING CODE 4184-01-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Administration for Children and Families**

[OMB No. 0970-0177]

**Proposed Information Collection Activity; Comment Request**

*Title:* OCSE-157 Child Support Enforcement Program Annual Data Report.

*Description:* The information obtained from this form will be used to: (1) Report Child Support Enforcement activities to the Congress as required by law; (2) calculate incentive measures performance and performance indicators utilized in the program; and (3) assist the Office of Child Support Enforcement (OCSE) in monitoring and evaluating State Child Support programs.

*Respondents:* State, Local or Tribal Government.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
OCSE-157 .....	54	1	7	378

*Estimated Total Annual Burden Hours: 378.*

In compliance with the requirements of the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. Chap 35), the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 330 C Street SW, Washington, DC 20201. Attn: ACF Reports Clearance Officer. Email address: [infocollection@acf.hhs.gov](mailto:infocollection@acf.hhs.gov). All requests should be identified by the title of the information collection.

*The Department specifically requests comments on:* (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including

whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

**Robert Sargis,**

*Reports Clearance Officer.*

[FR Doc. 2017-26814 Filed 12-12-17; 8:45 am]

**BILLING CODE 4184-01-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

[Docket No. FDA-2017-D-6554]

**Refuse To File: New Drug Application and Biologics License Application Submissions to the Center for Drug Evaluation and Research; 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 "Refuse to File: NDA and BLA Submissions to CDER." The purpose of this guidance is to clarify certain circumstances under which FDA's Center for Drug Evaluation and Research (CDER) may refuse to file a new drug application (NDA) or

supplemental NDA, or a biologics license application (BLA) or supplemental BLA submitted to CDER, and to underscore the importance of submitting a complete application to minimize the chance of a refuse-to-file (RTF) action by FDA.

**DATES:** Submit either electronic or written comments on the draft guidance by February 12, 2018 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

**ADDRESSES:** You may submit comments on any guidance at any time as follows:

#### *Electronic Submissions*

Submit electronic comments in the following way:

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

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

#### *Written/Paper Submissions*

Submit written/paper submissions as follows:

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

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

*Instructions:* All submissions received must include the Docket No. FDA-2017-D-6554 for "Refuse to File: New Drug Application and Biologics License Application Submissions to the Center

for Drug Evaluation and Research; Draft Guidance for Industry." Received comments will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- **Confidential Submissions**—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION." The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as "confidential." Any information marked as "confidential" will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

*Docket:* For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the 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:** Amalia Himaya, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 6439, Silver Spring, MD 20993-0002, 301-796-0700.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

FDA is announcing the availability of a draft guidance for industry entitled "Refuse to File: NDA and BLA Submissions to CDER." The purpose of this guidance is to clarify certain circumstances under which CDER may refuse to file an NDA or supplemental NDA, or a BLA or supplemental BLA submitted to CDER, and to underscore the importance of submitting a complete application to minimize the chance of an RTF action by FDA. Since the early 1990s, in conjunction with the Prescription Drug User Fee Act, FDA's processes and timelines for reviewing newly submitted applications have substantially evolved. The administrative complexity of applications, with corresponding determinations of *completeness*, has become more challenging. The overall goal is to efficiently and effectively review applications, and thus it is critical to avoid use of resources to review an application when necessary components are so deficient as to render the application incomplete. FDA exercises its RTF authority for incomplete applications to optimize the use of both the applicant's and FDA's resources.

Incomplete applications, including applications for which minor components not received within 30 calendar days after receipt of the original application, as may have been agreed upon at a presubmission meeting, may be refused for filing.

This guidance focuses on FDA's policy for refusing to file an NDA under 21 CFR 314.101(d)(3) because the NDA is incomplete because it does not on its face contain information required under section 505(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)) and 21 CFR 314.50. FDA considers incompleteness to be a basis for refusal to file for BLAs as well (21 CFR 601.2(a)).

On May 19, 2017, FDA withdrew its previously published guidance for industry entitled "Refusal to File" (issued July 12, 1993). FDA is issuing this guidance to update and clarify CDER's procedures for determining whether an application should be

refused for filing because it is incomplete. This guidance includes procedures for certain BLAs and supplemental BLAs, given that CDER has regulatory responsibility for certain therapeutic biological products subject to licensing under the Public Health Service Act.

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 refusal to file NDA and BLA submissions to CDER. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. This guidance is not subject to Executive Order 12866.

## II. The Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR part 314 have been approved under OMB control number 0910–0001. The collections of information in 21 CFR part 601 have been approved under OMB control number 0910–0338.

## III. Electronic Access

Persons with access to the internet may obtain the draft guidance at either <https://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm> or <https://www.regulations.gov>.

Dated: December 7, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017–26791 Filed 12–12–17; 8:45 am]

BILLING CODE 4164–01–P

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. FDA–2017–N–5925]

### 21st Century Cures Act: Announcing the Establishment of the Susceptibility Test Interpretive Criteria Website

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

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA, the Agency, or we) is announcing the establishment of

the Susceptibility Test Interpretive Criteria Website. The Susceptibility Test Interpretive Criteria Website will help to efficiently update susceptibility test interpretive criteria for antimicrobial drugs when necessary for public health and may allow for more efficient development and evaluation of antimicrobial susceptibility test (AST) devices. These changes may lead to better patient care and reduce antimicrobial resistance through improved antibiotic stewardship. FDA is publishing this notice in accordance with procedures established by the 21st Century Cures Act (Cures Act).

#### FOR FURTHER INFORMATION CONTACT:

Katherine Schumann, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 6242, Silver Spring, MD 20993–0002, 301–796–1182, [Katherine.Schumann@fda.hhs.gov](mailto:Katherine.Schumann@fda.hhs.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Antimicrobial susceptibility testing is used to determine if certain microorganisms that are isolated from a patient with an infection are likely to be killed or inhibited by a particular antimicrobial drug. It is important that the in vitro susceptibility test methods and susceptibility test interpretive criteria for systemic antibacterial or antifungal drugs be reviewed on a regular basis and updated to reflect the most current information. The development of new mechanisms of resistance in bacteria or fungi may result in decreased susceptibility to a particular drug. Decreased susceptibility may raise efficacy or safety concerns when out-of-date susceptibility test interpretive criteria are used in guiding the treatment of patients.

Historically, susceptibility test interpretive criteria have been contained in the Microbiology subsection of antimicrobial drug labeling, and there have been significant challenges associated with ensuring that this information is up-to-date in individual antimicrobial drug labels. For some time, FDA and other stakeholders have recognized that susceptibility test interpretive criteria standards established by nationally or internationally recognized standard development organizations (SDOs) can be useful sources of information to identify and update susceptibility test interpretive criteria.

Section 511A of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 360a–2), as added by section 3044 of the Cures Act (Pub. L. 114–255),

was signed into law on December 13, 2016. This provision clarifies FDA's authority to identify and efficiently update susceptibility test interpretive criteria, including through the recognition by FDA of standards established by SDOs. It also clarifies that sponsors of AST devices may rely upon listed susceptibility test interpretive criteria to support premarket authorization of their devices, provided they meet certain conditions, which provides for a more streamlined process for incorporating up-to-date information into such devices.

## II. Susceptibility Test Interpretive Criteria Website

Section 511A of the FD&C Act requires FDA to establish within 1 year after the date of enactment of the Cures Act an Interpretive Criteria Website that contains a list of FDA-recognized susceptibility test interpretive criteria standards, as well as other susceptibility test interpretive criteria identified by FDA. FDA is announcing the establishment of this Interpretive Criteria Website, which can be found here: <https://www.fda.gov/Drugs/DevelopmentApprovalProcess/DevelopmentResources/ucm410971.htm>.

This website recognizes susceptibility test interpretive criteria established by an SDO that fulfills the requirements under section 511A(b)(2)(A) of the FD&C Act; identifies when FDA does not recognize, in whole or in part, susceptibility test interpretive criteria established by an SDO; and lists susceptibility test interpretive criteria identified by FDA outside the SDO process. The susceptibility test interpretive criteria listed by FDA on the Interpretive Criteria Website are deemed to be recognized as a standard under section 514(c)(1) of the FD&C Act (21 U.S.C. 360d(c)(1)).

At least every 6 months after the establishment of the Interpretive Criteria Website, FDA will publish on the Interpretive Criteria Website a notice recognizing new or updated susceptibility test interpretive criteria standards, or parts of standards; withdrawing recognition of susceptibility test interpretive criteria standards, or parts of standards; and making any other necessary updates to the lists published on the Interpretive Criteria Website. Once a year FDA will compile the notices from that year and publish them in the **Federal Register** and provide for public comment. If comments are received, FDA will review those comments and make any updates to the recognized standards or susceptibility test interpretive criteria as

needed. In addition to this statutorily required annual notice, FDA intends to publish a **Federal Register** notice within the next few months to allow for public comment on the initial recognition of susceptibility test interpretive criteria.

Dated: December 7, 2017.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2017-26790 Filed 12-12-17; 8:45 am]

**BILLING CODE 4164-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. FDA-2017-D-6352]

#### Gluten in Drug Products and Associated Labeling Recommendations; 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 “Gluten in Drug Products and Associated Labeling Recommendations.” This draft guidance is intended to convey to drug manufacturers FDA’s recommendations on how certain oral drug products should be labeled regarding gluten, a matter of interest to individuals with celiac disease. Some individuals with celiac disease have faced difficulty when trying to determine whether specific drug products contain gluten. This draft guidance encourages drug manufacturers to have accurate information about their products’ gluten content available so they can respond to questions from consumers and health care professionals.

**DATES:** Submit either electronic or written comments on the draft guidance by February 12, 2018 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

**ADDRESSES:** You may submit comments on any guidance at any time as follows:

#### *Electronic Submissions*

Submit electronic comments in the following way:

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your

comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else’s Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

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

#### *Written/Paper Submissions*

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in “Instructions.”

*Instructions:* All submissions received must include the Docket No. FDA-2017-D-6352 for “Gluten in Drug Products and Associated Labeling Recommendations.” Received comments will be placed in the docket and, except for those submitted as “Confidential Submissions,” publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- **Confidential Submissions—**To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states “THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.” The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management

Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as “confidential.” Any information marked as “confidential” will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA’s posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

*Docket:* For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the “Search” box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993-0002; or to the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993-0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

#### **FOR FURTHER INFORMATION CONTACT:**

Marci Kiester, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 2258, Silver Spring, MD 20993-0002, 301-796-0600; or Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993-0002, 240-402-7911.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

FDA is announcing the availability of a draft guidance for industry entitled “Gluten in Drug Products and Associated Labeling

Recommendations.” This draft guidance is intended to convey to drug manufacturers FDA’s recommendations on how certain drug products should be labeled regarding gluten, a matter of interest to individuals with celiac disease. Some individuals with celiac disease have faced difficulty when trying to determine whether specific drug products contain gluten. Confronted by uncertainty, some patients may forego important medication rather than risk an adverse reaction to gluten. Thus, even if gluten is not present at levels that would harm a typical individual with celiac disease, that individual may be harmed through uncertainty and lack of information.

Celiac disease is an immune-based reaction to dietary gluten that primarily affects the small intestine in susceptible individuals; unmanaged celiac disease can lead to serious health complications. Approximately 1 percent of the U.S. population has celiac disease (Binder, 2015, “Disorders of Absorption,” in *Harrison’s Principles of Internal Medicine*, 19th ed.). It is characterized by ongoing inflammation of part of the lining of the small intestine that generally heals if foods containing gluten are excluded from the diet and returns if they are reintroduced. This guidance encourages drug manufacturers to have accurate information about their products’ gluten content available so they can respond to questions from consumers and health care professionals. Manufacturers should pay attention to possible sources of gluten in their products, consider specifications when appropriate, and consider the impact of changes in ingredient sources or formulations on gluten 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 Gluten in Drug Products and Associated Labeling Recommendations. 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 that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information discussed in

the draft guidance have been approved by OMB under the following control numbers:

**OMB control number 0910–0001:** Submitting to FDA labeling in NDAs and ANDAs, including amendments to pending NDAs and ANDAs, supplements to approved NDAs and ANDAs, and annual reports; OMB control number 0910–0572: Designing, testing, and revising prescription drug product labeling; OMB control number 0910–0340: Designing, testing, and revising Drug Facts labeling for OTC drugs, including submitting labeling to FDA for OTC monograph drugs; OMB control number 0910–0139: Recordkeeping requirements in CGMPs; OMB control number 0910–0393: Preparing and revising Medication Guides; and OMB control number 0910–0338: Submitting to FDA labeling in BLAs, including amendments to pending BLAs, supplements to approved BLAs, and annual reports.

The recommended labeling statement in this draft guidance, “Contains no ingredient made from a gluten-containing grain (wheat, barley, or rye)” is information provided by FDA to applicants and manufacturers for disclosure to the public and therefore does not constitute a collection of information under 5 CFR 1320.3(c)(2).

### 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>, <https://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/default.htm>, or <https://www.regulations.gov>.

Dated: December 7, 2017.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2017–26828 Filed 12–12–17; 8:45 am]

**BILLING CODE 4164–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. FDA–2017–N–6455]

#### Agency Information Collection Activities; Proposed Collection; Comment Request; Guidance on Consultation Procedures: Foods Derived From New Plant Varieties

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

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collection provisions of FDA’s consultation procedures for foods derived from new plant varieties, including the information collection provisions in the guidance entitled, “Guidance on Consultation Procedures: Foods Derived From New Plant Varieties,” and in Form FDA 3665 entitled, “Final Consultation For Food Derived From a New Plant Variety (Biotechnology Final Consultation),” which developers may use to prepare the final consultation in a standard format.

**DATES:** Submit either electronic or written comments on the collection of information by February 12, 2018.

**ADDRESSES:** You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before February 12, 2018. The <https://www.regulations.gov> electronic filing system will accept comments until midnight Eastern Time at the end of February 12, 2018. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

#### Electronic Submissions

Submit electronic comments in the following way:

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

information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

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

#### Written/Paper Submissions

Submit written/paper submissions as follows:

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

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

*Instructions:* All submissions received must include the Docket No. FDA-2017-N-6455 for “Guidance on Consultation Procedures: Foods Derived from New Plant Varieties.” Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as “Confidential Submissions,” publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- **Confidential Submissions**—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states “THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.” The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as “confidential.” Any information marked as “confidential” will not be disclosed

except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA’s posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

*Docket:* For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the “Search” box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

**FOR FURTHER INFORMATION CONTACT:** Ila Mizrachi, Office of Operations, Food and Drug Administration, Three White Flint North, 10A-12M, 11601 Landsdown St., North Bethesda, MD 20852, 301-796-7726, [PRASStaff@fda.hhs.gov](mailto:PRASStaff@fda.hhs.gov).

**SUPPLEMENTARY INFORMATION:** Under the PRA (44 U.S.C. 3501-3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. “Collection of information” is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

*With respect to the following collection of information, FDA invites comments on these topics:* (1) Whether the proposed collection of information is necessary for the proper performance of FDA’s functions, including whether the information will have practical utility; (2) the accuracy of FDA’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques,

when appropriate, and other forms of information technology.

#### Guidance on Consultation Procedures: Foods Derived From New Plant Varieties

OMB Control Number 0910-0704—Extension

This information collection supports the above captioned Agency guidance document. FDA recommends that producers who use biotechnology in the manufacture or development of foods and food ingredients work cooperatively with FDA to ensure that products derived through biotechnology are safe and comply with all applicable legal requirements and has instituted a voluntary consultation process with industry. To facilitate this process, the Agency has issued a guidance entitled, “Guidance on Consultation Procedures: Foods Derived From New Plant Varieties,” which is available on our website at <https://www.fda.gov/Food/Guidances>. The guidance describes FDA’s consultation process for the evaluation of information on new plant varieties provided by developers. The Agency believes this consultation process will help ensure that human food and animal feed safety issues or other regulatory issues (e.g. labeling) are resolved prior to commercial distribution. Additionally, such communication will help to ensure that any potential food safety issues regarding a new plant variety are resolved during development, and will help to ensure that all market entry decisions by the industry are made consistently and in full compliance with the standards of the Federal Food, Drug, and Cosmetic Act (the FD&C Act).

Since 1992, when FDA issued its “Statement of Policy: Foods Derived From New Plant Varieties” (the 1992 policy) (57 FR 22984, May 29, 1992), FDA has encouraged developers of new plant varieties, including those varieties that are developed through biotechnology, to consult with FDA during the plant development process to discuss possible scientific and regulatory issues that might arise. In the 1992 policy, FDA explained that, under the FD&C Act, developers of new foods (in this document food refers to both human food and animal feed) have a responsibility to ensure that the foods they offer to consumers are safe and in compliance with all requirements of the FD&C Act (57 FR 22984 at 22985).

*Description of Respondents:* Respondents to this collection of information include developers of new plant varieties intended for food use.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN <sup>1</sup>

Activity	FDA Form No.	No. of respondents	No. of responses per respondent	Total annual responses	Average burden per response	Total hours
Initial consultation .....	None .....	20	2	40	4	160
Final consultation .....	3665 .....	12	1	12	150	1,800
Total .....	.....	.....	.....	.....	.....	1,960

<sup>1</sup> There are no capital costs or operating and maintenance costs associated with this collection of information.

We have retained the currently approved burden estimate for this information collection and discuss the information collection activities below.

#### Initial Consultations

Initial consultations are generally a one-time burden, although a developer might return more than once to discuss additional issues before submitting a final consultation. As noted in the guidance, FDA encourages developers to consult early in the development phase of their products, and as often as necessary. Historically, firms developing a new bioengineered plant variety intended for food use have generally initiated consultation with FDA early in the process of developing such a variety, even though there is no legal obligation for such consultation. These consultations have served to make FDA aware of foods and food ingredients before these products are distributed commercially, and have provided FDA with the information necessary to address any potential questions regarding the safety, labeling, or regulatory status of the food or food ingredient. As such, these consultations have provided assistance to both industry and the Agency in exercising their mutual responsibilities under the FD&C Act.

FDA estimates that its Center for Veterinary Medicine and its Center for Food Safety and Applied Nutrition jointly received an average of 40 initial consultations per year in the last 3 years via telephone, email, or written letter. Based on this information, we expect to receive no more than 40 annually in the next 3 years.

#### Final Consultations

Final consultations are a one-time burden. At some stage in the process of research and development, a developer will have accumulated the information that the developer believes is adequate to ensure that food derived from the new plant variety is safe and that it demonstrates compliance with the

relevant provisions of the FD&C Act. The developer will then be in a position to conclude any ongoing consultation with FDA. The developer submits to FDA a summary of the safety and nutritional assessment that has been conducted about the bioengineered food that is intended to be introduced into commercial distribution. FDA evaluates the submission to ensure that all potential safety and regulatory questions have been addressed. FDA has developed a form that prompts a developer to include certain elements in the final consultation in a standard format: Form FDA 3665 entitled, "Final Consultation for Food Derived From a New Plant Variety (Biotechnology Final Consultation)." The form, and elements that would be prepared as attachments to the form, can be submitted in electronic format.

We base our estimate of the average time to prepare a submission on informal contact with firms that made one or more biotechnology consultation submission under the voluntary biotechnology consultation process. As such, we estimate the average time to prepare a submission for final consultation to be 150 hours.

Dated: December 5, 2017.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2017-26794 Filed 12-12-17; 8:45 am]

**BILLING CODE 4164-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. FDA-2014-N-0345]

#### Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Data To Support Drug Product Communications as Used by the Food and Drug Administration

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

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

**DATES:** Fax written comments on the collection of information by January 12, 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 [oir\\_submission@omb.eop.gov](mailto:oir_submission@omb.eop.gov). All comments should be identified with the OMB control number 0910-0695. Also include the FDA docket number found in brackets in the heading of this document.

**FOR FURTHER INFORMATION CONTACT:** Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A-12M, 11601 Landsdown St., North Bethesda, MD 20852, 301-796-7729, [PRASStaff@fda.hhs.gov](mailto:PRASStaff@fda.hhs.gov).

**SUPPLEMENTARY INFORMATION:** In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed

collection of information to OMB for review and clearance.

**Data To Support Drug Product Communications as Used by the Food and Drug Administration**

*OMB Control Number 0910-0695—Extension*

This information collection supports Agency outreach efforts. Testing of communication messages in advance of a communication campaign provides an important role in improving FDA communications as they allow for an in-depth understanding of individuals' attitudes, beliefs, motivations, and feelings. The methods to be employed include individual in-depth interviews, general public focus group interviews, intercept interviews, self-administered surveys, gatekeeper surveys, and professional clinician focus group interviews, all on a voluntary basis. The methods to be used serve the narrowly defined need for direct and informal opinion on a specific topic and, as a qualitative research tool, have two major purposes: To obtain information that is useful for developing variables and measures for formulating the basic objectives of risk communication campaigns, and to assess the potential effectiveness of messages and materials in reaching and successfully

communicating with their intended audiences.

FDA will use these methods to test and refine its ideas and to help develop messages and other communications but will generally conduct further research before making important decisions, such as adopting new policies and allocating or redirecting significant resources to support these policies. FDA will use this mechanism to test messages about regulated drug products on a variety of subjects related to consumer, patient, or health care professional perceptions and about use of drug products and related materials, including but not limited to, direct-to-consumer prescription drug promotion, physician labeling of prescription drugs, medication guides, over-the-counter drug labeling, emerging risk communications, patient labeling, online sale of medical products, and consumer and professional education. Annually, FDA projects about 45 communication studies using the variety of test methods listed in this document. FDA is requesting an extension of these burden hours so as not to restrict the Agency's ability to gather information on public sentiment for its proposals in its regulatory and communications programs.

In the **Federal Register** of June 19, 2017 (82 FR 27840), we published a 60-

day notice requesting public comment on the proposed extension of the collection of information. One comment was received requesting that FDA publish an annual list of its planned drug product communication studies and strive to reflect an overall work plan. The comment also noted the rather broad topic areas included in the information collection and suggested that perhaps additional notice regarding individual studies would allow for more meaningful feedback on whether that particular study would be necessary. FDA appreciates this comment. In determining which drug product communications it will undertake, we first consider those we believe will best address current or immediate public health issues. We also note that, in accordance with the PRA, any proposed study under this information collection request must first be submitted to and approved by OMB to determine whether it falls within the scope of the collection. At the same time, as resources are available, we will make every effort to communicate to our stakeholders anticipated studies so that ongoing or related research can be coordinated.

We therefore estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN <sup>1</sup>

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response (in hours)	Total hours
Interviews/Surveys .....	19,822	1	19,822	0.24 (14 minutes) ....	4,757

<sup>1</sup> There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: December 5, 2017.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2017-26795 Filed 12-12-17; 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 Investigator Initiated Program Project Applications (P01).

*Date:* January 17, 2018.

*Time:* 11:00 a.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:* Eleazar Cohen, Ph.D., Scientific Review Officer, Scientific Review

Program, Division of Extramural Activities, Room 3G62A, National Institute of Health, NIAID, 5601 Fishers Lane, MSC 9823, Bethesda, MD 20899-823, (240) 669-5081, *ecohen@niaid.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 6, 2017.

**Natasha M. Copeland,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2017-26799 Filed 12-12-17; 8:45 am]

**BILLING CODE 4140-01-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****National Institutes of Health****National Library of Medicine; Notice of Meetings**

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Board of Scientific Counselors, Lister Hill National Center for Biomedical Communications.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for review, discussion, and evaluation of individual intramural programs and projects conducted by the NATIONAL LIBRARY OF MEDICINE, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Board of Scientific Counselors, Lister Hill National Center for Biomedical Communications.

*Date:* April 5–6, 2018.

*Open:* April 5, 2018, 9:00 a.m. to 12:00 p.m.

*Agenda:* Review of research and development programs and preparation of reports of the Lister Hill National Center for Biomedical Communications.

*Place:* National Library of Medicine, Building 38, 2nd Floor, The Lindberg Room, 8600 Rockville Pike, Bethesda, MD 20892.

*Closed:* April 5, 2018, 12:00 p.m. to 4:30 p.m.

*Agenda:* To review and evaluate personal qualifications, performance, and competence of individual investigators.

*Place:* National Library of Medicine, Building 38, 2nd Floor, The Lindberg Room, 8600 Rockville Pike, Bethesda, MD 20892.

*Closed:* April 6, 2018, 9:00 a.m. to 10:00 a.m.

*Agenda:* To review and evaluate personal qualifications, performance, and competence of individual investigators.

*Place:* National Library of Medicine, Building 38, 2nd Floor, The Lindberg Room, 8600 Rockville Pike, Bethesda, MD 20892.

*Contact Person:* Karen Steely, Program Assistant, Lister Hill National Center for Biomedical Communications, National Library of Medicine, Building 38A, Room 7S707, Bethesda, MD 20892, 301–827–4385, [ksteely@mail.nih.gov](mailto:ksteely@mail.nih.gov).

*Open:* April 6, 2018, 10:00 a.m. to 11:30 a.m.

*Agenda:* Review of research and development programs and preparation of reports of the Lister Hill National Center for Biomedical Communications.

*Place:* National Library of Medicine, Building 38, 2nd Floor, The Lindberg Room, 8600 Rockville Pike, Bethesda, MD 20892.

*Contact Person:* Karen Steely, Program Assistant, Lister Hill National Center for Biomedical Communications, National Library of Medicine, Building 38A, Room 7S707, Bethesda, MD 20892, 301–827–4385, [ksteely@mail.nih.gov](mailto:ksteely@mail.nih.gov).

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

(Catalogue of Federal Domestic Assistance Program No. 93.879, Medical Library Assistance, National Institutes of Health, HHS).

Dated: December 8, 2017.

**Michelle Trout,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2017–26862 Filed 12–12–17; 8:45 am]

**BILLING CODE 4140–01–P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****National Institutes of Health****National Library of Medicine; Notice of Closed Meetings**

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the meetings.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Biomedical Informatics, Library and Data Sciences Review Committee.

*Date:* March 8–9, 2018.

*Time:* March 8, 2018, 8:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Bethesda Hyatt, 1 Bethesda Metro Center, Bethesda, MD 20814.

*Time:* March 9, 2018, 8:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Contact Person:* Joseph Rudolph, Ph.D., Acting Scientific Review Officer, NLM, Chief and Scientific Review Officer, CSR, Center for Scientific Review, NIH, 6701 Rockledge Drive, Room 5216, Bethesda, MD 20817, 301–408–9098, [josephru@mail.nih.gov](mailto:josephru@mail.nih.gov).

(Catalogue of Federal Domestic Assistance Program No. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: December 7, 2017.

**Michelle Trout,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2017–26802 Filed 12–12–17; 8:45 am]

**BILLING CODE 4140–01–P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****National Institutes of Health****National Institute of Neurological Disorders and Stroke; Notice of Closed Meeting**

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of 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 Neurological Disorders and Stroke Special Emphasis Panel; DSPAN Application Review.

*Date:* February 28, 2018.

*Time:* 8:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Bourbon Orleans Hotel, 717 Orleans Street, New Orleans, LA 70116.

*Contact Person:* William Benzing, Ph.D., Scientific Review Officer, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3204, MSC 9529, Bethesda, MD 20892–9529, 301–496–0660, [benzingw@mail.nih.gov](mailto:benzingw@mail.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854,

Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: December 7, 2017.

**Sylvia L. Neal,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2017-26800 Filed 12-12-17; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Heart, Lung, and Blood Institute; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Sleep Disorders Research Advisory Board.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

*Name of Committee:* Sick Cell Disease Advisory Committee.

*Date:* January 26, 2018.

*Time:* 8:30 a.m. to 4:00 p.m.

*Agenda:* Presentations and Discussion of Programs.

*Place:* National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, 9th Floor, Room 9112/9116, Bethesda, MD 20892.

*Contact Person:* W. Keith Hoots, MD, Director, Division of Blood Diseases and Resources, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Suite 9030, Bethesda, MD 20892, 301-435-0080, [hootswk@nhlbi.nih.gov](mailto:hootswk@nhlbi.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: December 7, 2017.

**Michelle Trout, Program Analyst,**

*Office of Federal Advisory Committee Policy.*

[FR Doc. 2017-26796 Filed 12-12-17; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Heart, Lung, and Blood Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as

amended, notice is hereby given of meetings of the NHLBI Special Emphasis Panel.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Heart, Lung, and Blood Institute Special Emphasis Panel; Grant Review for Neonatal Anemia.

*Date:* January 31, 2018.

*Time:* 1:00 p.m. to 4:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Room 7202, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* Melissa E. Nagelin, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7202, Bethesda, MD 20892, 301-827-7951, [nagelinmh2@nhlbi.nih.gov](mailto:nagelinmh2@nhlbi.nih.gov).

*Name of Committee:* National Heart, Lung, and Blood Institute Special Emphasis Panel; Program Project on Hypertension Regulation.

*Date:* February 6, 2018.

*Time:* 1:00 p.m. to 3:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* Shelley S. Sehnert, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7206, Bethesda, MD 20892-7924, 301-827-7984, [ssehnert@nhlbi.nih.gov](mailto:ssehnert@nhlbi.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: December 7, 2017.

**Michelle Trout,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2017-26798 Filed 12-12-17; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Library of Medicine; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Board of Scientific Counselors, National Center for Biotechnology Information.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for review, discussion, and evaluation of individual intramural programs and projects conducted by the NATIONAL LIBRARY OF MEDICINE, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Board of Scientific Counselors, National Center for Biotechnology Information.

*Date:* April 24, 2018.

*Open:* 8:30 a.m. to 12:00 p.m.

*Agenda:* Program Discussion.

*Place:* National Library of Medicine, Building 38, 2nd Floor, The Lindberg Room, 8600 Rockville Pike, Bethesda, MD 20892.

*Closed:* 12:00 p.m. to 2:00 p.m.

*Agenda:* To review and evaluate personal qualifications and performance, and competence of individual investigators.

*Place:* National Library of Medicine, Building 38, 2nd Floor, The Lindberg Room, 8600 Rockville Pike, Bethesda, MD 20892.

*Open:* 2:00 p.m. to 3:00 p.m.

*Agenda:* Program Discussion.

*Place:* National Library of Medicine, Building 38, 2nd Floor, The Lindberg Room, 8600 Rockville Pike, Bethesda, MD 20892.

*Contact Person:* Jim Ostell, Ph.D., Director, National Center for Biotechnology Information, National Library of Medicine, Building 38A, Room 8N807, Bethesda, MD 20892, 301-435-5978, [ostell@mail.nih.gov](mailto:ostell@mail.nih.gov).

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance

onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

(Catalogue of Federal Domestic Assistance Program No. 93.879, Medical Library Assistance, National Institutes of Health, HHS).

Dated: December 8, 2017.

**Michelle Trout,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2017-26863 Filed 12-12-17; 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; Program Project: Tobacco Centers of Regulatory Science for Research Relevant to the Family Smoking Prevention and Tobacco Control Act (U54).

*Date:* January 10–12, 2018.

*Time:* 8:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Renaissance Mayflower Hotel, 1127 Connecticut Avenue NW, Washington, DC 20036.

*Contact Person:* Jasenka Borzan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4214, MSC 7814, Bethesda, MD 20892-7814, 301-435-1787, [borzanj@csr.nih.gov](mailto:borzanj@csr.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: December 8, 2017.

**Anna Snouffer,**

*Deputy Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 2017-26864 Filed 12-12-17; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Heart, Lung, and Blood Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings of the NHLBI Special Emphasis Panel.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Heart, Lung, and Blood Institute Special Emphasis Panel; CARDIA Field Center—Oakland.

*Date:* January 11, 2018.

*Time:* 11:00 a.m. to 11:15 a.m.

*Agenda:* To review and evaluate contract proposals.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Room 7178, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* William J. Johnson, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7178, Bethesda, MD 20892-7924, 301-827-7938, [johnsonw@nhlbi.nih.gov](mailto:johnsonw@nhlbi.nih.gov).

*Name of Committee:* National Heart, Lung, and Blood Institute Special Emphasis Panel; CARDIA Field Center—Minneapolis.

*Date:* January 11, 2018.

*Time:* 11:15 a.m. to 11:30 a.m.

*Agenda:* To review and evaluate contract proposals.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Room 7178, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* William J. Johnson, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7178, Bethesda, MD 20892-7924, 301-827-7938, [johnsonw@nhlbi.nih.gov](mailto:johnsonw@nhlbi.nih.gov).

*Name of Committee:* National Heart, Lung, and Blood Institute Special Emphasis Panel; CARDIA Field Center—Chicago.

*Date:* January 11, 2018.

*Time:* 11:30 a.m. to 11:45 a.m.

*Agenda:* To review and evaluate contract proposals.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Room 7178, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* William J. Johnson, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7178, Bethesda, MD 20892-7924, 301-827-7938, [johnsonw@nhlbi.nih.gov](mailto:johnsonw@nhlbi.nih.gov).

*Name of Committee:* National Heart, Lung, and Blood Institute Special Emphasis Panel; CARDIA Field Center—Birmingham.

*Date:* January 11, 2018.

*Time:* 11:45 a.m. to 12:00 p.m.

*Agenda:* To review and evaluate contract proposals.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Room 7178, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* William J. Johnson, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7178, Bethesda, MD 20892-7924, 301-827-7938, [johnsonw@nhlbi.nih.gov](mailto:johnsonw@nhlbi.nih.gov).

*Name of Committee:* National Heart, Lung, and Blood Institute Special Emphasis Panel; CARDIA Coordinating Center.

*Date:* January 11, 2018.

*Time:* 12:00 p.m. to 12:15 p.m.

*Agenda:* To review and evaluate contract proposals.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Room 7178, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* William J. Johnson, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, 6701 Rockledge Drive, Room 7178, Bethesda, MD 20892-7924, 301-827-7938, [johnsonw@nhlbi.nih.gov](mailto:johnsonw@nhlbi.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: December 7, 2017.

**Michelle Trout,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2017-26797 Filed 12-12-17; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Library of Medicine; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Literature Selection Technical Review Committee.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and

need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The portions of the meeting devoted to the review and evaluation of journals for potential indexing by the National Library of Medicine will be closed to the public in accordance with the provisions set forth in section 552b(c)(9)(B), Title 5 U.S.C., as amended. Premature disclosure of the titles of the journals as potential titles to be indexed by the National Library of Medicine, the discussions, and the presence of individuals associated with these publications could significantly frustrate the review and evaluation of individual journals.

*Name of Committee:* Literature Selection Technical Review Committee.

*Date:* February 22–23, 2018.

*Open:* February 22, 2018, 8:30 a.m. to 10:45 a.m.

*Agenda:* Administrative.

*Place:* National Library of Medicine, Building 38, 2nd Floor, Board Room, 8600 Rockville Pike, Bethesda, MD 20894.

*Closed:* February 22, 2018, 10:45 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate journals as potential titles to be indexed by the National Library of Medicine.

*Place:* National Library of Medicine, Building 38, 2nd Floor, Board Room, 8600 Rockville Pike, Bethesda, MD 20894.

*Closed:* February 23, 2018, 8:30 a.m. to 2:00 p.m.

*Agenda:* To review and evaluate journals as potential titles to be indexed by the National Library of Medicine.

*Place:* National Library of Medicine, Building 38, 2nd Floor, The Lindberg Room, 8600 Rockville Pike, Bethesda, MD 20894.

*Contact Person:* Joyce Backus, M.S.L.S., Associate Director, Division of Library Operations, National Library of Medicine, 8600 Rockville Pike, Building 38, Room 2W04A, Bethesda, MD 20894, 301–827–4281, [joyce.backus.nih.gov](mailto:joyce.backus.nih.gov).

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

(Catalogue of Federal Domestic Assistance Program No. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: December 7, 2017.

**Michelle Trout,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2017–26801 Filed 12–12–17; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Library of Medicine; Notice of Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Board of Regents of the National Library of Medicine.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Board of Regents of the National Library of Medicine, Extramural Programs Subcommittee.

*Date:* February 13, 2018.

*Closed:* 7:45 a.m. to 8:45 a.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Library of Medicine, Building 38, Conference Room B, 8600 Rockville Pike, Bethesda, MD 20892.

*Contact Person:* Christine Ireland, Committee Management Officer, Division of Extramural Programs, National Library of Medicine, 6705 Rockledge Drive, Suite 301, Bethesda, MD 20892, 301–594–4929, [irelanc@mail.nih.gov](mailto:irelanc@mail.nih.gov).

*Name of Committee:* Board of Regents of the National Library of Medicine.

*Date:* February 13–14, 2018.

*Open:* February 13, 2018, 9:00 a.m. to 4:00 p.m.

*Agenda:* Program Discussion.

*Place:* National Library of Medicine, Building 38, 2nd Floor, The Lindberg Room, 8600 Rockville Pike, Bethesda, MD 20892.

*Closed:* February 13, 2018, 4:00 p.m. to 4:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Library of Medicine, Building 38, 2nd Floor, The Lindberg Room, 8600 Rockville Pike, Bethesda, MD 20892.

*Open:* February 14, 2018, 9:00 a.m. to 12:00 p.m.

*Agenda:* Program Discussion.

*Place:* National Library of Medicine, Building 38, 2nd Floor, The Lindberg Room, 8600 Rockville Pike, Bethesda, MD 20892.

*Contact Person:* Christine Ireland, Committee Management Officer, Division of Extramural Programs, National Library of Medicine, 6705 Rockledge Drive, Suite 301, Bethesda, MD 20892, 301–594–4929, [irelanc@mail.nih.gov](mailto:irelanc@mail.nih.gov).

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: [www.nlm.nih.gov/od/bor/bor.html](http://www.nlm.nih.gov/od/bor/bor.html), where an agenda and any additional information for the meeting will be posted when available. This meeting will be broadcast to the public, and available for viewing at <http://videocast.nih.gov> on February 13–14, 2018. (Catalogue of Federal Domestic Assistance Program No. 93.879, Medical Library Assistance, National Institutes of Health, HHS).

Dated: December 8, 2017.

**Michelle Trout,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2017–26880 Filed 12–12–17; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Dental & Craniofacial Research; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material,

and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Dental and Craniofacial Research Special Emphasis Panel; NIDCR Neuroskeletal Biology.

*Date:* January 11, 2018.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Hilton Garden Inn Bethesda, 7301 Waverly Street, Bethesda, MD 20814.

*Contact Person:* Guo He Zhang, MPH, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute of Dental and Craniofacial Research, National Institutes of Health, 6701 Democracy Boulevard, Suite 672, Bethesda, MD 20892, [zhanggu@mail.nih.gov](mailto:zhanggu@mail.nih.gov).

*Name of Committee:* National Institute of Dental and Craniofacial Research Special Emphasis Panel; NIDCR Institutional Training Grants T32, T90/R90.

*Date:* January 23, 2018.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* The Darcy Hotel, 1515 Rhode Island Avenue NW, Washington, DC 20005.

*Contact Person:* Crina Frincu, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute of Dental and Craniofacial Research, National Institutes of Health, 6701 Democracy Blvd., Suite 662, Bethesda, MD 20892, [cfrincu@mail.nih.gov](mailto:cfrincu@mail.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: December 8, 2017.

**Natasha M. Copeland,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2017-26861 Filed 12-12-17; 8:45 am]

**BILLING CODE 4140-01-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:** 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 April 18, 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](mailto:patrick.sacbibit@fema.dhs.gov); or visit the FEMA Map Information eXchange (FMIX) online at [https://www.floodmaps.fema.gov/fhm/fmx\\_main.html](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 29, 2017.

**Roy E. Wright,**

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

Community	Community map repository address
<b>Arapahoe County, Colorado and Incorporated Areas Docket No.: FEMA-B-1638</b>	
City of Littleton .....	Public Works Department, 2255 West Berry Avenue, Littleton, CO 80120.
Town of Columbine Valley .....	Town Hall, 2 Middlefield Road, Columbine Valley, CO 80123.
Unincorporated Areas of Arapahoe County .....	Arapahoe County Public Works and Development Department, 6924 South Lima Street, Centennial, CO 80112.

Community	Community map repository address
<b>City and County of Denver, Colorado</b> <b>Docket No.: FEMA-B-1638</b>	
City and County of Denver .....	Public Works Department, 201 West Colfax Avenue, Department 507, Denver, CO 80202.
<b>Dixie County, Florida and Incorporated Areas</b> <b>Docket No.: FEMA-B-1651</b>	
Town of Cross City .....	Town Hall, 99 Northeast 210th Avenue, Cross City, FL 32628.
Unincorporated Areas of Dixie County .....	Dixie County Building and Zoning Department, 387 Southeast 22nd Avenue, Cross City, FL 32628.
<b>Saline County, Kansas and Incorporated Areas</b> <b>Docket No.: FEMA-B-1670</b>	
City of Assaria .....	City Hall, 315 East Main Street, Assaria, KS 67416.
City of Brookville .....	City Office, 301 North Perry Street, Brookville, KS 67425.
City of Gypsum .....	City Office, 521 Maple Street, Gypsum, KS 67448.
City of New Cambria .....	City Hall, 103 South Center Street, New Cambria, KS 67470.
City of Salina .....	City of Salina Planning and Zoning Department, 300 West Ash Street, Salina, KS 67401.
City of Smolan .....	Community Center, 320 3rd Street, Smolan, KS 67456.
Unincorporated Areas of Saline County .....	Saline County Planning and Zoning Department, 300 West Ash Street, Salina, KS 67401.
<b>Lyon County, Kentucky and Incorporated Areas</b> <b>Docket No.: FEMA-B-1652</b>	
City of Eddyville .....	City Hall, 153 West Main Street, Eddyville, KY 42038.
City of Kuttawa .....	City Hall, 82 Cedar Street, Kuttawa, KY 42055.
Unincorporated Areas of Lyon County .....	Lyon County Courthouse, 500 West Dale Avenue, Eddyville, KY 42038.
<b>Camden County, Missouri and Incorporated Areas</b> <b>Docket No.: FEMA-B-1664</b>	
City of Camdenton .....	City Hall, 437 West US Highway 54, Camdenton, MO 65020.
City of Linn Creek .....	Camden County Courthouse, 1 Court Circle, Suite 15, Camdenton, MO 65020.
Unincorporated Areas of Camden County .....	Camden County Courthouse, 1 Court Circle, Suite 15, Camdenton, MO 65020.
<b>Miller County, Missouri and Incorporated Areas</b> <b>Docket No.: FEMA-B-1664</b>	
Unincorporated Areas of Miller County .....	Miller County Courthouse, 2001 Highway 52, Tuscumbia, MO 65082.
<b>Morgan County, Missouri and Incorporated Areas</b> <b>Docket No.: FEMA-B-1664</b>	
Town of Gravois Mills .....	City Office, 154 Highway 5, Gravois Mills, MO 65037.
Unincorporated Areas of Morgan County .....	Morgan County Courthouse, 100 East Newton, Versailles, MO 65084.

[FR Doc. 2017-26810 Filed 12-12-17; 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-1764]

**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 13, 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-1764, 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](mailto: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](mailto:patrick.sacbibit@fema.dhs.gov); or visit the FEMA Map Information eXchange (FMIX) online at [https://www.floodmaps.fema.gov/fhm/fmx\\_main.html](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](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 29, 2017.

**Roy E. Wright,**  
Deputy Associate Administrator for Insurance and Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

Community	Community map repository address
<b>Cass County, Illinois and Incorporated Areas</b> <b>Project: 12-05-8926S Preliminary Dates: February 29, 2016 and August 24, 2016</b>	
City of Beardstown .....	City Hall, 105 West 3rd Street, Beardstown, IL 62618.
Unincorporated Areas of Cass County .....	Cass County Courthouse, 100 East Springfield Street, Virginia, IL 62691.

[FR Doc. 2017-26806 Filed 12-12-17; 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-1763]

**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 13, 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-1763, to Rick Sacbabit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646-7659, or (email) [patrick.sacbabit@fema.dhs.gov](mailto:patrick.sacbabit@fema.dhs.gov).

**FOR FURTHER INFORMATION CONTACT:** Rick Sacbabit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646-7659, or (email) [patrick.sacbabit@fema.dhs.gov](mailto:patrick.sacbabit@fema.dhs.gov); or visit the FEMA Map Information eXchange (FMIX) online at [https://www.floodmaps.fema.gov/fhm/fmx\\_main.html](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](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 29, 2017.

**Roy E. Wright,**

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

Community	Community map repository address
<b>Conway County, Arkansas and Incorporated Areas</b> <b>Project: 16-06-1679S Preliminary Date: July 21, 2017</b>	
City of Morrilton .....	City Hall, 119 North Division Street, Morrilton, AR 72110.
City of Oppelo .....	City Hall, 8 Municipal Drive, Oppelo, AR 72110.
City of Plumerville .....	City Hall, 303 West Main Street, Plumerville, AR 72127.
Town of Menifee .....	Town Hall, 68 North Mustang Street, Menifee, AR 72107.
Unincorporated Areas of Conway County .....	Conway County Courthouse, 117 South Moose Street, Morrilton, AR 72110.
<b>Faulkner County, Arkansas and Incorporated Areas</b> <b>Project: 16-06-1679S Preliminary Date: July 21, 2017</b>	
City of Conway .....	Street and Engineering Department, 100 East Robins Street, Conway, AR 72032.
Unincorporated Areas of Faulkner County .....	Faulkner County Office of Emergency Management, 57 Acklin Gap Road, Conway, AR 72032.
<b>Pope County, Arkansas and Incorporated Areas</b> <b>Project: 16-06-1679S Preliminary Date: July 21, 2017</b>	
City of Atkins .....	Pope County Conservation District, 420 North Hampton Avenue, Suite B, Russellville, AR 72802.
Unincorporated Areas of Pope County .....	Pope County Conservation District, 420 North Hampton Avenue, Suite B, Russellville, AR 72802.

Community	Community map repository address
<b>Cherokee County, Georgia and Incorporated Areas</b> <b>Project: 13-04-8403S Preliminary Date: June 15, 2017</b>	
City of Canton .....	City Hall, 151 Elizabeth Street, Canton, GA 30114.
City of Holly Springs .....	City Hall, 3237 Holly Springs Parkway, Holly Springs, GA 30115.
City of Waleska .....	City Hall, 8891 Fincher Road, Waleska, GA 30183.
City of Woodstock .....	City Hall, 12453 Highway 92, Woodstock, GA 30188.
Unincorporated Areas of Cherokee County .....	Cherokee County Administrative Center, 1130 Bluffs Parkway, Canton, GA 30114.
<b>Marion County, West Virginia and Incorporated Areas</b> <b>Project: 14-03-2356S Preliminary Date: July 31, 2017</b>	
City of Fairmont .....	J. Harper Meredith Building, 200 Jackson Street, 3rd Floor—Planning, Fairmont, WV 26554.
Unincorporated Areas of Marion County .....	Marion County J. Harper Meredith Building, 200 Jackson Street, Room 403, Fairmont, WV 26554.
<b>Monongalia County, West Virginia and Incorporated Areas</b> <b>Project: 14-03-2356S Preliminary Date: July 24, 2017</b>	
City of Morgantown .....	City Hall, 389 Spruce Street, Morgantown, WV 26505.
City of Westover .....	City Hall, 500 Dupont Road, Westover, WV 26501.
Town of Granville .....	Town Hall, 1245 Main Street, Granville, WV 26534.
Town of Star City .....	Municipal Building, 370 Broadway Avenue, Star City, WV 26505.
Unincorporated Areas of Monongalia County .....	Monongalia County Floodplain Permit Office, 243 High Street, Court-house Room 110, Morgantown, WV 26505.

[FR Doc. 2017-26803 Filed 12-12-17; 8:45 am]

BILLING CODE 9110-12-P

**DEPARTMENT OF HOMELAND SECURITY****Federal Emergency Management Agency**

[Docket ID: FEMA-2017-0022; OMB No. 1660-0004]

**Agency Information Collection Activities: Proposed Collection; Comment Request; Application for Participation in the National Flood Insurance Program (NFIP)****AGENCY:** Federal Emergency Management Agency, DHS.**ACTION:** Notice and request for comments.

**SUMMARY:** The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public to take this opportunity to comment on a reinstatement, without change, of a previously approved information collection for which approval has expired. In accordance with the Paperwork Reduction Act of 1995, this notice seeks comments concerning the collection of information under which communities submit information to FEMA for application and continued participation in the National Flood Insurance Program (NFIP).

**DATES:** Comments must be submitted on or before February 12, 2018.**ADDRESSES:** To avoid duplicate submissions to the docket, please use only one of the following means to submit comments:

(1) *Online.* Submit comments at [www.regulations.gov](http://www.regulations.gov) under Docket ID FEMA-2017-0022. Follow the instructions for submitting comments.

(2) *Mail.* Submit written comments to Docket Manager, Office of Chief Counsel, DHS/FEMA, 500 C Street SW, 8NE, Washington, DC 20472-3100.

All submissions received must include the agency name and Docket ID. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at <http://www.regulations.gov>, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to read the Privacy Act notice that is available via the link in the footer of [www.regulations.gov](http://www.regulations.gov).

**FOR FURTHER INFORMATION CONTACT:** Adrienne L. Sheldon, Supervisory Emergency Management Specialist, Floodplain Management Division (202) 212-3966. You may contact the Records Management Division for copies of the proposed collection of information at email address: [FEMA-Information-Collections-Management@fema.dhs.gov](mailto:FEMA-Information-Collections-Management@fema.dhs.gov).

**SUPPLEMENTARY INFORMATION:** The National Flood Insurance Program

(NFIP), codified at 42 U.S.C. 4001, *et seq.*, requires all flood prone communities throughout the country to apply for participation in the NFIP one year after their flood prone status is identified or submit to the prohibition of certain types of federal and federally-related financial assistance for use in their floodplains. Title 44 Code of Federal Regulations (CFR) section 59.2 authorizes previously unavailable flood insurance protection to property owners in flood-prone areas, and 44 CFR 59.22 identifies the information that communities are required to submit to FEMA for application into the NFIP. 44 CFR 59.22 and 59.24 identify the information a community is required to submit to FEMA for continued participation in the program.

This information collection expired on September 30, 2017. FEMA is requesting a reinstatement, without change, of a previously approved information collection for which approval has expired.

**Collection of Information**

*Title:* Application for Participation in the National Flood Insurance Program (NFIP).

*Type of Information Collection:* Reinstatement, without change, of a previously approved collection for which approval has expired.

*OMB Number:* 1660-0004.

*Form Titles and Numbers:* FEMA Form 086-0-30, Application for Participation in the National Flood Insurance Program.

*Abstract:* The National Flood Insurance Program (NFIP) provides flood insurance to the communities that apply for participation and make a commitment to protect against future flood damages. The application form and supporting documentation will enable FEMA to continue to rapidly process new community applications and to thereby more quickly provide flood insurance protection to the residents in communities.

To qualify for the NFIP, a participating community must adopt certain minimum standards in accordance with FEMA's regulations at 44 CFR 60.3, 60.4, and 60.5. In order to verify whether communities maintain such standards, the NFIP requires participating communities to retain documentation on development taking place in the flood hazard areas within the community. 44 CFR 59.22. Such information will be made available to FEMA upon request. This information assists FEMA in evaluating the effectiveness of a community's floodplain management program and participating property owners' eligibility for flood insurance.

This reinstatement does not propose any change in the information solicited from respondents through this information collection; however, the number of burden hours has been updated to reflect changing number of respondents and responses received through this collection over time. These changes have occurred naturally, and do not result from specific action taken by FEMA.

The "Application for Participation in the NFIP" and the "NFIP and the Community Development Permit Process" are separate actions documented under the same collection.

*Affected Public:* State, local or Tribal government.

*Estimated Number of Respondents:* 22,367.

*Estimated Number of Responses:* 97,724.

*Estimated Total Annual Burden Hours:* 244,418.

*Estimated Total Annual Respondent Cost:* \$20,946,623.

*Estimated Total Annual Cost to the Federal Government:* \$ 83,041.

#### Comments

Comments may be submitted as indicated in the **ADDRESSES** caption above. Comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) 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; (c) enhance the quality, utility, and clarity of the information to be collected; and (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.

Dated: December 5, 2017.

**William Holzerland,**

*Director, Information Management Division  
Mission Support, Federal Emergency  
Management Agency, Department of  
Homeland Security.*

[FR Doc. 2017-26815 Filed 12-12-17; 8:45 am]

**BILLING CODE 9111-52-P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

**[Docket ID FEMA-2017-0002; Internal Agency Docket No. FEMA-B-1765]**

#### 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 (44 CFR part 65). 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 Sacbabit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646-7659, or (email) [patrick.sacbabit@fema.dhs.gov](mailto:patrick.sacbabit@fema.dhs.gov); or visit the FEMA Map Information eXchange (FMIX) online at [https://www.floodmaps.fema.gov/fhm/fmx\\_main.html](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 29, 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.
Arizona: Maricopa	Unincorporated Areas of Maricopa County (17-09-0882P).	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.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 9, 2018 .....	040037
California: San Diego	City of Oceanside (17-09-0650P).	The Honorable Jim Wood, Mayor, City of Oceanside, 300 North Coast Highway, Oceanside, CA 92054.	City Hall, 300 North Coast Highway, Oceanside, CA 92054.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 12, 2018 .....	060294
Idaho: Canyon	Unincorporated Areas of Canyon County (17-10-1537P).	Mr. Tom Dale, Commissioner, Canyon County, 1115 Albany Street Room 350, Caldwell, ID 83605.	Canyon County Courthouse, 1115 Albany Street, Caldwell, ID 83605.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Jan. 31, 2018 .....	160208
Illinois: Will .....	Village of Mokena, (17-05-6107P).	The Honorable Frank A. Fleischer, Village President, Village of Mokena, 11004 Carpenter Street, Mokena, IL 60448.	Village Hall 11004 Carpenter Street Mokena, IL 60448.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 9, 2018 .....	170705
Winnebago .....	Unincorporated Areas of Winnebago County. (17-05-5139P).	The Honorable Frank Haney, Chairman, Winnebago County Board, Administration Building, 404 Elm Street, Room 533, Rockford, IL 61101.	Winnebago County Courthouse, 404 Elm Street, Rockford, IL 61101.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Jan. 30, 2018 .....	170720
Winnebago .....	Village of Cherry Valley (17-05-5139P).	The Honorable Jim E. Claeysen, Village President, Village of Cherry Valley, 806 East State Street, Cherry Valley, IL 61016.	Village Hall, 806 East State Street, Cherry Valley, IL 61016.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Jan. 30, 2018 .....	170721
Minnesota: Hennepin .....	City of Champlin (17-05-3893P).	The Honorable Ryan Karasek, Mayor, City of Champlin, City Hall, 11955 Champlin Drive, Champlin, MN 55316.	City Hall, Building Department, 11955 Champlin Road, Champlin, MN 55316.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 16, 2018 .....	270153
Hennepin .....	City of Corcoran (17-05-3730P).	The Honorable Ron Thomas, Mayor, City of Corcoran, City Hall, 8200 County Road 116, Corcoran, MN 55340.	City Hall, 8200 County Road 116, Corcoran, MN 55340.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 9, 2018 .....	270155
Nevada: Clark .....	City of Henderson (17-09-1773P).	The Honorable Debra March, Mayor, City of Henderson, City Hall, 240 South Water Street, Henderson, NV 89015.	Public Works Department, 240 South Water Street, Henderson, NV 89015.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 12, 2018 .....	320005
Clark .....	City of Henderson (17-09-1937P).	The Honorable Debra March, Mayor, City of Henderson, City Hall, 240 South Water Street, Henderson, NV 89015.	Public Works Department, 240 South Water Street, Henderson, NV 89015.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 6, 2018 .....	320005

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.
Clark .....	City of Las Vegas (17-09-1166P).	The Honorable Carolyn B. Goodman, Mayor, City of Las Vegas, City Hall, 495 South Main Street, Las Vegas, NV 89101.	Public Works Department, 400 Stewart Avenue, 4th Floor, Las Vegas, NV 89101.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 5, 2018 .....	325276
New York: Onondaga .....	Town of Marcellus (17-02-1132P).	Ms. Karen Pollard, Town Supervisor, Town of Marcellus, 24 East Main Street, Marcellus, NY 13108.	Town Hall, 24 East Main Street, Marcellus, NY 13108.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Mar. 20, 2018 .....	360585
Onondaga .....	Village of Marcellus (17-02-1132P).	The Honorable John P. Curtin, Mayor, Village of Marcellus, 6 Slocombe Avenue, Marcellus, NY 13108.	Village Hall, 6 Slocombe Avenue, Marcellus, NY 13108.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Mar. 20, 2018 .....	360586
Ohio: Lucas .....	City of Toledo (17-05-3511P).	The Honorable Paula Hicks-Hudson, Mayor, City of Toledo, 1 Government Center Suite 2200, Toledo, OH 43604.	Department of Inspection, 1 Government Center Suite 1600, Toledo, OH 43604.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 9, 2018 .....	395373
Lucas .....	Unincorporated Areas of Lucas County (17-05-3511P).	Mr. Pete Gerken, President, Board of County Commissioners, 1 Government Center Suite 800, Toledo, OH 43604.	Lucas County Engineer's Office, 1049 South McCord Road, Holland, OH 43528.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 9, 2018 .....	390359
Oregon: Jackson	Unincorporated Areas of Jackson County (17-10-1310P).	Ms. Colleen Roberts, Commissioner, Jackson County, Jackson County Courthouse, 10 South Oakdale Avenue, Room 214, Medford, OR 97501.	Jackson County Development Services, 10 South Oakdale Avenue, Medford, OR 97501.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Jan. 22, 2018 .....	415589
Texas: Denton .....	City of Carrollton (17-06-3083P).	The Honorable Kevin Falconer, Mayor, City of Carrollton, P.O. Box 110535, Carrollton, TX 75011.	City Hall, 1945 East Jackson Road, Carrollton, TX 75006.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 12, 2018 .....	480167
Denton .....	City of Lewisville (17-06-3083P).	The Honorable Rudy Durham, Mayor, City of Lewisville, P.O. Box 299002, Lewisville, TX 75029.	City Hall, 1197 West Main Street, Lewisville, TX 75067.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 12, 2018 .....	480195
Wisconsin: Washington .....	City of Hartford (17-05-4823P).	The Honorable Joseph Dautermann, Mayor, City of Hartford, 109 North Main Street, Hartford, WI 53027.	City Hall, 109 North Main Street, Hartford, WI 53027.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 7, 2018 .....	550473
Washington .....	Unincorporated Areas of Washington County (17-05-4823P).	Mr. Rick J. Gundrum, Chairperson, Washington County, 432 East Washington Street, Suite 3029, West Bend, WI 53095.	Washington County Government Center, 432 East Washington Street, West Bend, WI 53095.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 7, 2018 .....	550471

[FR Doc. 2017-26812 Filed 12-12-17; 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-1768]****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 (44 CFR part 65). 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 Sacbabit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646-7659, or (email) [patrick.sacbabit@fema.dhs.gov](mailto:patrick.sacbabit@fema.dhs.gov); or visit the FEMA Map Information eXchange (FMIX) online at [https://www.floodmaps.fema.gov/fhm/fmx\\_main.html](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 11, 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.
Arizona: Maricopa	Unincorporated Areas of Maricopa County (17-09-1905P).	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.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Mar. 2, 2018 .....	040037
California: Fresno .....	City of Clovis (16-09-2874P).	The Honorable Bob Whalen, Mayor, City of Clovis, 1033 5th Street, Clovis, CA 93612.	Planning and Development, 1033 5th Street, Clovis, CA 93612.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Mar. 12, 2018 .....	060044
San Diego .....	City of Carlsbad (17-09-2475P).	The Honorable Matt Hall, Mayor, City of Carlsbad, 1200 Carlsbad Village Drive, Carlsbad, CA 92008.	City Hall, 1200 Carlsbad Village Drive, Carlsbad, CA 92008.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Mar. 12, 2018 .....	060285
San Diego .....	City of Oceanside (18-09-0027X).	The Honorable Jim Wood, Mayor, City of Oceanside, 300 North Coast Highway, Oceanside, CA 92054.	City Hall, 300 North Coast Highway, Oceanside, CA 92054.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 27, 2018 .....	060294
Hawaii: Maui	Maui County (16-09-2407P).	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, 200 Main Street, Suite 315, Wailuku, HI 96793.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Mar. 5, 2018 .....	150003

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.
Florida: St. Johns	Unincorporated Areas of St. Johns County (17-04-6598P).	Mr. James K. Johns, Chair, Board of County Commissioners, 500 San Sebastian View, St. Augustine, FL 32084.	St. Johns County Administration Building, 4020 Lewis Speedway, St. Augustine, FL 32084.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Mar. 2, 2018 .....	125147
Idaho: Teton .....	City of Victor (17-10-1027P).	The Honorable Jeff Potter, Mayor, City of Victor, 32 Elm Street, Victor, ID 83455.	City Hall, 32 Elm Street, Victor, ID 83455.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 9, 2018 .....	160119
Teton .....	Unincorporated Areas of Teton County (17-10-1027P).	The Honorable Mark R. Ricks, Chairman, Teton County Board of Commissioners, 150 Courthouse Drive, Driggs, ID 83422.	Teton County Courthouse, 150 Courthouse Drive, Driggs, ID 83422.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 9, 2018 .....	160230
Michigan: Oakland .....	City of Farmington Hills (17-05-4122P).	The Honorable Kenneth Massey, Mayor, City of Farmington Hills, City Hall, 31555 West Eleven Mile Road, Farmington Hills, MI 48336.	City Hall, 31555 West Eleven Mile Road, Farmington Hills, MI 48336.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 23, 2018 .....	260172
Oakland .....	City of Novi (17-05-0556P).	The Honorable Bob Gatt, Mayor, City of Novi, Civic Center, 45175 Ten Mile Road, Novi, MI 48375.	Civic Center, 45175 Ten Mile Road, Novi, MI 48375.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 23, 2018 .....	260175
Oakland .....	City of Novi (17-05-4122).	The Honorable Bob Gatt, Mayor, City of Novi, Civic Center, 45175 Ten Mile Road, Novi, MI 48375.	Civic Center, 45175 Ten Mile Road, Novi, MI 48375.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 23, 2018 .....	260175
Missouri: Clay	City of Gladstone (17-07-0895P).	The Honorable R.D. Mallams, Mayor, City of Gladstone, City Hall, 7010 North Holmes Street, Gladstone, MO 64118.	City Hall, 7010 North Holmes Street, Gladstone, MO 64118.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 15, 2018 .....	290091
New York: Queens	City of New York (17-02-1503P).	The Honorable Bill de Blasio, Mayor, City of New York, City Hall, New York, NY 10007.	New York City Department of Planning, Waterfront Division, 22 Reade Street, New York, NY 10007.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Apr. 18, 2018 .....	360497
Texas: Collin and Dallas.	City of Richardson (17-06-1790P).	The Honorable Paul Voelker, Mayor, City of Richardson, Richardson Civic Center/City Hall, 411 West Arapaho Road, Richardson, TX 75080.	City Hall, 411 West Arapaho Road Room 204, Richardson, TX 75080.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 22, 2018 .....	480184
Dallas .....	City of Garland (17-06-1790P).	The Honorable Douglas Athas, Mayor, City of Garland, William E. Dollar Municipal Building, 200 North 5th Street, Garland, TX 75040.	Main Street Municipal Building, 800 Main Street, Garland, TX 75040.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 22, 2018 .....	485471
Wisconsin: Outagamie	City of Appleton (17-05-3854P).	The Honorable Timothy Hanna, Mayor, City of Appleton, City Hall, 100 North Appleton Street, Appleton, WI 54911.	City Hall, 100 North Appleton Street, Appleton, WI 54911.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 16, 2018 .....	555542

**DEPARTMENT OF HOMELAND SECURITY**

**Federal Emergency Management Agency**

[Docket ID FEMA-2017-0002; Internal Agency Docket No. FEMA-B-1769]

**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 13, 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/preliminary\\_floodhazarddata](https://www.fema.gov/preliminary_floodhazarddata) 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-1769, to Rick Sacbabit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646-7659, or (email) [patrick.sacbabit@fema.dhs.gov](mailto:patrick.sacbabit@fema.dhs.gov).

**FOR FURTHER INFORMATION CONTACT:** Rick Sacbabit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646-7659, or (email) [patrick.sacbabit@fema.dhs.gov](mailto:patrick.sacbabit@fema.dhs.gov); or visit the FEMA Map Information eXchange (FMIX) online at [https://www.floodmaps.fema.gov/fhm/fmx\\_main.html](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](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 29, 2017.

**Roy E. Wright,**

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

Community	Community map repository address
<b>Hughes County, Oklahoma and Incorporated Areas Project: 11-06-2177S Preliminary Date: April 29, 2016</b>	
City of Holdenville .....	City Hall, 100 North Creek Street, Holdenville, OK 74848.
City of Wetumka .....	City Hall, 202 North Main Street, Wetumka, OK 74883.
Town of Allen .....	Town Hall, 216 East Broadway Street, Allen, OK 74825.
Town of Atwood .....	Hughes County Emergency Management Director's Office, 200 North Broadway Street, Holdenville, OK 74848.
Town of Calvin .....	Hughes County Emergency Management Director's Office, 200 North Broadway Street, Holdenville, OK 74848.
Town of Dustin .....	Town Hall, 117 North Broadway Avenue, Dustin, OK 74839.

Community	Community map repository address
Town of Horntown .....	Horntown Fire Department, 3319 Highway 75, Holdenville, OK 74848.
Town of Lamar .....	Hughes County Emergency Management Director's Office, 200 North Broadway Street, Holdenville, OK 74848.
Town of Spaulding .....	Hughes County Emergency Management Director's Office, 200 North Broadway Street, Holdenville, OK 74848.
Town of Stuart .....	Hughes County Emergency Management Director's Office, 200 North Broadway Street, Holdenville, OK 74848.
Unincorporated Areas of Hughes County .....	Hughes County Emergency Management Director's Office, 200 North Broadway Street, Holdenville, OK 74848.

**McIntosh County, Oklahoma and Incorporated Areas**  
**Project: 11-06-2177S Preliminary Date: April 29, 2016**

City of Checotah .....	City Hall, 414 West Gentry Avenue, Checotah, OK 74426.
City of Eufaula .....	City Hall, 64 Memorial Drive, Eufaula, OK 74432.
Unincorporated Areas of McIntosh County .....	McIntosh County Clerk's Office, 110 North 1st Street, Eufaula, OK 74432.

**Pottawatomie County, Oklahoma and Incorporated Areas**  
**Project: 11-06-2177S Preliminary Date: June 20, 2016**

City of McLoud .....	City Hall, 107 North Main Street, McLoud, OK 74851.
City of Shawnee .....	City Hall Annex Building, 222 North Broadway Street, Shawnee, OK 74801.
City of Tecumseh .....	City Hall, 114 North Broadway Street, Tecumseh, OK 74873.
Town of Bethel Acres .....	Bethel Acres Town Hall, 18101 Bethel Road, Shawnee, OK 74801.
Town of Earlsboro .....	Town Hall, 110 South Lamar Avenue, Earlsboro, OK 74840.
Town of Johnson .....	Pottawatomie County Courthouse, 325 North Broadway Street, Shawnee, OK 74801.
Absentee-Shawnee Tribe of Indians of Oklahoma .....	Absentee Shawnee Tribal Complex, 2025 South Gordon Cooper Drive, Shawnee, OK 74801.
Citizen Potawatomi Nation .....	Citizen Potawatomi Nation Transportation Building, 405 Transportation Drive, Shawnee, OK 74801.
Kickapoo Tribe of Oklahoma .....	Kickapoo Tribe of Oklahoma Secondary Administration Building, 400 North Highway 102, McLoud, OK 74851.
Sac and Fox Nation .....	Sac and Fox Nation Administration Building, 920883 South Highway 99, Building A, Stroud, OK 74079.
Unincorporated Areas of Pottawatomie County .....	Pottawatomie County Courthouse, 325 North Broadway Street, Shawnee, OK 74801.

**Burnet County, Texas and Incorporated Areas**  
**Project: 13-06-0041S Preliminary Date: February 15, 2017 and September 26, 2017**

City of Burnet .....	City Hall, 1001 Buchanan Drive, Suite 4, Burnet, TX 78611.
City of Marble Falls .....	Development Services Department, 801 4th Street, Marble Falls, TX 78654.
City of Meadowlakes .....	City Hall, 177 Broadmoor Street, Suite A, Meadowlakes, TX 78654.
Unincorporated Areas of Burnet County .....	Burnet County Annex, 133 East Jackson Street, Room 107, Burnet, TX 78611.

**Williamson County, Texas and Incorporated Areas**  
**Project: 13-06-1181S Preliminary Date: January 30, 2017 and September 26, 2017**

City of Austin .....	Watershed Engineering Division, 505 Barton Springs Road, 12th Floor, Austin, TX 78704.
City of Cedar Park .....	City Hall, 450 Cypress Creek Road, Building 1, Cedar Park, TX 78613.
City of Coupland .....	Coupland Fire Station, 403 FM 1466, Coupland, TX 78615.
City of Georgetown .....	Georgetown Utility Systems, 300-1 Industrial Avenue, Georgetown, TX 78626.
City of Hutto .....	Department of Public Works, 210 U.S. 79 East, Suite 203, Hutto, TX 78634.
City of Leander .....	City Hall, 200 West Willis Street, Leander, TX 78641.
City of Round Rock .....	Utilities and Environmental Services, 2008 Enterprise Drive, Round Rock, TX 78664.
City of Taylor .....	City Hall, 400 Porter Street, Taylor, TX 76574.
Unincorporated Areas of Williamson County .....	Williamson County Central Maintenance Facility, 3151 Southeast Inner Loop, Suite B, Georgetown, TX 78626.

**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:** 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](mailto:patrick.sacbibit@fema.dhs.gov); or visit the FEMA Map Information eXchange (FMIX) online at [https://www.floodmaps.fema.gov/fhm/fmx\\_main.html](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).

These 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 29, 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.
Colorado:					
Jefferson (FEMA Docket No.: B-1740).	City of Arvada (17-08-0149P).	The Honorable Marc Williams, Mayor, City of Arvada, P.O. Box 8101, Arvada, CO 80001.	Engineering Department, 8101 Ralston Road, Arvada, CO 80001.	Oct. 27, 2017 .....	085072
Jefferson (FEMA Docket No.: B-1740).	Unincorporated areas of Jefferson County (17-08-0149P).	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.	Oct. 27, 2017 .....	080087
Larimer (FEMA Docket No.: B-1740).	City of Fort Collins (17-08-0129P).	The Honorable Wade Troxel, Mayor, City of Fort Collins, 300 Laporte Avenue, Fort Collins, CO 80522.	Stormwater Utilities Department, 700 West Street, Fort Collins, CO 80522.	Oct. 26, 2017 .....	080102
Larimer (FEMA Docket No.: B-1740).	Unincorporated areas of Larimer County (17-08-0129P).	The Honorable Lew Gaiter III, Chairman, Larimer County Board of Commissioners, 200 West Oak Street, 2nd Floor, Fort Collins, CO 80522.	Larimer County Engineering Department, 200 West Oak Street, 3rd Floor, Fort Collins, CO 80522.	Oct. 26, 2017 .....	080101
Florida:					
Charlotte (FEMA Docket No.: B-1733).	Unincorporated areas of Charlotte County (17-04-3236P).	The Honorable Bill Truex, Chairman, Charlotte County Board of Commissioners, 18500 Murdock Circle, Port Charlotte, FL 33948.	Charlotte County Community Development Department, 18500 Murdock Circle, Port Charlotte, FL 33948.	Sep. 21, 2017 .....	120061
Charlotte (FEMA Docket No.: B-1735).	Unincorporated areas of Charlotte County (17-04-3469P).	The Honorable Bill Truex, Chairman, Charlotte County Board of Commissioners, 18500 Murdock Circle, Port Charlotte, FL 33948.	Charlotte County Community Development Department, 18500 Murdock Circle, Port Charlotte, FL 33948.	Oct. 4, 2017 .....	120061

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Collier (FEMA Docket No.: B-1740).	Unincorporated areas of Collier County (17-04-4308P).	The Honorable Penny Taylor, Chair, Collier County Board of Commissioners, 3299 Tamiami Trail East, Suite 303, Naples, FL 34112.	Collier County Engineering Services Section Growth Management Department, 3301 Tamiami Trail East, Building F, 1st Floor, Naples, FL 34112.	Oct. 20, 2017 .....	120067
Indian River (FEMA Docket No.: B-1733).	City of Vero Beach (17-04-3092P).	The Honorable Laura Moss, Mayor, City of Vero Beach, 1053 20th Place, Vero Beach, FL 32960.	Planning and Development Department, 1053 20th Place, Vero Beach, FL 32960.	Sep. 25, 2017 .....	120124
Lee (FEMA Docket No.: B-1733).	City of Sanibel (17-04-1616P).	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.	Sep. 29, 2017 .....	120402
Lee (FEMA Docket No.: B-1740).	City of Sanibel (17-04-1950P).	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.	Oct. 18, 2017 .....	120402
Lee (FEMA Docket No.: B-1733).	Unincorporated areas of Lee County (17-04-0381P).	The Honorable Frank Mann, Chairman, Lee County Board of Commissioners, 2120 Main Street, Fort Myers, FL 33901.	Lee County Community Development Department, 1500 Monroe Street, Fort Myers, FL 33901.	Oct. 4, 2017 .....	120124
Manatee (FEMA Docket No.: B-1735).	City of Bradenton (17-04-1546P).	The Honorable Wayne H. Poston, Mayor, City of Bradenton, 101 Old Main Street West, Bradenton, FL 34205.	Building and Construction Services Department, 101 Old Main Street West, Bradenton, FL 34205.	Oct. 19, 2017 .....	120155
Manatee (FEMA Docket No.: B-1735).	City of Holmes Beach (17-04-2767P).	The Honorable Bob Johnson, Mayor, City of Holmes Beach, 5801 Marina Drive, Holmes Beach, FL 34217.	Building and Zoning Department, 5801 Marina Drive, Holmes Beach, FL 34217.	Oct. 16, 2017 .....	125114
Manatee (FEMA Docket No.: B-1735).	Unincorporated areas of Manatee County (16-04-7267P).	The Honorable Vanessa Baugh, Chair, Manatee County Board of Commissioners, P.O. Box 1000, Bradenton, FL 34206.	Manatee County Building and Development Services Department, 1112 Manatee Avenue West, Bradenton, FL 34205.	Sep. 21, 2017 .....	120153
Manatee (FEMA Docket No.: B-1735).	Unincorporated areas of Manatee County (17-04-1546P).	The Honorable Vanessa Baugh, Chair, Manatee County Board of Commissioners, P.O. Box 1000, Bradenton, FL 34206.	Manatee County Building and Development Services Department, 1112 Manatee Avenue West, Bradenton, FL 34205.	Oct. 19, 2017 .....	120153
Miami-Dade (FEMA Docket No.: B-1733).	City of Miami (17-04-3352P).	The Honorable Tomás P. Regalado, Mayor, City of Miami, 3500 Pan American Drive, Miami, FL 33133.	Building Department, 444 Southwest 2nd Avenue, Miami, FL 33130.	Sep. 29, 2017 .....	120650
Monroe (FEMA Docket No.: B-1740).	City of Marathon (17-04-3767P).	The Honorable Dan Zieg, Mayor, City of Marathon, 9805 Overseas Highway, Marathon, FL 33050.	Planning Department, 9805 Overseas Highway, Marathon, FL 33050.	Oct. 6, 2017 .....	120681
Monroe (FEMA Docket No.: B-1733).	Unincorporated areas of Monroe County (17-04-4161P).	The Honorable George Neugent, Mayor, Monroe County Board of Commissioners, 500 Whitehead Street, Suite 102, Key West, FL 33040.	Monroe County Building Department, 2798 Overseas Highway, Suite 300, Key West, FL 33050.	Sep. 26, 2017 .....	125129
Orange (FEMA Docket No.: B-1735).	Unincorporated areas of Orange County (16-04-8268P).	The Honorable Teresa Jacobs, Mayor, Orange County, 201 South Rosalind Avenue, 5th Floor, Orlando, FL 32801.	Orange County Stormwater Division, 4200 South John Young Parkway, Orlando, FL 32839.	Sep. 22, 2017 .....	120179
Osceola (FEMA Docket No.: B-1735).	Unincorporated areas of Osceola County (16-04-8268P).	The Honorable Brandon Arrington, Chairman, Osceola County Board of Commissioners, 1 Courthouse Square, Suite 4700, Kissimmee, FL 34741.	Osceola County Stormwater Division, 1 Courthouse Square, Suite 3100, Kissimmee, FL 34741.	Sep. 22, 2017 .....	120189
Polk (FEMA Docket No.: B-1735).	Unincorporated areas of Polk County (16-04-7727P).	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.	Sep. 14, 2017 .....	120261
St. Johns (FEMA Docket No.: B-1735).	Unincorporated areas of St. Johns County (17-04-1817P).	The Honorable James K. Johns, Chairman, St. Johns County Board of Commissioners, 500 San Sebastian View, St. Augustine, FL 32084.	St. Johns County Building Services Division, 4040 Lewis Speedway, St. Augustine, FL 32084.	Sep. 13, 2017 .....	125147
Sumter (FEMA Docket No.: B-1733).	City of Wildwood (17-04-0118P).	The Honorable Ed Wolf, Mayor, City of Wildwood, 100 North Main Street, Wildwood, FL 34785.	Community Development Department, 7375 Powell Road, Wildwood, FL 34785.	Sep. 29, 2017 .....	120299
Sumter (FEMA Docket No.: B-1733).	Unincorporated areas of Sumter County (17-04-0118P)..	The Honorable Doug Gilpin, Chairman, Sumter County Board of Commissioners, 7375 Powell Road, Wildwood, FL 34785.	Sumter County Community Development Department, 7375 Powell Road, Wildwood, FL 34785.	Sep. 29, 2017 .....	120296

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
North Carolina: Buncombe (FEMA Docket No.: B-1748).	City of Asheville (17-04-2394P).	The Honorable Esther E. Manheimer, Mayor, City of Asheville, P.O. Box 7148, Asheville, NC 28802.	Public Works Department, 161 South Charlotte Street, Asheville, NC 28802.	Nov. 6, 2017 .....	370032
Buncombe (FEMA Docket No.: B-1748).	Unincorporated Areas of Buncombe County (17-04-2394P).	The Honorable Brownie Newman, Chairman, Buncombe County Board of Commissioners, 200 College Street, Suite 300, Asheville, NC 28801.	Buncombe County Planning and Development Department, 46 Valley Street, Asheville, NC 28801.	Nov. 6, 2017 .....	370031
Gaston (FEMA Docket No.: B-1748).	City of Gastonia (17-04-3783P).	The Honorable John Bridgeman, Mayor, City of Gastonia, P.O. Box 1748, Gastonia, NC 28053.	Municipal Business Center, 150 South York Street, Gastonia, NC 28052.	Nov. 13, 2017 .....	370100
Watauga (FEMA Docket No.: B-1740).	Town of Boone (17-04-3175P).	The Honorable Rennie Brantz, Mayor, Town of Boone, 567 West King Street, Boone, NC 28607.	Planning and Inspections Department, 680 West King Street, Boone, NC 28607.	Oct. 26, 2017 .....	370253
Pennsylvania: Clinton (FEMA Docket No.: B-1740).	Borough of Flemington (16-03-2633P).	The Honorable Gary L. Durkin, Mayor, Borough of Flemington, 126 High Street, Flemington, PA 17745.	Borough Hall, 126 High Street, Flemington, PA 17745.	Oct. 13, 2017 .....	420326
Clinton (FEMA Docket No.: B-1740).	Township of Allison (16-03-2633P).	The Honorable Peter Spangler, Chairman, Township of Allison Board of Supervisors, P.O. Box 27, Lock Haven, PA 17745.	Township Hall, 1106 Glen Road, Lock Haven, PA 17745.	Oct. 13, 2017 .....	421534
Clinton (FEMA Docket No.: B-1740).	Township of Bald Eagle (16-03-2633P).	The Honorable James H. Bechdel Sr., Chairman, Township of Bald Eagle, Board of Supervisors, 12 Fairpoint Road, Mill Hall, PA 17751.	Township Hall, 12 Fairpoint Road, Mill Hall, PA 17751.	Oct. 13, 2017 .....	420319
Clinton (FEMA Docket No.: B-1740).	Township of Castanea (16-03-2633P).	The Honorable Ronald L. Welch Sr., Chairman, Township of Castanea, Board of Supervisors, 347 Nittany Road, Lock Haven, PA 17745.	Township Hall, 347 Nittany Road, Lock Haven, PA 17745.	Oct. 13, 2017 .....	420322
South Carolina: Dorchester (FEMA Docket No.: B-1748).	Unincorporated areas of Dorchester County (16-04-8178X).	The Honorable Jay Byars, Chairman, Dorchester County Council, 500 North Main Street, Suite 2, Summerville, SC 29483.	Dorchester County Building Services Division, 500 North Main Street, Summerville, SC 29483.	Oct. 19, 2017 .....	450068
South Dakota: Pennington (FEMA Docket No.: B-1748).	City of Rapid City (16-08-1374P).	The Honorable Steve Allender, Mayor, City of Rapid City, 300 6th Street, Rapid City, SD 57701.	Public Works Department, Engineering Services Division, 300 6th Street, Rapid City, SD 57701.	Oct. 20, 2017 .....	465420
Texas: Bell (FEMA Docket No.: B-1740).	City of Belton (17-06-0764P).	The Honorable Marion Grayson, Mayor, City of Belton, P.O. Box 120, Belton, TX 76513.	City Hall, 333 Water Street, Belton, TX 76513.	Oct. 27, 2017 .....	480028
Gregg (FEMA Docket No.: B-1740).	City of Longview (17-06-0856P).	The Honorable Andy Mack, Mayor, City of Longview, P.O. Box 1952, Longview, TX 75605.	City Hall, 933 Mobile Drive, Longview, TX 75604.	Oct. 17, 2017 .....	480264
Harris (FEMA Docket No.: B-1727).	City of Houston (16-06-4198P).	The Honorable Sylvester Turner, Mayor, City of Houston, P.O. Box 1562, Houston, TX 77251.	Floodplain Management Department, 1002 Washington Avenue, Houston, TX 77002.	Aug. 28, 2017 .....	480296
Harris (FEMA Docket No.: B-1727).	City of Missouri City (16-06-4198P).	The Honorable Allen Owen, Mayor, City of Missouri City, 1522 Texas Parkway, Missouri City, TX 77489.	City Hall, 1522 Texas Parkway, Missouri City, TX 77489.	Aug. 28, 2017 .....	480304
Harris (FEMA Docket No.: B-1733).	City of Tomball (16-06-4206P).	The Honorable Gretchen Fagan, Mayor, City of Tomball, 401 Market Street, Tomball, TX 77375.	Community Development Department, 501 James Street, Tomball, TX 77375.	Sep. 18, 2017 .....	480315
Harris (FEMA Docket No.: B-1733).	Unincorporated areas of Harris County (16-06-3936P).	The Honorable Edward M. Emmett, Harris County Judge, 1001 Preston Street, Suite 911, Houston, TX 77002.	Harris County Permit Office, 10555 Northwest Freeway, Suite 120, Houston, TX 77092.	Sep. 18, 2017 .....	480287
Harris (FEMA Docket No.: B-1733).	Unincorporated areas of Harris County (16-06-4206P).	The Honorable Edward M. Emmett, Harris County Judge, 1001 Preston Street, Suite 911, Houston, TX 77002.	Harris County Permit Office, 10555 Northwest Freeway, Suite 120, Houston, TX 77092.	Sep. 18, 2017 .....	480287
Harris (FEMA Docket No.: B-1733).	Unincorporated areas of Harris County (17-06-0884P).	The Honorable Edward M. Emmett, Harris County Judge, 1001 Preston Street, Suite 911, Houston, TX 77002.	Harris County Permit Office, 10555 Northwest Freeway, Suite 120, Houston, TX 77092.	Oct. 2, 2017 .....	480287

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Rockwall (FEMA Docket No.: B-1740).	City of Rockwall (17-06-2407P).	The Honorable Jim Pruitt, Mayor, City of Rockwall, 385 South Goliad Street, Rockwall, TX 75087.	Public Works Department, 385 South Goliad Street, Rockwall, TX 75087.	Oct. 23, 2017 .....	480547
Utah: Iron (FEMA Docket No.: B-1733).	City of Cedar City (17-08-0143P).	The Honorable Maile Wilson, Mayor, City of Cedar City, 10 North Main Street, Cedar City, UT 84720.	City Hall, 10 North Main Street, Cedar City, UT 84720.	Oct. 12, 2017 .....	490074
Virginia: Fauquier (FEMA Docket No.: B-1735).	Unincorporated areas of Fauquier County (17-03-0226P).	Mr. Paul S. McCulla, Fauquier County Administrator, 10 Hotel Street, Warrenton, VA 20186.	Fauquier County Zoning and Development Services Department, 29 Ashby Street, 3rd Floor, Warrenton, VA 20186.	Oct. 12, 2017 .....	510055
Prince William (FEMA Docket No.: B-1740).	Unincorporated areas of Prince William County (17-03-0682P).	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.	Oct. 19, 2017 .....	510119

[FR Doc. 2017-26809 Filed 12-12-17; 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-1766]

#### 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 13, 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/preliminary\\_floodhazarddata](https://www.fema.gov/preliminary_floodhazarddata) 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-1766, 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](mailto: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](mailto:patrick.sacbibit@fema.dhs.gov); or visit the FEMA Map Information eXchange (FMIX) online at [https://www.floodmaps.fema.gov/fhm/fmx\\_main.html](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](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 29, 2017.

**Roy E. Wright,**

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

Community	Community map repository address
<b>Pinal County, Arizona and Incorporated Areas</b> <b>Project: 16-09-2300S Preliminary Date: June 23, 2017</b>	
City of Casa Grande .....	510 East Florence Boulevard, Casa Grande, AZ 85122.
City of Eloy .....	626 North Main Street, Eloy, AZ 85131.
Unincorporated Areas of Pinal County .....	Pinal County Engineering Department, 31 North Pinal Street, Building F, Florence, AZ 85132.
<b>Barton County, Kansas and Incorporated Areas</b> <b>Project: 12-07-0333S Preliminary Date: July 28, 2017</b>	
City of Claflin .....	City Hall, 111 East Hamilton Street, Claflin, KS 67525.
City of Hoisington .....	City Hall, 109 East 1st Street, Hoisington, KS 67544.
Unincorporated Areas of Barton County .....	Barton County Courthouse, 1400 Main Street, Room 108, Great Bend, KS 67530.

[FR Doc. 2017-26804 Filed 12-12-17; 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-1767]

**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 (44 CFR part 65). 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 Sacbabit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646-7659, or (email) [patrick.sacbabit@fema.dhs.gov](mailto:patrick.sacbabit@fema.dhs.gov); or visit the FEMA Map Information eXchange (FMIX) online at [https://www.floodmaps.fema.gov/fhm/fmx\\_main.html](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 29, 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.
Arkansas:						
Benton .....	City of Centerton (17-06-1281P).	The Honorable Bill Edwards, Mayor, City of Centerton, P.O. Box 208, Centerton, AR 72719.	City Hall, 290 Main Street, Centerton, AR 72719.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Jan. 29, 2018 ....	050399
Benton .....	Unincorporated areas of Benton County (17-06-1281P).	The Honorable Barry Moehring, Benton County Judge, 215 East Central Avenue, Bentonville, AR 72712.	Benton County Development and Building Department, 905 Northwest 8th Street, Bentonville, AR 72712.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Jan. 29, 2018 ....	050419
Colorado:						
Douglas .....	Town of Castle Rock (17-08-0610P).	The Honorable Jennifer Green, Mayor, Town of Castle Rock, 100 North Wilcox Street, Castle Rock, CO 80104.	Water Department, 175 Kellogg Court, Castle Rock, CO 80109.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 16, 2018 ....	080050
Douglas .....	Unincorporated areas of Douglas County (17-08-0610P).	The Honorable Roger Partridge, Chairman, Douglas County Board of Commissioners, 100 3rd Street, Castle Rock, CO 80104.	Douglas County Public Works Department, 100 3rd Street, Castle Rock, CO 80104.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 16, 2018 ....	080049
El Paso .....	City of Fountain (17-08-0459P).	Mr. Scott Trainor, Manager, City of Fountain, 116 South Main Street, Fountain, CO 80817.	Planning Department, 116 South Main Street, Fountain, CO 80817.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Mar. 2, 2018 .....	080061
El Paso .....	Unincorporated areas of El Paso County (17-08-0459P).	The Honorable Darryl Glenn, President, El Paso County Board of Commissioners, 200 South Cascade Avenue, Suite 100, Colorado Springs, CO 80903.	El Paso County Planning and Community Development Department, 2880 International Circle, Suite 110, Colorado Springs, CO 80910.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Mar. 2, 2018 .....	080059
Larimer .....	City of Fort Collins (16-08-1356P).	The Honorable Wade Troxell, Mayor, City of Fort Collins, P.O. Box 580, Fort Collins, CO 80522.	Stormwater Utilities Department, 700 Wood Street, Fort Collins, CO 80521.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 26, 2018 ....	080102
Florida:						
Broward .....	City of Miramar (17-04-7683X).	The Honorable Wayne M. Messam, Mayor, City of Miramar, 2300 Civic Center Place, Miramar, FL 33025.	Public Works Department, 13900 Pembroke Road, Building L, Miramar, FL 33025.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 22, 2018 ....	120048
Charlotte .....	City of Punta Gorda (17-04-4542P).	The Honorable Rachel Keesling, Mayor, City of Punta Gorda, 326 West Marion Avenue, Punta Gorda, FL 33950.	City Hall, 326 West Marion Avenue, Punta Gorda, FL 33950.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 14, 2018 ....	120062
Charlotte .....	Unincorporated areas of Charlotte County (17-04-6576P).	The Honorable Bill Truex, Chairman, Charlotte County Board of Commissioners, 18500 Murdock Circle, Suite 536, Port Charlotte, FL 33948.	Charlotte County Community Development Department, 18500 Murdock Circle, Port Charlotte, FL 33948.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 28, 2018 ....	120061
Hillsborough .....	City of Tampa (17-04-5064P).	The Honorable Bob Buckhorn, Mayor, City of Tampa, 306 East Jackson Street, Tampa, FL 33602.	Development Services Department, 1400 North Boulevard, Tampa, FL 33607.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Mar. 5, 2018 .....	120114

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 Cape Coral (17-04-5713P).	The Honorable Marni Sawicki, Mayor, City of Cape Coral, 1015 Cultural Park Boulevard, Cape Coral, FL 33990.	Department of Community Development, 1015 Cultural Park Boulevard, Cape Coral, FL 33990.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 23, 2018 ....	125095
Lee .....	City of Sanibel (17-04-5722P).	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.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 28, 2018 ....	120402
Lee .....	City of Sanibel (17-04-7198P).	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.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Mar. 6, 2018 .....	120402
Lee .....	Unincorporated areas of Lee County (17-04-5713P).	The Honorable John Manning, Chairman, Lee County Board of Commissioners, P.O. Box 398, Fort Myers, FL 33902.	Lee County Community Development Department, 1500 Monroe Street, Fort Myers, FL 33901.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 23, 2018 ....	125124
Manatee .....	Unincorporated areas of Manatee County (17-04-1328P).	The Honorable Betsy Benac, Chair, Manatee County Board of Commissioners, P.O. Box 1000, Bradenton, FL 34206.	Manatee County Building and Development Services Department, 1112 Manatee Avenue West, Bradenton, FL 34205.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 20, 2018 ....	120153
Monroe .....	City of Marathon (17-04-6616P).	The Honorable Dan Zieg, Mayor, City of Marathon, 9805 Overseas Highway, Marathon, FL 33050.	Planning Department, 9805 Overseas Highway, Marathon, FL 33050.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 20, 2018 ....	120681
Monroe .....	City of Marathon (17-04-6938P).	The Honorable Dan Zieg, Mayor, City of Marathon, 9805 Overseas Highway, Marathon, FL 33050.	Planning Department, 9805 Overseas Highway, Marathon, FL 33050.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Mar. 2, 2018 .....	120681
Monroe .....	Unincorporated areas of Monroe County (17-04-4988P).	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.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 8, 2018 .....	125129
Monroe .....	Unincorporated areas of Monroe County (17-04-5954P).	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.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 8, 2018 .....	125129
Monroe .....	Unincorporated areas of Monroe County (17-04-6030P).	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.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 8, 2018 .....	125129
Monroe .....	Unincorporated areas of Monroe County (17-04-6434P).	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.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 13, 2018 ....	125129
Pasco .....	Unincorporated areas of Pasco County (17-04-2409P).	The Honorable Mike Moore, Chairman, Pasco County Board of Commissioners, 8731 Citizens Drive, New Port Richey, FL 34654.	Pasco County Building and Construction Services Department, 8731 Citizens Drive, New Port Richey, FL 34654.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 22, 2018 ....	120230
Pinellas .....	City of Treasure Island (17-04-5547P).	The Honorable Robert Minning, Mayor, City of Treasure Island, 120 108th Avenue, Treasure Island, FL 33706.	Community Improvement Department, 120 108th Avenue, Treasure Island, FL 33706.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 20, 2018 ....	125153
Pinellas .....	Town of Redington Beach (17-04-4168P).	The Honorable James Simons, Mayor, Town of Redington Beach Commission, 105 164th Avenue, Redington Beach, FL 33708.	Public Works Department, 105 164th Avenue, Redington Beach, FL 33708.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 12, 2018 ....	125140

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.
Sarasota .....	City of Sarasota (17-04-6361P).	The Honorable Shelli Freeland Eddie, Mayor, City of Sarasota, 1565 1st Street, Room 101, Sarasota, FL 34236.	Neighborhood and Development Services Development, 1565 1st Street, Sarasota, FL 34236.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 20, 2018 ....	125150
Seminole .....	City of Casselberry (17-04-5310P).	The Honorable Charlene Glancy, Mayor, City of Casselberry, 95 Triplet Lake Drive, Casselberry, FL 32707.	City Hall, 95 Triplet Lake Drive, Casselberry, FL 32707.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Mar. 1, 2018 .....	120291
Massachusetts:						
Middlesex .....	Town of Bedford (17-01-1899P).	The Honorable Margot R. Fleischman, Chair, Town of Bedford Board of Selectmen, 10 Mudge Way, Bedford, MA 01730.	Code Enforcement Department, 10 Mudge Way, Bedford, MA 01730.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 9, 2018 .....	255209
Middlesex .....	Town of Billerica (17-01-1899P).	Mr. John C. Curran, Manager, Town of Billerica, 365 Boston Road, Billerica, MA 01821.	Town Hall, 365 Boston Road, Billerica, MA 01821.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 9, 2018 .....	250183
Middlesex .....	Town of Carlisle (17-01-1899P).	The Honorable Luke Ascolillo, Chairman, Town of Carlisle Board of Selectmen, 66 Westford Street, Carlisle, MA 01741.	Town Hall, 66 Westford Street, Carlisle, MA 01741.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 9, 2018 .....	250187
Middlesex .....	Town of Concord (17-01-1899P).	Mr. Christopher Whelan, Manager, Town of Concord, 22 Monument Square, Concord, MA 01742.	Department of Public Works, 133 Keyes Road, Concord, MA 01742.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 9, 2018 .....	250189
Montana:						
Powell .....	City of Deer Lodge (17-08-0193P).	The Honorable Zane Cozby, Mayor, City of Deer Lodge, 300 Main Street, Deer Lodge, MT 59722.	City Hall, 300 Main Street, Deer Lodge, MT 59722.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 1, 2018 .....	300060
Powell .....	Unincorporated areas of Powell County (17-08-0193P).	The Honorable Daniel Sager, Chairman, Powell County Board of Commissioners, 409 Missouri Avenue, Suite 202, Deer Lodge, MT 59722.	Powell County Planning Department, 409 Missouri Avenue, Suite 202, Deer Lodge, MT 59722.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 1, 2018 .....	300059
New Mexico: Bernalillo	Unincorporated areas of Bernalillo County (17-06-1386P).	Ms. Julie Morgas Baca, Bernalillo County Manager, 1 Civic Plaza Northwest, Albuquerque, NM 87102.	Bernalillo County Public Works Division, 2400 Broadway Boulevard Southeast, Albuquerque, NM 87102.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 21, 2018 ....	350001
Pennsylvania:						
Berks .....	Borough of Mohnton (17-03-1918P).	The Honorable Gary D. Kraft, Mayor, Borough of Mohnton, 21 O'Neil Street, Mohnton, PA 19540.	Borough Hall, 21 O'Neil Street, Mohnton, PA 19540.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 26, 2018 ....	420142
Berks .....	Township of Cumru (17-03-1918P).	The Honorable Ruth O'Leary, President, Township of Cumru Board of Commissioners, 1775 Welsh Road, Mohnton, PA 19540.	Township Hall, 1775 Welsh Road, Mohnton, PA 19540.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 26, 2018 ....	420130
South Carolina:						
Charleston .....	Town of Mount Pleasant (17-04-6335P).	The Honorable Linda Page, Mayor, Town of Mount Pleasant, 100 Ann Edwards Lane, Mount Pleasant, SC 29464.	Planning Department, 100 Ann Edwards Lane, Mount Pleasant, SC 29464.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 16, 2018 ....	455417
Charleston .....	Unincorporated areas of Charleston County (17-04-6335P).	The Honorable A. Victor Rawl, Chairman, Charleston County Council, 4045 Bridge View Drive, Suite B254, North Charleston, SC 29405.	Charleston County Building Inspection Services Department, 4045 Bridge View Drive, Suite A311, North Charleston, SC 29405.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 16, 2018 ....	455413

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.
Dorchester .....	Unincorporated areas of Dorchester County (16-04-6961P).	The Honorable Jay Byars, Chairman, Dorchester County Council, 500 North Main Street, Summerville, SC 29483.	Dorchester County Public Works Department, 500 North Main Street, Summerville, SC 29483.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 8, 2018 .....	450068
Richland .....	City of Columbia (17-04-2846P).	The Honorable Stephen K. Benjamin, Mayor, City of Columbia, P.O. Box 147, Columbia, SC 29217.	Engineering Department, 1136 Washington Street, Columbia, SC 29210.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Mar. 5, 2018 .....	450172
Richland .....	Unincorporated areas of Richland County (17-04-2846P).	The Honorable Joyce Dickerson, Chair, Richland County Council, 1728 Emerald Valley Road, Columbia, SC 29210.	Richland County Development Services Department, 2020 Hampton Street, 1st Floor, Columbia, SC 29204.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Mar. 5, 2018 .....	450170
Texas:						
Bexar .....	Unincorporated areas of Bexar County (17-06-3197P).	The Honorable Nelson W. Wolff, Bexar County Judge, 101 West Nueva Street, 10th Floor, San Antonio, TX 78205.	Bexar County Public Works Department, 233 North Pecos-La Trinidad Street, Suite 420, San Antonio, TX 78207.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 9, 2018 .....	480035
Collin .....	City of Frisco (17-06-2725P).	The Honorable Jeff Cheney, Mayor, City of Frisco, 6101 Frisco Square Boulevard, Frisco, TX 75034.	Engineering Services Department, 6101 Frisco Square Boulevard, Frisco, TX 75034.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 12, 2018 ....	480134
Collin .....	City of McKinney (17-06-2044P).	The Honorable George Fuller, Mayor, City of McKinney, P.O. Box 517, McKinney, TX 75070.	Engineering Department, 221 North Tennessee Street, McKinney, TX 75069.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 26, 2018 ....	480135
Collin .....	City of Melissa (17-06-2044P).	The Honorable Reed Greer, Mayor, City of Melissa, 3411 Barker Avenue, Melissa, TX 75454.	City Hall, 3411 Barker Avenue, Melissa, TX 75454.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 26, 2018 ....	481626
Collin .....	Unincorporated areas of Collin County (17-06-2044P).	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.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 26, 2018 ....	480130
Dallas .....	City of Dallas (17-06-2366P).	The Honorable Michael S. Rawlings, Mayor, City of Dallas, 1500 Marilla Street, Suite 5EN, Dallas, TX 75201.	Mobility and Street Services Department, 320 East Jefferson Boulevard, Suite 307, Dallas, TX 75203.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 20, 2018 ....	480171
Dallas .....	City of Hutchins (17-06-1464P).	The Honorable Mario Vasquez, Mayor, City of Hutchins, P.O. Box 500, Hutchins, TX 75141.	City Hall, 321 North Main Street, Hutchins, TX 75141.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 20, 2018 ....	480179
Dallas .....	Unincorporated areas of Dallas County (17-06-1464P).	The Honorable Clay Jenkins, Dallas County Judge, 411 Elm Street, 2nd Floor, Dallas, TX 75202.	Department of Public Works, 411 Elm Street, 4th Floor, Dallas, TX 75202.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 20, 2018 ....	480165
Denton .....	Town of Bartonville (17-06-1156P).	The Honorable Bill Scherer, Mayor, Town of Bartonville, 1941 East Jeter Road, Bartonville, TX 76226.	Teague Nall and Perkins, Inc., 1517 Centre Place Drive, Suite 320, Denton, TX 76205.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 9, 2018 .....	481501
McLennan .....	City of Robinson (17-06-1462P).	The Honorable Bert Echterling, Mayor, City of Robinson, 111 West Lyndale Drive, Robinson, TX 76706.	City Hall, 111 West Lyndale Drive, Robinson, TX 76706.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 5, 2018 .....	480460
Wilson .....	City of Floresville (17-06-3071P).	The Honorable Cecelia Gonzalez-Dippel, Mayor, City of Floresville, 1120 D Street, Floresville, TX 78114.	City Hall, 1120 D Street, Floresville, TX 78114.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 15, 2018 ....	480671
Utah: Washington	City of Washington (17-08-0585P).	The Honorable Ken Neilson, Mayor, City of Washington, 111 North 100 East, Washington, UT 84780.	Public Works Department, 1305 East Washington Dam Road, Washington, UT 84780.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 13, 2018 ....	490182
Virginia:						

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.
Gloucester .....	Unincorporated areas of Gloucester County (17-03-0659P).	The Honorable Phillip Bazzani, Chairman, Gloucester County Board of Supervisors, P.O. Box 329, Gloucester, VA 23061.	Gloucester County Building Inspections Department, 6489 Main Street, Suite 247, Gloucester, VA 23061.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 9, 2018 .....	510071
Loudoun .....	Town of Lovettsville (17-03-1213P).	The Honorable Robert Zoldos II, Mayor, Town of Lovettsville, P.O. Box 209, Lovettsville, VA 20180.	Department of Public Works, 6 East Pennsylvania Avenue, Lovettsville, VA 20180.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Mar. 2, 2018 .....	510259
Loudoun .....	Unincorporated areas of Loudoun County (17-03-1213P).	The Honorable Phyllis J. Randall, Chair, Loudoun County Board of Supervisors, P.O. Box 7000, Leesburg, VA 20177.	Loudoun County Department of Public Works, 1 Harrison Street, Leesburg, VA 20177.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Mar. 2, 2018 .....	510090
Prince William ...	City of Manassas Park (17-03-0746P).	Mr. Laszlo A. Palko, Manager, City of Manassas Park, 1 Park Center Court, Manassas Park, VA 20111.	City Hall, 1 Park Center Court, Manassas Park, VA 20111.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 15, 2018 ....	510123
Prince William ...	Unincorporated areas of Prince William County (17-03-0746P).	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.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 15, 2018 ....	510119
West Virginia: Jackson	Unincorporated areas of Jackson County (17-03-2040P).	The Honorable Dick Waybright, President, Jackson County Commission, P.O. Box 800, Ripley, WV 25271.	Jackson County Emergency Services Department, 100 North Maple Street, Ripley, WV 25271.	<a href="https://msc.fema.gov/portal/advanceSearch">https://msc.fema.gov/portal/advanceSearch</a> .	Feb. 20, 2018 ....	540063

[FR Doc. 2017-26813 Filed 12-12-17; 8:45 am]

BILLING CODE 9110-12-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:** 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 May 2, 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](mailto:patrick.sacbibit@fema.dhs.gov); or visit the FEMA Map Information eXchange (FMIX) online at [https://www.floodmaps.fema.gov/fhm/fmx\\_main.html](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 29, 2017.

**Roy E. Wright,**

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

Community	Community map repository address
<b>Blair County, Pennsylvania (All Jurisdictions)</b> <b>Docket No.: FEMA-B-1655</b>	
Borough of Tyrone .....	Administrative Office, 1100 Logan Avenue, Tyrone, PA 16686.
Township of Snyder .....	Snyder Township Municipal Building, 108 Baughman Hollow Road, Tyrone, PA 16686.
Township of Tyrone .....	Community Map Repository, 237 Burket Road, Tyrone, PA 16686.
<b>Huntingdon County, Pennsylvania (All Jurisdictions)</b> <b>Docket No.: FEMA-B-1655</b>	
Borough of Birmingham .....	Birmingham Borough Map Repository, 4545 Meadow Wood Lane, Warriors Mark, PA 16877.
Township of Morris .....	Morris Township Office, 4077 Shaffersville Road, Alexandria, PA 16611.
Township of Spruce Creek .....	Spruce Creek Township Map Repository, Huntingdon County Annex Building, Planning and Development Department, 205 Penn Street, Suite 3, Huntingdon, PA 16652.
Township of Warriors Mark .....	Township Office, 4571 Firehouse Road, Warriors Mark, PA 16877.

[FR Doc. 2017-26811 Filed 12-12-17; 8:45 am]

BILLING CODE 9110-12-P

## DEPARTMENT OF HOMELAND SECURITY

### Transportation Security Administration

[Docket No. TSA-2001-11120]

#### Extension of Agency Information Collection Activity Under OMB Review: Imposition and Collection of Passenger Civil Aviation Security Service Fees

**AGENCY:** Transportation Security Administration, DHS.

**ACTION:** 30-Day Notice.

**SUMMARY:** This notice announces that the Transportation Security Administration (TSA) has forwarded the Information Collection Request (ICR), Office of Management and Budget (OMB) control number 1652-0001, abstracted below to OMB for review and approval of an extension of the currently approved collection under the Paperwork Reduction Act (PRA). The ICR describes the nature of the information collection and its expected burden. The collection involves air carriers and foreign air carriers maintaining an accounting system to account for the passenger civil aviation security service fees collected and reporting this information to TSA on a quarterly basis, as well as retaining the data used for these reports for three fiscal years.

**DATES:** Send your comments by January 12, 2018. A comment to OMB is most effective if OMB receives it within 30 days of publication.

**ADDRESSES:** Interested persons are invited to submit written comments on

the proposed information collection to the Office of Information and Regulatory Affairs, OMB. Comments should be addressed to Desk Officer, Department of Homeland Security/TSA, and sent via electronic mail to [dhsdeskofficer@omb.eop.gov](mailto:dhsdeskofficer@omb.eop.gov).

#### FOR FURTHER INFORMATION CONTACT:

Christina A. Walsh, TSA PRA Officer, Office of Information Technology (OIT), TSA-11, Transportation Security Administration, 601 South 12th Street, Arlington, VA 20598-6011; telephone (571) 227-2062; email [TSAPRA@tsa.dhs.gov](mailto:TSAPRA@tsa.dhs.gov).

#### SUPPLEMENTARY INFORMATION: TSA

published a **Federal Register** notice, with a 60-day comment period soliciting comments, of the following collection of information on September 21, 2017, 82 FR 44203.

#### Comments Invited

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The ICR documentation will be available at <http://www.reginfo.gov> upon its submission to OMB. Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

- (1) Evaluate whether the proposed information requirement 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;
- (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 using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Consistent with the requirements of Executive Order (EO) 13771, Reducing Regulation and Controlling Regulatory Costs, and EO 13777, Enforcing the Regulatory Reform Agenda, TSA is also requesting comments on the extent to which this request for information could be modified to reduce the burden on respondents.

#### Information Collection Requirement

*Title:* Imposition and Collection of Passenger Civil Aviation Security Service Fees.

*Type of Request:* Extension of a currently approved collection.

*OMB Control Number:* 1652-0001.

*Forms(s):* TSA Form 2502.

*Affected Public:* Air carriers and foreign air carriers.

*Abstract:* TSA regulations, 49 CFR part 1510, require air carriers and foreign air carriers to collect the "September 11th Security Service Fee" from passengers and to remit the fee to TSA on a monthly basis. Air carriers and foreign air carriers are further required to submit quarterly reports to TSA that provide an accounting of the fees imposed, collected, refunded to passengers, and remitted to TSA and to retain this data for three years. TSA has temporarily suspended an additional requirement for air carriers with over 50,000 passengers to submit annual audits of its fee collections and remittance; this requirement may be reinstated in the future. In December 2013, the fee was statutorily restructured to be based on one-way

trips rather than enplanements (the statute was further amended to state that the fee shall be \$5.60 per one-way trip or \$11.20 per round trip.) TSA published an interim final rule (IFR) to implement changes to the regulations required by these amendments to 49 U.S.C. 44940. This information collection request covers both the quarterly reports and the estimated impact should annual audits be reinstated in the future.

*Number of Respondents:* 195.

*Estimated Annual Burden Hours:* An estimated 2,880 hours annually.

Dated: December 7, 2017.

**Christina A. Walsh,**

*TSA Paperwork Reduction Act Officer, Office of Information Technology.*

[FR Doc. 2017-26866 Filed 12-12-17; 8:45 am]

**BILLING CODE 9110-05-P**

## DEPARTMENT OF HOMELAND SECURITY

### Transportation Security Administration

#### Intent To Request Approval From OMB of One Current Public Collection of Information: Screening Partnership Program (SPP)

**AGENCY:** Transportation Security Administration, DHS.

**ACTION:** 60-Day notice.

**SUMMARY:** The Transportation Security Administration (TSA) invites public comment on one currently approved Information Collection Request (ICR), Office of Management and Budget (OMB) control number 1652-0064, abstracted below that we will submit to OMB for an extension in compliance with the Paperwork Reduction Act (PRA). The ICR describes the nature of the information collection and its expected burden. The collection involves an application completed by airports desiring to opt-out of passenger and baggage security screening performed by federal employees, preferring a qualified private screening company to perform security screening functions under a contract entered into with TSA.

**DATES:** Send your comments by February 12, 2018.

**ADDRESSES:** Comments may be emailed to [TSAPRA@dhs.gov](mailto:TSAPRA@dhs.gov) or delivered to the TSA PRA Officer, Office of Information Technology (OIT), TSA-11, Transportation Security Administration, 601 South 12th Street, Arlington, VA 20598-6011.

**FOR FURTHER INFORMATION CONTACT:**

Christina A. Walsh at the above address, or by telephone (571) 227-2062.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The ICR documentation will be available at <http://www.reginfo.gov> upon its submission to OMB. Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

(1) Evaluate whether the proposed information requirement 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;

(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 using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Consistent with the requirements of Executive Order (EO) 13771, Reducing Regulation and Controlling Regulatory Costs, and EO 13777, Enforcing the Regulatory Reform Agenda, TSA is also requesting comments on the extent to which this request for information could be modified to reduce the burden on respondents.

##### Information Collection Requirement

*OMB Control Number 1652-0064; Screening Partnership Program (SPP).* TSA's SPP (codified as amended at 49 U.S.C. 44920)<sup>1</sup> enables commercial airports to apply for a qualified private screening company, under contract with TSA, to provide passenger and baggage security screening services, rather than Federal employees. An authorized representative of the airport or airport owner submits a copy of the SPP application to the airport's TSA Federal Security Director (FSD) to begin the application process.

##### Purpose and Description of Data Collection

The application process is the initial notification to TSA of an airport's desire to opt-out of the security screening provided by TSA Federal employees.

The SPP application collects the following from each airport seeking to participate in SPP:

- Basic airport information: Airport name, FAA identifier, and airport operating authority.

- Authorized Requestor information: Name, position, primary and alternate phone number, mailing address and email address.

- An indication of whether or not the airport authority desires to provide its own private security screening services.

- A recommendation on which private screening company should perform the screening function and the basis for the recommendation.

- Information on any major activities scheduled to occur at the airport within the next 18 months that could impact the transition from Federal screening to private screening (for example, major construction).

- Optional information may be provided to support the consideration of their application.

##### Use of the Information

TSA will acknowledge receipt of the application, review for completeness, and provide an official response within 120 days from the date of acknowledgement. The application contains no personally identifiable information, sensitive security information, or classified information, so no special handling or protection is required.

TSA currently has a screening presence at approximately 450 airports, of which 22 airports are participating in SPP, an increase from the 18 airports that participated in 2014. The annual burden for the information collection related to SPP is estimated to be 30 minutes (0.5 hours). While TSA estimates that only two airports will respond annually, it is presumed that ten or more airports could respond. The agency estimates that each respondent airport will spend approximately one-quarter (.25) hour to complete the application for a total burden of one-half hour (0.50 hours). TSA does not require the airports to maintain records of the application submission. However, if the airport chooses to do so, the burden associated with this action is anticipated to be minimal.

Dated: December 7, 2017.

**Christina A. Walsh,**

*TSA Paperwork Reduction Act Officer, Office of Information Technology.*

[FR Doc. 2017-26865 Filed 12-12-17; 8:45 am]

**BILLING CODE 9110-05-P**

<sup>1</sup> The Aviation and Transportation Security Act (ATSA), Public Law 107-71, sec. 108 (115 Stat. 597, 611, Nov. 19, 2001).

**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service**

[FWS-R4-ES-2017-N129;  
FXES11130400000EA-123-FF04EF1000]

**Endangered and Threatened Wildlife and Plants; Availability of Proposed Low-Effect Habitat Conservation Plan; Orange County Utilities, Malcolm Road Water Supply Facility, Orange County, FL**

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

**ACTION:** Notice of availability; request for comments/information.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), have received an application for an incidental take permit (ITP) under the Endangered Species Act of 1973, as amended (Act). Orange County Utilities (Applicant) is requesting a 10-year ITP. We request public comment on the permit application and accompanying proposed Malcolm Road Water Supply Habitat Conservation Plan (HCP), as well as on our preliminary determination that the plan qualifies as low effect under the National Environmental Policy Act. 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 12, 2018.

**ADDRESSES:** If you wish to review the application and HCP, you may request documents by email, U.S. mail, or phone (see below). These documents are also available for public inspection by appointment during normal business hours at the office below. Send your comments or requests by any one of the following methods.

*Email:* northflorida@fws.gov. Use "Attn: Permit number T-46110C-0" as your message subject line.

*Fax:* Field Supervisor, (904) 731-3191, Attn: Permit number TE-46110C-0.

*U.S. mail:* Field Supervisor, Jacksonville Ecological Services Field Office, Attn: Permit number TE-46110C-0, U.S. Fish and Wildlife Service, 7915 Baymeadows Way, Suite 200, Jacksonville, FL 32256.

*In-person drop-off:* You may drop off information during regular business hours at the above office address.

**FOR FURTHER INFORMATION CONTACT:** Tera Baird, telephone: (904) 731-3196; email: Tera.Baird@fws.gov.

**SUPPLEMENTARY INFORMATION:**

**Background**

Section 9 of the Act (16 U.S.C. 1531 *et seq.*) and our implementing Federal Regulations in the Code of Federal Regulations (CFR) at 50 CFR 17 prohibit the "take" of fish or wildlife species listed as endangered or threatened. Take of listed fish or wildlife is defined under the Act 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). 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 threatened and endangered species are at 50 CFR 17.32 and 17.22, respectively. The Act'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.

**Applicants' Proposal**

Orange County Utilities is requesting take of approximately 10.9 acres of occupied sand skink (*Neoseps reynoldsi*) habitat, incidental to the construction of a water supply facility and seek a 10-year permit. The project is located east of Avalon Road and west of SR 429 on the north side of Malcolm Road within Sections 8 and 17, Township 23 South, Range 27 East in Orange County, Florida. The Applicant proposes to mitigate for impacts to the species by purchasing 21.8 credits from a Service-approved sand skink mitigation bank prior to any land clearing activities commence.

**Our Preliminary Determination**

We have determined that the applicants' proposal, including the proposed mitigation and minimization measures, would have minor or negligible effects on the species covered in the HCP. Therefore, our proposed issuance of the requested ITP qualifies as a categorical exclusion under the National Environmental Policy Act (NEPA), as provided by Department of the Interior implementing regulations in part 46 of title 43 of the Code of Federal Regulations (43 CFR 46.205, 46.210, and 46.215). A low-effect HCP involves: (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 Act (16 U.S.C. 1531 *et seq.*). We will also evaluate whether issuance of the section 10(a)(1)(B) ITP complies with section 7 of the Act by conducting an intra-Service section 7 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 ITP. If the requirements are met, we will issue ITP number TE-46110C-0 to the Applicant.

**Public Comments**

If you wish to comment on the permit application, HCP, and associated documents, you may submit comments by any one of the methods in **ADDRESSES**.

**Public Availability of Comments**

Before including your address, phone number, email address, or other personal identifying information in your comments, 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 Act and NEPA regulations (40 CFR 1506.6).

**Heath Rauschenberger,**

*Acting Field Supervisor, Jacksonville Field Office, Southeast Region.*

[FR Doc. 2017-26838 Filed 12-12-17; 8:45 am]

**BILLING CODE 4333-15-P**

**DEPARTMENT OF THE INTERIOR****Bureau of Indian Affairs**

[189A2100DD/AAKC001030/  
A0A501010.999900 253G]

**Indian Gaming; Approval of an Amendment to a Tribal-State Class III Gaming Compact in the State of Oregon**

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice.

**SUMMARY:** The Confederated Tribes of the Grand Ronde Community of Oregon negotiated the Amendment to the Amended and Restated Tribal-State

Compact for Regulation of Class III Gaming between the Confederated Tribes of the Grand Ronde Community of Oregon and the State of Oregon governing Class III gaming; this notice announces approval of the amended Compact.

**DATES:** This compact takes effect on December 13, 2017.

**FOR FURTHER INFORMATION CONTACT:** Ms. Paula L. Hart, Director, Office of Indian Gaming, Office of the Assistant Secretary—Indian Affairs, Washington, DC 20240, (202) 219–4066.

**SUPPLEMENTARY INFORMATION:** Section 11 of the Indian Gaming Regulatory Act (IGRA) requires the Secretary of the Interior to publish in the **Federal Register** notice of approved Tribal-State compacts that are for the purpose of engaging in Class III gaming activities on Indian lands. See Public Law 100–497, 25 U.S.C. 2701 *et seq.* All Tribal-State Class III compacts, including amendments, are subject to review and approval by the Secretary under 25 CFR 293.4. The Amendment to the Amended and Restated Tribal-State Compact for Regulation of Class III Gaming between the Confederated Tribes of the Grand Ronde Community of Oregon and the State of Oregon amends the previous compact, revises parts of the definition section, clarifies procedures for offering new types of video lottery terminals, and moves certain language regarding cooperation between Tribal and State law enforcement to another section of the Compact. The Amendment to the Amended and Restated Tribal-State Compact for Regulation of Class III Gaming between the Confederated Tribes of the Grand Ronde Community of Oregon and the State of Oregon is approved. See 25 U.S.C. 2710(d)(8)(A).

Dated: November 9, 2017.

**John Tahsuda,**

*Acting Assistant Secretary—Indian Affairs.*

[FR Doc. 2017–26816 Filed 12–12–17; 8:45 am]

**BILLING CODE 4337–15–P**

## INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 337–TA–565/946; (Advisory Opinion Proceeding)]

### Certain Ink Cartridges and Components Thereof; Notice of Commission Determination Not to Review an Initial Determination Granting a Joint Motion To Terminate the Advisory Opinion Proceeding Based on a Settlement Agreement; Termination of the Advisory Opinion Proceeding

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (“ID”) (Order No. 6) granting a joint motion to terminate the consolidated advisory opinion proceeding in the above-captioned investigations based on a settlement agreement. The consolidated advisory opinion proceeding is terminated.

#### FOR FURTHER INFORMATION CONTACT:

Cathy Chen, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2392. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205–1810.

**SUPPLEMENTARY INFORMATION:** The Commission instituted Inv. No. 337–TA–565 on March 23, 2006, based on a complaint filed by Epson Portland, Inc. of Hillsboro, Oregon, Epson America, Inc. of Long Beach, California, and Seiko Epson Corporation of Nagano-Ken, Japan (collectively, “Epson”). 71 FR 14720 (Mar. 23, 2006). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, by reason of infringement of certain claims of U.S.

Patent Nos. 5,615,957; 5,622,439; 5,158,377; 5,221,148; 5,156,472; 5,488,401; 6,502,917; 6,550,902; 6,955,422; 7,008,053; and 7,011,397. The Commission’s notice of investigation named 24 respondents including Ninestar Technology Company Ltd. of Montclair, California (“Ninestar”). The Office of Unfair Import Investigations (“OUII”) participated in the investigation. Several respondents were terminated from the investigation on the basis of settlement agreements or consent orders or were found in default. On October 19, 2007, the Commission issued a general exclusion order (“GEO”) and a limited exclusion order. The Commission also issued cease and desist orders (“CDO”) directed to several domestic respondents.

The Commission instituted Inv. No. 337–TA–946 on January 27, 2015, based on a complaint filed by Epson. 80 FR 4314–16 (Jan. 27, 2015). That complaint alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, by reason of infringement of certain claims of U.S. Patent Nos. 8,366,233; 8,454,116; 8,794,749; 8,801,163; and 8,882,513. The Commission’s notice of investigation named numerous respondents. OUII participated in the investigation. All the participating respondents were terminated from the investigation as a result of settlement agreements and/or consent motion stipulations. A number of the named respondents defaulted. On October 28, 2015, the presiding administrative law judge (ALJ) issued an initial determination granting Epson’s motion for summary determination of violation of section 337 by the defaulting respondents. Based on evidence of a pattern of violation and difficulty ascertaining the source of the infringing products, the Commission issued a GEO and CDOs directed to two defaulted domestic respondents on May 26, 2016.

On April 26, 2017, Ninestar, Ninestar Image Tech. Ltd., and Apex Microtech Ltd. (collectively, “Requesters”) filed a request for a consolidated advisory opinion proceeding in both investigations pursuant to Commission Rule 210.79 (19 CFR 210.79). Specifically, Requesters seek an advisory opinion that will declare that their refurbished Epson ink cartridges remanufactured using empty Epson ink cartridges collected from the United States are outside the scope of the GEOs and CDOs issued in both investigations. Requesters also ask that the consolidated advisory opinion proceeding be conducted in an expedited manner pursuant to

Commission Rule 210.2 (19 CFR 210.2), without a formal hearing or discovery. Epson filed a timely response opposing the request. Thereafter, Requesters filed a motion for leave to file a reply to Epson's response.

On June 16, 2017, the Commission determined to institute a consolidated advisory opinion proceeding in both investigations and referred the request to the Chief ALJ to designate a presiding ALJ. 82 FR 27723 (Jun. 16, 2017). Epson, the Requesters, and OUII were named as parties to the proceeding. The Commission also determined to deny Requesters' motion for leave to file a reply.

On November 17, 2017, Epson and the Requesters filed a joint motion to terminate the consolidated advisory opinion proceeding based on a settlement agreement. The joint motion included a confidential version of the settlement agreement. A public version of the agreement was filed with the public version of the joint motion. That same day, OUII filed a response in support of the joint motion. On November 22, 2017, the ALJ issued the subject ID (Order No. 6) granting the joint motion to terminate the consolidated advisory opinion proceeding. No petitions for review were filed.

The Commission has determined not to review the subject ID. The Commission agrees with the ALJ that the joint motion to terminate the consolidated advisory opinion proceeding complies with the Commission's rules for termination and that there is no evidence that termination of the proceeding will adversely affect the public interest. Order No. 6 at 2–3.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Dated: December 7, 2017.

**William R. Bishop,**  
*Supervisory Hearings and Information  
Officer.*

[FR Doc. 2017–26826 Filed 12–12–17; 8:45 am]

**BILLING CODE 7020–02–P**

## JUDICIAL CONFERENCE OF THE UNITED STATES

### Hearings of the Judicial Conference Advisory Committees on the Federal Rules of Appellate and Criminal Procedure and Rules of Evidence

**AGENCY:** Advisory Committees on the Federal Rules of Appellate and Criminal Procedure, and Rules of Evidence, Judicial Conference of the United States.

**ACTION:** Notice of cancellation of public hearings.

**SUMMARY:** The January 5, 2018 public hearings in Phoenix, Arizona, on proposed amendments to the Appellate, Criminal and Evidence Rules, the Rules Governing Section 2254 Cases in the United States District Courts, and the Rules Governing Section 2255 Proceedings for the United States District Courts have been canceled.

**FOR FURTHER INFORMATION CONTACT:** Rebecca A. Womeldorf, Rules Committee Secretary, Rules Committee Staff, Administrative Office of the United States Courts, Washington, DC 20544, telephone (202) 502–1820.

**SUPPLEMENTARY INFORMATION:** Announcement for this hearing was previously published in 82 FR 37610.

Dated: December 7, 2017.

**Rebecca A. Womeldorf,**  
*Rules Committee Secretary.*

[FR Doc. 2017–26789 Filed 12–12–17; 8:45 am]

**BILLING CODE 2210–55–P**

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant to the National Cooperative Research and Production Act of 1993—DVD Copy Control Association

Notice is hereby given that, on November 21, 2017, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), DVD Copy Control Association (“DVD CCA”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Cinram GmbH, Oliphant, PA; Kaleidescape, Inc., Mountain View, CA; and Lite-On Technology Corp., Taipei, TAIWAN, have been added as parties to this venture.

Also, ArcSoft Inc., Fremont, CA; ASD Electronics, Kowloon, HONG KONG—CHINA; EDC GmbH, Langenhagen, GERMANY; Orion Electric Co., Ltd., Fukui, JAPAN; Pixela Corporation, Osaka, JAPAN; TEAC Corporation, Tokyo, JAPAN; and Yamaha Corporation, Hamamatsu, JAPAN, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and DVD CCA intends to file additional written notifications disclosing all changes in membership.

On April 11, 2001, DVD CCA filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on August 3, 2001 (66 FR 40727).

The last notification was filed with the Department on August 23, 2017. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on September 29, 2017 (82 FR 45611).

**Patricia A. Brink,**

*Director of Civil Enforcement, Antitrust  
Division.*

[FR Doc. 2017–26891 Filed 12–12–17; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant to the National Cooperative Research and Production Act of 1993—Cooperative Research Group on CHEDE–VII

Notice is hereby given that, on November 8, 2017, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (“the Act”), Southwest Research Institute—Cooperative Research Group on CHEDE–VII (“CHEDE–VII”) has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, General Motors, Detroit, MI, has withdrawn as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research

project remains open, and CHEDE-VII intends to file additional written notifications disclosing all changes in membership.

On January 6, 2016, CHEDE-VII filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on February 2, 2016, (81 FR 5484).

The last notification was filed with the Department on February 13, 2017. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on March 27, 2017, (82 FR 15239).

**Patricia A. Brink,**

*Director of Civil Enforcement, Antitrust Division.*

[FR Doc. 2017-26890 Filed 12-12-17; 8:45 am]

**BILLING CODE P**

**DEPARTMENT OF JUSTICE**

**Drug Enforcement Administration**

[Docket No. DEA-392]

**Importer of Controlled Substances Application: VHG Labs DBA LGC Standard Warehouse**

**ACTION:** Notice of application.

**DATES:** Registered bulk manufacturers of the affected basic classes and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before January 12, 2018. Such persons may also file a written request for a hearing on the application on or before January 12, 2018.

**ADDRESSES:** Written comments should be sent to: Drug Enforcement Administration, Attention: DEA **Federal Register** Representative/DRW, 8701 Morrisette Drive, Springfield, Virginia 22152. All requests for hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrisette Drive, Springfield, Virginia 22152. All request for hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/LJ, 8701 Morrisette

Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA **Federal Register** Representative/DRW, 8701 Morrisette Drive, Springfield, Virginia 22152.

**SUPPLEMENTARY INFORMATION:** The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division (“Assistant Administrator”) pursuant to section 7 of 28 CFR part 0, appendix of subpart R.

In accordance with 21 CFR 1301.34(a), this is notice that on April 4, 2017, VHG LABS DBA LGC Standards Warehouse, 3 Perimeter Road, Manchester, New Hampshire 03103 applied to be registered as an importer of the following basic classes of controlled substances:

Controlled substance	Drug code	Schedule
3-Fluoro-N-methylcathinone (3-FMC) .....	1233	I
Cathinone .....	1235	I
Methcathinone .....	1237	I
4-Fluoro-N-methylcathinone (4-FMC) .....	1238	I
Pentedrone (α-methylaminovalerophenone) .....	1246	I
Mephedrone (4-Methyl-N-methylcathinone) .....	1248	I
4-Methyl-N-ethylcathinone (4-MEC) .....	1249	I
Naphyrone .....	1258	I
N-Ethylamphetamine .....	1475	I
N,N-Dimethylamphetamine .....	1480	I
Fenethylamine .....	1503	I
4-Methylaminorex (cis isomer) .....	1590	I
Methaqualone .....	2565	I
Mecloqualone .....	2572	I
JWH-250 (1-Pentyl-3-(2-methoxyphenylacetyl) indole) .....	6250	I
SR-18 (Also known as RCS-8) (1-Cyclohexylethyl-3-(2-methoxyphenylacetyl) indole) .....	7008	I
5-Fluoro-UR-144 and XLR11 [1-(5-Fluoro-pentyl)1H-indol-3-yl](2,2,3,3-tetramethylcyclopropyl)methanone .....	7011	I
AB-FUBINACA (N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide) .....	7012	I
JWH-019 (1-Hexyl-3-(1-naphthoyl)indole) .....	7019	I
ADB-PINACA (N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide) .....	7035	I
APINACA and AKB48 N-(1-Adamantyl)-1-pentyl-1H-indazole-3-carboxamide .....	7048	I
JWH-081 (1-Pentyl-3-(1-(4-methoxynaphthoyl) indole) .....	7081	I
SR-19 (Also known as RCS-4) (1-Pentyl-3-[(4-methoxy)-benzoyl] indole) .....	7104	I
JWH-018 (also known as AM678) (1-Pentyl-3-(1-naphthoyl)indole) .....	7118	I
JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl) indole) .....	7122	I
UR-144 (1-Pentyl-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone .....	7144	I
JWH-073 (1-Butyl-3-(1-naphthoyl)indole) .....	7173	I
JWH-200 (1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl)indole) .....	7200	I
AM2201 (1-(5-Fluoropentyl)-3-(1-naphthoyl) indole) .....	7201	I
JWH-203 (1-Pentyl-3-(2-chlorophenylacetyl) indole) .....	7203	I
PB-22 (Quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate) .....	7222	I
5F-PB-22 (Quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate) .....	7225	I
Alpha-ethyltryptamine .....	7249	I
lbogaine .....	7260	I
CP-47,497 (5-(1,1-Dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl-phenol) .....	7297	I
CP-47,497 C8 Homologue (5-(1,1-Dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl-phenol) .....	7298	I

Controlled substance	Drug code	Schedule
Lysergic acid diethylamide	7315	I
2,5-Dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7)	7348	I
Marihuana	7360	I
Parahehyl	7374	I
Mescaline	7381	I
2-(4-Ethylthio-2,5-dimethoxyphenyl) ethanamine (2C-T-2)	7385	I
3,4,5-Trimethoxyamphetamine	7390	I
4-Bromo-2,5-dimethoxyamphetamine	7391	I
4-Bromo-2,5-dimethoxyphenethylamine	7392	I
4-Methyl-2,5-dimethoxyamphetamine	7395	I
2,5-Dimethoxyamphetamine	7396	I
JWH-398 (1-Pentyl-3-(4-chloro-1-naphthoyl) indole)	7398	I
2,5-Dimethoxy-4-ethylamphetamine	7399	I
3,4-Methylenedioxyamphetamine	7400	I
5-Methoxy-3,4-methylenedioxyamphetamine	7401	I
N-Hydroxy-3,4-methylenedioxyamphetamine	7402	I
3,4-Methylenedioxy-N-ethylamphetamine	7404	I
3,4-Methylenedioxymethamphetamine	7405	I
4-Methoxyamphetamine	7411	I
Peyote	7415	I
5-Methoxy-N,N-dimethyltryptamine	7431	I
Alpha-methyltryptamine	7432	I
Bufotenine	7433	I
Diethyltryptamine	7434	I
Dimethyltryptamine	7435	I
Psilocybin	7437	I
Psilocyn	7438	I
5-Methoxy-N,N-diisopropyltryptamine	7439	I
N-Ethyl-1-phenylcyclohexylamine	7455	I
1-(1-Phenylcyclohexyl)pyrrolidine	7458	I
1-[1-(2-Thienyl)cyclohexyl]piperidine	7470	I
1-[1-(2-Thienyl)cyclohexyl]pyrrolidine	7473	I
N-Ethyl-3-piperidyl benzilate	7482	I
N-Methyl-3-piperidyl benzilate	7484	I
N-Benzylpiperazine	7493	I
4-Methyl-alpha-pyrrolidinopropiophenone (4-MePPP)	7498	I
2-(2,5-Dimethoxy-4-methylphenyl) ethanamine (2C-D)	7508	I
2-(2,5-Dimethoxy-4-ethylphenyl) ethanamine (2C-E)	7509	I
2-(2,5-Dimethoxyphenyl) ethanamine (2C-H)	7517	I
2-(4-Iodo-2,5-dimethoxyphenyl) ethanamine (2C-I)	7518	I
2-(4-Chloro-2,5-dimethoxyphenyl) ethanamine (2C-C)	7519	I
2-(2,5-Dimethoxy-4-nitro-phenyl) ethanamine (2C-N)	7521	I
2-(4-Isopropylthio)-2,5-dimethoxyphenyl) ethanamine (2C-T-4)	7532	I
MDPV (3,4-Methylenedioxypropylvalerone)	7535	I
2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine (25B-NBOMe)	7536	I
2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine (25C-NBOMe)	7537	I
Methylone (3,4-Methylenedioxy-N-methylcathinone)	7540	I
Butylone	7541	I
Pentylone	7542	I
alpha-pyrrolidinopentiophenone ( $\alpha$ -PVP)	7545	I
alpha-pyrrolidinobutiophenone ( $\alpha$ -PBP)	7546	I
AM-694 (1-(5-Fluoropentyl)-3-(2-iodobenzoyl) indole)	7694	I
Acetyldihydrocodeine	9051	I
Benzylmorphine	9052	I
Codeine-N-oxide	9053	I
Cyprenorphine	9054	I
Desomorphine	9055	I
Etorphine (except HCl)	9056	I
Codeine methylbromide	9070	I
Dihydromorphine	9145	I
Difenoxin	9168	I
Heroin	9200	I
Hydromorphenol	9301	I
Methyldesorphine	9302	I
Methyldihydromorphine	9304	I
Morphine methylbromide	9305	I
Morphine methylsulfonate	9306	I
Morphine-N-oxide	9307	I
Myrophine	9308	I
Nicocodeine	9309	I
Nicomorphine	9312	I
Normorphine	9313	I
Pholcodine	9314	I
Thebacon	9315	I

Controlled substance	Drug code	Schedule
Acetorphine .....	9319	I
Drotebanol .....	9335	I
Acetylmethadol .....	9601	I
Allylprodine .....	9602	I
Alphacetylmethadol except levo-alphacetylmethadol .....	9603	I
Alphameprodine .....	9604	I
Alphamethadol .....	9605	I
Benzethidine .....	9606	I
Betacetylmethadol .....	9607	I
Betameprodine .....	9608	I
Betamethadol .....	9609	I
Betaprodine .....	9611	I
Clonitazene .....	9612	I
Dextromoramide .....	9613	I
Diampromide .....	9615	I
Dimenoxadol .....	9617	I
Dimepheptanol .....	9618	I
Dimethylthiambutene .....	9619	I
Dioxaphetyl butyrate .....	9621	I
Dipipanone .....	9622	I
Ethylmethylthiambutene .....	9623	I
Etonitazene .....	9624	I
Etoxidine .....	9625	I
Furethidine .....	9626	I
Ketobemidone .....	9628	I
Levomoramide .....	9629	I
Levophenacymorphan .....	9631	I
Morpheridine .....	9632	I
Noracymethadol .....	9633	I
Normethadone .....	9635	I
Norpipanone .....	9636	I
Phenadoxone .....	9637	I
Phenoperidine .....	9641	I
Piritramide .....	9642	I
Proheptazine .....	9643	I
Properidine .....	9644	I
Racemoramide .....	9645	I
Trimeperidine .....	9646	I
Phenomorphane .....	9647	I
Propiram .....	9649	I
1-Methyl-4-phenyl-4-propionoxypiperidine .....	9661	I
1-(2-Phenylethyl)-4-phenyl-4-acetoxypiperidine .....	9663	I
Tiilidine .....	9750	I
Para-Fluorofentanyl .....	9812	I
3-Methylfentanyl .....	9813	I
Alpha-methylfentanyl .....	9814	I
Acetyl-alpha-methylfentanyl .....	9815	I
Beta-hydroxyfentanyl .....	9830	I
Beta-hydroxy-3-methylfentanyl .....	9831	I
Alpha-methylthiofentanyl .....	9832	I
3-Methylthiofentanyl .....	9833	I
Thiofentanyl .....	9835	I
Methamphetamine .....	1105	II
Phenmetrazine .....	1631	II
Amobarbital .....	2125	II
Pentobarbital .....	2270	II
Secobarbital .....	2315	II
Glutethimide .....	2550	II
Nabilone .....	7379	II
1-Phenylcyclohexylamine .....	7460	II
Phencyclidine .....	7471	II
Phenylacetone .....	8501	II
1-Piperidinocyclohexanecarbonitrile .....	8603	II
Alphaprodine .....	9010	II
Anileridine .....	9020	II
Etorphine HCl .....	9059	II
Dihydrocodeine .....	9120	II
Diphenoxylate .....	9170	II
Ecgonine .....	9180	II
Ethylmorphine .....	9190	II
Levomethorphan .....	9210	II
Levorphanol .....	9220	II
Isomethadone .....	9226	II
Meperidine .....	9230	II

Controlled substance	Drug code	Schedule
Meperidine intermediate-A .....	9232	II
Meperidine intermediate-B .....	9233	II
Meperidine intermediate-C .....	9234	II
Metazocine .....	9240	II
Metopon .....	9260	II
Dextropropoxyphene, bulk (non-dosage forms) .....	9273	II
Dihydroetorphine .....	9334	II
Levo-alphaacetylmehtadol .....	9648	II
Noroxymorphone .....	9668	II
Phenazocine .....	9715	II
Piminodine .....	9730	II
Racemethorphan .....	9732	II
Racemorphan .....	9733	II
Alfentanil .....	9737	II
Remifentanil .....	9739	II
Sufentanil .....	9740	II
Carfentanil .....	9743	II
Tapentadol .....	9780	II
Bezitramide .....	9800	II
Moramide-intermediate .....	9802	II

The company plans to import analytical reference standards for distribution to its customers for research and analytical purposes. Placement of these drug codes onto the company's registration does not translate into automatic approval of subsequent permit applications to import controlled substances. Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of FDA approved or non-approved finished dosage forms for commercial sale.

Dated: December 7, 2017.

**Demetra Ashley,**

*Acting Assistant Administrator.*

[FR Doc. 2017-26855 Filed 12-12-17; 8:45 am]

**BILLING CODE 4410-09-P**

## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 52-025 and 52-026; NRC-2008-0252]

### Southern Nuclear Operating Company, Inc., Vogtle Electric Generating Plant, Units 3 and 4; Inspections, Tests, Analyses, and Acceptance Criteria Consolidation

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Exemption and combined license amendment; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is granting an exemption to allow a departure from elements of the certification information of Tier 1 of the generic AP1000 design control document (DCD) and is issuing License Amendment Nos. 85 and 84 to

Combined Licenses (COL), NPF-91 and NPF-92, respectively. The COLs were issued to Southern Nuclear Operating Company, Inc. (SNC), and Georgia Power Company, Oglethorpe Power Corporation, MEAG Power SPVM, LLC, MEAG Power SPVJ, LLC, MEAG Power SPVP, LLC, Authority of Georgia, and the City of Dalton, Georgia (the licensee); for construction and operation of the Vogtle Electric Generating Plant (VEGP) Units 3 and 4, located in Burke County, Georgia.

The granting of the exemption allows the changes to Tier 1 information asked for in the amendment. Because the acceptability of the exemption was determined in part by the acceptability of the amendment, the exemption and amendment are being issued concurrently.

**DATES:** The exemption and amendment were issued on August 24, 2017.

**ADDRESSES:** Please refer to Docket ID NRC-2008-0252 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking website:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2008-0252. Address questions about NRC dockets to Carol Gallagher; telephone: 301-415-3463; email: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov). For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/>

*adams.html*. To begin the search, select "ADAMS Public Documents" and then select "*Begin Web-based ADAMS Search.*" For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document. The request for the amendment and exemption was submitted by letter dated March 2, 2017, and supplemented by letter dated July 28, 2017, (ADAMS Accession Nos. ML17061A747 and ML17209A770, respectively) designated License Amendment Request (LAR) 17-006.

- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

**FOR FURTHER INFORMATION CONTACT:** William (Billy) Gleaves, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-5848; email: [Bill.Gleaves@nrc.gov](mailto:Bill.Gleaves@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

#### I. Introduction

The NRC is granting an exemption from paragraph B of section III, "Scope and Contents," of appendix D, "Design Certification Rule for the AP1000," to part 52 of title 10 of the *Code of Federal Regulations* (10 CFR), and issuing License Amendment Nos. 85 and 84 to COLs, NPF-91 and NPF-92, respectively, to the licensee. The exemption is required by paragraph A.4 of section VIII, "Processes for Changes and Departures," appendix D, to 10 CFR

part 52 to allow the licensee to depart from Tier 1 information. With the requested amendment, the licensee proposed changes to COL Appendix C and plant-specific DCD Tier 1 to consolidate a number of Inspections, Tests, Analyses, and Acceptance Criteria (ITAAC) to improve the efficiency of the ITAAC completion and closure process. SNC also requested related exemptions from the Commission's regulations.

Part of the justification for granting the exemption was provided by the review of the amendment. Because the exemption is necessary in order to issue the requested license amendment, the NRC granted the exemption and issued the amendment concurrently, rather than in sequence. This included issuing a combined safety evaluation containing the NRC staff's review of both the exemption request and the license amendment. The exemption met all applicable regulatory criteria set forth in §§ 50.12, 52.7, and section VIII.A.4 of appendix D to 10 CFR part 52. The license amendment was found to be acceptable as well. The combined safety evaluation is available in ADAMS under Accession No. ML17216A065.

Identical exemption documents (except for referenced unit numbers and license numbers) were issued to the licensee for VEGP Units 3 and 4 (COLs NPF-91 and NPF-92). The exemption documents for VEGP Units 3 and 4 can be found in ADAMS under Accession Nos. ML17216A070 and ML17216A069, respectively. The exemption is reproduced (with the exception of abbreviated titles and additional citations) in Section II of this document. The amendment documents for COLs NPF-91 and NPF-92 are available in ADAMS under Accession Nos. ML17216A072 and ML17216A071, respectively. A summary of the amendment documents is provided in Section III of this document.

## II. Exemption

Reproduced below is the exemption document issued to VEGP Units 3 and Unit 4. It makes reference to the combined safety evaluation that provides the reasoning for the findings made by the NRC (and listed under Item 1) in order to grant the exemption:

1. In a letter dated March 2, 2017, as supplemented by letter dated July 28, 2017, Southern Nuclear Operating Company, Inc., (licensee) requested from the Nuclear Regulatory Commission (NRC or Commission) an exemption to allow departures from Tier 1 information in the certified DCD incorporated by reference in 10 CFR part 52, appendix D, "Design

Certification Rule for the AP1000 Design," as part of license amendment request (LAR) 17-006, "Inspections, Tests, Analyses, and Acceptance Criteria (ITAAC) Consolidation."

For the reasons set forth in Section 3.1 of the NRC staff's Safety Evaluation, which can be found at ADAMS Accession No. ML17216A065, the Commission finds that

A. the exemption is authorized by law;

B. the exemption presents no undue risk to public health and safety;

C. the exemption is consistent with the common defense and security;

D. special circumstances are present in that the application of the rule in this circumstance is not necessary to serve the underlying purpose of the rule;

E. the special circumstances outweigh any decrease in safety that may result from the reduction in standardization caused by the exemption; and

F. the exemption will not result in a significant decrease in the level of safety otherwise provided by the design.

2. Accordingly, the licensee is granted an exemption from the certified DCD Tier 1 information, with corresponding changes to Appendix C of the Facility Combined License as described in the licensee's request dated March 2, 2017, as supplemented by letter dated July 28, 2017. This exemption is related to, and necessary for, the granting of License Amendment No. 85 and 84, respectively, which is being issued concurrently with this exemption.

3. As explained in Section 6.0 of the NRC staff's Safety Evaluation (ADAMS Accession No. ML17216A065, this exemption meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment needs to be prepared in connection with the issuance of the exemption.

4. This exemption is effective as of the date of its issuance.

## III. License Amendment Request

By letter dated March 2, 2017 (ADAMS Accession No. ML17061A747), as supplemented by letter dated July 28, 2017 (ADAMS Accession No. ML17209A770), the licensee requested that the NRC amend the COLs for VEGP, Units 3 and 4, COLs NPF-91 and NPF-92. The proposed amendment is described in Section I of this **Federal Register** notice.

The Commission has determined for these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the

Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or COL, as applicable, proposed no significant hazards consideration determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** on March 28, 2017 (82 FR 15377). No comments were received during the 30-day comment period.

The Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments.

## IV. Conclusion

Using the reasons set forth in the combined safety evaluation, the staff granted the exemption and issued the amendment that the licensee requested on March 2, 2017, as supplemented by letter dated July 28, 2017.

The exemption and amendment were issued on August 24, 2017, as part of a combined package to the licensee (ADAMS Accession No. ML17216A064).

Dated at Rockville, Maryland, this 7th day of December, 2017.

For the Nuclear Regulatory Commission.

**Jennifer L. Dixon-Herrity,**

*Chief, Licensing Branch 4, Division of New Reactor Licensing, Office of New Reactors.*

[FR Doc. 2017-26807 Filed 12-12-17; 8:45 am]

**BILLING CODE 7590-01-P**

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## POSTAL REGULATORY COMMISSION

[Docket No. CP2018-79]

### New Postal Product

**AGENCY:** Postal Regulatory Commission.  
**ACTION:** Notice.

**SUMMARY:** The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

**DATES:** *Comments are due:* December 15, 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 website (<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):* CP2018-79; *Filing Title:* Notice of United States Postal

Service of Filing a Functionally Equivalent Global Expedited Package Services 7 Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal; *Filing Acceptance Date:* December 7, 2017; *Filing Authority:* 39 CFR 3015.5; *Public Representative:* Timothy J. Schwuchow; *Comments Due:* December 15, 2017.

This notice will be published in the **Federal Register**.

**Stacy L. Ruble,**

*Secretary.*

[FR Doc. 2017-26883 Filed 12-12-17; 8:45 am]

**BILLING CODE 7710-FW-P**

**SECURITIES AND EXCHANGE COMMISSION**

**[Investment Advisers Act Release No. 4825/803-00241]**

**PNC Capital Advisors, LLC; Notice of Application**

December 8, 2017.

**AGENCY:** Securities and Exchange Commission ("Commission").

**ACTION:** Notice of application for an exemptive order under Section 206A of the Investment Advisers Act of 1940 (the "Advisers Act") and Rule 206(4)-5(e).

**APPLICANT:** PNC Capital Advisors, LLC ("Applicant" or "Adviser").

**RELEVANT ADVISERS ACT SECTIONS:** Exemption requested under Section 206A of the Advisers Act and Rule 206(4)-5(e) from Rule 206(4)-5(a)(1) under the Advisers Act.

**SUMMARY OF APPLICATION:** Applicant requests that the Commission issue an order under Section 206A of the Advisers Act and Rule 206(4)-5(e) exempting it from Rule 206(4)-5(a)(1) under the Advisers Act to permit Applicant to receive compensation from certain government entities for investment advisory services provided to the government entities within the two-year period following a contribution by a covered associate of the Applicant to an official of the government entities.

**FILING DATES:** The application was filed on April 18, 2017, and an amended and restated application was filed on October 10, 2017.

**HEARING OR NOTIFICATION OF HEARING:** An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving Applicant with a copy of the request,

personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on January 2, 2018, and should be accompanied by proof of service on Applicant, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to Rule 0-5 under the Advisers 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 may request notification of a hearing by writing to the Commission's Secretary.

**ADDRESSES:** Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

Applicant: PNC Capital Advisors, LLC, One East Pratt Street, Baltimore, MD 21202.

**FOR FURTHER INFORMATION CONTACT:** Kyle R. Ahlgren, Senior Counsel, at (202) 551-6857 or Holly L. Hunter-Ceci, Assistant Chief Counsel, at (202) 551-6825 (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 website at <http://www.sec.gov/rules/iareleases.shtml> or by calling (202) 551-8090.

**Applicant's Representations**

1. Applicant is a financial services firm registered with the Commission as an investment adviser pursuant to the Advisers Act. Applicant provides discretionary investment advisory services to a wide variety of investors. Applicant is a wholly-owned subsidiary of PNC Bank, National Association (the "Bank"), and the Bank is a wholly-owned subsidiary of PNC Financial Services Group, Inc. ("PNC").

2. Certain Ohio government entities have established separately managed accounts to which the Adviser provides investment advisory services (each such government entity, a "Client" and collectively, the "Clients"). Each Client is a "government entity" within the meaning of Rule 206(4)-5(f)(5).

3. The individual who made the campaign contribution (the "Contributor") that triggered the two-year compensation ban (the "Contribution") is a dual-hatted employee of the Bank and the Adviser. In his role as a business development officer of both the Adviser and the Bank, he solicited and continues to solicit business for the Adviser and the Bank from private corporations and non-profit entities in Pennsylvania, West Virginia, California and Texas. The Contributor

has never solicited business in Ohio, whether for the Adviser or for the Bank. The Adviser listed the Contributor as a covered associate in its records maintained under Rule 204–2 under the Advisers Act, and subjected him to its policies for a covered associates.

4. In June 2016, the Bank began to contemplate promoting the Contributor to Market Director, a position that has oversight over all sales operations in parts of Pennsylvania for investment advisory services business. In anticipation of this promotion, in December 2016 the Contributor solicited a government entity for investment advisory services for the first time (a local government entity in Pennsylvania). However, after the PNC Corporate Ethics Department's discovery of the Contribution, a hold was placed on the Contributor's promotion. The hold remains in effect.

5. The Contributor was at the time of the Contribution a "covered associate" within the meaning of Rule 206(4)–5(f)(2), and the Contribution triggers the compensation ban under the two-year lookback provision in Rule 206(4)–5(b)(2). At no time has the Contributor been involved in soliciting the Clients, and has never communicated with the Clients. The Contributor has never solicited any other state or local Ohio government entity. The Contributor has never made presentations for, or met with, any representatives of any Client or with any other Ohio government entities, or supervised any person who met with any Client or other Ohio government entity. If promoted to Market Director, the Contributor will neither meet with any Ohio government entities personally, nor supervise any person who solicits investment advisory services business from Ohio government entities.

6. The recipient of the Contribution was John Kasich (the "Official"), Governor of Ohio, in his campaign for President of the United States. The Clients are overseen by boards of trustees or directors to which the Governor appoints certain members and which have influence over selecting an investment adviser. Due to the power of appointment, the Governor is, and at the time of the Contribution was, an "official" of each Client within the meaning of Rule 206(4)–5(f)(6).

7. The Contributor, a long-time Republican, attended an April 2016 fundraiser for Governor Kasich's presidential campaign in Pittsburgh, Pennsylvania. Governor Kasich spoke at the fundraiser, and the Contributor made a \$1,000 donation to the Kasich campaign. The Contribution was reported by the campaign as received on

April 22, 2016, according to a report filed with, and made available online by, the Federal Election Commission. Other than being an attendee at the event, the Contributor has had no interactions with the Official, his staff, or any other Ohio official regarding the Contribution or any other matter.

8. The Contributor made the Contribution without pre-clearance from PNC's Corporate Ethics Department, and without disclosing the Contribution in his quarterly certification (as clearly required by PNC's policies, procedures and annual training). The Contributor did not appreciate that both Rule 206(4)–5 (the "Rule") and the Adviser's policy required him to pre-clear and disclose the Contribution because the Contributor was focused on the Official in his capacity as a candidate for President of the United States. At no time did any employee of PNC or the Adviser or the Bank (other than the Contributor) have any knowledge that the Contribution had been made prior to its discovery on February 17, 2017. Applicant represents that the Contribution was not motivated by a desire to influence the award of investment advisory business.

9. The Contribution was discovered by PNC's Corporate Ethics Department on February 17, 2017 through the controls built into its compliance procedures. As part of PNC's required background check for his promotion to Market Director, the Contributor disclosed the Contribution in the political contribution lookback form, in which any individual who is about to take a covered associate position must disclose any contribution he or she made during the prior two years. Upon discovery of the Contribution, PNC immediately notified the Contributor that the Contribution was against PNC policy and a violation of the Rule, and a refund was requested from the campaign on March 8, 2017. The Contributor received the refund on May 3, 2017. All compensation earned that is attributable to the Clients' investments since the Contribution Date has been placed in escrow. Absent exemptive relief from the Commission, Applicant undertakes to refund the escrowed compensation consistent with applicable laws and the Rule.

10. The initial selection process pursuant to which the various Clients decided to establish a separate account with the Adviser, or enter into a separate account that is sub-advised by the Adviser, was completed between 1996 and 2010. One Client opened two accounts with the Adviser after the Contribution Date pursuant to the Client's pre-existing relationship with

the Adviser where the Client would, as it had done in prior years, open an account when it issues debt in order to manage the proceeds of such issuance. While some Clients have added funds to their accounts post-Contribution, Clients on the whole have withdrawn more funds than they have added, resulting in a net decrease in assets under management across all Clients combined.

11. PNC's pay-to-play policies and procedures (the "Policy") apply to PNC's subsidiaries (including the Adviser) and were adopted and implemented on March 14, 2011, well before the Contribution was made. The Policy requires that all contributions to any person (including any election committee for such person) who was, at the time of the contribution, an incumbent, candidate or successful candidate for elective office of a government entity, including a state or local official running for federal office, must be pre-cleared. There is no *de minimis* exemption from this pre-clearance requirement. The Adviser's employees must complete PNC's annual ethics training, which includes a segment on ethics requirements for personal political contributions. Employees who are subject to the Policy are sent multiple compliance alerts reminding them of the Policy and the need to pre-clear political contributions. Employees subject to the Policy must submit a quarterly certification confirming that they have disclosed all political contributions made in the prior quarter. The Contributor submitted a certification for the quarter covering April 2016 confirming that he had done so, but in fact he had not pre-cleared or disclosed the Contribution.

12. PNC has amended the quarterly certification for covered associates to specifically explain that the requirement to report "all" contributions includes contributions to federal candidates who are state or local officials at the time of the contribution. This amended quarterly certification has been rolled out to covered associates for the quarter ending September 30, 2017.

#### Applicant's Legal Analysis

1. Rule 206(4)–5 under the Advisers Act prohibits a registered investment adviser from providing "investment advisory services for compensation to a government entity within two years after a contribution to an official of the government entity is made by the investment adviser or any covered associate of the investment adviser." Each Client is a "government entity" within the meaning of Rule 206(4)–5(f)(5), the Contributor was at the time

of the Contribution a “covered associate” within the meaning of Rule 206(4)–5(f)(2), and the Official was at the time of the Contribution an “official” within the meaning of Rule 206(4)–5(f)(6). The Contribution therefore triggered the Rule’s ban under the two-year lookback provision in Rule 206(4)–5(b)(2).

2. Section 206A of the Advisers Act authorizes the Commission to “conditionally or unconditionally exempt any person or transaction . . . from any provision or provisions of [the Act] or of any rule or regulation thereunder, if and to the extent that 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].”

3. Rule 206(4)–5(e) provides that the Commission may exempt an investment adviser from the prohibition under Rule 206(4)–5(a)(1) upon consideration of the factors listed below, among others:

(1) Whether the 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 Advisers Act;

(2) Whether the investment adviser: (i) Before the contribution resulting in the prohibition was made, adopted and implemented policies and procedures reasonably designed to prevent violations of the Rule; and (ii) prior to or at the time the contribution which resulted in such prohibition was made, had no actual knowledge of the contribution; and (iii) after learning of the contribution: (A) Has taken all available steps to cause the contributor involved in making the contribution which resulted in such prohibition to obtain a return of the contribution; and (B) has taken such other remedial or preventive measures as may be appropriate under the circumstances;

(3) Whether, at the time of the contribution, the contributor was a covered associate or otherwise an employee of the investment adviser, or was seeking such employment;

(4) The timing and amount of the contribution which resulted in the prohibition;

(5) The nature of the election (*e.g.*, federal, state or local); and

(6) The contributor’s apparent intent or motive in making the contribution which resulted in the prohibition, as evidenced by the facts and circumstances surrounding such contribution.

4. Applicant requests an order pursuant to Section 206A and Rule

206(4)–5(e), exempting it from the two-year prohibition on compensation imposed by Rule 206(4)–5(a)(1) with respect to investment advisory services provided to the Clients within the two-year period following the Contribution.

5. Applicant contends that given the nature of the Contribution, and the lack of any evidence that the Adviser or the Contributor intended to, or actually did, interfere with the Clients’ merit-based process for the selection or retention of advisory services, the Clients’ interests are best served by allowing the Adviser and its Clients to continue their relationships uninterrupted. Applicant states that causing the Adviser to serve without compensation for a two-year period could result in a financial loss of approximately \$700,000, or 700 times the amount of the Contribution. Applicant contends that the policy underlying the Rule is served by ensuring that no improper influence is exercised over investment decisions by governmental entities as a result of campaign contributions, and not by withholding compensation as a result of unintentional violations.

6. Applicant submits that the exemption is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Advisers Act. As summarized below and detailed in the Application, Applicant further submits that the other factors set forth in Rule 206(4)–5(e) similarly weigh in favor of granting an exemption to the Applicant to avoid consequences disproportionate to the violation.

7. Applicant states that the Adviser adopted and implemented the Policy, which is fully compliant with and more rigorous than the Rule’s requirements, on March 14, 2011, well before the Contribution Date.

8. Applicant states that aside from the Contributor, no executives, employees or covered associates of the Adviser knew of the Contribution until it was self-reported by the Contributor as a result of the multiple controls PNC uses in connection with promotions and transfers.

9. Applicant states that after learning of the Contribution, the Adviser, through its outside counsel, immediately requested a full refund of the Contribution, which was subsequently received. Applicant further states that the Adviser then established escrow accounts and moved all monies impacted by the two-year compensation ban into those escrow accounts.

10. Applicant states that in response to the Contribution, the Adviser

reviewed and assessed the continued effectiveness of its Policy and determined that while the Policy was strong and robust, it undertook to enhance the employees’ understanding of the Policy through additional education, training, and clarification to the wording of the covered associates’ quarterly certification form.

11. Applicant states that the Contributor did not solicit a government entity until December 2016 (in Pennsylvania, not Ohio), that his geographic area for soliciting clients or supervising others does not include Ohio, and that he has never solicited or otherwise communicated with the Clients.

12. Applicant states that the Clients’ initial investments with the Adviser substantially pre-date the Contribution and were made on at arm’s length basis, and neither the Contributor nor the Adviser took any action to have the Official influence those investments, directly or indirectly. Applicant further states that the Contributor did not solicit or supervise anyone who solicited the Clients with respect to these investments, and any new investments were made in the ordinary course of business and had nothing to do with the Contribution.

13. Applicant states that the Contributor’s intent in making the Contribution was not to influence the selection or retention of the Adviser, and that the Contributor is a long-time Republican who was spontaneously motivated to make the Contribution solely because of his personal political beliefs.

#### **Applicant’s Conditions**

The Applicant agrees that any order of the Commission granting the requested relief will be subject to the following conditions:

1. The Contributor will be prohibited from soliciting investment from any “government entity” client or prospective client for which the Official is an “official” as defined in Rule 206(4)–5(f) until April 22, 2018.

2. The Contributor will receive a written notification of this condition and will provide a quarterly certification of compliance until April 22, 2018. Copies of the certifications will be maintained and preserved in an easily accessible place for a period of not less than five years, the first two years in an appropriate office of the Adviser, and be available for inspection by the staff of the Commission.

3. The Adviser will conduct testing reasonably designed to prevent violations of the conditions of the Order and maintain records regarding such

testing, which will be maintained and preserved in an easily accessible place for a period of not less than five years, the first two years in an appropriate office of the Adviser, and be available for inspection by the staff of the Commission.

For the Commission, by the Division of Investment Management, under delegated authority.

**Eduardo A. Aleman,**

*Assistant Secretary.*

[FR Doc. 2017-26885 Filed 12-12-17; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-82232; File No. SR-OCC-2017-005]

### Self-Regulatory Organizations; The Options Clearing Corporation; Order Approving Proposed Rule Change Related to a Comprehensive Risk Management Framework

December 7, 2017.

On October 10, 2017, The Options Clearing Corporation (“OCC”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change SR-OCC-2017-005 pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),<sup>1</sup> and Rule 19b-4 thereunder.<sup>2</sup> The proposed rule change was published for comment in the **Federal Register** on October 25, 2017.<sup>3</sup> The Commission did not receive any comment letters on the proposed rule change. For the reasons discussed below, this order approves the proposed rule change.

#### I. Description of the Proposed Rule Change<sup>4</sup>

OCC proposes to adopt a new Risk Management Framework (“RMF”) document. The purpose of the RMF is to describe OCC’s framework for comprehensive risk management, including OCC’s framework to identify, measure, monitor, and manage all risks faced by OCC in the provision of clearing, settlement, and risk management services. More specifically, the RMF would establish the context for OCC’s risk management framework, outline OCC’s risk management

philosophy, describe OCC’s Risk Appetite Framework and use of Risk Tolerances,<sup>5</sup> describe the governance arrangements that implement risk management, outline OCC’s identification of Key Risks,<sup>6</sup> and describe OCC’s program for enterprise-wide risk management, including the “three lines of defense” structure (discussed below), and describe OCC’s approach to risk monitoring, assessment, and reporting. As a single risk management framework addressing risks across all facets of OCC’s business, OCC believes that the RMF would foster its compliance with the requirements of the CCA rules,<sup>7</sup> and in particular the requirement of Rule 17Ad-22(e)(3)<sup>8</sup> that it maintain a sound framework for comprehensively managing risks.

#### A. Context of OCC’s Risk Management Framework

The RMF would begin by establishing the context for OCC’s risk management framework. More specifically, OCC is a Systemically Important Financial Market Utility (“SIFMU”)<sup>9</sup> that serves a critical role in financial markets as the sole central counterparty (“CCP”) that provides clearance and settlement services for U.S. listed options and guarantees the obligations associated with the contracts that it clears. OCC acknowledges its role as a SIFMU in promoting financial stability for market participants, investors, and the economy and that it must therefore maintain a sound risk management framework for comprehensively managing the risks that it presents.

#### B. OCC’s Risk Management Philosophy

OCC states that the proposed RMF would describe its risk management philosophy. As a SIFMU, OCC must be mindful of the public interest and its

<sup>5</sup> Under the proposed RMF, “Risk Tolerances” would be defined as the application of risk appetite to a specific sub-category or aspect of a Key Risk, typically in quantitative form, used to set an acceptable level of risk.

<sup>6</sup> OCC’s Key Risks are described below in the discussion covering OCC’s identification of its material risks.

<sup>7</sup> On September 28, 2016, the Commission adopted amendments to Exchange Act Rule 17Ad-22 and added new Exchange Act Rule 17Ab2-2 pursuant to Section 17A of the Act and the Payment, Clearing and Settlement Supervision Act of 2010 (“Clearing Supervision Act”) to establish enhanced standards for the operation and governance of those clearing agencies registered with the Commission that meet the definition of a “covered clearing agency,” as defined by Exchange Act Rule 17Ad-22(a)(5) (collectively, the new and amended rules are herein referred to as the “CCA rules”).

<sup>8</sup> 17 CFR 240.17Ad-22(e)(3).

<sup>9</sup> The Financial Stability Oversight Council designated OCC a SIFMU on July 18, 2012 pursuant to the Clearing Supervision Act. See 12 U.S.C. 5463.

obligation to promote financial stability, reduce the potential for systemic contagion, and support the smooth functioning of the U.S. financial markets. Furthermore, as a CCP, OCC concentrates financial risks for the markets it serves by acting as the CCP for all of the transactions that it clears. As a result of this concentration, OCC’s primary objective is to ensure that it properly manages the financial risks associated with functioning as a CCP, which primarily relate to potential clearing member default scenarios.

As a CCP, OCC’s daily operations, among other things, involve managing financial, operational, and business risks. In managing these risks, OCC’s daily operations—which are guided by policies, procedures, and controls—are designed to ensure that financial exposures and service disruptions are within acceptable limits set by OCC as part of its Risk Appetite Framework (“RAF”) as described below.

#### C. Risk Appetite Framework

The proposed RMF would describe OCC’s RAF and use of Risk Tolerances. The purpose of the RAF is to establish OCC’s overall approach to managing risks at the enterprise level in an effective and integrated fashion. The RAF establishes the level and types of Key Risks, described in further detail below, that OCC is willing and able to assume in accordance with OCC’s mission as a SIFMU. Under the RAF, Risk Appetite Statements<sup>10</sup> would be used to express OCC’s judgment, for each of OCC’s Key Risks, regarding the level of risk that OCC is willing to accept related to the provision of CCP services. These statements would be qualitative indications of appetite that set the tone for OCC’s approach to risk taking, and are indicative of the level of resources or effort OCC puts forth to prevent or mitigate the impact of a Key Risk.

Under the RMF, Risk Appetite Statements would be set annually by each department associated with a Key Risk in cooperation with OCC’s Enterprise Risk Management department (“ERM”) according to applicable procedures. OCC’s risk appetite levels would be classified into four categories:

1. *No appetite*: OCC is unwilling to deliberately accept any level of risk.
2. *Low appetite*: OCC devotes significant resources to managing risk but may choose to accept certain risks

<sup>10</sup> Under the proposed RMF, “Risk Appetite Statement” would be defined as a statement that expresses OCC’s judgment, for each of OCC’s Key Risks, regarding the level of risk OCC is willing to accept related to the provision of CCP services.

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> Securities Exchange Act Release No. 34-81909 (Oct. 19, 2017), 82 FR 49456 (Oct. 25, 2017) (File No. SR-OCC-2017-005) (“Notice”).

<sup>4</sup> The subsequent description of the proposed rule change is substantially excerpted from OCC’s description in the Notice. See Notice, 82 FR at 49456-49461.

that do not materially affect core clearing and settlement because the level of resources that OCC would be required to put forth to mitigate the risks would be impractical.

3. *Moderate appetite:* OCC is willing to engage in certain activities that pose risks because those activities may bring longer-term efficiencies or result in business opportunities even though the activities or new businesses may pose new risks to OCC.

4. *High appetite:* OCC is willing to implement a new high-risk process or business opportunity; however, it is unlikely OCC would apply this level of appetite to a Key Risk absent a compelling, urgent business need.

Under the RMF, OCC's Board would have ultimate responsibility for reviewing and approving the Risk Appetite Statements in connection with each Key Risk on an annual basis upon recommendation of OCC's Management Committee.

The Risk Appetite Statements would allow OCC to carefully calibrate the levels of risk it accepts for each of its Key Risks to be consistent with OCC's core mission of promoting financial stability in the markets it serves. Accordingly, the RAF helps to ensure that OCC has an effective and comprehensive framework for managing its Key Risks (e.g., legal, credit, liquidity, operational, general business, investment, custody, and other risks that arise in or are borne by OCC).<sup>11</sup>

In addition to Risk Appetite Statements, the RMF would require that OCC assign Risk Tolerances to the Key Risks contained within the RMF as approved by OCC's Board. While the Risk Appetite Statements would be more high-level and principles-based, Risk Tolerances would comparatively be more granular and represent the application of OCC's risk appetite to specific sub-categories or aspects of Key Risks. The purpose of the proposed Risk Tolerances is to help ensure that OCC sets acceptable levels of risk within those specified sub-categories of Key Risks. Risk Tolerances would be stated in either quantitative or qualitative terms, depending on the nature of the risk and OCC's ability to measure it.

Under the RMF, each department would be required to establish Risk Tolerances at least annually for sub-categories of Key Risks that are within their relevant domains of responsibility and would be responsible for managing applicable risks within established tolerance levels. ERM staff would

monitor Risk Tolerances through quantitative metrics, where applicable, and compile such monitoring in a report that the Chief Risk Officer shall present to OCC's Management Committee and Board (or a committee thereof) at least quarterly. In addition, the RMF would require that OCC's Board evaluate its Risk Tolerances at least annually, and more frequently if necessary as a result of changes to products, processes, market conventions or other changes to OCC's material risks.

#### D. Identification of Key Risks

The proposed RMF would identify risks that could affect OCC's ability to perform services as expected, and the process for identifying such risks would take a broad view to include: (i) Direct financial and operational risks that may prevent the smooth functioning of CCP services; (ii) reputational risks that could undermine the perception of OCC as a sound pillar in the financial market; and (iii) the risks OCC faces from third parties, such as custodians and settlement banks, that are critical to the design and operation of OCC's infrastructure and risk management. OCC believes that identifying Key Risks in this manner would facilitate its ability to manage comprehensively the legal, credit, liquidity, operational, general business, investment, custody, and other risks that arise in or are borne by it. Based on this identification process, the RMF would define OCC's Key Risks as described below.

#### Financial Risk

The RMF would indicate that financial risk encompasses many aspects of risk at OCC, including the risks that a Clearing Member will be unable to meet its obligations when due or that OCC will not maintain sufficient financial resources to cover exposures (i.e., credit risk), the risk that OCC will not maintain sufficient liquid resources to meet its same day and, where appropriate, intraday and multiday settlement of payment obligations (i.e., liquidity risk), the risk that OCC will incur losses on overnight investments (i.e., investment risk), and the risk that financial models are inaccurate (i.e., model risk).

The proposed RMF would require OCC's credit risk management framework to encompass policies and procedures for maintaining sufficient prefunded resources in the form of margin and Clearing Fund deposits, accepting collateral from participants that is low-risk and high-quality, monitoring the creditworthiness and operational reliability of all counterparties, including participants,

custodians, settlement banks, liquidity providers, and linked financial market utilities ("FMUs"), and maintaining a waterfall of resources to be used in the event of participant default and a process for replenishing resources.

In addition, the RMF would require OCC's liquidity risk framework to encompass sizing liquidity resources to cover liquidity needs in the event of the default of the largest Clearing Member Group, forecasting daily settlement needs under normal market conditions, maintaining liquid resources in the form of cash and committed facilities, maintaining a contingency funding plan and periodically reviewing the size of liquidity resources, maintaining liquidity resources at creditworthy custodians and monitoring the financial and operational performance of financial institutions and committed liquidity facilities, and investing liquidity resources in safe overnight investments or at a Federal Reserve Bank.

Moreover, the RMF would require OCC to address investment risks by maintaining an account at a Federal Reserve Bank, which bears no investment risk, and investing funds not held at the Federal Reserve Bank in high-quality liquid assets. The RMF would also require OCC to manage model risk through a model development program, independent model validation and strong governance arrangements for the approval of new models or models with material changes in accordance with relevant policies.

#### Operational Risk

The RMF would define operational risk as the risk of disruptions in OCC's CCP services due to: (i) Deficiencies in internal controls, processes or information systems; (ii) human error or misconduct; or (iii) external events or intrusions. The definition of operational risk would also cover deficiencies related to information technology ("IT"), such as data security and IT systems reliability. To reflect the importance OCC assigns to managing IT risks, the RMF would also categorize IT risk as a separate Key Risk, discussed below.

The RMF would also assert that OCC manages operational risks in number of ways, including that OCC: (i) Maintains an Enterprise Project Management Program that performs initial assessments of proposed projects and manages project execution, to help ensure that proper oversight exists during the initiation, planning, execution, and delivery of OCC corporate projects; (ii) maintains a Business Continuity Program to support

<sup>11</sup> OCC's Key Risks are described below in the discussion covering OCC's identification of its material risks.

continuance of critical services in the event of a catastrophic loss of infrastructure and/or staff (including a Crisis Management Plan, which outlines OCC's processes for decision-making in crisis or emergency circumstances); (iii) maintains a comprehensive third-party risk management program which includes requirements for onboarding and ongoing monitoring of third-parties on which OCC relies (such as vendors, settlement banks and FMUs with linkages to OCC) performed by various areas of the organization, including National Operations, Collateral Services, Credit Risk, and ERM; (iv) provides training and development through its Human Resources Department to ensure staff maintains and develops the necessary knowledge and skills to perform their jobs; and (v) conducts training on business ethics and OCC's Code of Conduct.

#### Operational Risk—Information Technology

The RMF also would address operational risks specifically related to IT as a distinct Key Risk. Operational risk related to IT would be defined as the risk that inadequate levels of system functionality, confidentiality, integrity, availability, capacity, or resiliency for systems that support core clearing, settlement, or risk management services or critical business functions results in disruptions in OCC services. In addition to the ways described above that OCC manages operational risks generally, the RMF would also provide that OCC manages IT operational risks by maintaining: (i) A Quality Standards Program, which includes targets that set performance standards for systems operations; (ii) a cybersecurity program; and (iii) a program to maintain system functionality and capacity.

#### Legal Risk

The RMF would define legal risk as the risk that OCC's by-laws, rules, policies, and procedures do not provide for a well-founded, clear, transparent, and enforceable legal basis for each aspect of its activities in all relevant jurisdictions. The RMF would also provide that OCC manages legal risk by: (i) Maintaining rules, policies, and contracts that are consistent with applicable laws and regulations; and (ii) maintaining legal agreements that establish counterparty obligations regarding the material aspects of its clearing, settlement, and risk management services, including, but not limited to, settlement finality, vendor performance, exchange performance, options exercise, and cross-margining obligations.

#### General Business Risk

The RMF would define general business risk as the risk of any potential impairment of OCC's financial condition due to declines in its revenue or growth in its expenses arising from OCC's administration and operation as a business enterprise (as opposed to a participant's default), resulting in expenses that exceed revenues and losses that must be charged against OCC's capital.

The RMF would provide that OCC manages general business risk by: (i) Maintaining a target capital level of liquid net assets funded by equity equal to the greater of six-months' operating expenses or the amount sufficient to ensure a recovery or orderly wind-down of OCC's operations as set forth in OCC's recovery and wind-down plan, and a plan that provides for capital replenishment in the event of non-default losses in excess of target capital; (ii) maintaining a corporate planning program to manage new business activity; and (iii) actively managing the public perception of OCC.

#### E. Risk Management Governance

The RMF would describe the governance arrangements through which OCC implements its risk management philosophy. These governance arrangements would include the responsibilities of the Board, the Board's committees, and management in establishing and executing OCC's risk management framework. These responsibilities are described in further detail below.

The RMF would provide that OCC's risk governance framework follows a hierarchical structure that begins with the Board, which has ultimate oversight responsibility for OCC's risk management activities. The Board performs an oversight role to help ensure that OCC is managed and operated in a manner consistent with OCC's regulatory responsibilities as a SIFMU providing clearance and settlement services. The Board also is responsible for helping ensure that OCC has governance arrangements that, among other things, prioritize the safety and efficiency of OCC through the proposed risk management framework. Moreover, under the RMF, the Board is responsible for overseeing OCC's risk management policies, procedures, and systems designed to identify, measure, monitor, and manage risks consistent within the Risk Appetite Statements and Risk Tolerances approved by the Board. The RMF also provides that the Board is responsible for overseeing and approving OCC's recovery and orderly

wind-down plan (consistent with OCC's Board of Directors Charter).

To carry out these responsibilities, the RMF would indicate that the Board has established Committees to assist in overseeing OCC's Key Risks. These Committees are: (i) The Audit Committee; (ii) the Compensation and Performance Committee; (iii) the Governance and Nominating Committee; (iv) the Risk Committee; and (v) the Technology Committee. The responsibilities of these committees to manage OCC's Key Risks are outlined in their respective committee charters.<sup>12</sup>

The RMF would also provide that OCC's Management Committee is responsible for annually reviewing and approving the RMF—and the Risk Appetite Statements and Risk Tolerances established thereunder—and recommending further approval thereof to the Board. The Management Committee would also review reports related to metrics for assessing Risk Tolerances to determine whether OCC's Key Risks are behaving within established tolerances and take or recommend action as needed to return Key Risks to their appropriate levels and escalate exceptions to Risk Tolerances and Risk Appetite Statements to relevant Board committees. The Management Committee would also be permitted to establish working groups to assist it in the management of Key Risks.

#### F. Risk Management Practice

The RMF would describe OCC's program for enterprise-wide risk management. The internal structures for risk management described in the proposed RMF are intended to follow programs generally accepted in the financial services industry, including the "three lines of defense" model (*i.e.*, front-line employees, enterprise risk/compliance functions and internal audit) and a program for internal controls that includes risk assessment and reporting.

#### "Three Lines of Defense"

To maintain a resilient risk management and internal control infrastructure, the RMF would formalize OCC's "three lines of defense" model, which allows OCC to manage its control infrastructure with clarity of ownership and accountability. The first line of defense consists of OCC's operational business units, including Financial Risk Management, National Operations, technology, legal, regulatory affairs and

<sup>12</sup> OCC's Board and Board committee charters are available on OCC's public website: <https://www.theocc.com/about/corporate-information/what-is-occ.jsp>.

corporate functions such as human resources, finance, accounting, and project management. The first line is responsible and accountable for designing, owning, and managing risks by maintaining policies, procedures, processes, and controls to manage relevant risks. The first line would also be responsible and accountable for internal controls and implementing corrective action to address control deficiencies.

The first line is supported and monitored by the second line of defense, which consists of the ERM, Compliance, Security Services, and Model Validation Group functions. The second line is an oversight function and is responsible for designing, implementing and maintaining an enterprise-wide risk management and compliance program and tools to assess and manage risk at the enterprise level. The second line would also work with the first line to assess risks and establish policies and guidelines, and advise, monitor, and report on the first line's effectiveness at managing risk and maintaining and operating a resilient control infrastructure. The second line reports to OCC's Management Committee and Board (or committee thereof) on the first line of defense's effectiveness at managing risk and compliance and an assessment of whether OCC's services are being delivered within Risk Appetite Statements and Risk Tolerances.

The third line of defense consists of OCC's internal audit function. The third line reports to the Audit Committee of the Board and is accountable for designing, implementing, and maintaining a comprehensive audit program that allows senior management and the Board to receive independent and objective assurance that the quality of OCC's risk management and internal control infrastructure is consistent with OCC's risk appetite and Risk Tolerances. The RMF also would require that OCC's Internal Audit department maintains a diverse and skilled team of professionals with a variety of business, technology, and audit skills, and perform all of its activities in compliance with the Institute of Internal Auditors' standards found in the International Professional Practices Framework.

The "three lines of defense" model is designed to provide for a robust governance structure that distinguishes among the three lines involved in the effective and comprehensive management of risk at OCC: (i) The functions that own and manage risks; (ii) the functions that oversee and provide guidance on the management of risks; and (iii) and the functions that

provide independent and objective assurance of the robustness and appropriateness of risk management and internal controls.

#### Risk Assessments

In furtherance of the "three lines of defense" model, the RMF would provide for risk identification and assessment programs described below to identify, measure, and monitor current and emerging risks at OCC. Findings or recommendations that result from the assessments would be documented, monitored, and escalated through the appropriate governance according to applicable OCC policies and procedures.

One such assessment—the Enterprise Risk Assessment—would be conducted by OCC's first line of defense in conjunction with ERM. The Enterprise Risk Assessment would analyze risks based on: (i) Inherent Risk;<sup>13</sup> (ii) quality of risk management; and (iii) Residual Risk<sup>14</sup> to provide OCC information on the quantity of risk in a certain functional area or business area, and provide a mechanism to prioritize risk mitigation activities. ERM would use analysis of Residual Risk in conjunction with metrics related to Risk Tolerances to develop a risk profile and determine whether a Key Risk is within appetite and provide OCC's Management Committee and Board (or committee thereof) information on the quantity of risk in a certain functional area or business area, which would provide a mechanism to prioritize risk mitigation activities.

Another such assessment—the Scenario Analysis Program—would be a method for identifying risks that may not be otherwise captured in OCC's risk statements. ERM, in cooperation with the first line of defense, would design simulations of potential disruptions, and business unit staff would be able to identify risks that may not have been previously uncovered or identify weaknesses in current controls. ERM would include potential risks identified through the Scenario Analysis Program in its analysis of, and reporting on, the quantity of risk within a certain Key Risk and whether the Key Risk is within appetite.

A third assessment—the IT Risk Assessment Program—would be conducted by OCC's Security Services

<sup>13</sup> Under the RMF, "Inherent Risk" would be defined as the absolute level of risk exposure posed by a process or activity prior to the application of controls or other risk-mitigating factors.

<sup>14</sup> Under the RMF, "Residual Risk" would be defined as the level of risk exposure posed by a process or activity after the application of controls or other risk-mitigating factors.

department prior to the procurement, development, installation, and operation of IT services and systems. This assessment would be triggered by certain events that may affect the nature or level of IT risks OCC faces, such as evaluation or procurement of a new system or technology, changes in OCC business processes that affect current services and systems, and the emergence of new threats that subvert existing controls and that require a new technology mitigation. OCC would also conduct periodic assessments.

A fourth assessment would be conducted by OCC's compliance function to identify and measure regulatory compliance risks. The assessment would also provide OCC's compliance function with a basis for prioritizing testing and training activities.

#### Risk Reporting

Under the RMF, ERM would be responsible for completing a review and reporting process that provides OCC's Management Committee and Board (or committee thereof) with the information necessary to fulfill their obligations for risk management and oversight of risk management activities, respectively. This reporting would be designed to assist OCC's Management Committee and Board (or committee thereof) in understanding the most significant risks faced by OCC from a process perspective and determining whether Risk Tolerances are being managed in accordance with Risk Appetite Statements. On a quarterly basis, ERM would provide a risk report with a summary analysis of risk appetite and risk profile that includes analysis of Residual Risks from the Enterprise Risk Assessment program, reporting on Risk Tolerances and recommendations for prioritization of risk mitigation activities. The reporting process would indicate procedures for escalation in the event of a breach of Risk Tolerance.

#### G. Control Activities

Under the RMF, the Compliance Department would be responsible for maintaining an inventory of all business processes and associated controls. OCC would also provide guides to assist staff in documenting their control activities in a consistent way and periodically conduct training on the importance of a strong risk and control environment. In addition, on at least an annual basis, the Compliance Department would be required to conduct training to assist OCC staff in understanding their respective responsibilities in implementing OCC's risk and control environment.

## II. Discussion and Commission Findings

Section 19(b)(2)(C) of the Act directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that such proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to such organization.<sup>15</sup> After carefully considering the proposed rule change, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to OCC. More specifically, the Commission finds that the proposal is consistent with Section 17A(b)(3)(F) of the Act<sup>16</sup> and Rule 17Ad-22(e)(3) under the Act.<sup>17</sup>

### A. Consistency With Section 17A(b)(3)(F) of the Act

Section 17A(b)(3)(F) of the Act requires that the rules of a registered clearing agency be designed to do, among other things, the following: (1) Promote the prompt and accurate clearance and settlement of securities transactions; (2) assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible; and (3) in general protect investors and the public interest.<sup>18</sup>

As described above, the RMF would address and clarify different ways OCC comprehensively manages Key Risks, which include legal, credit, liquidity, operational, general business, investment, custody, and other risks that arise in or are borne by OCC. For example, the RMF would describe OCC's overall framework for comprehensive risk management, including OCC's framework to identify, measure, monitor, and manage all risks faced by OCC in the provision of clearing, settlement, and risk management services. The RMF would also establish the context for OCC's risk management framework, outline OCC's risk management philosophy, describe OCC's Risk Appetite Framework and use of Risk Tolerances, describe the governance arrangements that implement risk management, outline OCC's identification of Key Risks, and describe OCC's program for enterprise-wide risk management, including the "three lines of defense" structure and OCC's approach to risk monitoring, assessment, and reporting.

By providing these clarifications and adding transparency to OCC's risk management practices, the RMF is designed to help OCC be in a better position to identify, measure, monitor, and manage the various risks that may arise in or be borne by OCC. By better identifying, measuring, monitoring, and managing the risks that may arise in or be borne by OCC, the RMF is designed to help reduce the possibility that OCC fails in providing its critical operations and services to the financial markets. By better positioning OCC to continue its critical operations and services, and mitigating the risk of financial loss contagion caused by its failure, the RMF is designed to promote the prompt and accurate clearance and settlement of securities transactions and help assure the safeguarding of securities and funds which are in the custody or control of OCC, or for which OCC is responsible. As a result, the Commission finds that the proposed rule change, in general, protects investors and the public interest. Accordingly, the Commission believes that the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act.<sup>19</sup>

### B. Consistency With Rule 17Ad-22(e)(3) of the Act

Rule 17Ad-22(e)(3) under the Act requires, in part, that a covered clearing agency "establish, implement, maintain and enforce written policies and procedures reasonably designed to . . . [m]aintain a sound risk management framework for comprehensively managing legal, credit, liquidity, operational, general business, investment, custody, and other risks that arise in or are borne by the covered clearing agency, which . . . [i]ncludes risk management policies, procedures, and systems designed to identify, measure, monitor, and manage the range of risks that arise in or are borne by the covered clearing agency, that are subject to review on a specified periodic basis and approved by the board of directors annually . . ."<sup>20</sup>

As described above, the RMF describes OCC's comprehensive framework for identifying, measuring, monitoring, and managing the risks that arise within OCC or are borne by it, including legal, credit, liquidity, operational, general business, investment, and custody risk. For example, the RMF describes OCC's framework for identifying its Key Risks and the relevant policies that OCC maintains to address those risks.

The RMF also describes OCC's RAF and use of Risk Appetite Statements and Risk Tolerances to help ensure that OCC sets appropriate levels and types of Key Risks that OCC is willing and able to assume in accordance with the performance of its critical role in the financial markets. For example, the use of Risk Appetite Statements helps ensure that OCC can carefully calibrate the levels of risk it accepts for each Key Risk in a manner consistent with OCC's core mission of promoting financial stability in the markets it serves. In addition, the use of Risk Tolerances helps ensure that OCC sets acceptable levels of risk within specified sub-categories of Key Risks, and that also may be used to set thresholds for acceptable variability in risk levels and to provide clear and transparent escalation triggers when the thresholds are breached.

Moreover, the Commission believes the RMF would clarify the foundation of OCC's risk management practices by describing OCC's enterprise-wide risk management framework. This framework incorporates established principles employed across the financial services industry such as the "three lines of defense" model for enterprise-wide risk management to help ensure that OCC maintains and operates a resilient, effective, and reliable risk management and internal control infrastructure that assures risk management and processing outcomes expected by OCC stakeholders. This framework also describes how OCC's second line of defense monitors the risks that arise in or are borne by OCC through a variety of risk assessment, risk reporting, and internal control management activities. Finally, the RMF also states that the RMF and related documents are subject to annual board approval.

For the above specified reasons, the Commission therefore believes that the proposed rule change: (i) Provides a variety of risk assessment, risk reporting, and internal control management activities; and (ii) provides for a sound, comprehensive framework for identifying, measuring, monitoring, and managing the range of risks that arise in or are borne by OCC. The Commission therefore finds that these changes are consistent with the requirements of Rule 17Ad-22(e)(3).

## III. Conclusion

On the basis of the foregoing, the Commission finds that the proposed change is consistent with the requirements of the Act, and in particular, with the requirements of

<sup>15</sup> 15 U.S.C. 78s(b)(2)(C).

<sup>16</sup> 15 U.S.C. 78q-1(b)(3)(F).

<sup>17</sup> 17 CFR 240.17Ad-22(e)(3).

<sup>18</sup> 15 U.S.C. 78q-1(b)(3)(F).

<sup>19</sup> 15 U.S.C. 78q-1(b)(3)(F).

<sup>20</sup> 17 CFR 240.17Ad-22(e)(3).

Section 17A of the Act<sup>21</sup> and the rules and regulations thereunder.

*It is therefore ordered*, pursuant to Section 19(b)(2) of the Act,<sup>22</sup> that the proposed rule change (SR-OCC-2017-005) be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority,<sup>23</sup>

**Eduardo A. Aleman,**

*Assistant Secretary.*

[FR Doc. 2017-26822 Filed 12-12-17; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-82230; File No. SR-NYSE-2017-64]

### Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Extend the Pilot Period for the Exchange's Retail Liquidity Program Until June 30, 2018

December 7, 2017.

Pursuant to Section 19(b)(1)<sup>1</sup> of the Securities Exchange Act of 1934 ("Act")<sup>2</sup> and Rule 19b-4 thereunder,<sup>3</sup> notice is hereby given that on November 30, 2017, New York Stock Exchange LLC ("NYSE" 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 Liquidity Program (the "Retail Liquidity Program" or the "Program"), which is currently scheduled to expire on December 31, 2017, until June 30, 2018. The proposed rule change is available on the Exchange's website at [www.nyse.com](http://www.nyse.com), at the principal office of the Exchange, and at the Commission's Public Reference Room.

<sup>21</sup> 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).

<sup>22</sup> 15 U.S.C. 78s(b)(2).

<sup>23</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 15 U.S.C. 78a.

<sup>3</sup> 17 CFR 240.19b-4.

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

##### A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

###### 1. Purpose

The purpose of this filing is to extend the pilot period of the Retail Liquidity Program, currently scheduled to expire on December 31, 2017,<sup>4</sup> until June 30, 2018.

###### Background

In July 2012, the Commission approved the Retail Liquidity Program on a pilot basis.<sup>5</sup> The Program is designed to attract retail order flow to the Exchange, and allows 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, Retail Liquidity Providers ("RLPs") are able to provide potential price improvement in the form of a non-displayed order that is priced better than the Exchange's best protected bid or offer ("PBBO"), called a Retail Price Improvement Order ("RPI"). When there is an RPI in a particular security, the Exchange disseminates an indicator, known as the Retail Liquidity Identifier, indicating that such interest exists. Retail Member Organizations ("RMOs") can submit a Retail Order to the Exchange, which would interact, to the extent possible, with available contra-side RPIs.

The Retail Liquidity Program was approved by the Commission on a pilot basis. Pursuant to NYSE Rule 107C(m), the pilot period for the Program is scheduled to end on December 31, 2017.

<sup>4</sup> See Securities Exchange Act Release No. 80844 (June 1, 2017), 82 FR 26562 (June 7, 2017) (SR-NYSE-2017-26).

<sup>5</sup> See Securities Exchange Act Release No. 67347 (July 3, 2012), 77 FR 40673 (July 10, 2012) ("RLP Approval Order") (SR-NYSE-2011-55).

Proposal To Extend the Operation of the Program

The Exchange established the Retail Liquidity 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 RPIs 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.<sup>6</sup> As such, the Exchange believes that it is appropriate to extend the current operation of the Program.<sup>7</sup> Through this filing, the Exchange seeks to amend NYSE Rule 107C(m) and extend the current pilot period of the Program until June 30, 2018.

###### 2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act,<sup>8</sup> in general, and furthers the objectives of Section 6(b)(5),<sup>9</sup> 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 Retail Liquidity 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

<sup>6</sup> See *id.* at 40681.

<sup>7</sup> 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 undisplayed RPIs. See Letter from Martha Redding, Asst. Corporate Secretary, NYSE Group, Inc. to Brent J. Fields, Secretary, Securities and Exchange Commission, dated November 30, 2017.

<sup>8</sup> 15 U.S.C. 78f(b).

<sup>9</sup> 15 U.S.C. 78f(b)(5).

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 impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change simply extends an established pilot program for an additional six months, thus allowing the Retail Liquidity 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 solicited or received with respect to the proposed rule change.

### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act<sup>10</sup> and Rule 19b-4(f)(6) thereunder.<sup>11</sup> Because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b-4(f)(6)(iii) thereunder.

A proposed rule change filed under Rule 19b-4(f)(6)<sup>12</sup> normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),<sup>13</sup> the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such

action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)<sup>14</sup> of the Act to determine whether the proposed rule change should be approved or disapproved.

### **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

#### *Electronic Comments*

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-NYSE-2017-64 on the subject line.

#### *Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to File Number SR-NYSE-2017-64. 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 website (<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 website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from

comment submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File Number SR-NYSE-2017-64 and should be submitted on or before January 3, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>15</sup>

**Eduardo A. Aleman,**

*Assistant Secretary.*

[FR Doc. 2017-26821 Filed 12-12-17; 8:45 am]

**BILLING CODE 8011-01-P**

## **SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-82235; File No. 4-443]

### **Joint Industry Plan; Order Approving the Fourth Amendment to the Plan for the Purpose of Developing and Implementing Procedures Designed To Facilitate the Listing and Trading of Standardized Options**

December 7, 2017.

#### **I. Introduction**

On August 16, 2017, Chicago Board Options Exchange, Incorporated (now known as Cboe Exchange, Inc.), on behalf of the BATS Exchange, Inc. (now known as Cboe BZX Exchange, Inc.); Box Options Exchange, LLC; C2 Exchange, Incorporated (now known as Cboe C2 Exchange, Inc.); EDGX Exchange, Inc. (now known as Cboe EDGX Exchange, Inc.); Miami International Securities Exchange, LLC; MIAX PEARL, LLC; Nasdaq BX, Inc.; Nasdaq GEMX, LLC; Nasdaq ISE, LLC; Nasdaq MRX, LLC; Nasdaq Options Market, LLC; Nasdaq PHLX, LLC; NYSE American, LLC; NYSE Arca, Inc.; and the Options Clearing Corporation ("OCC") (together, the "Plan Sponsors"), filed with the Securities and Exchange Commission ("Commission" or "SEC") pursuant to Section 11A(a)(3) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 608 thereunder,<sup>2</sup> a proposal to amend the Plan for the Purpose of Developing and Implementing Procedures Designed to Facilitate the Listing and Trading of Standardized Options ("OLPP" or "Plan").<sup>3</sup> The proposed amendment ("Amendment" or "Amendment No. 4")

<sup>15</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78k-1(a)(3).

<sup>2</sup> 17 CFR 242.608.

<sup>3</sup> The full text of the OLPP is available at: [https://www.theocc.com/components/docs/clearing/services/options\\_listing\\_procedures\\_plan.pdf](https://www.theocc.com/components/docs/clearing/services/options_listing_procedures_plan.pdf). See also Securities Exchange Act Release No. 44521, 66 FR 36809 (July 13, 2001) (order approving the OLPP).

<sup>10</sup> 15 U.S.C. 78s(b)(3)(A)(iii).

<sup>11</sup> 17 CFR 240.19b-4(f)(6).

<sup>12</sup> 17 CFR 240.19b-4(f)(6).

<sup>13</sup> 17 CFR 240.19b-4(f)(6)(iii).

<sup>14</sup> 15 U.S.C. 78s(b)(2)(B).

was published for comment in the **Federal Register** on October 24, 2017.<sup>4</sup> No comment letters were received in response to the Notice. This order approves proposed Amendment No. 4 to the Plan.

## II. Description of the Amendment

The Plan Sponsors propose to amend the Plan to: (1) Change the earliest date on which new January Long-term Equity Anticipation (“LEAP”) series on equity options, options on Exchange Traded Funds (“ETF”), or options on Trust Issued Receipts (“TIR”) may be added to a single date (from three separate months); (2) allow equity, ETF, and TIR option series to be added based on trading after regular trading hours; (3) make technical and procedural changes to the certification processes for new option classes and communication provisions; and (4) correct a cross-referencing error in the Plan.<sup>5</sup>

## III. Discussion and Commission Findings

The Commission finds that the Amendment is consistent with the requirements of the Act and the rules and regulations thereunder. Specifically, the Commission finds that the Amendment is consistent with Section 11A(a)(1) of the Act<sup>6</sup> and Rule 608 thereunder<sup>7</sup> in that it is appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, and that it removes impediments to, and perfects the mechanisms of, a national market system.

The Plan Sponsors propose to consolidate the addition of new January LEAP options series so that they all may be added in September. Because the addition of new January LEAP options historically has been a manual process, to avoid potential operational issues, the Plan currently requires that the addition of these LEAP options series take place over three calendar months (September, October, and November). The Plan Sponsors state that today, however, new January LEAP options now can be added in bulk electronically and, therefore, the operational concerns relating to the historic manual process have been alleviated. Thus, the Plan Sponsors propose to consolidate the addition of new January LEAP options series so that they all may be added in

September.<sup>8</sup> The Plan Sponsors believe that this change would simplify the process for adding new January LEAP options series because all new January LEAP options would be made available beginning at the same time. The Commission believes that it is appropriate in the public interest, for the protection of investors, and the maintenance of a fair and orderly market to approve this change to the timing of when January LEAP options series may be added because it should simplify and help clarify the process by which new January LEAP options may be added.

The Plan Sponsors also propose to amend the Plan to add options series based on trading of the underlying securities after regular trading hours (“post-market”), based on the most recent share price reported by all national securities exchanges between 3:15 p.m. and 5:00 p.m. CT. This change would allow an options exchange to add a new options series in response to post-market trading activity the same day as when the post-market trading occurred, with the series available for trading on the opening of the regular trading session (*i.e.*, 8:30 a.m. CT) of the options markets the following trading day. The Commission believes that it is appropriate in the public interest, for the protection of investors, and the maintenance of a fair and orderly market to approve this proposed change because allowing options series to be added based on post-market trading should provide market participants with earlier notice regarding what options series will be available for trading the following day, and should help to enhance investors’ ability to plan their options trading.

In addition, the Amendment proposes to streamline the processes by which the options exchanges seek to trade a new option class. Currently, the OLPP requires an options exchange to submit a certificate containing certain specified information to the OCC (“Certificate”) when it seeks to trade an option class that is not currently trading on another registered options exchange or that has not been previously certified for listing and trading on any registered options exchange. Because sometimes more than one options exchange will submit a Certificate to the OCC seeking to list and trade the same selected option class, the OLPP requires the OCC to determine which Certificate was submitted first

among all the Certificates it received,<sup>9</sup> and then to notify the applicable options exchanges of certain information regarding the option.<sup>10</sup> The Amendment would require that, after the OCC receives and processes a Certificate from an options exchange, the OCC would make publicly available on its website the underlying security name, options symbol, and all options exchanges eligible to trade such option class, instead of requiring the OCC to send a customized email to each options exchange. In addition, the OCC would notify all options exchanges that the list of option classes covered by such Certificate is available on the OCC website. The Plan Sponsors believe that these changes would eliminate administrative burdens for the OCC and streamline the notification process, while ensuring that all of the information currently required to be available to options exchanges would continue to be available to them. Therefore, for the reasons stated, the Commission believes that it is appropriate in the public interest, for the protection of investors, and the maintenance of a fair and orderly market to approve these proposed changes.

In addition, the Amendment would allow Certificates and any associated information and/or documentation to be submitted to the OCC via electronic means that is reasonably agreed upon by the Plan Sponsors, rather than via telefacsimile, as is currently required. The proposed amendment would also allow all other notices required under the terms of the OLPP to be given through “electronic mail or other electronic means reasonably agreed upon by the Plan Sponsors.”<sup>11</sup> Because implementing these changes would allow for more efficient processes for certifications and communications among Plan Sponsors, the Commission believes that approving these changes is

<sup>9</sup> Specifically, the Plan currently requires the OCC to determine the options symbol, initial exercise prices, expiration cycle, and position and exercise limits for the selected option class as provided in the Certificate that the OCC determined was first submitted. Under the proposed amendment, the OCC would remove the reference to “options symbol” from this list as it is no longer necessary because, with the implementation of the Options Symbol Initiative in 2010, all options now generally have the same symbol as the underlying security and, as a result, conflicting options symbol submissions is no longer an issue. *See* Notice, *supra* note 4, at 49250.

<sup>10</sup> The required information includes the options symbol, initial exercise prices, expiration cycle, and position and exercise limits for the selected option class, as well as the identity of each options exchange that has also submitted a Certificate to list and trade the selected option class. *See* Notice, *supra* note 4, at 49250–51.

<sup>11</sup> *See* Section 5 of the Plan.

<sup>4</sup> Securities Exchange Act Release No. 81893 (October 18, 2017), 82 FR 49249 (“Notice”).

<sup>5</sup> *See* Notice, *supra* note 4, for a more detailed description of the proposed changes.

<sup>6</sup> 15 U.S.C. 78k–1(a)(1).

<sup>7</sup> 17 CFR 240.608.

<sup>8</sup> Specifically, the Plan would be revised to move the addition of the new January LEAP options to a specific date no earlier than the Monday before the September expiration. *See* Notice, *supra* note 4, at 49249.

appropriate in the public interest, for the protection of investors, and the maintenance of a fair and orderly market.

Finally, the Plan Sponsors propose to amend the Plan to make a non-substantive edit to correct an inaccurate cross-reference to “Section 8” in Section 7(ii) of the Plan with “Section 9.” The Commission believes that it is appropriate in the public interest, for the protection of investors and the maintenance of a fair and orderly market to approve this proposed change because it will clarify and correct an inaccuracy in the Plan.

For the reasons discussed above, the Commission finds that Amendment No. 4 is consistent with Section 11A of the Act<sup>12</sup> and Rule 608 thereunder.<sup>13</sup>

#### IV. Conclusion

*It is therefore ordered*, pursuant to Section 11A of the Act,<sup>14</sup> and Rule 608 thereunder,<sup>15</sup> that Amendment No. 4 to the OLPP (File No. 4-443) be, and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>16</sup>

**Eduardo Aleman,**

*Assistant Secretary.*

[FR Doc. 2017-26818 Filed 12-12-17; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-82229; File No. SR-ISE-2017-95]

### Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Clarify the Application of the Crossing Fee Cap

December 7, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on November 28, 2017, Nasdaq ISE, LLC (“ISE” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit

comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Exchange’s Schedule of Fees to clarify the application of the Crossing Fee Cap.

The text of the proposed rule change is available on the Exchange’s website at <http://ise.cchwallstreet.com/>, at the principal office of the Exchange, and at the Commission’s Public Reference Room.

#### II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

##### A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

###### 1. Purpose

The purpose of the proposed rule change is to provide greater clarity as to the manner in which the Exchange applies the Crossing Fee Cap.

By way of background, Crossing Orders are contracts that are submitted as part of a Facilitation, Solicitation, PIM, Block or QCC Order. Crossing Order fees are capped at \$90,000 per month per member on all Firm Proprietary and Non-Nasdaq ISE Market Maker transactions that are part of the originating or contra side of a Crossing Order.<sup>3</sup> The following fees are not included in the calculation of the monthly Crossing Fee Cap: (1) Fees for Responses to Crossing Orders; (2) surcharge fees for licensed products and the fees for index options as set forth in Section I; and (3) service fee.<sup>4</sup> The

<sup>3</sup> Members that elect prior to the start of the month to pay \$65,000 per month will have these crossing fees capped at that level instead. All eligible volume from affiliated Members is aggregated for purposes of the Crossing Fee Cap, provided there is at least 75% common ownership between the Members as reflected on each Member’s Form BD, Schedule A.

<sup>4</sup> A service fee of \$0.00 per side applies to all order types that are eligible for the fee cap. The service fee does not apply once a Member reaches

manner in which the Exchange calculates the Crossing Fee Cap is not changing.

The Exchange proposes to make clear how it attributes eligible volume for purposes of the Crossing Fee Cap. The Exchange proposes to add the following language to the rule text, “For purposes of the Crossing Fee Cap the Exchange will attribute eligible volume to the ISE Member on whose behalf the Crossing Order was executed.” Only ISE Members are subject to the Crossing Fee Cap. This is the manner in which the Exchange attributes eligible volume for purposes of the Crossing Fee Cap today. To provide greater transparency to the Schedule of Fees, the Exchange proposes to include this language in the rule text. While the Exchange is not aware of any confusion with respect to this fee with its Members, the Exchange believes this specificity will avoid any confusion.

###### 2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,<sup>5</sup> in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,<sup>6</sup> in particular, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange’s proposal to add the clarifying language regarding the Crossing Fee Cap to the Schedule of Fees is reasonable because the proposed rule text will bring greater clarity to the manner in which the Exchange attributes eligible volume for purposes of the Crossing Fee Cap today and applies the Crossing Fee Cap. The calculation and the application of the Crossing Fee Cap are not changing with this proposal. This rule text is intended to provide additional clarity to the current rule to describe who benefits from the volume for purposes of the application of the cap.

The Exchange’s proposal to add the clarifying language regarding the Crossing Fee Cap to the Schedule of Fees is equitable and not unfairly discriminatory because the Exchange

the fee cap level and does apply to every contract side above the fee cap. A Member who does not reach the monthly fee cap will not be charged the service fee. Once the fee cap is reached, the service fee applies to eligible Firm Proprietary and Non-Nasdaq ISE market Maker orders in all Nasdaq ISE products. The service fee is not calculated in reaching the cap.

<sup>5</sup> 15 U.S.C. 78ff(b).

<sup>6</sup> 15 U.S.C. 78ff(b)(4) and (5).

<sup>12</sup> 15 U.S.C. 78k-1.

<sup>13</sup> 17 CFR 242.608.

<sup>14</sup> 15 U.S.C. 78k-1.

<sup>15</sup> 17 CFR 242.608.

<sup>16</sup> 17 CFR 200.30-3(a)(29).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

will continue to calculate and apply the Crossing Fee Cap in a uniform manner to all ISE Members that are eligible for this cap.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposal is intended to provide greater transparency to the Schedule of Fees and does not amend the current manner in which the Exchange calculates or applies the Crossing Fee Cap. The Exchange's proposal to add the clarifying language regarding the Crossing Fee Cap to the Schedule of Fees does not impose an undue burden on competition because the Exchange will continue to calculate and apply the Crossing Fee Cap in a uniform manner to all ISE Members that are eligible for this cap.

#### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were either solicited or received.

### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,<sup>7</sup> and Rule 19b-4(f)(2)<sup>8</sup> 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: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

### **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

#### *Electronic Comments*

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-ISE-2017-95 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-ISE-2017-95. 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 website (<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 website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-ISE-2017-95 and should be submitted on or before January 3, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>9</sup>

**Eduardo A. Aleman,**

*Assistant Secretary.*

[FR Doc. 2017-26820 Filed 12-12-17; 8:45 am]

**BILLING CODE 8011-01-P**

### **SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-82236; File No. SR-CboeBZX-2017-009]

#### **Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Related to Transaction Fees for the Exchange's Equity Platform**

December 7, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on November 30, 2017, Cboe BZX Exchange, Inc. ("BZX" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Exchange has designated the proposed rule change as one establishing or changing a member due, fee, or other charge imposed by the Exchange under Section 19(b)(3)(A)(ii) of the Act<sup>3</sup> and Rule 19b-4(f)(2) thereunder,<sup>4</sup> which renders the proposed rule change effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### **I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

The Exchange filed a proposal to amend the fee schedule applicable to Members<sup>5</sup> and non-Members of the Exchange pursuant to BZX Rules 15.1(a) and (c).

The text of the proposed rule change is available at the Exchange's website at [www.markets.cboe.com](http://www.markets.cboe.com), at the principal office of the Exchange, and at the Commission's Public Reference Room.

#### **II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>4</sup> 17 CFR 240.19b-4(f)(2).

<sup>5</sup> The term "Member" is defined as "any registered broker or dealer that has been admitted to membership in the Exchange." See Exchange Rule 1.5(n).

<sup>7</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>8</sup> 17 CFR 240.19b-4(f)(2).

<sup>9</sup> 17 CFR 200.30-3(a)(12).

places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

*(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The Exchange proposes to amend its fee schedule to delete the Retail Order Tier under footnote 11. Fee code ZA is appended to Retail Orders that add liquidity on the Exchange. Retail Orders which yield fee code ZA currently receive a rebate of \$0.0032 per share in securities priced at or above \$1.00 and are charged no fee in securities priced below \$1.00. Currently, under the Retail Order Tier, a Retail Order<sup>6</sup> that yields fee code ZA will receive an enhanced rebate of \$0.0034 per share where that Member adds Retail Orders that average at least 0.07% of TCW.<sup>7</sup> Going forward, Members would receive the same rebate of \$0.0032 per share for all of their Retail Orders that yield fee code ZA.<sup>8</sup> The Exchange proposes to implement this amendment to its fee schedule on December 1, 2017.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,<sup>9</sup> in general, and furthers the objectives of Section 6(b)(4),<sup>10</sup> in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities. The Exchange believes eliminating the Retail Order Tier is equitable and reasonable because Retail Orders that yield fee code ZA may continue to receive an enhanced rebate of \$0.0032 per share. The Exchange believes the rebate provided by fee code ZA will continue to encourage the entry of Retail Orders on the Exchange as no required added

volume criteria is necessary to achieve the rebate. The Exchange also notes that the rebate for Retail Orders that yield fee code ZA remains greater than the rebate offered on another exchange.<sup>11</sup> Lastly, the Exchange believes that the proposed amendment is non-discriminatory because it applies uniformly to all Members.

*(B) Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,<sup>12</sup> in general, and furthers the objectives of Section 6(b)(4),<sup>13</sup> in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities. The Exchange believes eliminating the Retail Order Tier is equitable and reasonable because Retail Orders that yield fee code ZA may continue to receive an enhanced rebate of \$0.0032 per share. The Exchange believes the rebate provided by fee code ZA will continue to encourage the entry of Retail Orders on the Exchange as no required added volume criteria is necessary to achieve the rebate. The Exchange also notes that the rebate for Retail Orders that yield fee code ZA remains greater than the rebate offered on another exchange.<sup>14</sup> Lastly, the Exchange believes that the proposed amendment is non-discriminatory because it applies uniformly to all Members.

*(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others*

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from Members or other interested parties.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)

<sup>11</sup> NYSE Arca, Inc. ("NYSE Arca") provides a standard rebate of \$0.0030 per share for retail orders that add liquidity. See the NYSE Arca fee schedule available at [https://www.nyse.com/publicdocs/nyse/markets/nyse-arca/NYSE\\_Arca\\_Marketplace\\_Fees.pdf](https://www.nyse.com/publicdocs/nyse/markets/nyse-arca/NYSE_Arca_Marketplace_Fees.pdf).

<sup>12</sup> 15 U.S.C. 78f.

<sup>13</sup> 15 U.S.C. 78f(b)(4).

<sup>14</sup> NYSE Arca, Inc. ("NYSE Arca") provides a standard rebate of \$0.0030 per share for retail orders that add liquidity. See the NYSE Arca fee schedule available at [https://www.nyse.com/publicdocs/nyse/markets/nyse-arca/NYSE\\_Arca\\_Marketplace\\_Fees.pdf](https://www.nyse.com/publicdocs/nyse/markets/nyse-arca/NYSE_Arca_Marketplace_Fees.pdf).

of the Act<sup>15</sup> and paragraph (f) of Rule 19b-4 thereunder.<sup>16</sup> At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-CboeBZX-2017-009 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090. All submissions should refer to File Number SR-CboeBZX-2017-009. 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 website (<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 website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit

<sup>6</sup> "Retail Orders" are defined as "an agency or riskless principal order that meets the criteria of FINRA Rule 5320.03 that originates from a natural person and is submitted to the Exchange by a Retail Member Organization, provided that no change is made to the terms of the order with respect to price or side of market and the order does not originate from a trading algorithm or any other computerized methodology." See Exchange Rule 11.25(a)(2).

<sup>7</sup> "TCW" means total consolidated volume calculated as the volume reported by all exchanges and trade reporting facilities to a consolidated transaction reporting plan for the month for which the fees apply. *Id.*

<sup>8</sup> The Exchange also proposes to delete reference to footnote 11 from fee code ZA.

<sup>9</sup> 15 U.S.C. 78f.

<sup>10</sup> 15 U.S.C. 78f(b)(4).

<sup>15</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>16</sup> 17 CFR 240.19b-4(f).

personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-CboeBZX-2017-009 and should be submitted on or before January 3, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>17</sup>

**Eduardo A. Aleman,**

*Assistant Secretary.*

[FR Doc. 2017-26823 Filed 12-12-17; 8:45 am]

**BILLING CODE 8011-01-P**

## SMALL BUSINESS ADMINISTRATION

**[Disaster Declaration #15322 and #15323; PUERTO RICO Disaster Number PR-00031]**

### Presidential Declaration Amendment of a Major Disaster for the Commonwealth of Puerto Rico

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Amendment 3.

**SUMMARY:** This is an amendment of the Presidential declaration of a major disaster for the Commonwealth of Puerto Rico (FEMA-4339-DR), dated 09/20/2017.

*Incident:* Hurricane Maria.

*Incident Period:* 09/17/2017 through 11/15/2017.

**DATES:** Issued on 12/06/2017.

*Physical Loan Application Deadline Date:* 03/20/2018.

*Economic Injury (EIDL) Loan Application Deadline Date:* 06/20/2018.

**ADDRESSES:** Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

**FOR FURTHER INFORMATION CONTACT:** A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205-6734.

**SUPPLEMENTARY INFORMATION:** The notice of the President's major disaster declaration for the Commonwealth of Puerto Rico, dated 09/20/2017, is hereby amended to establish the incident period for this disaster as beginning 09/17/2017 and continuing through 11/15/2017.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

**James E. Rivera,**

*Associate Administrator for Disaster Assistance.*

[FR Doc. 2017-26881 Filed 12-12-17; 8:45 am]

**BILLING CODE 8025-01-P**

## SMALL BUSINESS ADMINISTRATION

**[Disaster Declaration #15374 and #15375; PUERTO RICO Disaster Number PR-00032]**

### Presidential Declaration Amendment of a Major Disaster for Public Assistance Only for the Commonwealth of Puerto Rico

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Amendment 1.

**SUMMARY:** This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the Commonwealth of Puerto Rico (FEMA-4339-DR), dated 11/02/2017.

*Incident:* Hurricane Maria.

*Incident Period:* 09/17/2017 through 11/15/2017.

**DATES:** Issued on 12/06/2017.

*Physical Loan Application Deadline Date:* 01/02/2018.

*Economic Injury (EIDL) Loan Application Deadline Date:* 08/02/2018.

**ADDRESSES:** Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

**FOR FURTHER INFORMATION CONTACT:** A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205-6734.

**SUPPLEMENTARY INFORMATION:** The notice of the President's major disaster declaration for Private Non-Profit organizations in the Commonwealth of Puerto Rico, dated 11/02/2017, is hereby amended to establish the incident period for this disaster as beginning 09/17/2017 and continuing through 11/15/2017.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

**James E. Rivera,**

*Associate Administrator for Disaster Assistance.*

[FR Doc. 2017-26884 Filed 12-12-17; 8:45 am]

**BILLING CODE 8025-01-P**

## DEPARTMENT OF STATE

**[Public Notice: 10212]**

### 30-Day Notice of Proposed Information Collection: Electronic Medical Examination for Visa Applicant

**ACTION:** Notice of request for public comment and submission to OMB of proposed collection of information.

**SUMMARY:** The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

**DATES:** Submit comments directly to the Office of Management and Budget (OMB) up to January 12, 2018.

**ADDRESSES:** Direct comments to the Department of State Desk Officer in the Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB). You may submit comments by the following methods:

- *Email:* [aira\\_submission@omb.eop.gov](mailto:aira_submission@omb.eop.gov). You must include the DS form number, information collection title, and the OMB control number in the subject line of your message.
- *Fax:* 202-395-5806. Attention: Desk Officer for Department of State.

#### FOR FURTHER INFORMATION CONTACT:

Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to S. Taylor at [PRA\\_Burdencomments@state.gov](mailto:PRA_Burdencomments@state.gov).

#### SUPPLEMENTARY INFORMATION:

• *Title of Information Collection:* Electronic Medical Examination for Visa Applicant.

- *OMB Control Number:* None.
- *Type of Request:* New Collection.
- *Originating Office:* CA/VO/L/.
- *Form Number:* DS-7794.
- *Respondents:* Visa Applicants and Panel Physicians.
- *Estimated Number of Respondents:* 684,589.
- *Estimated Number of Responses:* 684,589.
- *Average Time per Response:* 1 hour.
- *Total Estimated Burden Time:* 684,589 annual hours.

- *Frequency:* Once per respondent.
- *Obligation to Respond:* Required to Obtain or Retain a Benefit.

We are soliciting public comments to permit the Department to:

<sup>17</sup> 17 CFR 200.30-3(a)(12).

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

**Abstract of Proposed Collection:** This electronic collection records medical information necessary to determine whether visa applicants have medical conditions affecting the applicant's eligibility for a visa.

**Methodology:** Approved panel physicians will be granted access to an eMedical system by the Department of State, to conduct medical examinations for visa eligibility determinations. During the initial rollout, some immigrant visa applicants with a completed and submitted DS-260, Application for Immigrant Visa and Alien Registration will have their medical exam results submitted to the Department via the eMedical system. The panel physician will input the exam information into the eMedical portal and it will be transmitted to the Department for visa adjudication and retained in the Department's systems. The Department anticipates a full rollout of the electronic medical report by the end of 2018. During the transition to eMedical, some applicants' medical exams will be completed via paper forms.

In the paper version of the forms (OMB 1405-0113), the Department of Homeland Security (DHS) usually provides the results of visa applicant medical examinations to the Centers for Disease Control and Prevention (CDC). As the Department transitions to the electronic environment, the information from the medical examinations will be provided directly to CDC and DHS for uses relevant to their respective roles in the admission process and statutory

missions. This change will promote efficiency in the process.

**Karin King,**

*Acting Deputy Assistant Secretary, Bureau of Consular Affairs, Department of State.*

[FR Doc. 2017-26860 Filed 12-12-17; 8:45 am]

**BILLING CODE 4710-06-P**

## DEPARTMENT OF STATE

[Public Notice 10220]

### 30-Day Notice of Proposed Information Collection: FLO Professional Development Fellowship (PDF) Application

**ACTION:** Notice of request for public comment and submission to OMB of proposed collection of information.

**SUMMARY:** The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

**DATES:** Submit comments directly to the Office of Management and Budget (OMB) up to January 12, 2018.

**ADDRESSES:** Direct comments to the Department of State Desk Officer in the Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB). You may submit comments by the following methods:

- *Email:* [oira\\_submission@omb.eop.gov](mailto:oira_submission@omb.eop.gov). You must include the DS form number, information collection title, and the OMB control number in the subject line of your message.
- *Fax:* 202-395-5806. Attention: Desk Officer for Department of State.

**FOR FURTHER INFORMATION CONTACT:**

Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Ramona Sandoval, 2201 C Street NW, Washington, DC, who may be reached on 202-647-1076 or at [sandovalrm@state.gov](mailto:sandovalrm@state.gov).

**SUPPLEMENTARY INFORMATION:**

- *Title of Information Collection:* FLO Professional Development Fellowship (PDF) Application.
- *OMB Control Number:* None.
- *Type of Request:* New Collection.
- *Originating Office:* Bureau of Human Resources, Family Liaison Office (HR/FLO).

- *Form Number:* DS-4297.

• *Respondents:* The PDF program is open to spouses and partners of direct-hire U.S. government employees from all agencies serving under Chief of Mission authority at U.S. embassies and consulates overseas.

- *Estimated Number of Respondents:* 260.

- *Estimated Number of Responses:* 260.

- *Average Time per Response:* 2.75 hours.

- *Total Estimated Burden Time:* 715 annual hours.

- *Frequency:* Annually.

- *Obligation to Respond:* Required to Obtain a Benefit.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.

- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.

- Enhance the quality, utility, and clarity of the information to be collected.

- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

### Abstract of Proposed Collection

FLO needs the information collected in the PDF application to determine who will receive a Professional Development Fellowship. The information is provided to selection committees that use a set of criteria to score the applications. Respondents are spouses and partners of direct-hire U.S. government employees from all agencies serving overseas under Chief of Mission who want to maintain, enhance, and/or develop professional skills while overseas. The information is sought pursuant to 22 U.S.C. 2651a—Organization of the Department of State, 22 U.S.C. 3921—Management of the Foreign Service.

**Methodology**

Applicants will email the completed application to FLO's PDF program manager.

**Susan Frost,**

*Director, Family Liaison Office, Bureau of Human Resources, Department of State.*

[FR Doc. 2017-26827 Filed 12-12-17; 8:45 am]

**BILLING CODE 4710-15-P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****Random Drug and Alcohol Testing Percentage Rates of Covered Aviation Employees for the Period of January 1, 2018, Through December 31, 2018**

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

**ACTION:** Notice.

**SUMMARY:** The FAA has determined that the minimum random drug and alcohol testing percentage rates for the period January 1, 2018, through December 31, 2018, will remain at 25 percent of safety-sensitive employees for random drug testing and 10 percent of safety-sensitive employees for random alcohol testing.

**FOR FURTHER INFORMATION CONTACT:** Ms. Vicky Dunne, Office of Aerospace Medicine, Drug Abatement Division, Program Policy Branch (AAM-820), Federal Aviation Administration, 800 Independence Avenue SW, Room 806, Washington, DC 20591; Telephone (202) 267-8442.

*Discussion:* Pursuant to 14 CFR 120.109(b), the FAA Administrator's decision on whether to change the minimum annual random drug testing rate is based on the reported random drug test positive rate for the entire aviation industry. If the reported random drug test positive rate is less than 1.00%, the Administrator may continue the minimum random drug testing rate at 25%. In 2016, the random drug test positive rate was 0.610%. Therefore, the minimum random drug testing rate will remain at 25% for calendar year 2018.

Similarly, 14 CFR 120.217(c), requires the decision on the minimum annual random alcohol testing rate to be based on the random alcohol test violation rate. If the violation rate remains less than 0.50%, the Administrator may continue the minimum random alcohol testing rate at 10%. In 2016, the random alcohol test violation rate was 0.121%. Therefore, the minimum random alcohol testing

rate will remain at 10% for calendar year 2018.

**SUPPLEMENTARY INFORMATION:** If you have questions about how the annual random testing percentage rates are determined please refer to the Code of Federal Regulations Title 14, section 120.109(b) (for drug testing), and 120.217(c) (for alcohol testing).

**Michael A. Berry,**

*Federal Air Surgeon.*

[FR Doc. 2017-26844 Filed 12-12-17; 8:45 am]

**BILLING CODE P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration**

[Summary Notice No. 2017-87]

**Petition for Exemption; Summary of Petition Received; Mr. James Giancola**

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

**ACTION:** Notice.

**SUMMARY:** This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

**DATES:** Comments on this petition must identify the petition docket number and must be received on or before January 2, 2018.

**ADDRESSES:** Send comments identified by docket number FAA-2017-1037 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M-30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W12-140, West Building Ground Floor, Washington, DC 20590-0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202-493-2251.

*Privacy:* In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking

process. DOT posts these comments, without edit, including any personal information the commenter provides, to <http://www.regulations.gov>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

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

**FOR FURTHER INFORMATION CONTACT:** Keira Jones (202) 267-6109, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

**Dale Bouffiou,**

*Deputy Director, Office of Rulemaking.*

**Petition for Exemption**

*Docket No.:* FAA-2017-1037.

*Petitioner:* James Giancola.

*Section(s) of 14 CFR Affected:* § 61.155(d), § 61.156, SFAR No. 100-2.

*Description of Relief Sought:* The petitioner seeks an exemption from the requirement of § 61.155(d) to allow him to complete the practical test for the airline transport pilot certificate beyond 24 months from the month in which the knowledge test was successfully completed.

The petitioner also seeks an exemption from the requirement of § 61.155(d) that an applicant who passes the knowledge test prior to August 1, 2014, but fails to successfully complete the airplane category with a multiengine class rating practical test within 24 months must complete the airline transport pilot certification training program specified in § 61.156 and retake the knowledge test prior to applying for the airplane category with a multiengine class rating practical test.

The petitioner seeks an exemption from the requirement of SFAR 100-2, Para 2(c) authorizing Flight Standards District Offices to accept an expired written test report to show eligibility under 14 CFR part 61 to take a practical test if the eligible person completes the appropriate practical test within 6 calendar months after returning to the United States.

[FR Doc. 2017-26845 Filed 12-12-17; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****Noise Exposure Map Notice Louisville International Airport, Louisville, KY**

**AGENCY:** Federal Aviation Administration, United States Department of Transportation.

**ACTION:** Notice.

**SUMMARY:** The Federal Aviation Administration (FAA) announces its determination that the Noise Exposure Maps submitted by the Louisville Regional Airport Authority for the Louisville International Airport are in compliance with applicable requirements.

**DATES:** The FAA's determination on the noise exposure maps was made as of August 10, 2017.

**FOR FURTHER INFORMATION CONTACT:** Felicia Johnson, Federal Aviation Administration, Southern Region/ Atlanta Airports District Office, 1701 Columbia Ave., Room 220, College Park, GA 30337. (404) 305-6708.

**SUPPLEMENTARY INFORMATION:** This notice announces that the FAA finds that the Noise Exposure Maps submitted for Louisville International Airport are in compliance with applicable requirements of 14 CFR part 150, as of August 10, 2017. Under 49 U.S.C. 47503, or the Aviation Safety and Noise Abatement Act of 1979 (the Act), an airport operator may submit to the FAA Noise Exposure Maps which meet applicable regulations and which depict non-compatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport. An airport operator who has submitted Noise Exposure Maps that are found by FAA to be in compliance with the requirements of 14 CFR part 150, promulgated pursuant to the Act, may submit a Noise Compatibility Program for FAA approval which sets forth the measures the airport operator has taken or proposes to take to reduce existing non-compatible uses and prevent the introduction of additional non-compatible uses.

The FAA has completed its review of the Noise Exposure Maps and accompanying documentation submitted by the Louisville Regional Airport Authority. The documentation that constitutes the "Noise Exposure

Maps" as defined in 14 CFR part 150.7 includes: Figure 1. Louisville International Airport and Surrounding Communities; Figure 4. Existing Condition (2016) Noise Exposure Map; Figure 5. Forecast Condition (2021) Noise Exposure Map; Figure 6. Comparison of Existing (2016) and Forecast (2021) Noise Exposure Maps; Figure 7. South Flow Arrival and Departure Tracks; Figure 8. North Flow Arrival and Departure Tracks; Figure 9. Military Arrival and Departure Tracks; Figure 10. Flight Track Density Plot for Louisville International Airport Jet Departures; Figure 11. Flight Track Density Plot for Louisville International Airport Jet Arrivals; Table 1. 14 CFR part 150 Noise/Land Use Compatibility Guidelines; Table 2. 14 CFR part 150 Noise Exposure Map Checklist; Table 3. Runway Details; Table 4. 2016 Operations Summary; Table 5. Modeled Average Daily Aircraft Operations for 2016; Table 6. 2021 Operations Summary; Table 7. Modeled Average Daily Aircraft Operations for 2021; Table 8. Overall Runway Use Percentages for 2016; Table 9. Modeled Average Daily Runway Use for 2016; Table 10. Modeled Average Daily Civilian Turbojet Runway Use by Time of Day for 2016; Table 11. Annual Average Contraflow Percentages; Table 12. Two-Year Historical Average Daily Runway Use for Late Morning Time of Day; Table 13. Overall Runway Use Percentages for 2021; Table 14. Modeled Average Daily Runway Use for 2021; Table 15. Modeled Average Daily Civilian Turbojet Runway Use by Time of Day for 2021; Table 16. Military Fixed-Wing Aircraft Flight Tracks and Use; Table 17. Comparison of Land Area Enclosed by the 2016 and 2021 decibel (dB) Day-Night Sound Level (DNL) Contours; Table 18. Number of Historic Resources and Non-Residential Sensitive Receptors within the 2016 and 2021 DNL Contours 58; Table 19. Listing of Historic Resources and Non-Residential Sensitive Receptors within the 2016 and 2021 DNL Contours 59; Table 20. Estimated Residential Population within 20J 6 and 2021 DNL Contours. The FAA has determined that these Noise Exposure Maps and accompanying documentation are in compliance with applicable requirements. This determination is made as of August 10, 2017.

FAA's determination on the airport operator's Noise Exposure Maps is limited to a finding that the maps were developed in accordance with the procedures contained in Appendix A of 14 CFR part 150. Such determination does not constitute approval of the

airport operator's data, information or plans, or a commitment to approve a Noise Compatibility Program or to fund the implementation of that Program. If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a Noise Exposure Map submitted under 49 U.S.C. 47503, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise exposure contours, or in interpreting the Noise Exposure Maps to resolve questions concerning, for example, which properties should be covered by the provisions of 49 U.S.C. 47506. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under 14 CFR part 150 or through FAA's review of the Noise Exposure Maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator that submitted those maps, or with those public agencies and planning agencies with which consultation is required under 49 U.S.C. 47503. The FAA has relied on the certification by the airport operator, under 14 CFR 150.21, that the statutorily required consultation has been accomplished.

Copies of the full Noise Exposure Map documentation and the FAA's evaluation of the maps are available for examination by appointment at the following locations: Federal Aviation Administration Memphis Airports District Office, 2600 Thousand Oaks Blvd., Suite 2250, Memphis, TN 38118; Regional Airport Authority of Louisville and Jefferson County, P.O. Box 9129, Louisville, Kentucky 40209.

Any questions or requests for such an appointment may be directed to the individual named under the **FOR FURTHER INFORMATION CONTACT** heading of this notice.

Issued at Memphis Airports District Office on November 9, 2017.

**Tommy L. Dupree,**  
*Acting Manager.*

[FR Doc. 2017-26773 Filed 12-12-17; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION****Federal Motor Carrier Safety Administration**

[Docket No. FMCSA–2005–20721; FMCSA–2009–0174; FMCSA–2013–0020; FMCSA–2015–0064; FMCSA–2015–0065; FMCSA–2015–0066]

**Qualification of Drivers; Exemption Applications; Diabetes**

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of final disposition.

**SUMMARY:** FMCSA announces its decision to renew exemptions for 121 individuals from its prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce. The exemptions enable these individuals with ITDM to continue to operate CMVs in interstate commerce.

**DATES:** Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates stated in the discussions below.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, [fmcsamedical@dot.gov](mailto:fmcsamedical@dot.gov), FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5:30 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

**SUPPLEMENTARY INFORMATION:****I. Electronic Access**

You may see all the comments online through the Federal Document Management System (FDMS) at: <http://www.regulations.gov>.

*Docket:* For access to the docket to read background documents or comments, go to <http://www.regulations.gov> and/or Room

W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

*Privacy Act:* In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <http://www.regulations.gov>, as described in the system of records

notice (DOT/ALL–14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

**II. Background**

On August 22, 2017, FMCSA published a notice announcing its decision to renew exemptions for 121 individuals from the insulin-treated diabetes mellitus prohibition in 49 CFR 391.41(b)(3) to operate a CMV in interstate commerce and requested comments from the public (82 FR 39943). The public comment period ended on September 21, 2017 and two comments were received.

As stated in the previous notice, FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(3).

The physical qualification standard for drivers regarding diabetes found in 49 CFR 391.41(b)(3) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control.

**III. Discussion of Comments**

FMCSA received two comments in this preceding. Perdro Fravien asked if these drivers were type 1 or type 2 diabetics. He stated that the drivers should be type 1 because if they don't have immediate access to medication it may cause an accident. Amber Brooks commented that FMCSA "wants to disallow the issuance of drivers licenses to commercial vehicles". She referred to several studies on diabetes. FMCSA has evaluated the eligibility of the 121 applicants and determined that granting the exemptions to these individuals would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(3).

**IV. Conclusion**

Based upon its evaluation of the 121 renewal exemption applications and comments received, FMCSA confirms its' decision to exempt the following drivers from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce in 49 CFR 391.64(3):

As of September 2, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following three individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from

driving CMVs in interstate commerce (70 FR 23898; 70 FR 52465): Lee R. Kumm (WI), Mitchell L. Pullen (NE), Steven R. Zoller (MN).

The drivers were included in docket number FMCSA–2005–20721. Their exemptions are applicable as of September 2, 2017, and will expire on September 2, 2019.

As of September 9, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 28 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (80 FR 47024; 80 FR 79411):

Earl H. Andreas (PA)  
 Kristopher K. Bitting (PA)  
 Eric A. Bouldin (TX)  
 Victor Carranza (IA)  
 Steven A. Casavant (RI)  
 Justin M. Coffey (KY)  
 Steven W. Conrad, Jr. (PA)  
 Jeremy L. Demar (MN)  
 Anthony C. Eavenson (NM)  
 Markie Q. Elsey (MD)  
 Michael W. Finnegan (NJ)  
 Gale A. Gallagher (IL)  
 Scott E. Gallagher (VA)  
 David L. Hareland (MN)  
 Brian C. Kenerson (NH)  
 Garrett P. Lockwood (IN)  
 Sean P. McNally (AZ)  
 Ryan A. McNaught (FL)  
 Paul R. Monfils (RI)  
 Bryan Moser (AR)  
 Anthony J. Nault (NH)  
 Alvin W. Peck, Jr. (SD)  
 Kenneth W. Romjue (OK)  
 Randy E. Smith (PA)  
 Curtis G. Taylor (WA)  
 Jacob F.M. Tucker (UT)  
 Joseph T. Webb, Jr. (NH)  
 Douglas L. Zerkle (OH)

The drivers were included in docket number FMCSA–2015–0064. Their exemptions are applicable as of September 9, 2017, and will expire on September 9, 2019.

As of September 12, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 29 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (80 FR 48396; 80 FR 77079):

Reynaldo R. Amaro (TX)  
 Brandon C. Bair (NV)  
 James K. Copley (WV)  
 Richard L. Corzine (IL)  
 Kevin D. Crouse (CA)  
 Thomas A. Draper (CA)  
 John J. Fortman (ND)  
 Jamey M. George (MO)  
 Matthew Harkanson (PA)  
 Kenneth P. Hazel (NM)

Tracy D. Henderson (NM)  
 Gary H. Jacobs (VT)  
 Jack L. Lane Jr. (KS)  
 Thomas J. Leffingwell (NY)  
 Donald R. Meckley, Jr. (MD)  
 Jeffrey K. Moore (KY)  
 Sidney T. Nalley, Jr. (GA)  
 Jason B. Nolte (IN)  
 James G. Pruitt (MO)  
 Thomas V. Ransom (ID)  
 Raymond D. Reber (IN)  
 Jackson A. Savarese (CA)  
 Richard A. Sawyer (ME)  
 Bruno T. Schizzano (NY)  
 Christopher S. Seago (NE)  
 Joseph W. Sprague (NM)  
 Derrick L. Vaughan (TX)  
 Anthony J. Vicario (NY)  
 Henry D. Yeska III (PA)

The drivers were included in docket number FMCSA–2015–0065. Their exemptions are applicable as of September 12, 2017, and will expire on September 12, 2019.

As of September 17, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 40 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (80 FR 49304; 80 FR 79399):

Joshua E. Adkins (KS)  
 Rosendo R. Amador (TX)  
 George H. Bonney, Jr. (NH)  
 John J. D'Agostino (NJ)  
 James R. Ditman (IN)  
 Eric D. Egan (IL)  
 Walter R. Elser (VT)  
 Ryan S. Farrell (MA)  
 Patrick F. Felix (WI)  
 Jermaine Galle (GA)  
 Gary A. Gross (SD)  
 Terry L. Guynes (MO)  
 Colin W. Hale (NY)  
 Clarence Hill (NY)  
 Marcus Hughes (GA)  
 Michael C. Lewis (SD)  
 Robert L. Moberly (OR)  
 Jason L. Montgomery (WA)  
 John F. Mortieau (MT)  
 Alexander Musalin (WA)  
 Clark E. Najac (NY)  
 Matthew S. Ness (WI)  
 Andrew T. Oezer (MI)  
 Vanja Pazin (OR)  
 Troy A. Pearl (WA)  
 Randell J. Pecenka (IA)  
 Leonard M. Radford (IN)  
 Jerry J. Rava (CA)  
 William J. Rixon Jr. (NJ)  
 Matias Rodriguez Jr. (CT)  
 William J. Schrade (CT)  
 John W. Schwirian (PA)  
 Shain L. Simpson (UT)  
 Neil E. Smith (KS)  
 Joey F. Starnes (AL)  
 Joshua R. Stieb (CO)

Donald L. Strand (MT)  
 Rick L. Vosburg (CA)  
 William G. Wressell (WA)  
 Randy P. Young (IN)

The drivers were included in docket number FMCSA–2015–0066. Their exemptions are applicable as of September 17, 2017, and will expire on September 17, 2019.

As of September 18, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following six individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (78 FR 38439; 78 FR 60014):

Larry K. Brindle (KS)  
 Donald F. Kurzejewski (PA)  
 Joshua O. Lilly (VA)  
 Steven C. Lundberg (IA)  
 Roger D. Mott (IA)  
 Christopher J. Wisner (MD)

The drivers were included in docket number FMCSA–2013–0020. Their exemptions are applicable as of September 18, 2017, and will expire on September 18, 2019.

As of September 22, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 15 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (74 FR 37288; 74 FR 48641):

Michael F. Arthur (ME)  
 Roelf F. Aufforth (MN)  
 Christopher S. Cate (NH)  
 Raymond A. Dietz (FL)  
 Steven C. Ellenberger (NE)  
 Dori A. Hoffmann (NE)  
 William C. Howard (VA)  
 Steven A. Mayhew (NY)  
 Michael G. Mulder (MN)  
 Bradley D. Nickles, Jr. (NH)  
 Frank A. Rhodes (WI)  
 James B. Roth (IL)  
 Matthew T. Russell (TN)  
 Tranquilino D. Sena (NM)  
 John A. Serth, Jr. (NY)

The drivers were included in docket number FMCSA–2009–0174. Their exemptions are applicable as of September 22, 2017, and will expire on September 22, 2019.

In accordance with 49 U.S.C. 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals

and objectives of 49 U.S.C. 31136 and 31315.

Issued on: December 6, 2017.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2017–26872 Filed 12–12–17; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2014–0387]

#### Qualification of Drivers; Exemption Applications; Hearing

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of renewal of exemptions; request for comments.

**SUMMARY:** FMCSA announces its decision to renew exemptions for five individuals from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these hard of hearing and deaf individuals to continue to operate CMVs in interstate commerce.

**DATES:** The exemptions were applicable on October 22, 2017. The exemptions expire on October 22, 2019. Comments must be received on or before January 12, 2018.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, [fmcsamedical@dot.gov](mailto:fmcsamedical@dot.gov), FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2014–0387 using any of the following methods:

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

- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington,

DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal Holidays.

- Fax: 1-202-493-2251.

**Instructions:** Each submission must include the Agency name and the docket number(s) for this notice. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below for further information.

**Docket:** For access to the docket to read background documents or comments, go to <http://www.regulations.gov> at any time or Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue, SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

**Privacy Act:** In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <http://www.regulations.gov>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

## I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for five years if it finds “such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.” The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver’s medical certification.

The physical qualification standard for drivers regarding hearing found in 49 CFR 391.41(b)(11) states that a person is physically qualified to driver a CMV if that person first perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the

audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5—1951.

49 CFR 391.41(b)(11) was adopted in 1970, with a revision in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid, 35 FR 6458, 6463 (April 22, 1970) and 36 FR 12857 (July 3, 1971).

The five individuals listed in this notice have requested renewal of their exemptions from the hearing standard in 49 CFR 391.41(b)(11), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable two-year period.

## II. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

## III. Basis for Renewing Exemptions

In accordance with 49 U.S.C. 31136(e) and 31315, each of the five applicants has satisfied the renewal conditions for obtaining an exemption from the hearing requirement. The five drivers in this notice remain in good standing with the Agency. In addition, for Commercial Driver’s License (CDL) holders, the Commercial Driver’s License Information System (CDLIS) and the Motor Carrier Management Information System (MCMIS) are searched for crash and violation data. For non-CDL holders, the Agency reviews the driving records from the State Driver’s Licensing Agency (SDLA). These factors provide an adequate basis for predicting each driver’s ability to continue to safely operate a CMV in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each of these drivers for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

As of October 22, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following five individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers.

Jon Burley (CO)

Jennifer Campbell (CO)

Richard Carter (MD)

Clint Harmon (IL)

Tami Richardson (NE)

The drivers were included in docket number FMCSA-2014-0387. Their exemptions are applicable as of October 22, 2017, and will expire on October 22, 2019.

## IV. Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must report any crashes or accidents as defined in 49 CFR 390.5; and (2) report all citations and convictions for disqualifying offenses under 49 CFR part 383 and 49 CFR 391 to FMCSA; and (3) each driver prohibited from operating a motorcoach or bus with passengers in interstate commerce. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. In addition, the exemption does not exempt the individual from meeting the applicable CDL testing requirements. Each exemption will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

## V. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

## VI. Conclusion

Based upon its evaluation of the five exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the hearing requirement in 49 CFR 391.41 (b)(11). In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years unless revoked earlier by FMCSA.

Issued on: December 4, 2017.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2017-26870 Filed 12-12-17; 8:45 am]

**BILLING CODE 4910-EX-P**

**DEPARTMENT OF TRANSPORTATION****Federal Motor Carrier Safety Administration**

[Docket No. FMCSA–2011–0389; FMCSA–2012–0094; FMCSA–2013–0107; FMCSA–2014–0381; FMCSA–2015–0116]

**Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders**

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of renewal of exemptions; request for comments.

**SUMMARY:** FMCSA announces its decision to renew exemptions for six individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have “no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.” The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to continue to operate CMVs in interstate commerce.

**DATES:** The exemptions were applicable on November 6, 2017. The exemptions expire on November 6, 2019. Comments must be received on or before January 12, 2018.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, [fmcsamedical@dot.gov](mailto:fmcsamedical@dot.gov), FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2011–0389; FMCSA–2012–0094; FMCSA–2013–0107; FMCSA–2014–0381; FMCSA–2015–0116; using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200

New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal Holidays.

- *Fax:* 1–202–493–2251.

*Instructions:* Each submission must include the Agency name and the docket number(s) for this notice. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below for further information.

*Docket:* For access to the docket to read background documents or comments, go to <http://www.regulations.gov> at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day e.t., 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

*Privacy Act:* In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <http://www.regulations.gov>, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

**I. Background**

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for five years if it finds “such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.” The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver’s medical certification.

The physical qualification standard for drivers regarding epilepsy found in 49 CFR 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria to assist

Medical Examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce. [49 CFR part 391, APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. Epilepsy: § 391.41(b)(8), paragraphs 3, 4, and 5.]

The six individuals listed in this notice have requested renewal of their exemptions from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable two-year period.

**II. Request for Comments**

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

**III. Basis for Renewing Exemptions**

In accordance with 49 U.S.C. 31136(e) and 31315, each of the six applicants has satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition. The six drivers in this notice remain in good standing with the Agency, have maintained their medical monitoring and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous two-year exemption period. In addition, for Commercial Driver’s License (CDL) holders, the Commercial Driver’s License Information System (CDLIS) and the Motor Carrier Management Information System (MCMIS) are searched for crash and violation data. For non-CDL holders, the Agency reviews the driving records from the State Driver’s Licensing Agency (SDLA). These factors provide an adequate basis for predicting each driver’s ability to continue to safely operate a CMV in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

As of November 6, 2017, and in accordance with 49 U.S.C. 31136(e) and

31315, the following six individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers:

Christopher Bird, (OH)  
 Ronald Bohr, (IA)  
 Michael Breitbach, (IA)  
 William H. Brown, (NC)  
 Joseph D'Angelo, (NY)  
 Stephen Stawinsky, (PA)

The drivers were included in docket numbers FMCSA–2011–0389; FMCSA–2012–0094; FMCSA–2013–0107; FMCSA–2014–0381; FMCSA–2015–0116. Their exemptions are applicable as of November 6, 2017, and will expire on November 6, 2019.

#### IV. Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must remain seizure-free and maintain a stable treatment during the two-year exemption period; (2) each driver must submit annual reports from their treating physicians attesting to the stability of treatment and that the driver has remained seizure-free; (3) each driver must undergo an annual medical examination by a certified Medical Examiner, as defined by 49 CFR 390.5; and (4) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy of his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

#### V. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

#### VI. Conclusion

Based upon its evaluation of the six exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8). In accordance with 49 U.S.C. 31136(e) and 31315, each exemption

will be valid for two years unless revoked earlier by FMCSA.

Issued on: December 6, 2017.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2017–26868 Filed 12–12–17; 8:45 am]

**BILLING CODE 4910–EX–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2008–0355; FMCSA–2014–0381; FMCSA–2014–0382]

#### Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of final disposition.

**SUMMARY:** FMCSA announces its decision to renew exemptions for five individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have “no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.” The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to continue to operate CMVs in interstate commerce.

**DATES:** The exemptions were applicable on July 12, 2017. The exemptions expire on July 12, 2019.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366–4001, [fmcamedical@dot.gov](mailto:fmcamedical@dot.gov), FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

#### SUPPLEMENTARY INFORMATION:

##### I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: <http://www.regulations.gov>.

*Docket:* For access to the docket to read background documents or comments, go to <http://www.regulations.gov> and/or Room W12–140 on the ground level of the

West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

*Privacy Act:* In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <http://www.regulations.gov>, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

##### II. Background

On August 22, 2017, FMCSA published a notice announcing its decision to renew exemptions for five individuals from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8) to operate a CMV in interstate commerce and requested comments from the public (82 FR 39945). The public comment period ended on September 21, 2017, and two comments were received.

As stated in the previous notice, FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(8).

The physical qualification standard for drivers regarding epilepsy found in 49 CFR 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria to assist Medical Examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce. [49 CFR part 391, APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. Epilepsy; § 391.41(b)(8), paragraphs 3, 4, and 5.]

##### III. Discussion of Comments

FMCSA received two comments in this proceeding. Both comments supported FMCSA granting these exemptions. However, in one, the author believed that the exemption renewals should be granted, but, that frequent visits to relevant agencies would greatly slow down the process for no real additional benefits. FMCSA interprets this comment as referring to visits to the medical specialist as part of

the application process. Drivers are required to visit their treating provider as part of the application to provide FMCSA with information related to the condition and current treatment. This information is used by the Agency to ensure that the driver is as safe as, if not safer than, a driver who meets the physical qualification standards.

#### IV. Conclusion

Based upon its evaluation of the five exemption applications, FMCSA exempts the following drivers from the epilepsy and seizure disorder prohibition, 49 CFR 391.41(b)(8), subject to the requirements cited above:

Prince Austin, Jr (OH)  
Frank Cekovic (PA)  
Martin L. Ford (MS)  
Roger Green (PA)  
Michael R. Weymouth (NH)

In accordance with 49 U.S.C. 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: December 6, 2017.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2017-26873 Filed 12-12-17; 8:45 am]

BILLING CODE 4910-EX-P

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA-2017-0181]

#### Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of final disposition.

**SUMMARY:** FMCSA announces its decision to exempt five individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have “no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.” The exemptions enable

these individuals who have had one or more seizures and are taking anti-seizure medication to operate CMVs in interstate commerce.

**DATES:** The exemptions were applicable on November 14, 2017. The exemptions expire on November 14, 2019.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366-4001, [fmcsamedical@dot.gov](mailto:fmcsamedical@dot.gov), FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366-9826.

#### SUPPLEMENTARY INFORMATION:

##### I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: <http://www.regulations.gov>.

*Docket:* For access to the docket to read background documents or comments, go to <http://www.regulations.gov> and/or Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

*Privacy Act:* In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <http://www.regulations.gov>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

##### II. Background

On October 11, 2017, FMCSA published a notice announcing receipt of applications from five individuals requesting an exemption from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8) and requested comments from the public (82 FR 47299). The public comment period ended on November 13, 2017, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that granting exemptions to these individuals would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(8).

The physical qualification standard for drivers regarding epilepsy found in

49 CFR 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria<sup>1</sup> to assist medical examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce. [49 CFR part 391, APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. *Epilepsy*: § 391.41(b)(8), paragraphs 3, 4, and 5.]

#### III. Discussion of Comments

FMCSA received no comments in this proceeding.

##### Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the epilepsy and seizure disorder prohibition in 49 CFR 391.41(b)(8) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows the applicants to operate CMVs in interstate commerce.

In reaching the decision to grant these exemption requests, FMCSA considered the 2007 recommendations of the Agency's Medical Expert Panel (MEP). The January 15, 2013, **Federal Register** notice (78 FR 3069) provides the current MEP recommendations which is the criteria the Agency uses to grant seizure exemptions.

The Agency's decision regarding these exemption applications is based on an individualized assessment of each applicant's medical information, including the root cause of the respective seizure(s) and medical information about the applicant's seizure history, the length of time that has elapsed since the individual's last seizure, the stability of each individual's treatment regimen and the duration of time on or off of anti-seizure medication. In addition, the Agency reviewed the treating clinician's medical opinion related to the ability of the driver to safely operate a CMV with a history of seizure and each applicant's driving record found in the Commercial Driver's License Information System (CDLIS) for commercial driver's license (CDL) holders, and interstate and

<sup>1</sup> See [http://www.ecfr.gov/cgi-bin/text-idx?SID=e47b48a9ea42dd67d999246e23d97970&mc=true&node=pt49.5.391&rgn=div5#ap49.5.391\\_171.a](http://www.ecfr.gov/cgi-bin/text-idx?SID=e47b48a9ea42dd67d999246e23d97970&mc=true&node=pt49.5.391&rgn=div5#ap49.5.391_171.a) and <https://www.gpo.gov/jdsys/pkg/CFR-2015-title49-vol5/pdf/CFR-2015-title49-vol5-part391-appA.pdf>.

intrastate inspections recorded in the Motor Carrier Management Information System (MCMIS). For non-CDL holders, the Agency reviewed the driving records from the State Driver's Licensing Agency (SDLA). A summary of each applicant's seizure history was discussed in the October 11, 2017 **Federal Register** notice (82 FR 47299) and will not be repeated in this notice.

These five applicants have been seizure-free over a range of 23 years while taking anti-seizure medication and maintained a stable medication treatment regimen for the last two years. In each case, the applicant's treating physician verified his or her seizure history and supports the ability to drive commercially.

The Agency acknowledges the potential consequences of a driver experiencing a seizure while operating a CMV. However, the Agency believes the drivers granted this exemption have demonstrated that they are unlikely to have a seizure and their medical condition does not pose a risk to public safety.

Consequently, FMCSA finds that in each case exempting these applicants from the epilepsy and seizure disorder prohibition in 49 CFR 391.41(b)(8) is likely to achieve a level of safety equal to that existing without the exemption.

#### IV. Conditions and Requirements

The terms and conditions of the exemption are provided to the applicants in the exemption document and includes the following: (1) Each driver must remain seizure-free and maintain a stable treatment during the two-year exemption period; (2) each driver must submit annual reports from their treating physicians attesting to the stability of treatment and that the driver has remained seizure-free; (3) each driver must undergo an annual medical examination by a certified Medical Examiner, as defined by 49 CFR 390.5; and (4) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy of his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

#### V. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

#### VI. Conclusion

Based upon its evaluation of the five exemption applications, FMCSA exempts the following drivers from the epilepsy and seizure disorder prohibition, 49 CFR 391.41(b)(8), subject to the requirements cited above:

Gary T. Clark (KY)  
Gary J. Gress (PA)  
Joseph R. Lamkin (KY)  
Kenneth L. Lewis (NC)  
Sean C. Moran (MA)

In accordance with 49 U.S.C. 31315(b)(1), each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: December 6, 2017.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2017-26874 Filed 12-12-17; 8:45 am]

**BILLING CODE 4910-EX-P**

### DEPARTMENT OF TRANSPORTATION

#### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2017-0041]

#### Qualification of Drivers; Exemption Applications; Diabetes Mellitus

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of final disposition.

**SUMMARY:** FMCSA announces its decision to exempt 51 individuals from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with insulin-treated diabetes mellitus (ITDM) from operating a commercial motor vehicle (CMV) in interstate commerce. The exemptions enable these individuals with ITDM to operate CMVs in interstate commerce.

**DATES:** The exemptions were applicable on September 26, 2017. The exemptions expire on September 26, 2019.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366-4001, [fmcamedical@dot.gov](mailto:fmcamedical@dot.gov), FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m., e.t.,

Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366-9826.

#### SUPPLEMENTARY INFORMATION:

##### I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: <http://www.regulations.gov>.

**Docket:** For access to the docket to read background documents or comments, go to <http://www.regulations.gov> and/or Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

**Privacy Act:** In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <http://www.regulations.gov>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

##### II. Background

On August 24, 2017, FMCSA published a notice announcing receipt of applications from 51 individuals requesting an exemption from diabetes requirement in 49 CFR 391.41(b)(3) and requested comments from the public (82 FR 40221). The public comment period ended on September 25, 2017, and four comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that granting the exemptions to these individuals would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(3).

The physical qualification standard for drivers regarding diabetes found in 49 CFR 391.41(b)(3) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control.

##### III. Discussion of Comments

FMCSA received four comments in this proceeding. Randall Lambdin, Trenton Colyer, and Joe Schneider stated that they are in favor of granting Matthew Follis an exemption because they believe he is a safe driver. Vicky Johnson stated that Minnesota DVS is in favor of granting exemptions to the

following Minnesota drivers: Mohannad S. Alomran, Ryan M. Chesemore, Mark D. Nelson, and Louis L. Sorenson.

#### IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the diabetes standard in 49 CFR 391.41(b)(3) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows the applicants to operate CMVs in interstate commerce.

The Agency's decision regarding these exemption applications is based on the program eligibility criteria and an individualized assessment of information submitted by each applicant. The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the August 24, 2017, **Federal Register** notice (82 FR 40221) and will not be repeated in this notice.

These 51 applicants have had ITDM over a range of one to 47 years. These applicants report no severe hypoglycemic reactions resulting in loss of consciousness or seizure, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning symptoms, in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the past five years. In each case, an endocrinologist verified that the driver has demonstrated a willingness to properly monitor and manage his/her diabetes mellitus, received education related to diabetes management, and is on a stable insulin regimen. These drivers report no other disqualifying conditions, including diabetes related complications. Each meets the vision requirement at 49 CFR 391.41(b)(10).

Consequently, FMCSA finds that in each case exempting these applicants from the diabetes requirement in 49 CFR 391.41(b)(3) is likely to achieve a level of safety equal to that existing without the exemption.

#### V. Conditions and Requirements

The terms and conditions of the exemption are provided to the applicants in the exemption document and includes the following: (1) Each driver must submit a quarterly monitoring checklist completed by the treating endocrinologist as well as an annual checklist with a comprehensive medical evaluation; (2) each driver must report within two business days of occurrence, all episodes of severe hypoglycemia, significant complications, or inability to manage

diabetes; also, any involvement in an accident or any other adverse event in a CMV or personal vehicle, whether or not it is related to an episode of hypoglycemia; (3) each driver must provide a copy of the ophthalmologist's or optometrist's report to the Medical Examiner at the time of the annual medical examination; and (4) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keeping a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

#### VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

#### VII. Conclusion

Based upon its evaluation of the 51 exemption applications, FMCSA exempts the following drivers from the diabetes requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above:

Mohannad S. Alomran (MN)  
 Richard B. Aungier (MT)  
 Samantha F. Austin (WY)  
 Peter A. Baines (VA)  
 Charles B. Blythe (NC)  
 Robert A. Brown (NC)  
 Joseph M. Cangialosi (NY)  
 Ryan M. Chesemore (MN)  
 Adam W. Clindaniel (IN)  
 Roy S. Decker (KY)  
 John P. Dice, Sr. (NE)  
 Gary Downer (NH)  
 Charles E. Ellis (KY)  
 Jesus M. Figueroa (IL)  
 Matthew F. Follis (IL)  
 Laura J. Gardocki (NH)  
 Timothy P. Gatzke (CT)  
 Heith A. Gibbs (MO)  
 Ralph E. Gibson (VA)  
 Robert J. Gough (SD)  
 Milton Green (NJ)  
 James R. Grosso (MI)  
 Trevor D. Hollingsworth (MA)  
 Dwight R. James (WA)  
 Gailen E. Jarrett (NE)  
 Terry L. King (OR)  
 Dennis V. Klima (KS)  
 Nelson F. Kuney (WA)  
 Robert J. Landers, Jr. (MA)  
 Donald A. Launsby (NH)  
 Jesse R. Leedom (DE)  
 Ronald Liggins (OH)  
 Theodore G. Lynn, III (FL)  
 James T. McBride (GA)  
 Charles L. McDaniel, Jr. (NH)

Mark D. Nelson (MN)  
 John B. Nodine (SC)  
 Joseph D. Pawlikowski, Jr. (CO)  
 Steven R. Post (WV)  
 Henry A. Reyenga (CA)  
 Jay B. Ruby (IL)  
 Donald J. Schinner, Jr. (IN)  
 Randy A. Shannon (MT)  
 Brian B. Singer (ID)  
 Louis L. Sorenson (MN)  
 Norman M. Tello (WA)  
 Dean T. VonHagen (IA)  
 Thomas Windley, Jr. (CA)  
 Joshua G. Wolfzahn (MA)  
 Christopher T. Worsley (MA)  
 Mark F. Yoder (IL)

In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

Issued on: December 6, 2017.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2017-26871 Filed 12-12-17; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA-2017-0043]

#### Qualification of Drivers; Exemption Applications; Diabetes Mellitus

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of final disposition.

**SUMMARY:** FMCSA announces its decision to exempt 31 individuals from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with insulin-treated diabetes mellitus (ITDM) from operating a commercial motor vehicle (CMV) in interstate commerce. The exemptions enable these individuals with ITDM to operate CMVs in interstate commerce.

**DATES:** The exemptions were applicable on October 20, 2017. The exemptions expire on October 20, 2019.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366-4001, [fmcsamedical@dot.gov](mailto:fmcsamedical@dot.gov), FMCSA, Department of Transportation, 1200

New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

#### SUPPLEMENTARY INFORMATION:

##### I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: <http://www.regulations.gov>.

*Docket:* For access to the docket to read background documents or comments, go to <http://www.regulations.gov> and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

*Privacy Act:* In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <http://www.regulations.gov>, as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

##### II. Background

On September 19, 2017, FMCSA published a notice announcing receipt of applications from 31 individuals requesting an exemption from diabetes requirement in 49 CFR 391.41(b)(3) and requested comments from the public (82 FR 43810). The public comment period ended on October 19, 2017, and no comments were received.

FMCSA has evaluated the eligibility of these applicants and determined that granting the exemptions to these individuals would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(3).

The physical qualification standard for drivers regarding diabetes found in 49 CFR 391.41(b)(3) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control.

##### III. Discussion of Comments

FMCSA received no comments in this proceeding.

#### IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the diabetes standard in 49 CFR 391.41(b)(3) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. The exemption allows the applicants to operate CMVs in interstate commerce.

The Agency's decision regarding these exemption applications is based on the program eligibility criteria and an individualized assessment of information submitted by each applicant. The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the September 19, 2017 **Federal Register** notice (82 FR 43810) and will not be repeated in this notice.

These 31 applicants have had ITDM over a range of 1 to 30 years. These applicants report no severe hypoglycemic reactions resulting in loss of consciousness or seizure, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning symptoms, in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the past five years. In each case, an endocrinologist verified that the driver has demonstrated a willingness to properly monitor and manage his/her diabetes mellitus, received education related to diabetes management, and is on a stable insulin regimen. These drivers report no other disqualifying conditions, including diabetes related complications. Each meets the vision requirement at 49 CFR 391.41(b)(10).

Consequently, FMCSA finds that in each case exempting these applicants from the diabetes requirement in 49 CFR 391.41(b)(3) is likely to achieve a level of safety equal to that existing without the exemption.

#### V. Conditions and Requirements

The terms and conditions of the exemption are provided to the applicants in the exemption document and includes the following: (1) Each driver must submit a quarterly monitoring checklist completed by the treating endocrinologist as well as an annual checklist with a comprehensive medical evaluation; (2) each driver must report within two business days of occurrence, all episodes of severe hypoglycemia, significant complications, or inability to manage diabetes; also, any involvement in an accident or any other adverse event in a CMV or personal vehicle, whether or

not it is related to an episode of hypoglycemia; (3) each driver must provide a copy of the ophthalmologist's or optometrist's report to the Medical Examiner at the time of the annual medical examination; and (4) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keeping a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

#### VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

#### VII. Conclusion

Based upon its evaluation of the 31 exemption applications, FMCSA exempts the following drivers from the diabetes requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above:

Valerian J. Ahles (MN)  
Gabriel P. Aranda (ID)  
Herbert M. Boggs, Sr. (VA)  
Samuel D. Chadwick (NY)  
Michael J. Coopey (NJ)  
David A. Dworak (WI)  
Francis G. Gahr (PA)  
Robert Giordano (NJ)  
John W.E. Haddad (VA)  
Anthony W. Hartley (ME)  
Shay S. Hobbs (AL)  
Jack T. Jaworski (NY)  
Mark E. Jernstad (IL)  
Kenneth F. Julius (MN)  
Timothy D. Kinsey (SC)  
Fred A. Klein (MT)  
Kenneth C. Knighten (OR)  
Thomas R. Ligman (PA)  
Richard A. Miller (PA)  
Thomas J. Miller, Jr. (NC)  
Danny L. Nelson (MA)  
James D. Northum (TX)  
Everett M. Ortiz (OR)  
Rodney D. Rexford (NH)  
Michael K. Richardson (SC)  
Daniel L. Richardson, Sr. (MD)  
Eliezer Rivera-Nieves (CT)  
Jacob D. Savage (TN)  
Jamesha K. Thomas (SC)  
Stephen M. Ward (MA)  
Robert A. Young (TN)

In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to

comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

Issued on: December 6, 2017.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2017-26867 Filed 12-12-17; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2017-0236]

#### Qualification of Drivers; Exemption Applications; Diabetes Mellitus

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of applications for exemption; request for comments.

**SUMMARY:** FMCSA announces receipt of applications from 49 individuals for an exemption from the prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with insulin-treated diabetes mellitus (ITDM) operating a commercial motor vehicle (CMV) in interstate commerce. If granted, the exemptions would enable these individuals with ITDM to operate CMVs in interstate commerce.

**DATES:** Comments must be received on or before January 12, 2018.

**ADDRESSES:** You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA-2017-0236 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.
- *Hand Delivery:* West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., E.T., Monday through Friday, except Federal Holidays.
- *Fax:* 1-202-493-2251.

**Instructions:** Each submission must include the Agency name and the docket number(s) for this notice. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below for further information.

*www.regulations.gov*, including any personal information provided. Please see the Privacy Act heading below for further information.

**Docket:** For access to the docket to read background documents or comments, go to <http://www.regulations.gov> at any time or Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., E.T., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day E.T., 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

**Privacy Act:** In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <http://www.regulations.gov>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366-4001, [fmcamedical@dot.gov](mailto:fmcamedical@dot.gov), FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64-224, Washington, DC 20590-0001. Office hours are 8:30 a.m. to 5 p.m., E.T., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366-9826.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the FMCSRs for a five-year period if it finds “such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.” The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver’s medical certification.

The 49 individuals listed in this notice have requested an exemption from the diabetes prohibition in 49 CFR 391.41(b)(3). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting

the exemption will achieve the required level of safety mandated by statute.

The physical qualification standard for drivers regarding diabetes found in 49 CFR 391.41(b)(3) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control. The Agency established the current requirement for diabetes in 1970 because several risk studies indicated that drivers with diabetes had a higher rate of crash involvement than the general population. The Agency established the current requirement for diabetes in 1970 because several risk studies indicated that drivers with diabetes had a higher rate of crash involvement than the general population.

FMCSA established its diabetes exemption program, based on the Agency’s July 2000 study entitled “A Report to Congress on the Feasibility of a Program to Qualify Individuals with Insulin-Treated Diabetes Mellitus to Operate in Interstate Commerce as Directed by the Transportation Act for the 21st Century.” The report concluded that a safe and practicable protocol to allow some drivers with ITDM to operate CMVs is feasible. The September 3, 2003 (68 FR 52441), **Federal Register** notice in conjunction with the November 8, 2005 (70 FR 67777), **Federal Register** notice provides the current protocol for allowing such drivers to operate CMVs in interstate commerce.

FMCSA notes that section 4129 of the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users requires the Secretary to revise its diabetes exemption program established on September 3, 2003 (68 FR 52441). The revision must provide for individual assessment of drivers with diabetes mellitus, and be consistent with the criteria described in section 4018 of the Transportation Equity Act for the 21st Century (49 U.S.C. 31305). Section 4129 requires: (1) Elimination of the requirement for three years of experience operating CMVs while being treated with insulin; and (2) establishment of a specified minimum period of insulin use to demonstrate stable control of diabetes before being allowed to operate a CMV.

In response to section 4129, FMCSA made immediate revisions to the diabetes exemption program established by the September 3, 2003 notice. FMCSA discontinued use of the three-year driving experience and fulfilled the requirements of section 4129 while continuing to ensure that operation of CMVs by drivers with ITDM will

achieve the requisite level of safety required of all exemptions granted under 49 U.S.C. 31136(e). Section 4129(d) also directed FMCSA to ensure that drivers of CMVs with ITDM are not held to a higher standard than other drivers, with the exception of limited operating, monitoring and medical requirements that are deemed medically necessary.

The FMCSA concluded that all of the operating, monitoring and medical requirements set out in the September 3, 2003, notice, except as modified, were in compliance with section 4129(d). Therefore, all of the requirements set out in the September 3, 2003, notice, except as modified by the notice in the **Federal Register** on November 8, 2005 (70 FR 67777), remain in effect.

## II. Qualifications of Applicants

### *Christopher G. Barr*

Mr. Barr, 31, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Barr understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Barr meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class C CDL from Michigan.

### *Jason W. Bass*

Mr. Bass, 43, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Bass understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Bass meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from New Mexico.

### *Michael L. Beaty*

Mr. Beaty, 49, has had ITDM since 2010. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Beaty understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Beaty meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Alaska.

### *Bryan L. Bier*

Mr. Bier, 57, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Bier understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Bier meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Washington.

### *David T. Botkin*

Mr. Botkin, 55, has had ITDM since 1991. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Botkin understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Botkin meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy.

He holds an operator's license from California.

### *Terry L. Breuklander*

Mr. Breuklander, 67, has had ITDM since 2002. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Breuklander understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Breuklander meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable proliferative diabetic retinopathy. He holds a Class A CDL from Missouri.

### *Vensin R. Brown*

Mr. Brown, 41, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Brown understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Brown meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Georgia.

### *Derek R. Burke*

Mr. Burke, 32, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Burke understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Burke meets the

requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Idaho.

*James H. Corbett*

Mr. Corbett, 42, has had ITDM since 2015. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Corbett understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Corbett meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from South Carolina.

*Phillip M. Covel*

Mr. Covel, 50, has had ITDM since 2014. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Covel understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Covel meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Nebraska.

*Alan P. Curtis*

Mr. Curtis, 67, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Curtis understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV

safely. Mr. Curtis meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Connecticut.

*Steven M. Dillow*

Mr. Dillow, 56, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Dillow understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Dillow meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable proliferative diabetic retinopathy. He holds a Class A CDL from Indiana.

*Samuel W. Drake*

Mr. Drake, 61, has had ITDM since 2007. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Drake understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Drake meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Vermont.

*Garland K. Edmonds*

Mr. Edmonds, 70, has had ITDM since 2014. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Edmonds understands

diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Edmonds meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from West Virginia.

*Donald R. Engbretson*

Mr. Engbretson, 42, has had ITDM since 2007. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Engbretson understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Engbretson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Iowa.

*Kenneth F. Erbar*

Mr. Erbar, 61, has had ITDM since 1996. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Erbar understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Erbar meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Washington.

*Gary W. Finn*

Mr. Finn, 59, has had ITDM since 2010. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function

that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Finn understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Finn meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Colorado.

*Russ A. Garetson*

Mr. Garetson, 24, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Garetson understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Garetson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Iowa.

*Donald R. Gladson*

Mr. Gladson, 68, has had ITDM since 2011. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Gladson understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Gladson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Tennessee.

*Evon L. Gray*

Mr. Gray, 58, has had ITDM since 2008. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or

resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Gray understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Gray meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Pennsylvania.

*Edward A. Harrell*

Mr. Harrell, 61, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Harrell understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Harrell meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Florida.

*Kevin P. Harris*

Mr. Harris, 48, has had ITDM since 1984. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Harris understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Harris meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable proliferative diabetic retinopathy. He holds an operator's license from Maine.

*Thomas S. Holland*

Mr. Holland, 28, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no

severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Holland understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Holland meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Pennsylvania.

*Cody R. Huxman*

Mr. Huxman, 27, has had ITDM since 2014. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Huxman understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Huxman meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Kansas.

*Lewis D. Knudsen*

Mr. Knudsen, 71, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Knudsen understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Knudsen meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Virginia.

*Tracy D. Kropf*

Mr. Kropf, 42, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Kropf understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Kropf meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Oregon.

*Edward H. LaDuke*

Mr. LaDuke, 55, has had ITDM since 1989. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. LaDuke understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. LaDuke meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Arizona.

*James E. Malonson*

Mr. Malonson, 56, has had ITDM since 2014. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Malonson understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Malonson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that

he does not have diabetic retinopathy. He holds a Class B CDL from Massachusetts.

*Bruce E. Martin*

Mr. Martin, 57, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Martin understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Martin meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Massachusetts.

*Shaun A. Medley*

Mr. Medley, 39, has had ITDM since 1992. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Medley understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Medley meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Indiana.

*Melissa D. Merchant*

Ms. Merchant, 49, has had ITDM since 2014. Her endocrinologist examined her in 2017 and certified that she has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. Her endocrinologist certifies that Ms. Merchant understands diabetes management and monitoring, has stable control of her diabetes using insulin, and is able to drive a CMV

safely. Ms. Merchant meets the requirements of the vision standard at 49 CFR 391.41(b)(10). Her optometrist examined her in 2017 and certified that she does not have diabetic retinopathy. She holds a Class B CDL from Alabama.

*William Moore*

Mr. Moore, 58, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Moore understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Moore meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from New Jersey.

*Kevin E. Nash*

Mr. Nash, 54, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Nash understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Nash meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Indiana.

*David J. Ninke*

Mr. Ninke, 68, has had ITDM since 2014. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Ninke understands diabetes management and monitoring,

has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Ninke meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Ohio.

*Thomas A. Pothast*

Mr. Pothast, 63, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Pothast understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Pothast meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Ohio.

*Jonathan E. Sills*

Mr. Sills, 38, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Sills understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Sills meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Indiana.

*Nirmal Singh*

Mr. Singh, 45, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist

certifies that Mr. Singh understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Singh meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds an operator's license from Michigan.

*Sonny Singh*

Mr. Singh, 41, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Singh understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Singh meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Oklahoma.

*Michael A. Skovbroten*

Mr. Skovbroten, 60, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Skovbroten understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Skovbroten meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Wisconsin.

*Mark N. Sprague*

Mr. Sprague, 60, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function

that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Sprague understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Sprague meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Maine.

*Bick M. Stenberg*

Mr. Stenberg, 58, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Stenberg understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Stenberg meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Utah.

*Duane J. TenEyck*

Mr. TenEyck, 54, has had ITDM since 2012. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. TenEyck understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. TenEyck meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Nebraska.

*Wayne M. Tolbert*

Mr. Tolbert, 46, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting

in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Tolbert understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Tolbert meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Ohio.

*Rene G. Torres*

Mr. Torres, 48, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Torres understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Torres meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Texas.

*Fred M. Ussery*

Mr. Ussery, 69, has had ITDM since 2014. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Ussery understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Ussery meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Louisiana.

*Jerry C. Watkins*

Mr. Watkins, 50, has had ITDM since 2016. His endocrinologist examined him

in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Watkins understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Watkins meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2017 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class B CDL from North Carolina.

*Thomas H. Weihler*

Mr. Weihler, 66, has had ITDM since 2016. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Weihler understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Weihler meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Illinois.

*Perry D. Whitley*

Mr. Whitley, 66, has had ITDM since 2017. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Whitley understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Whitley meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from New Mexico.

*Alexander J. Yakimow*

Mr. Yakimow, 24, has had ITDM since 2015. His endocrinologist examined him in 2017 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (two or more) severe hypoglycemic episodes in the last five years. His endocrinologist certifies that Mr. Yakimow understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Yakimow meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2017 and certified that he does not have diabetic retinopathy. He holds an operator's license from Ohio.

### III. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated in the dates section of the notice.

### IV. Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to <http://www.regulations.gov> and in the search box insert the docket number FMCSA-2017-0236 and click the search button. When the new screen appears, click on the blue "Comment Now!" button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

We will consider all comments and materials received during the comment

period. FMCSA may issue a final determination at any time after the close of the comment period.

#### V. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, go to <http://www.regulations.gov> and in the search box insert the docket number FMCSA-2017-0236 and click "Search." Next, click "Open Docket Folder" and you will find all documents and comments related to this notice.

Issued on: December 6, 2017.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2017-26875 Filed 12-12-17; 8:45 am]

**BILLING CODE 4910-EX-P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### Proposed Information Collection; Comment Request for Regulation Project

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on continuing information collections, as required by the Paperwork Reduction Act of 1995. IRS is soliciting comments concerning Rulings and determination letters.

**DATES:** Written comments should be received on or before February 12, 2018 to be assured of consideration.

**ADDRESSES:** Direct all written comments to T. Pinkston, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Please send separate comments for each specific information collection listed below. You must reference the information collection's title, form number, reporting or record-keeping requirement number, and OMB number (if any) in your comment. Requests for additional information, or copies of the information collection and instructions, or copies of any comments received, contact Elaine Christophe, at (202) 317-5745, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet, at [Elaine.H.Christophe@irs.gov](mailto:Elaine.H.Christophe@irs.gov).

**SUPPLEMENTARY INFORMATION:**

**Title:** Revenue Procedure 2017-52; 2017-1; 2017-3, Rulings and determination letters—26 CFR 601-.201.

**OMB Number:** 1545-1522.

**Form Number:** Revenue Procedure 2017-52; 2017-1; 2017-3.

**Abstract:** Revenue Procedure 2017-1 and 2017-3 explain how the Service provides advice to taxpayers on issues under the jurisdiction of the Associate Chief Counsel (Corporate), the Associate Chief Counsel (Financial Institutions and Products), the Associate Chief Counsel (Income Tax and Accounting), the Associate Chief Counsel (International), the Associate Chief Counsel (Passthroughs and Special Industries), the Associate Chief Counsel (Procedure and Administration), and the Associate Chief Counsel (Tax Exempt and Government Entities). It explains the forms of advice and the manner in which advice is requested by taxpayers and provided by the Service. Rev. Proc. 2017-52 (1) introduces a pilot program expanding the scope of letter rulings available from the Internal Revenue Service (Service) to include rulings on the tax consequences of a distribution of stock and securities of a controlled corporation under § 355 for a specified period of time (see section 6 of this revenue procedure), (2) provides procedures for taxpayers requesting these rulings, and (3) clarifies procedures for taxpayers requesting rulings on significant issues relating to these transactions.

**Current Actions:** This information collection is being updated with 2017-52, 2017-1 and 2017-3. The paperwork burden previously approved by OMB is also being updated.

**Type of Review:** Review of a currently approved collection.

**Affected Public:** Businesses and other for profits.

**Estimated Number of Respondents:** 3,986.

**Estimated Time per Respondent:** 81.89 hours.

**Estimated Total Annual Burden Hours:** 326,436.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

**Request for Comments:** Comments submitted in response to this notice will be summarized and/or included in our request for Office of Management and Budget (OMB) approval of the relevant information collection. All comments will become a matter of public record. Please do not include any confidential or inappropriate material in your comments.

**We invite comments on:** (a) Whether the collection of information is necessary for the proper performance of the agency's functions, including whether the information has practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide the requested information.

Approved: December 6, 2017.

**T. Pinkston,**

*Senior Tax Analyst.*

[FR Doc. 2017-26876 Filed 12-12-17; 8:45 am]

**BILLING CODE 4830-01-P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### Proposed Information Collection; Comment Request for Regulation Project

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on continuing information collections, as required by the Paperwork Reduction Act of 1995. IRS is soliciting comments concerning Limitations on Net Operating Loss Carryforwards and Certain Built-in Losses and Credits Following.

**DATES:** Written comments should be received on or before February 12, 2018 to be assured of consideration.

**ADDRESSES:** Direct all written comments to T. Pinkston, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Please send separate comments for each

specific information collection listed below. You must reference the information collection's title, form number, reporting or record-keeping requirement number, and OMB number (if any) in your comment. Requests for additional information, or copies of the information collection and instructions, or copies of any comments received, contact Elaine Christophe, at (202) 317-5745, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet, at [Elaine.H.Christophe@irs.gov](mailto:Elaine.H.Christophe@irs.gov).

**SUPPLEMENTARY INFORMATION:**

The IRS is seeking comments concerning the reporting and/or record-keeping requirements of TD 8824.

*Title:* Limitations on Net Operating Loss Carry-forwards and Certain Built-in Losses and Credits Following an Ownership Change of a Consolidated Group.

*OMB Number:* 1545-1218.

*Regulation Project Number:* TD 8824.

*Abstract:* Section 1502 provides for the promulgation of regulations with respect to corporations that file consolidated income tax returns. Section 382 limits the amount of income that can be offset by loss carryovers and credits after an ownership change. These final regulations provide rules for applying section 382 to groups of corporations that file a consolidated return.

*Current Actions:* There is no change to this existing regulation.

*Type of Review:* Extension of currently approved collection.

*Affected Public:* Business or other for-profit.

*Estimated Number of Respondents:* 12,054.

*Estimated Time per Respondent:* 20 minutes.

*Estimated Total Annual Burden Hours:* 662.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in our request for Office of Management and Budget (OMB) approval of the relevant

information collection. All comments will become a matter of public record. Please do not include any confidential or inappropriate material in your comments.

*We invite comments on:* (a) Whether the collection of information is necessary for the proper performance of the agency's functions, including whether the information has practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide the requested information.

Approved: December 6, 2017.

**T. Pinkston,**

*Supervisory Tax Analyst.*

[FR Doc. 2017-26877 Filed 12-12-17; 8:45 am]

**BILLING CODE 4830-01-P**

**DEPARTMENT OF THE TREASURY**

**Office of the Assistant Secretary for International Affairs; Survey of U.S. Ownership of Foreign Securities as of December 31, 2017**

**AGENCY:** Departmental Offices, Department of the Treasury.

**ACTION:** Notice of reporting requirements.

**SUMMARY:** By this Notice, the Department of the Treasury is informing the public that it is conducting a mandatory survey of ownership of foreign securities by U.S. residents as of December 31, 2017. This Notice constitutes legal notification to all United States persons (defined below) who meet the reporting requirements set forth in this Notice that they must respond to, and comply with, this survey. The reporting form SHCA (2017) and instructions may be printed from the internet at: <http://www.treasury.gov/resource-center/data-chart-center/tic/Pages/forms-sh.aspx#shc>.

*Definition:* Pursuant to 22 U.S.C. 3102 a United States person is any individual, branch, partnership, associated group, association, estate, trust, corporation, or other organization (whether or not organized under the laws of any State), and any government (including a foreign government, the United States Government, a State or local government, and any agency, corporation, financial institution, or

other entity or instrumentality thereof, including a government-sponsored agency), who resides in the United States or is subject to the jurisdiction of the United States.

*Who Must Report:* The reporting panel is based upon the data submitted for the 2016 Benchmark survey and the June 2017 TIC report Aggregate Holdings of Long-Term Securities by U.S. and Foreign Residents (TIC SLT). Entities required to report will be contacted individually by the Federal Reserve Bank of New York. Entities not contacted by the Federal Reserve Bank of New York have no reporting responsibilities.

*What to Report:* This report will collect information on holdings by U.S. residents of foreign securities, including equities, long-term debt securities, and short-term debt securities (including selected money market instruments).

*How to Report:* Copies of the survey forms and instructions, which contain complete information on reporting procedures and definitions, may be obtained at the website address given above in the Summary. Completed reports can be submitted electronically or mailed to the Federal Reserve Bank of New York, Statistics Function, 4th Floor, 33 Liberty Street, New York, NY 10045-0001. Inquiries can be made to the survey staff of the Federal Reserve Bank of New York at (212) 720-6300 or email: [SHC.help@ny.frb.org](mailto:SHC.help@ny.frb.org). Inquiries can also be made to Dwight Wolkow at (202) 622-1276, email: [comments2TIC@do.treas.gov](mailto:comments2TIC@do.treas.gov).

*When to Report:* Data must be submitted to the Federal Reserve Bank of New York, acting as fiscal agent for the Department of the Treasury, by March 2, 2018.

*Paperwork Reduction Act Notice:* This data collection has been approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act and assigned control number 1505-0146. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB. The estimated average annual burden associated with this collection of information is 49 hours per respondent for end-investors and custodians that file Schedule 3 reports covering their securities entrusted to U.S. resident custodians, 146 hours per respondent for large end-investors filing Schedule 2 reports, and 546 hours per respondent for large custodians of securities filing Schedule 2 reports. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden

should be directed to the Department of the Treasury, Attention: Administrator, International Portfolio Investment Data Reporting Systems, Room 5422, Washington, DC 20220, and to OMB,

Attention: Desk Officer for the Department of the Treasury, Office of

Information and Regulatory Affairs, Washington, DC 20503.

**Dwight Wolkow,**

*Administrator, International Portfolio Investment Data Reporting Systems.*

[FR Doc. 2017-26824 Filed 12-12-17; 8:45 am]

**BILLING CODE 4810-25-P**



# FEDERAL REGISTER

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Vol. 82

Wednesday,

No. 238

December 13, 2017

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## Part II

### The President

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Proclamation 9685—Human Rights Day, Bill of Rights Day, and Human Rights Week, 2017

Executive Order 13816—Revising the Seal for the National Credit Union Administration

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# Presidential Documents

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Title 3—

Proclamation 9685 of December 8, 2017

The President

**Human Rights Day, Bill of Rights Day, and Human Rights Week, 2017****By the President of the United States of America****A Proclamation**

Our great country was forged in the fires of a revolution to overthrow the rule of a tyrant, by a free people who understood the fundamental truth that liberty is best secured when the state's power is carefully limited. From the Declaration of Independence, to the Constitution, and through the Bill of Rights, our country and our people have always known the true, God-given nature of liberty and the ability of law to safeguard it against the state. For 226 years, the final piece of this freedom-sustaining bulwark—the Bill of Rights—has formed the bedrock of the constitutional protections every American holds dear as their birthright.

On Bill of Rights Day, we recognize the importance of the first 10 Amendments to our Constitution to protecting our liberty and freedom against the inevitable encroachment of government. Our Founding Fathers understood the threat of expansive, omnipresent government. From the beginning of our republic, therefore, they endeavored to enhance the Constitution with a bill of rights, a specific enumeration of fundamental rights that would prevail even against a future government inclined to abuse the power it has over the lives of citizens.

On June 8, 1789, James Madison, originally skeptical of the need for a bill of rights, introduced in the Congress several amendments to the Constitution that would eventually form the Bill of Rights. During the ensuing debates, Madison told the Congress that because “all power is subject to abuse” it was worth taking steps to ensure that such abuse “may be guarded against in a more secure manner.” Many of the rights set forth in the amendments Madison introduced that day are quite familiar to us as Americans: the right to worship as we please; the right to speak our minds and consciences; the right to firearms to protect ourselves and our loved ones; the right to be free from unwarranted government searches and seizures; the right to a jury of our fellow citizens when accused of legal wrongdoing. Others—like the right to object to housing troops in our homes during peacetime—are often thought of as relics of a bygone era. Regardless of their familiarity or applicability to our daily lives, however, each clause of the Bill of Rights addresses profound and real abuses the Founders faced and each is crafted and locked into law to protect us and future generations from their repetition.

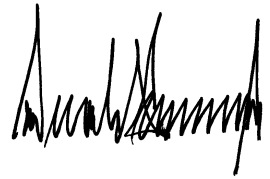
Since its adoption, the reach of the Bill of Rights has spread far beyond America's shores. As George Washington rightfully said: “Liberty, when it begins to take root, is a plant of rapid growth.” For example, in the wake of the devastation of World War II, the spirit of the Bill of Rights inspired the United Nations General Assembly to adopt the Universal Declaration of Human Rights in 1948. Just like the Bill of Rights, the Universal Declaration of Human Rights is grounded in the recognition that just governments must respect the fundamental liberty and dignity of their people. By enumerating core rights that should be immune from government encroachment, both the Bill of Rights and the Universal Declaration of Human

Rights have helped fuel remarkable prosperity and achievement around the world.

During Human Rights Day, Bill of Rights Day, and Human Rights Week, we rededicate ourselves to steadfastly and faithfully defending the Bill of Rights and human rights. Our God-given, fundamental rights are soon overcome if not safeguarded by the people. We, therefore, also reflect upon the many individuals who are unable to enjoy the God-given rights that we as Americans know are secure. We remember those suffering under the yolk of authoritarianism and extremism for doing nothing more than standing up to injustice or daring to profess or practice their religion, and we acknowledge those imprisoned or in peril simply because of their political views or their sex.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim December 10, 2017, as Human Rights Day; December 15, 2017, as Bill of Rights Day; and the week beginning December 10, 2017, as Human Rights Week. I call upon the people of the United States to mark this observance with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of December, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.



## Presidential Documents

### Executive Order 13816 of December 8, 2017

#### Revising the Seal for the National Credit Union Administration

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

**Section 1. Revision.** (a) The National Credit Union Administration Board has caused to be made, and has recommended approval of, a new seal of office for the National Credit Union Administration (NCUA), the design of which accompanies and is hereby made a part of this order, and which is described as follows:

(i) The eagle overlaid by the shield conveys the NCUA's role as an agency of the Federal Government. The text, "NCUA," in white on a blue background on the crest of the shield is the core of the sign that federally insured credit unions are required to display.

(ii) The three stars above the eagle represent the NCUA's three-member Board, appointed by the President of the United States by and with the advice and consent of the Senate.

(iii) The oak branch the eagle is holding in its left talon symbolizes the NCUA's strength, honor, and longevity in carrying out its mission of promoting confidence in the national system of cooperative credit.

(iv) The olive branch the eagle is holding in its right talon symbolizes the peace and prosperity facilitated by the economic growth and access to affordable financial services that the Nation's credit unions have long provided to millions of Americans.

(v) The upper portion of the circle that forms the border of the seal sets forth the agency's title, "National Credit Union Administration." The date "1934" in the lower portion of the circle reflects the creation of the Federal credit union system by the Congress in 1934 and the long unbroken line of Federal credit union regulation that evolved into the NCUA.

(b) This seal is of suitable design and appropriate for adoption as the official seal of the NCUA.

(c) I hereby approve this seal as the official seal of the NCUA.

**Sec. 2. Revocation.** Executive Order 11580 of January 20, 1971 (Establishing a Seal for the National Credit Union Administration), as amended, is hereby revoked.

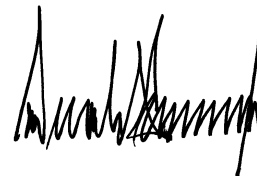
**Sec. 3. General Provisions.** (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

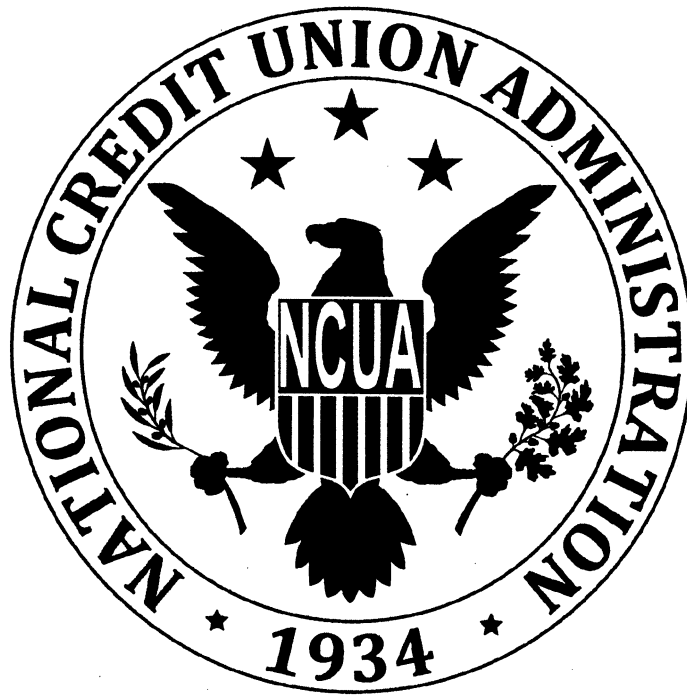
(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

A handwritten signature in black ink, appearing to be the signature of Donald Trump, located in the upper right quadrant of the page.

THE WHITE HOUSE,  
*December 8, 2017.*



[FR Doc. 2017-27034

Filed 12-12-17; 11:15 a.m.]

Billing code 7535-01-C

## Presidential Documents

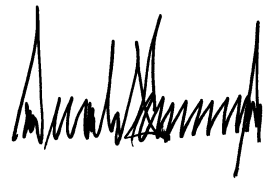
Memorandum of December 8, 2017

### **Delaying Submission of the Small Business Administration Report Under the Trade Facilitation and Trade Enforcement Act of 2015**

#### **Memorandum for the Chief Counsel for Advocacy of the Small Business Administration**

The Trade Facilitation and Trade Enforcement Act of 2015 (TFTEA) (Public Law 114–125) requires you to submit to the Congress a report on the economic impacts of a covered trade agreement on small businesses not less than 180 days after you convene an Interagency Working Group for the relevant trade agreement. The report for the renegotiation of the North American Free Trade Agreement (NAFTA) will soon be due. To ensure that the negotiations are not disrupted, however, by the authority vested in me as President by the Constitution and the laws of the United States of America, including section 502 of the TFTEA, I require you to delay the submission of the report until after the negotiations are concluded, but not later than 30 days after a renegotiated agreement is signed, provided that the delay allows you to submit the report to the Congress not later than 45 days before the Senate or the House of Representatives acts to approve or disapprove the trade agreement.

You are authorized and directed to publish this memorandum in the *Federal Register*.



THE WHITE HOUSE,  
*Washington, December 8, 2017*

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